

Agenda

Ordinary Meeting

Thursday, 6 December 2018

commencing at 9:00am

Council Chambers, Corner Currie and Bury Streets, Nambour

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING.....	5
2	WELCOME AND OPENING PRAYER	5
3	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE.....	5
4	RECEIPT AND CONFIRMATION OF MINUTES	5
5	INFORMING OF PERSONAL INTERESTS.....	5
5.1	MATERIAL PERSONAL INTEREST	5
5.2	CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST	5
6	MAYORAL MINUTE	5
7	PRESENTATIONS / COUNCILLOR REPORTS.....	5
8	REPORTS DIRECT TO COUNCIL	7
8.1	CUSTOMER ENGAGEMENT AND PLANNING SERVICES	7
8.1.1	REQUEST TO CHANGE DEVELOPMENT APPROVAL - TOWN PLANNING CONSENT PERMIT FOR MIXING OF ORGANIC MATERIAL TO PRODUCE SOIL BLENDS - 262 CHEVALLUM ROAD PALMWOODS.....	7
8.1.2	REQUEST TO CHANGE DEVELOPMENT APPROVAL - MATERIAL CHANGE OF USE (ADDITIONAL SHOP AREA AND CARETAKERS RESIDENCE) - 1 RODERICK STREET, MOFFAT BEACH.....	41
8.2	BUSINESS PERFORMANCE	85
8.2.1	OCTOBER 2018 FINANCIAL PERFORMANCE REPORT	85
8.2.2	SUNSHINE COAST CITY HALL BUILDING - HIGH LEVEL PROJECT PLAN	99
8.3	BUILT INFRASTRUCTURE.....	101
8.3.1	LOCAL DISASTER MANAGEMENT PLAN 2019 - 2022	101
8.3.2	INTEGRATED TRANSPORT STRATEGY ADOPTION	105
8.4	ECONOMIC AND COMMUNITY DEVELOPMENT	113
8.5	LIVEABILITY AND NATURAL ASSETS.....	113
8.6	OFFICE OF THE CEO	115

8.6.1	ANNUAL REVIEW OF THE CORPORATE PLAN: PROGRESS REPORT	115
8.6.2	COUNCILLOR GOVERNANCE MATTERS: COUNCILLOR CODE OF CONDUCT, INVESTIGATIONS POLICY, STANDING ORDERS & COUNCILLORS' ACCEPTABLE REQUEST GUIDELINES	121
8.6.3	DELEGATION TO THE CHIEF EXECUTIVE OFFICER - SECTION 257 LOCAL GOVERNMENT ACT 2009	219
8.6.4	GOVERNANCE FRAMEWORK AND ASSOCIATED MATTERS	247
9	NOTIFIED MOTIONS	249
10	TABLING OF PETITIONS.....	249
11	CONFIDENTIAL SESSION.....	250
11.1	CUSTOMER ENGAGEMENT AND PLANNING.....	250
11.2	BUSINESS PERFORMANCE	250
11.3	BUILT INFRASTRUCTURE.....	250
11.4	ECONOMIC AND COMMUNITY DEVELOPMENT	250
11.5	LIVEABILITY AND NATURAL ASSETS	250
11.6	OFFICE OF THE CEO	250
12	NEXT MEETING	250
13	MEETING CLOSURE	250

1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 8 November 2018 and the Special Meeting (Region Making Projects) held on 8 November 2018 be received and confirmed.

5 INFORMING OF PERSONAL INTERESTS**5.1 MATERIAL PERSONAL INTEREST**

Pursuant to Section 175C of the *Local Government Act 2009*, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

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

5.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST

Pursuant to Section 175E of the *Local Government Act 2009*, a Councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees, must inform the meeting about the Councillor's personal interest the matter.

The other Councillors must then decide

- (a) whether the Councillor has a real conflict of interest or perceived conflict of interest in the matter and
- (b) if they decide the Councillor has a real conflict of interest or perceived conflict of interest in the matter
 - (i) whether the Councillor must leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on, or
 - (ii) that the Councillor may participate in the meeting in relation to the matter, including by voting on the matter.

6 MAYORAL MINUTE**7 PRESENTATIONS / COUNCILLOR REPORTS**

8 REPORTS DIRECT TO COUNCIL**8.1 CUSTOMER ENGAGEMENT AND PLANNING SERVICES****8.1.1 REQUEST TO CHANGE DEVELOPMENT APPROVAL - TOWN PLANNING CONSENT PERMIT FOR MIXING OF ORGANIC MATERIAL TO PRODUCE SOIL BLENDS - 262 CHEVALLUM ROAD PALMWOODS**

File No: C947609.01

Author: Senior Development Planner
Customer Engagement & Planning Services GroupAttachments: Att 1 - Detailed Assessment Report.....15
Att 2 - Plans for Approval.....31
Att 3 - Original Town Planning Consent Permit37**Link to Development.i:**<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=C947609.01>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Earthborn Australia Pty Ltd
Owner:	Australian Recycling Machinery Pty Ltd Tte
Consultant:	Duggan & Hede Pty Ltd
Proposal	Change to Approval for Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends
Properly Made Date:	21/11/2016 Application amended 8/08/2018
Information Request Date:	Not applicable
Information Response Received Date:	Not applicable
Decision Due Date	Not applicable
Number of Submissions	Not applicable
PROPERTY DETAILS	
Division:	5
Property Address:	262 Chevallum Road, PALMWOODS QLD 4555
RP Description:	Lot 2 RP 213261
Land Area:	14.75 hectares
Existing Use of Land:	Composting and Soil Conditioner Manufacturing
STATUTORY DETAILS	
Planning Scheme:	Town Planning Scheme for the Whole of the Shire of Maroochy 1985, having regard to Sunshine Coast Planning Scheme (31 July 2017)
SEQRP Designation:	Regional Landscape and Rural Production Area

Planning Area / Locality:	Not applicable
Planning Precinct / Zone:	Rural B / Rural
Assessment Type:	Change to development approval

PURPOSE

The purpose of this report is to seek Council's determination of a request to change an existing development approval for a Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends (Ref: C947609).

The application is before Council due to a previous Council resolution made on 11 April 2007 requiring that all future changes associated with the original approval, or any new development applications, be determined by full Council.

EXECUTIVE SUMMARY

Earthborn Australia currently operate from the site under the following approvals:

- Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends issued by the former Maroochy Shire Council on 26 June 1995 (ref. C947609)
- Environmental Authority Composting and Soil Conditioner Manufacturing issued by the State government (ref. EPPR00231113).

On 12 November 2016, the applicant lodged a request to change the existing consent permit to amend conditions relating to the waste acceptance criteria. Specifically, the applicant sought to allow a wider range of waste streams to be accepted, along with removal of poultry farm floor waste.

On 8 August 2018, the applicant amended their request to include further changes to conditions and plans to bring the approval in line with:

- the requirements of the Department of Environment and Science and the Environmental Protection Order issued on 1 June 2018 and
- current best practice and standard conditioning of development approvals.

Under the Environmental Authority, jurisdiction for the regulation of noise, dust, air quality and water quality rests with the State government (Department of Environment and Science). The applicant's request to change the existing consent permit provides an opportunity to remove a number of jurisdictional overlaps between Council and the State government that exist as a result of changes to the regulatory environment.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Request to Change Development Approval - Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends - 262 Chevallum Road Palmwoods"
- (b) **APPROVE IN PART** the request to change a development approval, Application No. C947609.01, situated at 262 Chevallum Rd PALMWOODS QLD 4555, in accordance with the following:-
 - A. Change Conditions 1, 2, 3, 10, 11, 12, 16, 19, 22 and 24 as follows:
 1. Unless otherwise stated, all conditions of this development approval must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.
 2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval.

3. The materials to be utilised on site shall be:
- (a) Animal manure (dried, stabilised);
 - (b) Ash
 - (c) Cardboard and paper waste;
 - (d) Food and food processing waste (non-putrefied);
 - (e) Green waste, including mulch
 - (f) Pine Bark
 - (g) Sand/Sandy soils
 - (h) Sawdust from Hardwood and Pine sawmills
 - (i) Water (non-regulated)
- Poultry processing waste and biosolids are not permitted on site.
10. Within 6 months of the date of this development approval, a sealed access driveway must be provided from Chevallum Road as per the requirements below. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) a driveway crossover generally in accordance with AS2890.2 Off-Street Commercial Parking – Figure 3.1 to include a minimum driveway width of 12.5m at the edge of the deceleration lane, tapering to a minimum width of 6.0m for a distance of 20m inside the property boundary, to permit two-way traffic at the intersection and internally.
11. A deceleration lane is to be provided on Chevallum Road with a connection to the access road.
12. The area between the access road and the property boundary and the proposed levee and the property boundary to be landscaped and maintained.
16. No additional clearing of the site is to be undertaken other than required for the additional basin storages, as indicated on the approved plans, unless approved by the assessment manager. Any native vegetation removed that cannot be avoided must be offset in accordance with the *Planning scheme policy for biodiversity offsets*. Vegetation Offset works must be undertaken in accordance with an Operational Works approval.
19. Within 6 months of the date of this development approval, the development must implement the noise mitigation measures detailed in Section 5.4 of *Noise Impact Assessment Report* referenced within this development approval, including a 6m high acoustic barrier detailed in section 5.3 of the *Noise Impact Assessment Report*. Certification must be submitted to Council from a qualified person* that the noise mitigation measures have been constructed and implemented in accordance with section 5.3 and 5.4 of the *Noise Impact Assessment Report*.
- (*Refer to Advisory Note)
22. Heavy vehicle trips are not to exceed 40 per day (a vehicle entering and then leaving being 2 trips) averaged over a calendar month. Council may require details of loadings at any time, or may install a vehicle movement counter within the access way to monitor movements.
24. Filling, other development works, or the erection of any buildings or other structures shall be carried out so as not to cause any ponding of

water on adjoining land or any blockage or interference with any natural watercourses or in any way unduly affect adjoining property.

B. Insert new Condition 1A as follows:

- 1A.** The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

C. Delete Conditions 4, 5, 6, 7, 8, 9, 13, 14, 15, 17, 23, 25, 26 and 27

D. Include the following Approved Plans:

Plan No.	Rev.	Plan Name	Date
Figure 002	-	<i>Proposed Site Configuration – Whole of Site, prepared by ATC Williams</i>	03/08/18
Figure 003	A	<i>Proposed Site Configuration - Operational Area, prepared by ATC Williams</i>	07/08/18
EB1771-C2-02	B	<i>Proposed Site Layout Plan, prepared by Duggan & Hede Pty Ltd</i>	23/07/18
EB1771-C2-03	A	<i>Covered Area 'A' – Plan & Elevation, prepared by Duggan & Hede Pty Ltd</i>	23/07/18
EB1771-C1-04	A	<i>Covered Area 'B' – Plan & Elevation, prepared by Duggan & Hede Pty Ltd</i>	23/07/18

E. Include the following Referenced Documents:

Document No.	Rev.	Document Name	Date
15-135	1	<i>Noise Impact Assessment, prepared by MWA Environmental Pty Ltd</i>	11/03/2016

F. Insert new Advisory Notes 1 and 2 as follows:

1. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found on the Sunshine Coast Council website www.sunshinecoast.qld.gov.au. For information about State and Commonwealth requirements please consult with these agencies directly.
2. For the purpose of certifying acoustic matters or treatments for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ)
 - (b) an environmental consultant with a minimum of three (3) years current experience in the field of acoustics, and

(c) resolve to not apply an infrastructure charge to this change approval.

FINANCE AND RESOURCING

If Council were to approve this request to change the existing Town Planning Consent Permit, it would result in infrastructure charges being applicable to the development approval. Council's Transport and Infrastructure Policy team have advised as follows:

The development approved by this change application proposes an additional roofed area of 5,627 m² GFA [unenclosed roof structure] and an additional impervious area of 4,126m². The charge for this extent of development has been estimated at approximately \$300,000.

Under the charging provisions of the Planning Act charges can be levied for a change application where the change to an approval results in additional “demand”. “Demand”, for the purposes of determining an infrastructure charge, is measured in additional GFA and impervious area generated by a proposal.

For this application the additional GFA for the roofed area and associated impervious area is required as a direct consequence of the environmental conditions imposed by the State on the existing operation on the site. As there is no change or intensification of the existing use that has been operating since 1995 it is considered unreasonable to apply charges to this change application.

As the strict application of Council’s adopted Infrastructure Charges Resolution does trigger the requirement for payment of a charge due to additional GFA and impervious area, this requires a Council decision to not apply the infrastructure charge for this particular application due to the extenuating circumstances and this matter has been duly attended to in the Officer Recommendation.

CORPORATE PLAN

Corporate Plan Goal: **Service excellence**

Outcome: 4.4 - Service quality assessed by performance and value to customers

Operational Activity: 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor, Councillor J McKay, has been involved in regular communication with Council’s Planning Assessment Team and Development Audit and Response Team throughout the assessment of this change request.

Internal Consultation

The application was referred to the following Council specialists:

- Development Services, Customer Engagement and Planning Services Group
 - Development Engineer
 - Landscape Officer
 - Environment Officer
 - Ecology Specialist

Their assessment forms part of this report.

External Consultation

No formal consultation has been undertaken with external parties. A meeting was held with the Department of Environment and Science to discuss the removal of jurisdictional overlaps within the conditions of development approval.

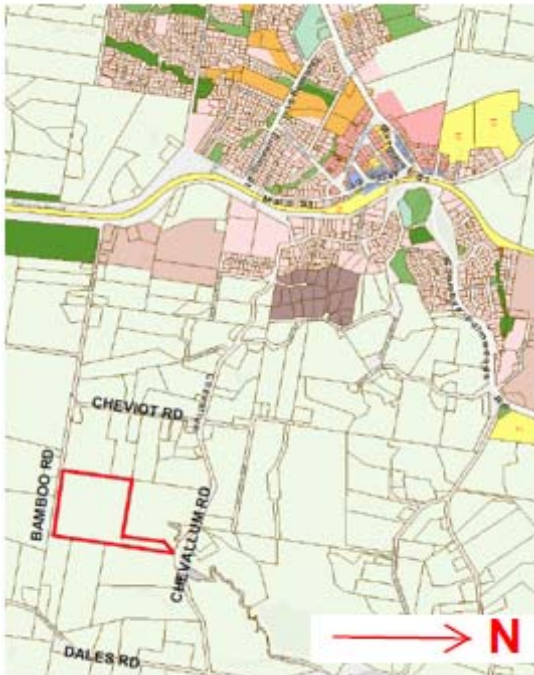
Community Engagement

No formal consultation has been undertaken with the community in relation to this change request. However, residents in the vicinity of the subject site have been in regular phone and email contact with both the Divisional Councillor and Council's Development Audit and Response Team during, and prior to lodgement of this change request.

PROPOSAL

The current approved use of the site involves manufacturing a range of products to onsell to the landscaping, horticulture and agriculture sectors, including soils, mulch, potting mix and soil conditioners. An existing composting facility also operates on the site.

A locality plan and aerial photo are provided below:



The current operations constitute an existing lawful use under Town Planning Consent Permit no. C947609 issued by the former Maroochy Shire Council in 1995. Over the years of operation, there have been some concerns amongst the local community regarding noise, dust and odour emanating from the site. Council's Development Audit and Response team have been in discussions with the adjoining and nearby residents and the Divisional Councillor in relation to these matters.

The current change request seeks approval to change the conditions of the existing Town Planning Consent Permit. The changes primarily seek to amend conditions with regard to waste acceptance criteria and to introduce new plans depicting the extent of the development footprint for approval. Specifically, the applicant is seeking to remove the ability to accept poultry farm floor waste and allow for the acceptance of water (non-regulated), mulch/greenwaste, animal manure (aged) and non-odorous food and drink waste.

The original Town Planning Consent Permit did not include any approved plans nor any conditions limiting the development footprint, other than conditions limiting the clearing of vegetation. The applicant has now provided plans (see Attachment 2) which delineate the development area and associated infrastructure required to carry out the business operations.

Since lodgement of the change request in November 2016, the applicant has been issued with an Environmental Protection Order on 1 June 2018 by the Department of Environment and Science pursuant to section 358 of the *Environmental Protection Act 1994*. The

requirements of the Environmental Protection Order, along with proposed works by Energex within their existing electricity easement on the site, have necessitated a full review of the environmental management regime of the current and intended operations of the facility.

In particular, the applicant now proposes the following environmental upgrades:

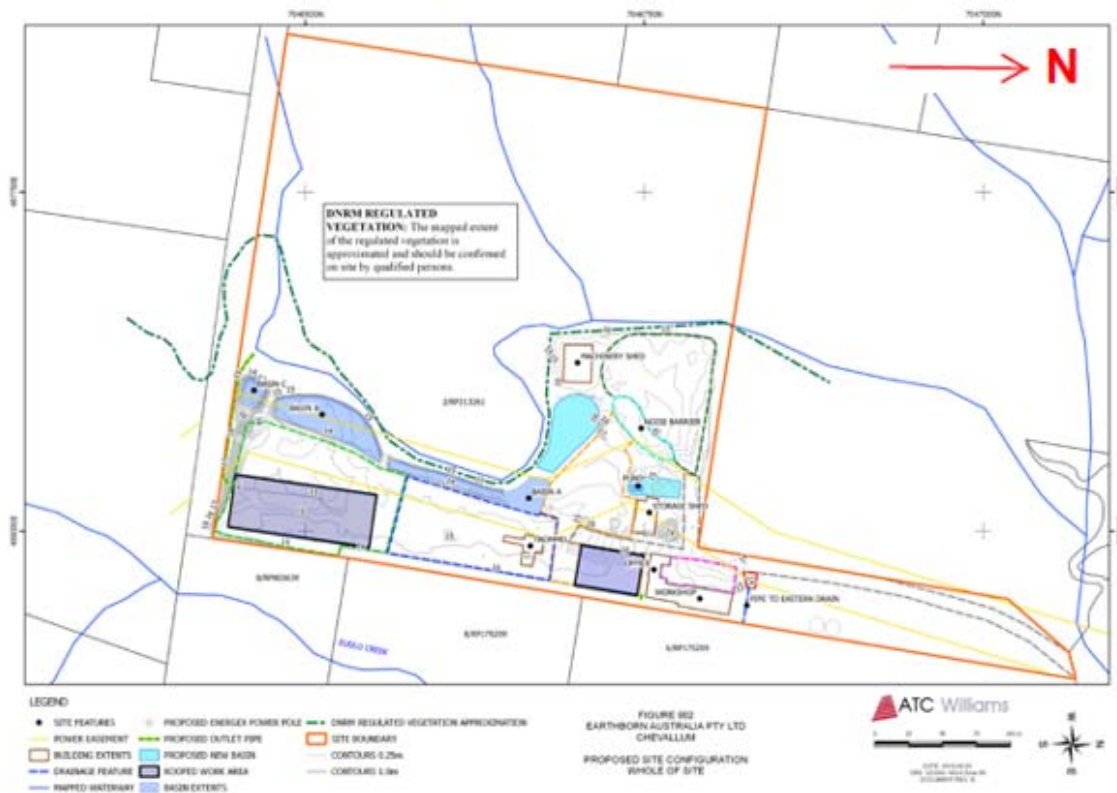
- A. Minor revisions to the site layout to accommodate additional stormwater management requirements, including the provision of new stormwater basins, to meet the requirements of the State government in relation to water quality; and
- B. The construction of a new (unenclosed) roofed structure over existing processing and product storage areas to maintain appropriate water quality runoff. This structure will remain under 8.5m in height and will comprise a portal frame steel structure with non-reflective roofing. The total covered area will be approximately 5,600m².

Minor earthworks are required in association with the stormwater management works, however these do not necessitate a separate operational works approval. No removal of remnant vegetation would occur as a result of these works

Notably, the change request does not involve an intensification of the existing approved use. The request merely seeks to amend conditions to:

- bring the approval more in line with current best practice, including the ability to accept a wider range of waste income streams and remove poultry farm floor waste (noting that the proposed waste streams are consistent with the waste acceptance criteria under the Environmental Authority); and
- remove any jurisdictional overlaps between Council and the State government in the regulation of environmental management matters such as noise, dust odour and water quality.

An extract from the applicant’s proposed Site Plan is provided below:



Legal

Council's Legal Services Team have not been formally consulted in relation to this change request.

Policy

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

Risk

This matter can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution**Ordinary Meeting 11 April 2007 (Maroochy Shire Council):**

That:

1. *Any application for changes to the current conditions of the Maroochy Shire Council Town Planning Consent Permit C947609 of 1995 attached to the property of Lot 2 on RP 213261 Parish of Mooloolah and known as McDougall Landscaping and Nursery Supplies, or for any fresh development application, be determined by full Council.*
2. *Advice of this resolution be forwarded to the Environment Protection Agency and Peter Wellington MP*

Typically applications of this nature would be determined under delegation in accordance with Council's delegation instrument, as amended from time to time. In this instance, noting the above resolution of Council at the Ordinary Meeting of 11 April 2007, the matter is required to be brought to Council for determination.

Related Documentation

A copy of the assessing officer's detailed assessment report is included as Attachment 1 to this report. The detailed assessment report contains all the specific assessment details considered in the assessment of the applicant's change request.

A copy of the plans for approval are provided as Attachment 2 to this report.

A copy of the original Town Planning Consent Permit is included at Attachment 3 to this report.

Critical Dates

There are no critical dates relevant to this change request.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant as appropriate.

8.1.2 REQUEST TO CHANGE DEVELOPMENT APPROVAL - MATERIAL CHANGE OF USE (ADDITIONAL SHOP AREA AND CARETAKERS RESIDENCE) - 1 RODERICK STREET, MOFFAT BEACH

File No:	MCU18/0008.01
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Attachments:	Att 1 - Detailed Officer Report..... 49 Att 2 - Approved Architectural Plans for MCU18/0008..... 61 Att 3 - Officer's Delegated Report for MCU18/0008 69

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0008.01>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Ms AF Holloway and Mr BW Morrisson
Owner:	Ms AF Holloway and Mr BW Morrisson
Consultant:	Not Applicable
Proposal	Change to Approval for Development Permit for Material Change of Use (Additional Shop Area and Caretakers Residence)
Properly Made Date:	19/10/2018
Information Request Date:	Not Applicable.
Information Response Received Date:	Not Applicable.
Decision Due Date	16 November 2018
Number of Submissions	Not Applicable – code assessable
PROPERTY DETAILS	
Division:	2
Property Address:	1 Roderick Street MOFFAT BEACH
RP Description:	Lot 102 RP 8430
Land Area:	405m ²
Existing Use of Land:	Art gallery with caretakers residence (recently demolished)
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (31 July 2017)
SEQRP Designation:	Urban footprint
Strategic Plan Designation:	Urban area
Planning Area / Locality:	Caloundra local plan area
Planning Precinct / Zone:	Local centre zone
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek Council's determination of an application to delete the conditions requiring on site car parking for an approved shop/gallery extension at 1 Roderick Street, Moffat Beach.

The application is before Council at the request of the Divisional Councillor, Councillor T Dwyer.

EXECUTIVE SUMMARY

An approval for an extension to an existing art gallery (Holloway Gallery) comprising three tenancies was approved in June 2018.

Car parking spaces and motorcycle/bicycle parking are required to be provided for the approved extension. The only location for car parking spaces and motorcycle/bicycle parking for the site is behind the building. The adjacent lots to the east have an existing access easement, but the easement is not registered in favour of the subject allotment.

The conditions of the original approval require that three parking spaces for cars, 2 parking spaces for motorcycles/scooters and 4 parking spaces for bicycles are to be provided. The applicant has advised that they have been unable to obtain formal legal access rights from the adjoining owners for the use of the easement and they are therefore unable to provide the required car parking spaces.

The applicant therefore seeks the deletion of the conditions requiring vehicle parking to be provided on site.

OFFICER RECOMMENDATION

That Council:

- (a) **receive and note the report titled "Request to Change Development Approval - Material Change of Use (Additional Shop Area and Caretakers Residence) - 1 Roderick Street, Moffat Beach" and**
- (b) **REFUSE application No. MCU18/0008.01 for a Change to Development Approval – Material Change of Use (Additional Shop Area and Caretakers Residence) at 1 Roderick Street, Moffat Beach for the following reasons:**
 - (i) **The proposal does not comply with the purpose and overall outcomes of the Transport and Parking code**
 - (ii) **The applicant has not demonstrated sufficient grounds to justify approval despite the conflict with the Planning Scheme and the proposal cannot be conditioned to comply.**

FINANCE AND RESOURCING

There are infrastructure charges Applicable to the approved development. The existing charges would not change as a result of the subject change application.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.4 - Service quality assessed by performance and value to customers

Operational Activity: 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor, Councillor T Dwyer has requested that the matter be brought to Council for consideration.

Internal Consultation

The application was forwarded to the following internal Council specialists:

- Senior Transport Planner, Transport & Infrastructure Policy Branch
- Manager, Transport and Infrastructure Planning

Their assessment forms part of this report.

External Consultation

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

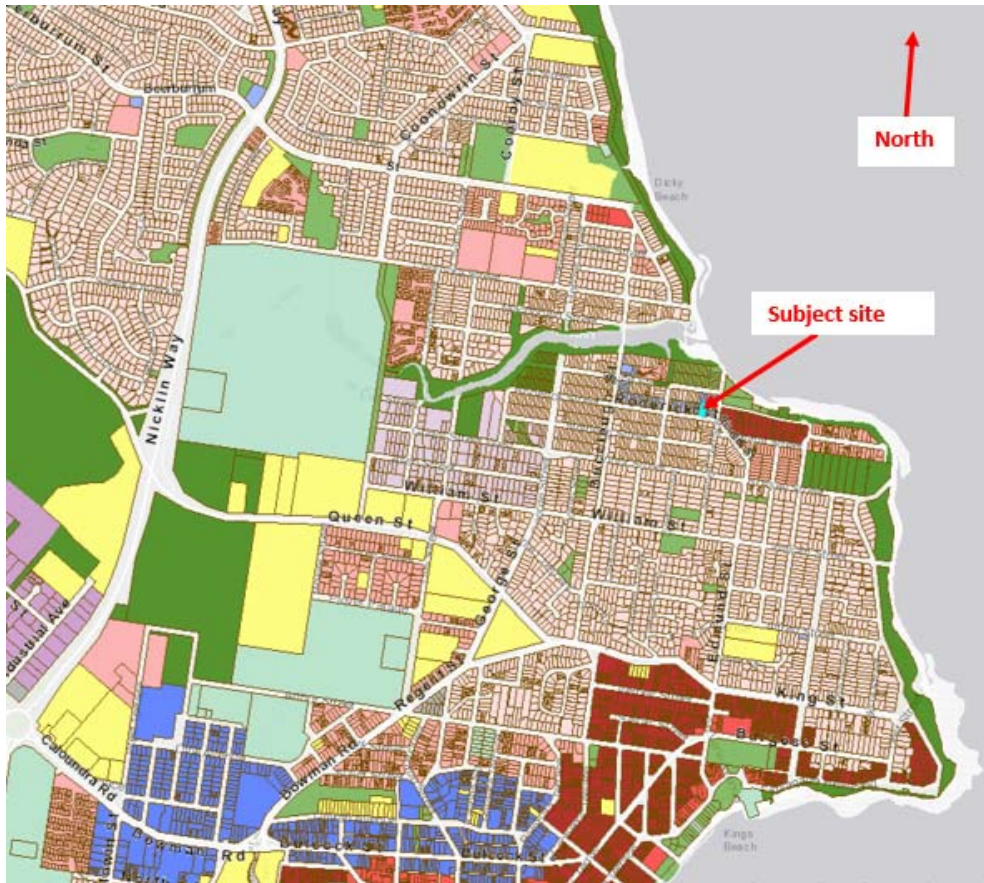
Community Engagement

The application was code assessable and did not require public notification in accordance with the *Planning Act 2016*.

PROPOSAL

On 6 June 2018, Council approved an extension to the existing art gallery (Holloway Gallery) comprising three shop tenancies with a total floor area of 137m² behind an existing gallery at 1 Roderick Street, Moffat Beach.

The site is located in Moffat Beach as shown in the plan below.



Based on the gross floor area, seven car parking spaces and motorcycle/bicycle parking would be required to be provided for the approved extension. Council agreed to reduce the required parking bays to three noting the cross utilisation of car parking bays in the Moffat Beach area.

The only location for car parking spaces and motorcycle/bicycle parking for the site is behind the building. The adjacent lots to the east have an existing access easement, but the easement is not registered in favour of the subject allotment.

The application now seeks to delete four conditions requiring onsite vehicle parking for the new use. This approval also covered construction of a caretaker's residence, but as this is to replace a previously existing residence on the site, the caretaker's residence (and existing gallery) are acknowledged to have existing use rights for the purposes of parking, with no provision required for these uses.

The following relevant conditions were imposed on the development approval:

5. *Formal legal access rights must be obtained for use of the easement on the adjoining properties to the east prior to submission of an application for building work or operational work. Evidence of the formal access rights must be submitted to the assessment manager with any application for building work or operational work.*

On-site Parking

14. *A minimum of 3 car parking spaces must be provided and marked on the site and made available and accessible at all times while the use is open for business.*

The works must be undertaken in accordance with an operational works approval and must include in particular:

- (a) *a minimum 5.8m wide aisle, 300mm widening to car parks adjacent to walls and a 1m wide blind aisle extension, in accordance with AS2890.1.*
 - (b) *dimensions, crossfalls and gradients in accordance with AS 2890 - Parking facilities.*
15. *A minimum of 2 motorcycle/scooter parking spaces must be provided and marked on the site and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an operational works approval and must include in particular dimensions, crossfalls and gradients in accordance with AS 2890 - Parking facilities.*

Bicycle Facilities

16. *Bicycle facilities must be provided for the development. The works must be undertaken in accordance with an operational works approval and must include in particular:*

- (a) *a minimum of 4 visitor bicycle parking spaces, in accordance with AS 2890.3 – Bicycle parking*

The applicant has advised that they have been unable to obtain formal legal access rights from the adjoining owners as per Condition 5 above and are therefore unable to provide access to the rear of the site for construction, nor the ongoing use of the required car parking spaces. No documentation has been provided by the applicant to support this statement.



Provision of Parking

The approved plans show that it is possible for the applicant to provide three car spaces at the rear of the site and conditions were applied to the approval accordingly. Whilst the development required seven bays, Council officers argued that the lesser number of bays could be accepted for the following reasons:

- The site is located in a small local centre which contains multiple public car parking areas. The Moffat Beach area is small, contained and lively due to the abundance of foot traffic. It is highly likely that the location of the site in this area would contribute to heavy cross utilisation of parking (most likely within the available public parking areas in close proximity to the site), whereby patrons would access the site, as well as surrounding local businesses on foot.
- There is no ability in this location for the applicant to contribute to Council in lieu of the unsupplied spaces, as there is no adopted policy for the provision of a contribution in lieu.
- There are no planned public parking upgrades in the vicinity. This suggests that the area is not currently experiencing parking stress and thus it is appropriate for the wider parking provision to accommodate the minor shortfall as a result of the application.

Motorcycle and bicycle parking were not shown on the plan. However, it was understood that sufficient space was available for provision of these in the same area.

The applicant is now seeking that the conditions requiring on-site parking provision be deleted because there is presently no legal access to the rear of the site. If approved, this

would result in no onsite parking provision for the development and a reliance on public street parking for the entirety of the parking demand.

Generally, all development is required to provide sufficient car parking to meet the demand anticipated to be generated. Removal of the conditions requiring on-site parking would cause the development to be inconsistent with the *Transport and parking code* requirements.

During assessment of the application, consideration was given to the applicant entering into an Infrastructure Agreement to pay a contribution in lieu of provision of on-site parking.

Council adopted the Sunshine Coast Parking Management Plan and 37 Local Area Parking Plans including one for Moffat Beach in October 2017.

The Parking Management Plan raises the possibility of contributions-in-lieu for new development. However, the Parking Management Plan makes it clear that the full quantity of required parking must be provided within the development site. The Parking Management Plan highlights that “agreements that allow development to occur with less than the minimum parking supply places increased pressure on a limited public resource. Allowing development to partly rely on existing public parking would impact all existing users, increase costs to ratepayers and is not equitable to those developments that have provided the required parking”.

In this case, Council’s Transport & Infrastructure Policy Branch have advised that there is currently no adopted policy to cover this or similar cases. Therefore, to comply with the parking provisions of the planning scheme, physical provision of spaces (albeit at a reduced rate in the case of the subject application) is required.

Given the circumstances of this site, and if approved, the proposal would result in the provision of nil on-site parking for the approved development which is inconsistent with the purpose and overall outcomes of the *Transport and parking code*.

Of note, within the Moffat Beach locality, there are multiple sites also zoned Local Centre (light blue below) that could be developed into the future for similar uses, and have similar constraints regarding parking as shown in the map below.



A proposal similar to this could be proposed on other sites, and could set a precedent that is replicated by others.

The proposal to delete the conditions requiring provision of onsite parking is therefore recommended for refusal.

Other circumstances where contributions in lieu of parking have been accepted

It is acknowledged that in some circumstances, Council has considered and approved a contribution in lieu of parking. Council's Transport & Infrastructure Policy Branch have advised that:

- The Parking Management Plan raises the possibility of contributions-in-lieu for parking, but clearly states that development should provide the full quantity of required parking as detailed in the Planning Scheme within the development site.
- Specific Local Area Parking Plans (LAPPs) have indicated those locations where there is potential for Council to provide future consolidated parking. This provides opportunities for contributions-in-lieu to be used to fund parking unable to be provided onsite.
- LAPPs for Caloundra and Coolum Beach propose investigation of adding consolidated public parking and this has allowed the application of contributions-in-lieu for these locations only.
- The Moffat Beach LAPP indicates that Council has no plans to increase parking supply in Moffat Beach.
- Moffat Beach has no spare public parking capacity to absorb additional displaced private parking at high use times.
- Collecting contributions-in-lieu may place pressure on Council to providing additional parking within a reasonable timeframe. In Moffat Beach this would require the conversion of limited beachfront open space or the purchase and redevelopment of an existing residential or commercial property for parking. There is currently no works commitment to do this.

Legal

Council's Legal Services Team have provided advice regarding this report.

Policy

The application has been assessed against the Sunshine Coast Planning Scheme 2014 and all relevant Council policies.

Risk

This matter can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

There is no previous Council resolution relevant to this report.

Related Documentation

A copy of the officers' full and detailed assessment report is included as Attachment 1 to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

A copy of the approved architectural drawings are provided as Attachment 2 to this report.

A copy of the original Delegated Assessment Report is included as Attachment 3 to this report.

Critical Dates

Council's decision for the application was due on 16 November 2018. Given a decision has not been made by this date, the applicant may elect to take a deemed refusal. This results in the decision being taken to the Planning and Environment Court to consider the matter.

Implementation

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.

8.2 BUSINESS PERFORMANCE**8.2.1 OCTOBER 2018 FINANCIAL PERFORMANCE REPORT**

File No:	Financial Reports
Author:	Coordinator Financial Services Business Performance Group
Attachments:	Att 1 - October 2018 Financial Performance Report93

PURPOSE

To meet Council's legislative obligations, a monthly report is to 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 October 2018 in terms of the operating result and delivery of the capital program.

The operating result at 31 October 2018 shows a positive variance of \$2.9 million compared to the budgeted position. The variation is made up of higher than profiled operating revenue and lower than profiled operating expenses as shown in the table below. Further detail is provided in the proposal section of this report.

Operating Performance**Table 1: Operating Result as at 31 October 2018**

	Current Budget \$000	YTD Budget \$000	YTD Actuals \$000	YTD Variance \$000	YTD Variance %
Total Operating Revenue	451,362	186,879	187,615	736	0.4%
Total Operating Expenses	435,354	140,013	137,849	(2,164)	-1.5%
Operating Result	16,008	46,866	49,765	2,899	6.2%

Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

As at 31 October 2018, \$110.8 million (29.1%) of Council's \$381.1 million 2018/19 Capital Works Program was financially expended.

The core Council Capital Program has progressed 25.4% of budget, an actual spend of \$39.7 million.

Council's investment portfolio remains within the guidelines established under the Investment Policy.

OFFICER RECOMMENDATION

That Council receive and note the report titled "October 2018 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month of October 2018 and meets Council's legislative reporting requirements.

CORPORATE PLAN

- Corporate Plan Goal:** *An outstanding organisation*
- Outcome:** 5.6 - Information, systems and process underpin quality decisions and enhance customer experience
- Operational Activity:** 5.6.5 - Manage Councils budget in alignment with sustainability ratios to ensure a sustainable financial position is maintained.

CONSULTATION

Portfolio Councillor Consultation

Consultation has been undertaken with the Portfolio Councillor, Councillor T Dwyer.

Internal Consultation

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

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

This monthly financial performance report provides Council with a summary of performance against budget as at 31 October 2018 in terms of the operating result and delivery of the capital program.

The operating result at 31 October 2018 shows a positive variance of \$2.9 million compared to the budgeted position.

Operating Revenue

Year to date revenues as at 31 October 2018 of \$187.6 million shows a positive variance of \$736,000.

Table 2: Substantial Revenue variances as at 31 October 2018

	YTD Budget \$000	YTD Actuals \$000	YTD Variance \$000	YTD Variance %
Other Revenue	3,410	4,049	640	18.8%
Operating Grants and Subsidies	1,923	2,299	376	19.6%
Net Rates and Utility Charges	143,307	143,595	288	0.2%
Fees and Charges	23,179	22,561	(618)	-2.7%

Other Revenue

A favourable variance of \$640,000 applies to Other Revenue with the largest portion due to recoverable works for external agencies with associated expenditure. Revenue generated in waste management from the sale of recyclables as well as higher than budget sponsorship and lease revenues are also causing a favourable variance.

Operating Grants and Subsidies

There is a favourable variance of \$376,000 or 19.6% against the year to date budget for grants and subsidies. Of this \$239,000 relates to SEQwater grants awarded for the upgrade of onsite sewerage facilities in the Baroon Pocket Dam catchment area. \$103,000 relates to disaster management subsidies under the Get Ready Resilience program. These grants will result in additional expenditure to the same value.

Net Rates and Utility Charges

A favourable variance of \$288,000 or 0.2% of the year to date budget mainly relates to higher cleansing charges.

Fees and Charges

Fees and charges revenue of \$22.6 million is \$618,000 lower than the year to date budget. The variance predominantly relates to development services revenue and refuse tip fees, as a result of declining volumes.

Operating Expenses

Year to date expenditure as at 31 October 2018 of \$137.8 million shows a variance under budget of \$2.2 million.

Materials and Services

Materials and services account for the majority of the expenditure variance as at 31 October 2018, having underspent budget by \$2.5 million.

\$686,000 of the favourable variance relates to the delivery of operating projects and is partially offset by higher employee costs and other expenses associated with resourcing projects. Total Project expenditure was 29% of full year budget as at 31 October 2018.

The remaining variance of \$1.8 million relates to delivery of core services and is consistent across most groups. Customer Engagement and Planning Services are over budget year to date due to higher contract services costs in Waste Management as a result of increased collection volumes and is offset by associated revenue.

Built Infrastructure are reporting an underspend mainly attributable to Parks and Gardens and Transport Infrastructure Management as a result of timing issues associated with turf maintenance, parking and traffic signals maintenance contracts as well as some delays experienced in planned parks maintenance to be delivered in the second quarter.

Economic Development and Sport and Community Venues are also reporting underspends, partially offset by over runs in other areas, but predominantly relating to program delivery scheduled later in the year.

Property Management are underspent in contract services which is still to be assessed to better understand year end impacts. It is anticipated there will be reduced costs for reactive maintenance as a result of improvements to the planned maintenance program.

Capital Expenditure

As at 31 October 2018, \$110.8 million (29.1%) of Council's \$381.1 million 2018/19 Capital Works Program was financially expended.

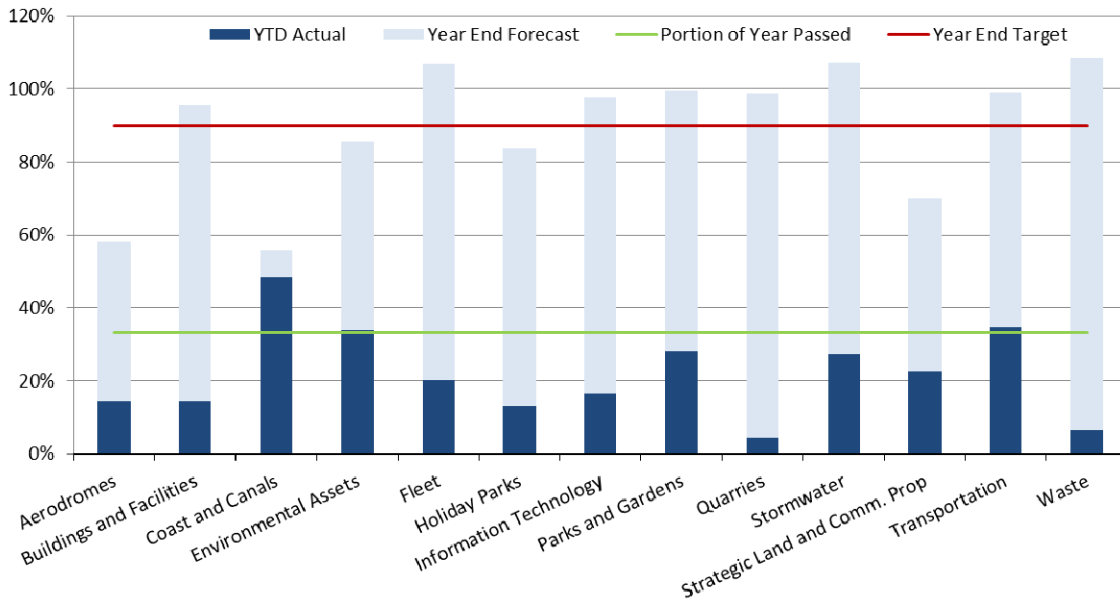
The Core Council Capital Program has progressed 25.4% of budget, an actual spend of \$39.7 million. The Actual YTD includes all works that have been goods receipted and accrued as at 31 October 2018.

Table 3: Capital Expenditure by Program at 31 October 2018

Capital Works Program	Current Budget \$000s	YTD Actual \$000s	% of FY Budget Spent	Forecast Year End Actual
Aerodromes	40	6	14.2%	23
Buildings and Facilities	17,688	2,520	14.2%	16,883
Coast and Canals	2,226	1,076	48.4%	1,243
Environmental Assets	1,166	394	33.8%	1,000
Fleet	3,000	604	20.1%	3,202
Holiday Parks	1,875	246	13.1%	1,571
Information Technology	9,644	1,602	16.6%	9,431
Parks and Gardens	16,789	4,713	28.1%	16,742
Quarries	1,219	56	4.6%	1,206
Stormwater	10,535	2,873	27.3%	11,288
Strategic Land and Commercial Properties	13,181	2,969	22.5%	9,238
Transportation	61,892	21,536	34.8%	61,312
Waste	16,738	1,067	6.4%	18,144
Total SCC Core Capital Program	155,993	39,663	25.4%	151,284
Corporate Major Projects	11,428	680	6.0%	2,204
Divisional Allocations	7,189	1,182	16.4%	2,238
Maroochydore City Centre	34,557	9,980	28.9%	38,374
Sunshine Coast International Broadband Network	20,610	2,488	12.1%	20,592
Sunshine Coast Airport Runway	151,345	56,833	37.6%	154,158
Total Other Capital Program	225,129	71,163	31.6%	217,566
TOTAL	381,122	110,826	29.1%	368,851

The following graph shows the Core Capital Programs progress to date and year end forecast. Currently the Core Capital Program is forecasting 97% delivery at year end.

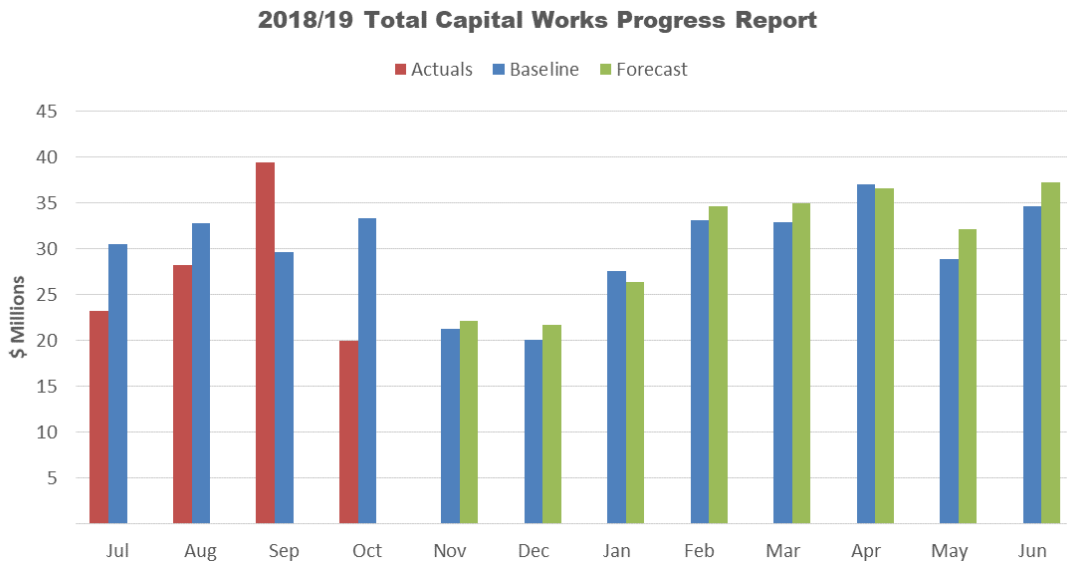
SCC Core % YTD spent compared to profiled budget by Program



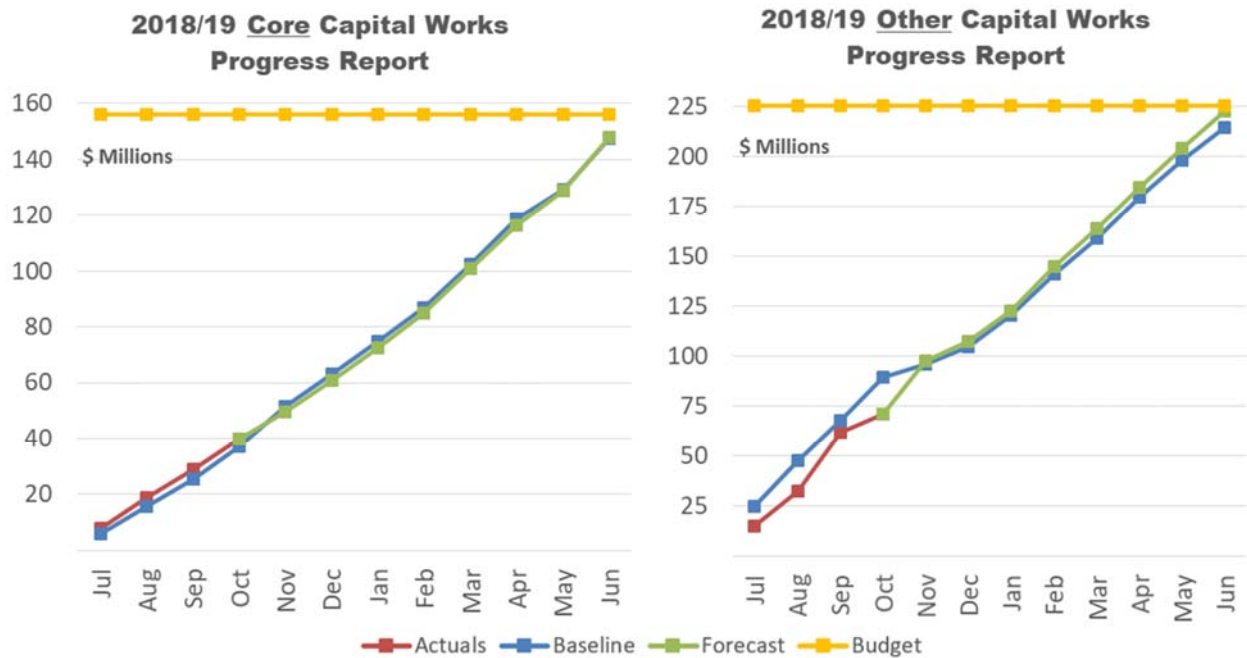
The following program updates are provided in relation to programs reporting lower expenditure to date:

- Buildings and Facilities – 32% of the program budget is assigned to The Events Centre redevelopment which has completed procurement phase and is scheduled for construction works to commence in January. \$2 million of renewal and upgrade works to Council’s aquatic centres will be scheduled for the winter months and delays have occurred at Baringa Community Centre. The program is forecasting 96% completion at year end.
- Holiday Parks – The major expenditure for the year relates to the replacement of the amenities at the Cotton Tree Caravan Park. The procurement process is complete with construction scheduled for March 2019. Other significant expenditure relates to land acquisitions for future sites which cannot be forecast at this stage.
- Information Technology – Expenditure to date on corporate systems implementations for human resources and customer relations management are reflective of the projects continuing through the procurement phase. The program is forecasting 98% completion at year end.
- Quarries – Assessment of project priorities required once resourcing constraints are addressed. Budget deferrals are anticipated at budget review 2.
- Waste – AWCS contract awarded in October with site preparations commencing in November. Caloundra Landfill Cell 12 will commence in November 2018.

The following graph displays a baseline forecast for the Total Capital Works Program which was captured at the end of September, to include the impacts of Budget Review 1. The graph compares the actual to date and the most recent forecast for the remaining periods, against this baseline. The forecasts are prepared by project managers on each project to reflect their latest estimate of project expenditure up to June 2019. It indicates that the expenditure required in most of the remaining periods November through to June is higher than the original baseline.



The following two graphs display the cumulative baseline, actual to date and latest forecast compared to the Current Budget provided for in the Core and Other Programs. The baseline reflects project managers estimated forecast following Budget Review 1. Whereas the forecast incorporates the latest information available to project managers in relation to project completion. This forecast will continue to be updated each month and reported against the baseline.



Investment Performance

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 31 October 2018 Council had \$234 million cash (excluding Trust Fund) with an average interest rate of 2.77%, being 0.77% above benchmark. This is compared to the same period last year with \$301.5 million cash (excluding Trust Fund) with an average interest rate of 2.59%, being 0.85% above benchmark.
- The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill Index (BAUBIL) and the Bank Bill Swap Rate (BBSW) for term deposits.

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

Council's 2018/19 Investment Policy; 2018/19 Debt Policy.

Risk

Failure to achieve the budgeted operating result will negatively impact Council's capacity to complete its capital expenditure program.

Previous Council Resolution**Ordinary Meeting 13 September 2018 (OM18/155)**

That Council:

- (a) *receive and note the report titled “**Budget Review 1 2018/19**”*
- (b) *adopt Appendix A as tabled, pursuant to section 170A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2018/19 financial year incorporating:*
 - i. the statement of income and expenditure*
 - ii. the statement of financial position*
 - iii. the statements 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 and*
- (c) *note the following documentation applies as adopted 21 June 2018*
 - i. the Revenue Policy*
 - ii. 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*
 - iii. the Revenue Statement*
 - iv. the rates and charges to be levied for the 2018/19 financial year and other matters as adopted 21 June 2018.*

Special Meeting Budget 21 June 2018 (SM18/8)

That Council:

- (a) *adopt Appendix A as tabled, pursuant to section 170A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council’s budget for 2018/19 financial year incorporating:*
 - i. the statement of income and expenditure*
 - ii. the statement of financial position*
 - iii. the statements 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*
 - viii. the Revenue Policy*
 - 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 2018/19 Capital Works Program, endorse the indicative four-year program for the period 2020 to 2023, and note the five-year program for the period 2024 to 2028 and*
 - xii. the rates and charges to be levied for the 2018/19 financial year and other matters as detailed below in clauses 3 to 11.*

Related Documentation

2018/19 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

**8.2.2 SUNSHINE COAST CITY HALL BUILDING - HIGH LEVEL PROJECT
PLAN**

File No: Council meetings
Authors: Coordinator Contract and Supply Services
Business Performance Group
Manager Business Development
Business Performance Group

To be provided.

8.3 BUILT INFRASTRUCTURE**8.3.1 LOCAL DISASTER MANAGEMENT PLAN 2019 - 2022**

File No:	F2018/82250
Author:	Coordinator Disaster Management Built Infrastructure Group
Appendices:	App A - Local Disaster Management Plan 2019 - 2022..... 5/204
Attachments:	Att 1 - Disaster Resilience Plan 2019 - 2022 75/204 Att 2 - Animal Evacuation Management Operational Sub-Plan99/204

PURPOSE

Under Section 1.3.1 of the *Queensland Disaster Management Act 2003*, a local government must develop a Local Disaster Management Plan consistent with the Strategic Policy Framework and the relevant disaster management guidelines. The Sunshine Coast Council Local Disaster Management Plan 2019 - 2022 (The Plan) is presented for adoption by Council.

EXECUTIVE SUMMARY

The Plan supersedes and builds on the previous plan of 2015 – 2018. The Plan's primary focus is to ensure the safety of our community. It aims to preserve lives and prevent injuries, to mitigate property damage and to protect our environment.

The review of the 2015-2018 document has been undertaken concurrently with the review and updating of the Plan's sub-plans, and the development of two new sub-plans: The Disaster Resilience Plan 2019 – 2022, and the Animal Evacuation Management operational sub-plan.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Local Disaster Management Plan 2019 - 2022" and
- (b) adopt the Sunshine Coast Council Local Disaster Management Plan 2019 - 2022 (Appendix A).

FINANCE AND RESOURCING

The Plan requires annual review. Recurrent costs associated with review of The Plan are funded from within the Strategic Disaster Management budget.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*
Outcome: 2.1 - Safe and healthy communities
Operational Activity: 2.1.1 - Review and update Local Disaster Management Plan 2019-2022 in accordance with Disaster Management Act 2003 and Queensland Fire and Emergency Services (QFES) Guidelines 2018.

CONSULTATION

A consultation process was undertaken to ensure key stakeholders were provided the opportunity to review the new plan and to provide feedback in order to update the previous version of the plan.

Councillor Consultation

Chair of the Local Disaster Management Group – Mayor M Jamieson

Deputy Chair of the Local Disaster Management Group – Councillor T Dwyer

Internal Consultation

Members of Council's Emergency Operations and Recovery Team (EORT)

Group Executive Built Infrastructure / Local Disaster Coordinator

Disaster Management Team

External Consultation

Members and Advisors of the Sunshine Coast Local Disaster Management Group were consulted in the redevelopment of the Plan.

Community Engagement

Considered but not required as the previous plan has had extensive community consultation.

PROPOSAL

The Sunshine Coast Council Local Disaster Management Plan 2019-2022 (The plan) builds on the previously adopted Sunshine Coast Local Disaster Management Plan 2015-2018.

The Plan provides an outline for prevention, preparation, response and recovery arrangements in our community and in partnership with other levels of government.

The focus is to minimise the effects of a disaster by:

- outlining the disaster management system
- specifying roles and responsibilities and
- addressing all phases of disaster management.

The purpose of this plan is to ensure the safety of the local community and visitors to the Sunshine Coast, and to preserve lives, livelihoods and the environment in the event of a disaster affecting the region. Our priority is the preservation of human life.

The plan is based upon the principles contained in the Queensland *Disaster Management Act 2003*, an all hazards approach, and a commitment to building resilient communities by undertaking specific strategies to prevent, prepare for, respond to and recover from disaster events.

The plan was unanimously supported by the Sunshine Coast Local Disaster Management Group on the 5th December 2018.

Due to the growing recognition of the role local governments have in building disaster resilient regions, the Sunshine Coast Disaster Resilience Plan 2019 – 2022 (Attachment 1) has been developed to provide a strategic guide as to what Council's priorities and guiding principles are to building a resilient region. This plan is the first for Council and has received recognition as the first of its kind in Queensland local government. This Plan will assist Council with further building a strong disaster resilient region able to prepare, respond, recover, and adapt to life after disaster events.

Learnings from the August 2017 Caloundra Fire event identified the need for Council to document operational procedures concerning the evacuation and housing of domestic animals and livestock pre and immediately post a disaster event. Subsequently the *Animal Evacuation Management Operational Sub-Plan* (Attachment 2) has been developed and added to the suite of sub-plans under the *Local Disaster Management Plan 2019-2022*. This plan details the disaster management arrangements required to coordinate the response and recovery activities related to animal management within Council boundaries during a disaster event.

Legal

The *Local Disaster Management Plan 2019 – 2022* has been assessed by the Sunshine Coast District Disaster Executive Officer and has successfully undergone assessment by the Inspector-General Emergency Management's *Local Disaster Management Plan Assessment*. Both processes are assessed against the Standards for Disaster Management in Queensland.

Policy

The 2015 - 2018 Plan identified Council as having an active role in disaster management and supports a comprehensive approach to prevention, preparedness, response and recovery in partnership with the community and other key agencies.

As such, this new Plan continues to provide Council with a policy framework, governance arrangements and operational procedures to comply with its legislative obligations and respond to a range of disaster and emergency situations.

Risk

The 2019-2022 Plan identifies and seeks to mitigate the risks to people, the economy, the environment, infrastructure and property in the event of a disaster occurring on the Sunshine Coast.

A regional disaster risk assessment covering 18 natural and human-made hazards which may impact on the region was compiled. This risk assessment took into account seasonal variations of the risks to ensure a more dynamic and accurate assessment of the risk exposures for the region. The hazards considered in this assessment included:

1. East Coast Low Pressure System Event
2. Severe Weather Event
3. Cyclone Event
4. Hydraulic Flood Event
5. Dam Failure Event
6. Earthquake Event
7. Tsunami Event
8. Landslide Event
9. Prolonged Drought Event
10. Bushfire Event (Rural and Interface Areas)
11. Major Urban Accident, Urban/Industrial Fire and Hazardous Material Event
12. Bio-security and Health Event
13. Heatwave Event
14. Terrorist Event
15. Cyber Security Event

16. Black Swan (Extreme) Event
17. Coastal Erosion Impact and
18. Critical Infrastructure Event

As a result of undertaking the risk assessment detailed sub plans to mitigate the highest areas of risk have been developed and included in the Plan.

Previous Council Resolution

Ordinary Meeting 25 February 2016 (OM16/31)

That Council:

- (a) receive and note the report titled “**Local Disaster Management Plan 2015-2018**” and
- (b) formally adopt the Sunshine Coast Council Local Disaster Management Plan 2015 - 2018 (Appendix A)

Related Documentation

- Queensland Disaster Management Act (2003)
- Queensland State Disaster Management Plan (2018)
- Queensland Prevention, Preparedness, Response and Recovery Disaster Management Guideline (2018)
- Queensland Emergency Risk Management Framework

Critical Dates

The *Disaster Management Act 2003* requires that Local Disaster Management Plans be reviewed annually.

The 2019 - 2022 Plan has been prepared in line with the Queensland Governments release of the *Queensland Prevention, Preparedness, Response and Recovery Disaster Management Guidelines* and the 2018 *Queensland State Disaster Management Plan*.

This Plan has undergone significant updating aligned with recent releases of the State Governments planning documentation and requires Council approval.

Council approval for the 2019 - 2022 Plan is required as soon as possible.

Implementation

The 2019 - 2022 Plan, as endorsed by the Local Group, will replace the previous version of the document and will provide operational guidance for local disaster management operations, including the operations of the Local Disaster Coordination Centre. As such it will be made available to all stakeholders and the community on Council’s Disaster Hub website.

Upon formal adoption by Council of the 2019 – 2022 Plan, it will be distributed to key agencies and partners and made available in hard copy to public through Council’s libraries and upon request to members of the public in electronic form.

8.3.2 INTEGRATED TRANSPORT STRATEGY ADOPTION

File No:	F2018/82822
Author:	Coordinator Transport Strategy & Policy Built Infrastructure Group
Appendices:	App A - Sunshine Coast Council Integrated Transport Strategy.... 121/204
Attachments:	Att 1 - Community Consultation Summary Report201/204

PURPOSE

The purpose of the report is to seek adoption of the final Sunshine Coast Council Integrated Transport Strategy (Appendix A).

EXECUTIVE SUMMARY

The Sunshine Coast Council region prides itself on its enviable lifestyle, competitive advantage and outstanding natural assets. With an increasing urban population that is currently heavily reliant on private vehicle travel, the region's attributes are at threat. Without intervention and management, the community's travel behaviour trends have the potential to negatively impact the liveability of our region, now and into the future. Being smart about how future transport solutions are planned and delivered will support Council's vision 'Australia's most sustainable region – healthy, smart, creative'.

The Integrated Transport Strategy proposes to leverage future technology opportunities in combination with increased investment in transport infrastructure, services and travel behaviour programs. This will contribute towards delivering a smart, integrated and connected transport system for the region that will serve the residents, businesses and visitors while achieving the transport vision.

Although Council has a significant role to play, it is not responsible for many aspects of the transport system, such as public transport. Increased State Government investment in the bus and passenger rail network will be critical in creating viable travel alternatives to the car.

The Integrated Transport Strategy is a deliverable identified in Council's Annual Operational Plan for 2018-2019. It will replace the Sustainable Transport Strategy, providing a policy platform to deliver a connected and integrated transport system for the Sunshine Coast, looking forward to 2041. With new technologies and emerging challenges and opportunities facing the region, the Integrated Transport Strategy will:

- respond to new growth areas and trends
- advocate and apply a 'one network' approach which identifies the role of all stakeholders
- support economic development
- maintain the enviable lifestyle and character of the region
- balance the consideration of all modes of travel
- respond to emerging technologies and business models (ride sharing, car sharing, autonomous vehicles, big data, etc.)
- align with relevant strategic policy and planning documents
- be an effective information and advocacy tool for Council and the community
- reduce adverse environmental impacts through a lower carbon transport system and

- update data, analysis and projections and identify system performance indicators for tracking and decision-making.

Community consultation and feedback have informed the development of the Integrated Transport Strategy, having occurred over two stages:

- Stage 1 Market research – Market research was undertaken between November 2017 and February 2018 to better understand community views and barriers to travel behaviour change. In addition, it helped to identify the transport challenges and opportunities, vision, objectives and strategies for success (including the policy directions and actions) outlined in the draft Strategy;
- Stage 2 Community Consultation - Council approved the draft Integrated Transport Strategy for community consultation between 14 June and 13 July 2018. It extended consultation for an additional week to 20 July 2018 to better allow the community to provide feedback. Stage 2 provided a strong community endorsement of the Integrated Transport Strategy, supported the findings of the market research and helped refine the final Integrated Transport Strategy, ready for Council adoption.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled “Integrated Transport Strategy Adoption”**
- adopt the Sunshine Coast Council Integrated Transport Strategy (Appendix A) and**
- authorise the Chief Executive Officer to progress actions from the Sunshine Coast Council Integrated Transport Strategy.**

FINANCE AND RESOURCING

The adoption of the Integrated Transport Strategy is funded through the 2018/19 project budget allocation of \$80,000 for its development, finalisation, communication and commencement of some early actions.

Any future actions outlined in the Integrated Transport Strategy, identified as Council responsibility, will be funded through existing Capital Works Program, the Local Government Infrastructure Plan and operational budget requests.

CORPORATE PLAN

Corporate Plan Goal: *A healthy environment*

Outcome: 3.3 - Responsive, accessible and well managed assets and infrastructure

Operational Activity: 3.3.2 - Develop and implement Council’s Integrated Transport Strategy (former Sunshine Coast Sustainable Transport Strategy 2011-2031).

CONSULTATION

Councillor Consultation

Officers have undertaken consultation with the Transport Portfolio Councillor, Councillor R Baberowski who was briefed in relation to the development of the strategy.

Internal Consultation

Individual meetings were held with the majority of other Councillors to provide insights to inform the development of the Integrated Transport Strategy.

The Board of Management as well as Managers, Co-ordinators and other officers with roles and responsibilities related to transport planning, delivery and management have had the opportunity to provide input through workshops, meetings, correspondence and personal engagement and discussions.

External Consultation

A comprehensive consultation phase occurred over five weeks, ending on 20 July 2018.

External stakeholder briefings included:

- Transport Community Group
- Department of Transport and Main Roads and
- Andrew Powell MP, Member for Glasshouse and Ian Andrew, Senior Policy Advisor to the Leader of the Opposition.

Council received formal submissions from a number of key stakeholders. A summary of feedback received included:

- Include consultation summary 'what you told us'
- Provide additional clarity on Council's priority transport projects
- Identify and champion the early delivery of actions led by Council
- Include a summary of the changing transport industry
- Amend the *Sunshine Coast Planning Scheme* where warranted to support the strategy's outcomes
- Strengthen intent to maximise efficiency of the car
- Increased recognition of Sunshine Coast Airport as a significant transport hub
- Greater consideration of mobility impaired, aging population and transport disadvantaged
- Maintain balance of interventions i.e. mix of traditional and smart mobility initiatives
- Identify some non-infrastructure priorities
- Indicate this is not State Government policy and
- Various editorial refinements.

Community Engagement

Market research of a statistically representative survey pool of residents was undertaken between November 2017 and February 2018 to identify community attitudes towards the transport system. Feedback received from the community was used to inform development of the Draft Integrated Transport Strategy. In particular, it helped to identify the transport challenges and opportunities, vision, objectives and strategies for success (including the policy directions and actions) outlined in the draft Integrated Transport Strategy.

Council approved the draft Integrated Transport Strategy for community consultation between 14 June and 13 July 2018 and extended consultation for an additional week to 20 July 2018. A brief summary of community engagement is outlined below:

- Consultation material included the draft document, leaflet, video and feedback form
- Engagement via project website (<https://haveyoursay.sunshinecoast.qld.gov.au/draft-integrated-transport-strategy>), social media, radio, print, libraries and customer service centres
- 13,000 Facebook views, 871 clicks
- 3,500 Twitter views
- 2,500 video views

- 1100 project website visits
- 330 document downloads
- 157 submitted feedback forms
- 18 formal submissions.

Consultation feedback provided a strong community endorsement of the draft Integrated Transport Strategy and helped refine the final document. A summary of feedback received included:

- 88% support the document's vision to deliver a connected and integrated transport system for the region over the next 20 plus years
- 81% agree with need to reduce reliance on the car and support an increase in public transport mode share
- 92% have an improved level of understanding of the roles and responsibilities for transport
- 93% agree travel behaviour change is critical and the community has a significant role to play
- 84% are prepared to change individual travel choices as transport options improve
- 97% support for Council to continue advocating for investment in transport
- The top five travel choice options considered most beneficial to the community:
 1. Public transport
 2. Walking
 3. Online travel planning tools
 4. On demand passenger transport
 5. Cycling
- The most important transport policy outcomes are:
 1. High frequency public transport services
 2. Improved local feeder bus services
 3. Travel behaviour change
 4. Technology that helps people travel
 5. Better land use integration and higher density around public transport
- The key transport outcomes desired by the community include:
 - Increase public transport service and frequency
 - Light rail and faster rail projects wanted
 - Cheaper public transport
 - Increase public transport mode share
 - Invest in active transport infrastructure
 - Travel behaviour change
 - Continue to monitor parking demand across the region
 - Road safety
 - Recognise that smart mobility will play an important role in the future
 - Better integration of transport and land use
 - More density around public transport.

A Community Consultation Summary Report (Attachment 1) provides more detail on the draft Integrated Transport Strategy's external consultation and community engagement.

PROPOSAL

Sunshine Coast Council's vision for the region is 'Australia's most sustainable region – healthy, smart, creative'. Meeting the multi-modal transport network needs of a growing

community and maintaining the environmental, social and economic values of the region are critical outcomes to ensure this vision is achieved.

The Sunshine Coast Council region prides itself on its enviable lifestyle, competitive advantage and outstanding natural assets. With an increasing urban population that is currently heavily reliant on private vehicle travel, the region's attributes are at threat. Without intervention and management, the communities travel behaviour trends have the potential to negatively impact the liveability of our region, now and into the future.

The Integrated Transport Strategy replaces the *Sustainable Transport Strategy 2011 – 2031*. Since its implementation in 2011, Council has achieved a range of outcomes through the *Sustainable Transport Strategy*. This update to the strategy aligns with new corporate and strategic planning documents and provides revised objectives for the Coast's transport system. It also aligns with relevant Queensland Government policy and planning.

The Integrated Transport Strategy outlines the policy direction for transport which responds to the challenges predicted for the next period of growth on the Coast and the opportunities which can be harnessed.

It outlines the key policies and investment required by all levels of government to plan, deliver and manage a transport system that is responsive to challenges and fosters opportunities in the region.

The Integrated Transport Strategy advocates for a one network approach, where all levels of government and the private sector must work together to deliver a transport system with community benefits. This includes Council seeking its fair share of investment to deliver catch-up transport infrastructure and services but also to meet the high levels of growth that are forecast.

The Integrated Transport Strategy aims to achieve a connected, smart, integrated, safe and efficient transport system that contributes to the region's economic viability, sustainability and lifestyle. To achieve the vision of the strategy, a people focused approach needs to be applied to planning our transport system with viable alternatives to the high level of dependence on the car. This will prioritise the efficient and sustainable movement of people and goods. To achieve this outcome, it will require a combination of better management of the road network and a shift in our current travel choices to more passenger and active transport and smart mobility options.

Private vehicles will remain the dominant mode of transport on the Coast. However, without a shift in our current mode share and more efficient use of the private car, increasing growth and vehicle traffic will impact our region's environment, sustainability and liveability.

The Integrated Transport Strategy identifies mode share targets to reduce car travel from 85% to 70% and increase active travel from 12% to 20% and passenger transport travel from 3% to 10%. These targets will guide planning and investment of infrastructure and programs to assist a shift to more sustainable modes of travel.

Although Council has a significant role to play, it is not responsible for many aspects of the transport system, such as public transport. Increased and timely State Government investment in the bus and passenger rail network will be critical in creating viable travel alternatives to the car.

Apart from new infrastructure and services, technology will contribute to future proofing the Sunshine Coast. Emerging technologies will continue to present opportunities to innovate and embrace smart mobility.

The region's transport system must be flexible to accommodate these opportunities as they arise. Smart mobility through new market driven business models (car share, ride share, bike share, mobility as a service, etc.) will offer increased travel choice, new ways to bridge service gaps, move between modes, improve real-time travel information and assist in achieving the Integrated Transport Strategy's mode share targets.

A flexible, resilient and connected network delivered through a 'one network' approach where all stakeholders provide timely investment, will position the region for our best possible transport future.

Improving infrastructure, service frequencies and reliability together with travel behaviour change and positioning for smart mobility opportunities will be necessary to make passenger and active transport more viable and attractive options. Individual choices made for the right reasons will drive and result in wider beneficial community outcomes.

The Integrated Transport Strategy will contribute towards delivering a smart, integrated and connected transport system for the region that will serve the residents, businesses and visitors while achieving the transport vision.

Legal

There are no legal issues related to this report.

Policy

The Integrated Transport Strategy articulates Council's continued commitment to managing growth sustainably and advocating with other stakeholders for a transport future vision that will be necessary to support that growth in a way that protects the region's attributes, lifestyle and economy.

The Integrated Transport Strategy is an action in the *Sunshine Coast Council Annual Operational Plan 2018-2019*.

The Integrated Transport Strategy, once adopted, will replace the *Sustainable Transport Strategy 2011-2031*. It is proposed that the Integrated Transport Strategy be current from January 2019.

The Integrated Transport Strategy links with and respects the roles of a range of State and Council strategies and plans as listed below.

Risk

The Integrated Transport Strategy is clear in outlining Council's roles and responsibilities as well as those of its partners in the planning, delivery and management of the transport system. Constructive engagement, with the State Government in particular, will be critical to achieving successful transport outcomes for the community, relating to bus and passenger rail investment in the short term.

Previous Council Resolution

This report relates to the preparation of the draft Integrated Transport Strategy for community consultation.

Ordinary Meeting 14 June 2018 (OM18/86)

That Council:

- (a) *receive and note the report titled "Draft Integrated Transport Strategy – Consultation"*
- (b) *endorse the Draft Integrated Transport Strategy (Appendix A) for the purposes of community consultation and*
- (c) *authorise the Chief Executive Officer to make minor amendments as required to finalise the Draft Integrated Transport Strategy.*

This report relates to the adoption of the Sunshine Coast Sustainable Transport Strategy 2011-2031.

Ordinary Meeting 27 January 2011 (OM11/24)

That Council:

- (a) *receive and note the report titled “Sunshine Coast Sustainable Transport Strategy 2011 - 2031 and Active Transport Plan 2011 - 2031”*
- (b) *adopt the Sunshine Coast Sustainable Transport Strategy 2011 – 2031 (Appendix A) as the key document to guide the Council in future transport planning and management decisions, subject to sound triple bottom line business case planning and the flexibility to accommodate innovation where appropriate*
- (c) *adopt the Active Transport Plan 2011 – 2031 (Appendix B) as the key document (subordinate only to Appendix A) to guide the Council in future active transport planning and management decisions, subject to sound triple bottom line business case planning and the flexibility to accommodate innovation where appropriate*
- (d) *refer the action plans of the Sunshine Coast Sustainable Transport Strategy 2011 – 2031 (Appendix A) and the Active Transport Plan 2011 – 2031 (Appendix B) to the 2011/2012 operational plan and budget process and*
- (e) *acknowledge and thank the members of the Transport Community Group, Cycling Reference Group and the wider community for their contribution to the development of the Sunshine Coast Sustainable Transport Strategy 2011 – 2031 and the Active Transport Plan 2011 – 2031.*

Related Documentation

Council:

- Sunshine Coast Council Corporate Plan 2018-2022
- Sunshine Coast Council Annual Operational Plan 2018-2019
- Sunshine Coast Planning Scheme 2014
- Sunshine Coast Sustainable Transport Strategy 2011-2031
- Sunshine Coast Council Regional Economic Development Strategy 2013-2033
- Sunshine Coast Council Environment and Liveability Strategy 2017-2041
- Local Government Infrastructure Plan 2018
- Smart City Implementation Program
- Sunshine Coast Road Safety Plan 2016-2020
- Sunshine Coast Active Transport Plan 2011-2031
- Sunshine Coast Parking Management Plan.

State Government:

- State Planning Policy
- Shaping SEQ, South East Queensland Regional Plan 2017
- South East Queensland Draft Regional Transport Plans 2018 (pending)
- State Infrastructure Plan 2017
- Local Government Act 2009.

Critical Dates

There are no specific dates critical to this report, however it is considered advantageous to have an adopted position on Council's view of the transport system needed for the Sunshine Coast.

Implementation

Once adopted, the Integrated Transport Strategy can be used for advocacy purposes by Council and others.

This report recommends that Council authorises the Chief Executive Officer to progress implementation of the policy directions and actions identified, particularly Council-led opportunities for early attention.

These include:

1. Progress Light Rail Strategic and Preliminary business cases
2. Support the Integrated Transport Strategy by:
 - developing a Roads Strategy (Council roads) and Passenger Transport Plan for advocacy with the State Government
 - updating the Sunshine Coast Active Transport Plan and Road Safety Plan
3. Deliver Council's priority transport projects in line with Local Government Infrastructure Plan (LGIP)
4. Advocate to government and the private sector for their timely delivery of transport infrastructure in line with development
5. Advocate to government for improved public transport for the Sunshine Coast
6. Amend the planning scheme as required to incorporate ITS outcomes
7. Develop a Sunshine Coast Transport Infrastructure Pipeline (Council's view only) to identify sequencing of transport investment to support growth
8. Work with Transport and Main Roads and others to target travel behaviour change programs and marketing campaigns
9. Work with partners to introduce innovative transport solutions such as first and last mile opportunities and demand responsive transport to better serve the region.

It is intended the adoption of the Integrated Transport Strategy would be supported by a comprehensive Communications Plan dealing with its adoption and early actions for implementation.

8.4 ECONOMIC AND COMMUNITY DEVELOPMENT

Nil

8.5 LIVEABILITY AND NATURAL ASSETS

Nil

8.6 OFFICE OF THE CEO**8.6.1 ANNUAL REVIEW OF THE CORPORATE PLAN: PROGRESS REPORT**

File No:	F2018/17839
Author:	Policy & Project Officer Office of the Chief Executive Officer
Appendices:	App A - Corporate Plan 2019-2023: Vision, Purpose, Values, Goals and Strategic Pathways 119

PURPOSE

This report outlines for Council the progress of the annual review and development of the Corporate Plan 2019-2023. The corporate plan guides the direction and priorities of the organisation in pursuing Council's vision: *Australia's most sustainable region – Healthy. Smart. Creative.*

EXECUTIVE SUMMARY

The Corporate Plan 2018-2022 was adopted in November 2017.

Council is committed to undertaking annual reviews of the Plan with the purpose of:

- ensuring that the plan continues to deliver on Council's vision
- maintaining the plan's currency through reviewing current and emerging opportunities and
- aligning Council activities with community service priorities.

Following meetings with Councillors and senior management, and feedback from across the organisation, development of the Corporate Plan 2019-2023 is underway. It is proposed the Corporate Plan 2019-2023 be finalised during December 2018 and January 2019, with the plan to be presented to Council for endorsement at the Ordinary Meeting in January 2019.

The updated corporate plan will reinforce Council's existing long term aspirational vision and strategic direction with its commitment to achieving balance in economic, social and environmental objectives as *Australia's most sustainable region – Healthy. Smart. Creative.*

The review of the corporate plan will also reinforce Council's service delivery and aims to meet the expectations of the community. Associated with this, it is proposed that a purpose statement for Council's activities "To serve the community with excellence and position the region for the future" is included.

Finally, the revised plan will ensure that Council stays at the forefront as a leading, high performing and outstanding local authority.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Annual Review of the Corporate Plan: Progress Report"**
- (b) confirm the vision, purpose, values, goals and strategic pathways for inclusion in the Corporate Plan 2019-2023 (Appendix A) and**

- (c) note that the final draft of the Corporate Plan 2019-2023 will be submitted for consideration in early 2019.

FINANCE AND RESOURCING

The cost associated with the review of the Corporate Plan 2019-2023 has been met from within the budget for the Office of the Mayor and Chief Executive Officer.

A limited print run will be undertaken (less than 200 copies) of the document, as well as a potential summary version of the document.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*

Outcome: We serve our community by providing this great service

Operational Activity: S31 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION

Councillor Consultation

Members the Office of the CEO met with Councillors in September to discuss the approach to the annual review of the Corporate Plan, and drafts of updated content have been provided for review. Councillors were positive regarding the approach to the document.

Portfolio Councillor Consultation

The Chief Strategy Officer has briefed and updated Councillor Dwyer, Portfolio Councillor Corporate Strategy and Finance through the process.

Internal Consultation

Consultation has occurred internally with the CEO, Board of Management, Group Executive Offices and other leadership team members across the organisation through the CEO Leadership Forum.

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. However, community consultation has been undertaken with regard to the strategic policies and plans underpinning the Corporate Plan 2019-2023.

PROPOSAL

Queensland local governments are required to develop and adopt a five year Corporate Plan. (*Local Government Regulation 2012 s.165*). The regulation also requires a local government to discharge its responsibilities consistent with its five year Corporate Plan.

The existing Corporate Plan 2018-2022 commits Council to an annual review in line with professional corporate and strategic planning practice. The robustness of the Corporate Plan, the clarity of the priorities it establishes and the preparedness to regularly review deliverables (and adjust resources and effort where required) are all important characteristics of an effective planning and performance framework and of high performing organisations.

The Corporate Plan 2019-2023 allows Council to consider capital and operating priorities and associated resources within the parameters of the Corporate Plan for the forthcoming annual operational plan and budget to be finalised and adopted by 30 June 2019.

Key updates from the review include:

1. Retaining the vision, values and goals.
2. Introducing a purpose statement for Council: "To serve the community with excellence and position the region for the future."
3. Improved performance measures, including the target measures against each item.
4. Including new sections to provide a strong focus and articulation on the services provided by Council to the community, Council's approach to communicating and telling its story, outlining the governance framework and the inclusion of the principles that guide the framing of Council's annual budget.
5. Refreshing of the visuals, to update the look and feel.

Further work will also be undertaken by Council's communications team to build a web platform the community can have ongoing connection and interaction with, that focusses on the everyday experiences and tells Council's rich story – serving the community with excellence and positioning the region for the future.

Legal

The Corporate Plan 2019-2023 is being developed in line with the requirements of the *Local Government Regulation 2012*. The regulation requires (sections 165 and 166) that a Corporate Plan must:

- outline the strategic direction of the local government
- state the performance indicators for measuring the local government's progress in achieving its vision for the future of the local government area
- outline the objectives of each commercial business unit and
- outline the nature and extent of the significant business activity each commercial business unit conducts

Policy

Once adopted, the updated Corporate Plan becomes the business planning document which will guide the operations of Council up to 2023. All strategies, services, programs and projects progressed during that time will need to align with one or more of the strategic goals articulated in the Corporate Plan 2019-2023.

Risk

It is considered there are no new risks for Council in adopting the updated Corporate Plan as the vision and strategic intent are consistent with, and build upon, the direction pursued through the Corporate Plan 2018-2022 adopted in November 2017.

Previous Council Resolution

Ordinary Meeting 9 November 2017 (OM17/209)

That Council:

- (a) receive and note the report titled "Updated Annual Review of the Corporate Plan: Progress Report"
- (b) adopt the updated 2018-2022 Sunshine Coast Council Corporate Plan (Appendix A) and

- (c) *delegate to the Chief Executive Officer, in consultation with the Mayor and Portfolio Councillor Corporate Strategy and Finance to review and make minor amendments to the updated 2017-2021 Sunshine Coast Council Corporate Plan to allow for final editing prior to publication.*

Ordinary Meeting 23 February 2017 (OM17/22)

That Council:

- (a) *receive and note the report titled "2017-2021 Sunshine Coast Council Corporate Plan"*
- (b) *adopt the 2017-2021 Sunshine Coast Council Corporate Plan as amended*
- (c) *note the Chief Executive Officer, in consultation with the Mayor, Portfolio Councillor Corporate Strategy and Finance and Divisional Councillors, may review and make minor amendments to the 2017-2021 Sunshine Coast Council Corporate Plan document to allow for final editing prior to publication and*
- (d) *note the first and subsequent annual reviews of the 2017-2021 Sunshine Coast Council Corporate Plan are to be completed before 31 December each year, in order to guide the operational planning and budgeting cycle for the following financial year*

Related Documentation

The current edition of the Corporate Plan 2018-2022 is located at

<https://www.sunshinecoast.qld.gov.au/Experience-Sunshine-Coast/Healthy-Smart-Creative/Our-Vision>

Related documentation includes all Council endorsed strategies and plans – as identified under each of the five goals in the Corporate Plan.

Critical Dates

Section 165(2) of the *Local Government Regulation 2012* provides that a local government must adopt its five year Corporate Plan in sufficient time to allow an annual operational plan and budget to be adopted for the first financial year that is covered by the Corporate Plan.

Section 165(3) of the *Local Government Regulation 2012* provides that a local government may, by resolution, amend its 5 year Corporate Plan at any time. The existing Corporate Plan (2018-2022) commits Council to an annual review in line with professional corporate and strategic planning practice.

Adoption of the updated Corporate Plan 2019-2023 at the January 2019 meeting allows Council to consider capital and operating priorities and associated resources within the parameters of the updated Corporate Plan; and for the forthcoming annual operational plan and budget to be finalised and adopted by 30 June 2019.

Implementation

Subject to Council's adoption of the Corporate Plan 2019-2023 in January 2019, the following actions are proposed to occur:

- Council's website and intranet updated to replace existing Corporate Plan references and replaced with new Corporate Plan.
- A limited print run to provide hard copies of the Corporate Plan. A summary document will also be considered for use.
- All staff will be notified of the adoption of the updated Corporate Plan and provided with a link to the new document.
- A web platform will be developed that the community can have ongoing connection and interaction with, highlighting Council's work across the community.
- An ongoing engagement plan will be developed and implemented to ensure the community is well informed of Council's corporate plan activities.

8.6.2 COUNCILLOR GOVERNANCE MATTERS: COUNCILLOR CODE OF CONDUCT, INVESTIGATIONS POLICY, STANDING ORDERS & COUNCILLORS' ACCEPTABLE REQUEST GUIDELINES

File No:	Council Meetings
Author:	Coordinator CEO Governance Office of the CEO
Appendices:	App A - Councillor Code of Conduct..... 135 App B - Investigations Policy..... 145 App C - Sunshine Coast Standing Orders 2018 155 App D - Councillors Acceptable Requests Guideline 181
Attachments:	Att 1 - Sunshine Coast Standing Orders 2018 Track Changes . 185 Att 2 - Councillor Acceptable Requests Guidelines Track Changes 211 Att 3 - Councillor Notice of Interest Form 217

PURPOSE

This report presents the following policies to Council for consideration and adoption in line with recent amendments to the *Local Government Act 2009*.

- Councillor Code of Conduct (new)
- Investigations Policy (new)
- Sunshine Coast Council Standing Orders 2018 (updated to include the requirements of the Department of Local Government, Racing and Multicultural Affairs' *Model Meeting Procedures*)
- Councillors' Acceptable Request Guidelines (Updated).

It also outlines the legislative amendments that have been made to implement the Queensland Government's response to the Independent Councillor Complaints Review Panel's Report *Complaints Review: A fair, effective and efficient framework* (the Councillor Complaints Report) to provide a simpler, more streamlined system for making, investigating and determining complaints about Councillor Conduct in Queensland; and the amendments to the *Local Government Act 2009* made by the *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018* (the Belcarra Amendment Act).

EXECUTIVE SUMMARY

Legislative amendments have been made to implement the Queensland Government's response to the Independent Councillor Complaints Review Panel's Report *Complaints Review: A fair, effective and efficient framework* (the Councillor Complaints Report).

The *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018* (the Amendment Act) was Assented to on 21 May 2018 and amends the *Local Government Act 2009* (The Act) and the *Public Service Act 2008* to deliver a more independent, transparent, streamlined and fairer system for investigating and dealing with Local Government Councillor conduct in Queensland.

The key changes under the Amendment Act are as follows:

Independent Assessor

The Office of the Independent Assessor (OIA) was established to investigate and assess Councillor complaints. The Independent Assessor and the Office will assess and investigate Councillor conduct complaints from 3 December 2018.

Types of conduct**Unsuitable meeting conduct**

New section 150H of the Act introduces and defines 'unsuitable meeting conduct' as the conduct of a Councillor that happens during a Local Government meeting that contravenes a behavioural standard. A behavioural standard means a standard of behaviour for Councillors set out in the approved Code of Conduct (new section 150C).

Inappropriate conduct

New section 150K of the Act defines inappropriate conduct as that which includes conduct that contravenes a behavioural standard or a policy, procedure or resolution of the Local Government.

Misconduct

New section 150L clarifies and consolidates the definition of misconduct.

Corrupt Conduct

The new provisions provide that the Independent Assessor is the public official responsible for dealing with a complaint about the corrupt conduct of a Councillor for the purposes of consultation about, or a referral of, the complaint under the *Crime and Corruption Act 2001*.

The following are formally introduced for Council's consideration and adoption:

Councillors Code of Conduct

The Code of Conduct for Councillors in Queensland sets out the standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives.

Investigation Policy

Local Governments must adopt an Investigation Policy about how the Local Government deals with the suspected inappropriate conduct of Councillors referred by the Independent Assessor.

Standing Orders (Meeting Procedures)

Local Governments must adopt formal meeting procedures which state how the Chairperson of a Local Government meeting may deal with a Councillor's unsuitable meeting conduct; and how suspected inappropriate conduct referred to the Local Government by the Independent Assessor must be dealt with at a meeting.

Sunshine Coast Regional Council's Standing Orders have been amended to include these requirements.

Additionally:

Acceptable Request Guidelines

Section 170A of the Act requires that Council have a policy in place that sets out the way Councillors may ask employees for advice to help them carry out their responsibilities under the Act and reasonable limits on the requests that a Councillor may make. Amendments have been made to this guideline and are included for consideration and adoption.

The *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018* (the Belcarra Amendment Act) was also assented to on 21 May 2018 and amended the *Electoral Act 1992* (EA) and the *Local Government Electoral Act 2011* (LGEA) to prohibit the making of political donations by property developers to candidates, groups of candidates, third parties, political parties, Councillors and Members of State Parliament. It further amended the *Local Government Act 2009* to provide for the dissolution of a Local Government or the suspension or dismissal of a Councillor where the Minister for Local Government reasonably believes it is in the public interest to do so and

strengthened the requirements for how a Councillor must deal with a Conflict of Interest (COI) or a Material Personal Interest (MPI).

OFFICER RECOMMENDATION

That Council:

- (a) **receive and note the report titled “Councillor Governance Matters: Councillor Code of Conduct, Investigations Policy, Standing Orders & Councillors' Acceptable Request Guidelines”**
- (b) **adopt the Councillor Code of Conduct (Appendix A)**
- (c) **adopt the Investigations Policy (Appendix B)**
- (d) **adopt the amended Sunshine Coast Standing Orders 2018 (incorporating the Model Meeting Procedures) (Appendix C) and**
- (e) **adopt the amended Councillors Acceptable Requests Guidelines (Appendix D).**

FINANCE AND RESOURCING

Whilst there are no immediate financial implications associated with the adoption of these policies, ongoing costs for any necessary processes or investigations will need to be met from the operational budget of the Office of the Chief Executive Officer.

Council is required to pay the costs of the Councillor Conduct Tribunal for conducting hearings about the alleged misconduct of Councillors or investigating suspected inappropriate conduct of a Councillor at the request of a Local Government. The associated costs to Council will be directly related to the quantity of matters referred.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*
Outcome: We serve our community by providing this great service
Operational Activity: S28 - Elected Council - providing community leadership, democratic representation, advocacy and decision-making

CONSULTATION

Councillor Consultation

Councillors have been made aware of each of these policies and guidelines as developed and amended by the Department of Local Government, Racing and Multicultural Affairs (the Department) and the Chief Executive Officer (CEO). The Local Government Association of Queensland (LGAQ) provided an update of the legislative changes and the Department and Office of the Integrity Commissioner provided training in early November 2018.

Internal Consultation

Senior officers also attended the recent training conducted by the Department.

External Consultation

No external consultation was necessary for the development of this report. Consultation drafts of the Code of Conduct for Councillors, Model Meeting Procedures and Model Investigations Policy were developed and distributed to all Queensland Local Governments by the Department of Local Government, Racing and Multicultural Affairs.

Community Engagement

Community engagement was not required for the development of policies and guidelines.

PROPOSAL**Determining complaints about Councillor Conduct in Queensland**

Legislative amendments have been made to implement the Government's response to the Independent Councillor Complaints Review Panel's Report *Complaints Review: A fair, effective and efficient framework* (the Councillor Complaints Report) to provide a simpler, more streamlined system for making, investigating and determining complaints about Councillor Conduct in Queensland.

The new Councillor Complaint system will commence in December 2018.

The Independent Councillor Complaints Review was initiated in response to concerns raised about the effectiveness of the existing framework, including the role of Local Government Chief Executive Officers in assessing complaints, the inability to seek a review of decisions and the need to better ensure natural justice for all parties.

The review examined the Councillor Complaints provisions under the *Local Government Act 2009* and the *City of Brisbane Act 2010*. The Councillor Complaints Report made 60 recommendations for change. On 20 July 2017, the then Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships, tabled the Councillor Complaints Report and the Government's response in Parliament. The Government's response supported, partially supported or supported in principle, 50 of the recommendations.

The *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018* (the Amendment Act) was Assented to on 21 May 2018 and amends the *Local Government Act 2009* (The Act) and the *Public Service Act 2008* to deliver a more independent, transparent, streamlined and fairer system for investigating and dealing with Local Government Councillor conduct in Queensland.

Key changes under the Amendment Act are as follows:

Independent Assessor

The Amendment Act established the Office of the Independent Assessor (OIA) to investigate and assess Councillor complaints, ensuring the process remains transparent and accountable. The Independent Assessor will assess and investigate Councillor Conduct complaints from 3 December 2018.

The Independent Assessor and the OIA have responsibility for investigating and dealing with the alleged or suspected inappropriate conduct, misconduct or corrupt conduct (when referred to the Independent Assessor by the Crime and Corruption Commission (CCC) of Councillors.

The Independent Assessor is the first point for Councillor complaints and Councillor conduct suspected to be inappropriate conduct or misconduct. After investigating the conduct of a Councillor, the Independent Assessor may:

- dismiss the complaint
- refer suspected inappropriate conduct to the Local Government to deal with
- make an application to the Councillor Conduct Tribunal where the conduct may be misconduct
- take no further action.

The Independent Assessor will also:

- provide advice, training and information about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct to Councillors, Local Government employees and the public
- prosecute misconduct offences via the Councillor Conduct Tribunal.

Previously, complaints about Councillor conduct were assessed by the chief executive of the Department of Local Government, Racing and Multicultural Affairs, or Council's CEO.

Types of conduct



Department of Local Government, Racing and Multicultural Affairs – Local Government Bulletin (Recent changes to legislation) 30 May 2018

Unsuitable meeting conduct

New section 150H of the Act defines **unsuitable meeting conduct** as the conduct of a Councillor that happens during a Local Government meeting and contravenes a behavioural standard. A behavioural standard means a standard of behaviour for Councillors set out in the approved Code of Conduct.

Examples of unsuitable meeting conduct by a Councillor may include:

- a Councillor behaves in a Council meeting, in a way that intimidates, bullies or harasses a member of the community, another Councillor or a Council employee
- a Councillor continually interrupts or disrupts a speaker at a Council meeting
- a Councillor behaves in an offensive or disorderly way in a Council meeting

(Councillor Conduct Examples for Queensland Local Governments, Department of Local Government, Racing and Multicultural Affairs, November 2018)

New section 150I provides that if, at a Local Government meeting, the Chairperson of the meeting reasonably believes a Councillor is engaging in unsuitable meeting conduct, the Chairperson may make 1 or more of the following orders:

- an order reprimanding the Councillor
- an order requiring the Councillor to leave the place at which the meeting is being held and stay away from the place for the rest of the meeting
- if the Councillor fails to comply with an order to leave and stay away from the place— an order that the Councillor be removed from the place.

Unsuitable meeting conduct becomes inappropriate conduct if the conduct of a Councillor contravenes an order of the Chairperson of a Local Government meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or it is part of a course of conduct at meetings that lead to orders for the Councillor's unsuitable meeting conduct being made on 3 occasions within a period of 12 months.

Inappropriate conduct

New section 150K defines inappropriate conduct as that which includes conduct that contravenes a behavioural standard or a policy, procedure or resolution of the Local Government.

Examples of inappropriate conduct of a Councillor may include:

- a Councillor publicly makes derogatory comments about staff
- a Councillor purports to speak to the media on behalf of Council when not properly authorised under a Council policy
- a Councillor fails to comply with an order made by the Chairperson of a meeting to leave and stay away from the place at which the meeting is being held
- a Councillor has been reprimanded 3 times in 12 months for interrupting other Councillors during meetings.

(Councillor Conduct Examples for Queensland Local Governments, Department of Local Government, Racing and Multicultural Affairs, November 2018)

New section 150W provides that if the Independent Assessor reasonably suspects a Councillor's conduct is inappropriate conduct, the Independent Assessor may decide to refer the suspected inappropriate conduct to the relevant Local Government to deal with. As part of the referral to the Local Government, the Independent Assessor may give a recommendation to the Local Government about how the Local Government may investigate or deal with the conduct including, for example, whether the Local Government should refer the conduct to another entity for consideration.

Misconduct

The definition of misconduct has been clarified and consolidated in new section 150L.

Misconduct includes

- conduct that adversely affects, directly or indirectly the honest and impartial performance of the Councillor's functions, or the exercise of the Councillor's powers or
- involves a breach of trust either knowingly or recklessly or
- misuse of information or material acquired in or in connection with the performance of a Councillor's functions, whether the misuse is for the benefit of the Councillor or for the benefits, or to the detriment of another person or
- which contravenes an order of the Local Government or the Councillor Conduct Tribunal, the Acceptable Request Guidelines, a policy about the reimbursement of expenses or
- contravenes section 150R – notifying assessor about particular conduct, section 170(2) giving directions to employees, or section 171(3) use of information by Councillors; or
- conduct that is part of a course of conduct that leads to the Local Government deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct on 3 occasions within the period of 1 year or
- if the conduct is the same conduct stated in an order of the Local Government that if repeated, it will be dealt with as misconduct.

Examples of misconduct of a Councillor may include:

- a Councillor knowingly provides false or misleading information during a meeting of the Council in order to affect a decision
- a Mayor fails to carry out the performance evaluation of the Chief Executive Officer in the manner determined by Council

- a Councillor releases private information about a member of the community acquired as a Councillor
- a Councillor directs a Council employee (other than the Mayor directing the Chief Executive Officer or other senior executive employees) to perform a duty
- a Councillor provides confidential information to the media that came from a closed meeting of Council
- a Councillor has a reasonable suspicion that another Councillor has a material personal interest or conflict of interest but did not disclose it to the presiding officer when the other Councillor failed to disclose it
- a Councillor fails to pay a fine ordered by the Tribunal
- a Councillor sought assistance or advice from an officer that is not in accordance with Council's acceptable request guidelines
- a Councillor uses a Council vehicle for private use that is not authorised by Council's expenses policy.

(Councillor Conduct Examples for Queensland Local Governments, Department of Local Government, Racing and Multicultural Affairs, November 2018)

If the Independent Assessor is reasonably satisfied that a Councillor has engaged in misconduct, the Independent Assessor may apply to the Councillor Conduct Tribunal to hear and determine the application.

The Independent Assessor is a party to the hearing and bears the onus of proof to prove the Councillor engaged in misconduct.

New section 150AQ provides that after conducting the hearing, the Councillor Conduct Tribunal must decide whether or not the Councillor has engaged in misconduct and if the Councillor has engaged in misconduct—what action the Tribunal will take to discipline the Councillor. New section 150AR prescribes the penalties the Councillor Conduct Tribunal may impose as a result of a finding of misconduct.

Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission (CCC).

Examples of corrupt conduct of a Councillor may include:

- a Councillor fails to declare a material personal interest in a Council meeting
- a Councillor intentionally fails to update a register of interests in order to hide an interest that could gain a benefit or a loss to the person
- a Councillor engages in fraud against the Council
- a Councillor uses information acquired by a Councillor to gain a financial benefit for the Councillor or someone else
- a Councillor directs a Local Government employee to gain a benefit or cause a detriment to the Councillor or another person
- a Councillor engages in the act of stealing against the Local Government.

(Councillor Conduct Examples for Queensland Local Governments, Department of Local Government, Racing and Multicultural Affairs, November 2018)

The new provisions provide that the Independent Assessor is the public official responsible for dealing with a complaint about the corrupt conduct of a Councillor for the purposes of consultation about, or a referral of, the complaint under the *Crime and Corruption Act 2001*.

Councillor Conduct Tribunal and Local Government Remuneration Commission

The new Councillor Conduct Tribunal is established to hear and determine the alleged misconduct of Councillors. The Tribunal will replace the current Local Government Remuneration and Discipline Tribunal and Regional Conduct Review Panels.

Another function of the Councillor Conduct Tribunal is to investigate, at the request of a Local Government, the suspected inappropriate conduct of a Councillor and to make recommendations to the Local Government about dealing with the conduct (new section 150DL). Local Governments must pay the costs of the Councillor Conduct Tribunal for conducting hearings about the alleged misconduct of Councillors or investigating suspected inappropriate conduct of a Councillor at the request of a Local Government (new section 150DU). A Councillor who is unsatisfied with a decision of the Councillor Conduct Tribunal may apply to the Queensland Civil and Administrative Tribunal for a review of the decision.

The remuneration functions of the current Local Government Remuneration and Discipline Tribunal will be carried out by the new Local Government Remuneration Commission.

New Offences

Strengthened offences support the new Councillor complaints system, including providing protection from reprisal for Local Government employees and Councillors who make complaints against Councillors, discouraging frivolous and improper complaints and ensuring confidentiality of investigations.

In line of these recent changes to legislation and to further update the governance framework, this report formally introduces the following for Council's consideration and adoption:

Councillors Code of Conduct

All Councillors are subject to a Code of Conduct made by the Minister for Local Government and approved by regulation on date to be advised.

The Code of Conduct for Councillors in Queensland sets out the standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities.

This new Code of Conduct assists in efficiently making all Councillors aware of their obligations around the three 'R's – responsibilities, respect and reputation.

The three 'R's ensure:

- that Councillors carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community
- they treat people in a reasonable, just, RESPECTFUL and non-discriminatory way and
- their conduct does not reflect adversely on the REPUTATION of the Council.

The Code of Conduct for Councillors is supported by tougher penalties for breaches of the code, including complaints that fall into corrupt conduct, misconduct, inappropriate conduct and the new category of unsuitable meeting conduct.

When elected, all Councillors must declare that they will abide by this Code of Conduct. This requirement applies to all Queensland Councils, except Brisbane City Council which has a separate Code.

Investigation Policy

New section 150AE requires each Local Government to adopt, by resolution, an investigation policy about how to deal with the suspected inappropriate conduct of Councillors referred to the Local Government by the Independent Assessor (Appendix B). The investigation policy must be published on the Local Government's website. Under new section 150AF a Local Government must investigate the suspected inappropriate conduct of a Councillor in a way

that is consistent with any recommendation of the Independent Assessor and the investigation policy. If the Local Government decides to investigate the conduct in a different way, the decision must be made by resolution which states the decision and the reasons for the decision.

After conducting an investigation, a Local Government must decide whether or not a Councillor has engaged in inappropriate conduct and if the Councillor has engaged in inappropriate conduct—what action the Local Government will take to discipline the Councillor.

A Local Government may delegate the power to make a decision about a Councillor's conduct under new section 150AG to the Mayor or a standing committee of the Local Government (amended section 257). New section 150AH prescribes the penalties a Local Government may impose as a result of a finding of inappropriate conduct.

Standing Orders (Meeting Procedures)

Local Governments must adopt formal meeting procedures which state how the Chairperson of a Local Government meeting may deal with a Councillor's unsuitable meeting conduct; and how suspected inappropriate conduct referred to the Local Government by the Independent Assessor must be dealt with at a meeting (new sections 150F and 150G).

Sunshine Coast Regional Council's Standing Orders have been amended to include the requirements of the Model Meeting Procedures (Appendix C).

Acceptable Request Guidelines

Section 170A of the Act requires that Council have a policy in place that sets out the way Councillors may ask employees for advice to help them carry out their responsibilities under the Act and reasonable limits on the requests that a Councillor may make. Minor amendments have been made to this guideline (Appendix D) to reflect changes to the Act and to clarify that in the instance of a Councillor repeatedly operating outside of the guidelines, the CEO retains the right to require that all future requests for assistance, advice of information by the Councillor are to be made in writing to employees, or be made in writing to the relevant Group Executive and/or CEO.

Further changes have also been included to give guidance to the situation where a Councillor may request use of a Council resource not covered by another policy or where a Councillor requires access to Council properties and worksites, not typically accessible to unauthorised personal or members of the public.

Belcarra Stage 1 Legislation Amendments

The *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018* (the Belcarra Amendment Act) was assented to on 21 May 2018 and amended the *Electoral Act 1992* (EA) and the *Local Government Electoral Act 2011* (LGEA) to prohibit the making of political donations by property developers to candidates, groups of candidates, third parties, political parties, Councillors and Members of State Parliament, and it further amended the *Local Government Act 2009* to provide for the dissolution of a Local Government or the suspension or dismissal of a Councillor where the Minister for Local Government reasonably believes it is in the public interest to do so.

Additionally the concept of serious integrity offences was introduced with Councillors charged with an integrity offence immediately suspended from duty as a Councillor and if convicted, disqualified from holding office as a Councillor. There are different disqualification periods depending on the categorisation of the offence. All integrity offences are corrupt conduct and are to be referred to the CCC.

Personal Interests

The Belcarra Amendment Act amends the *Local Government Act 2009* (the Act) to strengthen requirements for how a Councillor must deal with a real or perceived conflict of interest (COI) or a material personal interest (MPI).

The definition for a MPI has not changed. A Councillor has a MPI in a matter if any of the following stand to gain a benefit or suffer a loss (directly or indirectly), depending on the outcome of Council's decision:

- the Councillor
- spouse of the Councillor
- parent, child or sibling of the Councillor
- person in a partnership with the Councillor
- employee, other than a government entity, of the Councillor
- an entity other than a government entity, of which the Councillor is a member, or
- another entity prescribed by regulation.

A Councillor does not have a MPI in a matter if the Councillor has no greater personal interest than that of other persons in the community and in the case of the interests of a family member, only has a MPI in the case that the Councillor knows, or should reasonably know that a benefit may be gained or loss suffered. Also a Councillor who is nominated by Council to be a member of a board of a corporation or other association does not have a personal interest in matters relating to the corporation or association merely because of the nomination or appointment as a member.

Conflict of Interest

A Councillor has a COI if there is a conflict between their personal interests in a matter and the public interest that might lead to a decision that is contrary to the public interest.

Councillors need to determine whether their personal interest is in conflict with the public interest. If in doubt, Councillors should obtain their own legal advice on whether their interest represents a COI and/or seek advice from the Integrity Commissioner on the issue.

Councillor's personal interests at a meeting

If a matter is to be discussed at a meeting of Council in which a Councillor has a real or perceived conflict of interest the Councillor must inform the meeting about their personal interests in the matter, including the following particulars:

- the nature of the interests
- if the Councillor's personal interest arise because of the Councillor's relationship with, or receipt of a gift from another person –
 - the name of the other person; and
 - the nature of the relationship or value and date of the receipt of the gift; and
 - the nature of the other person's interests in the matter

To assist Councillors to adequately disclose these requirements, a 'Councillor Notice of Interest Form' (Attachment 3) has been developed and is to be completed in advance of the relevant meeting.

Ordinary Business Matter

For a MPI or COI the matter must not be an ordinary business matter as defined by the Act:

- (a) the remuneration of Councillors or members of a Local Government committee; or
- (b) the provision of superannuation entitlements or accident insurance for Councillors or Local Government employees; or

- (c) the terms on which goods, services or facilities are to be offered by the Local Government for use or enjoyment of the public in the Local Government area; or
- (d) the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the Local Government; or
- (e) a planning scheme, or amendment of a planning scheme, for the Local Government area; or
- (f) a resolution required for the adoption of a budget for the Local Government; or
- (g) a matter that is of interest to a person merely as—
 - (i) an employee of the State or a government entity; or
 - (ii) an elector, ratepayer or resident of the Local Government area; or
 - (iii) a beneficiary under a policy of accident insurance, public liability or professional indemnity insurance held, or to be held, by the Local Government; or
 - (iv) a user of goods, services or facilities supplied, or to be supplied, by the Local Government (whether under a contract or otherwise) as a member of the public in common with other members of the public; or
 - (v) a candidate for election or appointment as a mayor, deputy mayor or member of a committee of the Local Government; or
 - (vi) a member of a non-profit, charitable or religious organisation involving no personal financial gain or loss to the person.

Penalty for failure to comply with COI or MPI requirements

The penalties for non-compliance with the COI and MPI requirements of the Act have increased significantly.

Should a Councillor not inform of a MPI in a matter before Council and remains in the meeting and votes without intent, the offence attracts a maximum penalty of 85 penalty units (a penalty unit is valued at \$130.55 (current from 1 July 2018)). If a Councillor votes on a matter with the intent to receive a gain or loss for themselves or another person, the maximum penalty is 200 penalty units or two years in prison.

A Councillor who does not comply with the COI/MPI requirements is engaging in corrupt conduct. This behaviour will be referred to the CCC to be dealt with.

Requirement to report suspected COIs and MPIs

A Councillor who suspects that another Councillor has a COI or MPI in a matter to be considered at a Council meeting and that Councillor has not informed the meeting of their personal interest, the Councillor must inform the Chairperson of the meeting as soon as practicable (i.e. during the meeting after the other Councillor has had a chance to inform the meeting of their personal interest).

The Councillor must state the suspicion and the facts and circumstances that form the basis of it.

Failure to raise this suspicion is misconduct that could result in disciplinary action being taken.

Councillor Registers of Interest

As a result of the Belcarra Amendment Act, the penalty for not updating a register of interest has increased significantly.

Registers of interest must be updated within 30 days of any change occurring that the Councillor is aware of. Failure by a Councillor to update their register of interests is now an integrity offence to be dealt with by the CCC.

Retaliatory action

Retaliatory action relates to the duty to report a personal interest (COI or MPI) in a meeting when the Councillor who has, or is suspected to have, a personal interest and has failed to disclose their personal interest to the meeting.

A person must not, because a Councillor complied with the duty to report another Councillor's suspected MPI or COI:

- prejudice, or threaten to prejudice the safety or career of the Councillor or another person;
- intimidate or harass, or threaten to intimidate or harass, the Councillor or another person; or
- take any action that is, or is likely to be, detrimental to the Councillor or another person.

Influencing Councillors or employees

A Councillor must not attempt to influence other Councillors during a meeting or in a pre-meeting briefing about a matter if the Councillor has a COI or MPI in the matter.

Likewise, the Councillor must not attempt to influence a Council employee or contractor who is deciding or dealing with a matter, if the Councillor has a COI or MPI in the matter.

Disqualification of Councillors

The Belcarra Amendment Act includes new provisions relating to Councillors convicted of disqualifying offences.

The Act now provides that a Councillor is automatically disqualified when convicted of the following offences:

- A treason offence, defined as an offence of treason, sedition or sabotage under the law of Queensland, another State or the Commonwealth.
- An electoral offence, defined as certain disqualifying electoral offences under the *Electoral Act 1992*.
- Integrity offences and serious integrity offences

Legal

This report outlines the legislative amendments that have been made to implement the Queensland Government's response to the Independent Councillor Complaints Review Panel's Report *Complaints Review: A fair, effective and efficient framework* (the Councillor Complaints Report) to provide a simpler, more streamlined system for making, investigating and determining complaints about Councillor Conduct in Queensland.

Further, it also outlines legislative changes to prohibit the making of political donations by property developers to candidates, groups of candidates, third parties, political parties, Councillors and Members of State Parliament. Changes have also been made to strengthen requirements for how a Councillor must deal with a real or perceived conflict of interest or a material personal interest.

Applicable legislation includes:

Local Government Act 2009 ***Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*** ***Public Service Act 2008*** ***Local Government Electoral (Implementing Stage 1 of Belcarra) and other Legislation Amendment Act 2018*** ***Local Government Electoral Act 2001*** ***Policy***

Upon adoption the Code of Conduct, Investigations Policy, Standing Orders and Acceptable Requests Guidelines will be included in the Policy Register and distributed, as appropriate, to Councillors and Officers.

Risk

Should these policy positions not be adopted, Council risks noncompliance with the Act. There are also risks in relation to the overall framework of documents that guide the governance arrangements for Councillors.

Previous Council Resolutions**Ordinary Meeting 15 October 2015 (OM15/185)**

That Council:

- (a) *receive and note the report titled "Proposed Amendments to Standing Orders Sunshine Coast Council 2015"*
- (b) *adopt the Standing Orders Sunshine Coast Council 2015 (Appendix A)*
- (c) *note Strategic Policy 2011 Standing Orders is no longer required and delete same from the Strategic Policy Register and*
- (d) *authorise the Chief Executive Officer to make minor administrative amendments to the Standing Orders Sunshine Coast Council 2015 (Appendix A) to ensure the Standing Orders remain consistent with the Local Government Act and Local Government Regulations.*

Ordinary Meeting 24 April 2013 (OM13/72)

That Council:

- (a) *receive and note the report titled "**Councillors Acceptable Request Guidelines**" and*
- (b) *adopt the Strategic Policy – Acceptable Request Guidelines (Councillors) (Appendix A).*

Ordinary Meeting 23 August 2012 (OM12/108)

That Council:

- (a) *receive the report titled "Councillor Code of Conduct"; and*
- (b) *adopt the amended Strategic Policy "Councillor Code of Conduct" (Appendix A) with the following amendment:*

Under Key Ethical and Behavioural Obligations – remove:

"ensure their personal conduct does not reflect adversely on the reputation of the Council"

and replace with:

"ensure their conduct as a Councillor does not reflect adversely on the reputation of the Council."

Under Key Ethical and Behavioural Obligations – remove:

"not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that Communication"

and replace with:

"communicate with the public or media on behalf of the Council, in accordance with Council's "Media Engagement Protocol".

Related Documentation

- *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018*
- *Electoral Act 1992*
- *Local Government Electoral Act 2011*
- Department of Local Government, Racing and Multicultural Affairs Bulletins:
 - Recent changes to legislation – implementation of simpler, more streamlined system for making, investigating and determining complaints about Councillor conduct in Queensland (30 May 2018)
 - Councillor Conduct Examples for Queensland Local Governments, Department of Local Government, Racing and Multicultural Affairs (November 2018)

Critical Dates

Although the legislation that relates to components of this report took effect from 3 December 2018, at the time of writing, advice received from the Department indicated that should the Model Meeting Procedures and the Investigations Policy not be in place before 3 December (to the extent that Council's current Standing Orders do not include matters covered by the Model), the relevant provisions of the Model will apply automatically, should they be needed (new section 150G of the Act).

In terms of the Investigations Policy, this document will only be necessary if a matter is referred to Council for investigation by the Independent Assessor (which would be unlikely to occur between 3 December and the date of consideration of this report). In the unlikely event that some action was required prior to Council adopting the Investigations Policy, Council could deal with the matter at the next meeting (post adoption of the Policy) or by making a resolution stating how the particular referred matter would be investigated.

Implementation

Upon adoption the Code of Conduct, Investigations Policy, Standing Orders and Acceptable Requests Guidelines, will be included in the Policy Register and distributed, as appropriate, to Councillors and Officers. The Investigations Policy will be published on Council's website as required.

8.6.3 DELEGATION TO THE CHIEF EXECUTIVE OFFICER - SECTION 257 LOCAL GOVERNMENT ACT 2009

File No:	Council meetings
Author:	Manager Corporate Governance Office of the CEO
Appendices:	App A - Delegation to the Chief Executive Officer225
Attachments:	Att 1 - Guiding Principles (Delegations from Council to the CEO)..245

PURPOSE

In accordance with section 257(4) of the *Local Government Act 2009*, a delegation to the Chief Executive Officer must be reviewed annually by the local government. The purpose of this report is to satisfy the requirements for annual review.

EXECUTIVE SUMMARY

Council has a range of powers and functions to perform which are conferred under a number of different Acts of Parliament including the *Local Government Act 2009* as well as subordinate legislation and local laws. Council is able to delegate its powers to implement and enforce these responsibilities under section 257 of the *Local Government Act 2009*.

Delegations are the process by which the Council delegates local government powers to the Chief Executive Officer to implement and enforce legislation, standards and obligations. Delegations are necessary to maintain operational effectiveness and to ensure processes are more timely and streamlined.

Recent changes to a number of acts and a review of local government delegations performed by King & Company Solicitors provided the opportunity to compare Council's delegation register in line with the annual review requirements of section 257 of the *Local Government Act 2009*. Appendix A to this report highlights the additions to the 2016-73 (v3) Delegation to the Chief Executive Officer.

A delegation of power is not a devolution of power. The delegated power is still able to be exercised by Council. Under Section 257(4) of the *Local Government Act 2009* a delegation to the Chief Executive Officer must be reviewed annually by Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Delegation to the Chief Executive Officer - Section 257 Local Government Act 2009"
- (b) adopt Delegation 2016-73 (v3) Delegation to the Chief Executive Officer (Appendix A) and
- (c) note that all other existing specific delegations of authority to the Chief Executive Officer are retained.

FINANCE AND RESOURCING

The activities associated with this report and its recommendation are operational activities covered by the Corporate Governance Branch core budget allocation.

The amended and new delegations of authority will not create any additional resource or financial impacts for Council or the community; however they will provide necessary operational efficiency.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*

Outcome: We serve our community by providing this great service

Operational Activity: S31 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported

CONSULTATION

Portfolio Councillor Consultation

Councillor E Hungerford has been consulted regarding the annual review and recommendations.

Internal Consultation

Internal consultation occurred with the following officers:

- Manager Corporate Governance
- Coordinator Governance Process and Policy

External Consultation

No external consultation was conducted for the review of delegations.

Community Engagement

No community engagement was required for the preparation of this report as it relates to an internal administrative activity.

BACKGROUND

The 2016-73 Delegation to the Chief Executive Officer was adopted by Council on 16 June 2016 (OM16/98) and provided the Chief Executive Officer with all delegable powers under Local Government Acts listed within Schedule 1 of the delegation. All powers that are not able to be delegated, and must be adopted by Council are provided within Schedule 2 of the delegation and outline the limitations to the powers delegated to the Chief Executive Officer. Council is required to annually review delegations to the Chief Executive Officer in accordance with s257(4) *Local Government Act 2009*.

PROPOSAL

King & Company Solicitors through the Local Government Association of Queensland (LGAQ) provides biannual updates of all delegations of authority, including those matters which cannot be delegated and require a resolution of Council. The latest advice provided by LGAQ allowed the opportunity to perform a full comparison with Council's current schedules for the 2016-73 Delegation to the Chief Executive Officer in line with Council's annual review in accordance with s257(4) of the *Local Government Act 2009*. Variances to legislation and limitations to delegated powers have been identified and updated within Appendix A to this report to provide full, comprehensive schedules to ensure an accurate reference instrument and compliance with legislation. Additions to the schedules for the 2016-73 Delegation to the Chief Executive Officer are outlined in Table 1 and Table 2 below.

Table 1: Additions to Schedule 1: Acts

<i>Body Corporate and Community Management (Accommodation Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011</i>
<i>Building Regulation 2006</i>
<i>Heavy Vehicle National Law Regulation 2014</i>
<i>Housing Regulation 2015</i>
<i>Industrial Relations Act 2016</i>
<i>Industrial Relations Regulation 2018</i>
<i>Integrity Act 2009</i>
<i>Labour Hire Licensing Act 2017</i>
<i>Mineral & Energy Resources (Common Provisions) Act 2014</i>
<i>Mining and Quarrying Safety and Health Act 1999</i>
<i>Mining and Quarrying Safety and Health Regulation 2017</i>
<i>Minister's Guidelines and Rules</i>
<i>Planning and Environment Court Rules 2018</i>
<i>Safety in Recreational Water Activities Act 2011</i>
<i>Strong and Sustainable Resource Communities Act 2017</i>
<i>Summary Offences Regulation 2006</i>
<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>

Table 2: Additions to Schedule 2: Limitations on delegation of powers

Local Government Act 2009 (Qld)	
Section	Power not subject to delegation
74 – Road register fees	Council may, by resolution or local law, fix a fee for a copy of a map or register of roads within the local government area.
276 – Local law continuation	Council may proceed in adopting or making a local law in accordance with the relevant process.
Local Government Regulation 2012 (Qld)	
Section	Power not subject to delegation
167 – Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
182 – Annual report	Council must adopt its annual report within one month after the day the auditor-general gives their report about the local government's financial statement.
191- Investment policy	Council must adopt an investment policy.
192 – Debt policy	Council must adopt a debt policy for a financial year.
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and	Council must adopt a policy about the local government's spending on

hospitality policy	entertainment or hospitality.
197 – Advertising spending policy	Council must adopt a policy about the local government's spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.
201- Trust fund transfers	Council may, by resolution, transfer money from the trust fund if the purpose for which it was credited to the fund no longer exists.
222 – Contracting manual	Council must make and adopt a contract manual.
306 – Complaints management process	Council must adopt a complaints management process and written policies and procedures supporting the process.
Planning Act (Qld)	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 1, 3.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed administrative amendment to a planning scheme.
Chapter 2, Part 2, 6.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed minor amendment to a planning scheme.
Chapter 2, Part 3, 14.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed qualified state interest amendment to a planning scheme approved and notified by the Minister under section 13.5.
Chapter 2, Part 4, 22.1	For the purposes of section 20 of the Planning Act (amending planning schemes under the Minister's rules), adoption of a proposed major amendment to a planning scheme approved and notified by the Minister under section 21.5.
Chapter 3, Part 1, 5.1	For the purposes of section 22 of the Planning Act (making or amending planning scheme policies), adoption of a proposed planning scheme policy or amendment.
Chapter 3, Part 2, 9.1	For the purposes of section 23 of the Planning Act (making or amending temporary local planning instruments), adoption of a proposed temporary local planning instrument or temporary local planning instrument amendment approved and notified by the Minister under section 8.5.
Chapter 5, Part 2, 10.1	For the purposes of section 25(3) and (4) of the Planning Act (reviewing a local government infrastructure plan) and making or amending an LGIP, or making an interim LGIP amendment, adoption of a proposed LGIP or amendment approved and notified by the Minister under section 9.7.

Legal

This report presents various delegations prepared in accordance with the requirements of the *Local Government Act 2009* and various other local government acts.

Section 257 (Delegation by the Local Government) of the Act allows, by resolution, a local government to delegate its powers under a local government act to the Mayor, Chief Executive Officer, a standing committee or a joint standing committee. While delegations provide expediency for the local government, a delegation is revocable and does not prevent Council from acting on a matter (in which case the delegate must not act) and does not prevent the Council or Chief Executive Officer from exercising the power.

Section 259 (Delegation by the Chief Executive Officer) of the Act allows the Chief Executive Officer of a local government to delegate the Chief Executive Officer's powers (including powers delegated to the Chief Executive Officer by the local government) to another employee of the local government.

Policy

The Chief Executive Officer's delegation (2016-73 (v3.0)) is also supported by the Delegations Guiding Principles Policy (see Attachment 1).

Risk

The delegation amendment has been prepared to mitigate the risk of any gaps in delegated powers and to ensure the Chief Executive Officer has all the powers capable of delegation under local government acts relevant to Sunshine Coast Council. It will ensure the Chief Executive Officer is provided with overall coverage of legislative power (as per schedule 1 of Appendix A) to ensure continued business efficacy over Council activities and business operations.

Previous Council Resolution

Ordinary Meeting 15 June 2017 (OM17/107)

That Council:

- (a) *receive and note the report titled "Delegation to the Chief Executive Officer - Section 257 Local Government Act 2009"*
- (b) *adopt Delegation 2016-73 (V2) Delegation to the Chief Executive Officer (Appendix A) and*
- (c) *note that all existing specific delegations of authority to the Chief Executive Officer are retained.*

Ordinary Meeting 16 June 2016 (OM16/98)

That Council:

- (a) *receive and note the report titled "Delegation to the Chief Executive Officer – Section 257 Local Government Act"*
- (b) *adopt Delegation 2016-73 (V1) Delegation to the Chief Executive Officer (Appendix A)*
- (c) *adopt Sustainable Planning Act delegation 2009-35 (V5) (Appendix B)*
- (d) *note that all existing specific delegations of authority to the Chief Executive Officer are retained and*
- (e) *authorize the Mayor to put in place with the Chief Executive Officer, an operational practice guideline associated with the implementation of Delegation 2016-73 (V1) and Delegation 2009-35(V5).*

Related Documentation

There is no related documentation in relation to this report.

Critical Dates

It is important that Council gives consideration to this report as soon as possible to ensure compliance with section 257 of the *Local Government Act 2009*.

Implementation

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

- update Council's delegation register
- link s259 delegations of authority from the Chief Executive Officer to officers.

8.6.4 GOVERNANCE FRAMEWORK AND ASSOCIATED MATTERS

File No: Council meetings
Author: Manager Corporate Governance
Office of the CEO

To be provided.

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 CUSTOMER ENGAGEMENT AND PLANNING

Nil

11.2 BUSINESS PERFORMANCE

Nil

11.3 BUILT INFRASTRUCTURE

Nil

11.4 ECONOMIC AND COMMUNITY DEVELOPMENT

Nil

11.5 LIVEABILITY AND NATURAL ASSETS

Nil

11.6 OFFICE OF THE CEO

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 31 January 2019 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE