

Agenda

Ordinary Meeting

Thursday, 22 August 2019

commencing at 9:00am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 25 July 2019 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 QUARTERLY PROGRESS REPORT - QUARTER 4, 2018/19**

File No:	Council meetings
Author:	Coordinator Organisational Performance Office of the CEO
Appendices:	App A - CEO Quarterly Progress Report Q4 2018-19..... 13
	App B - Operational Plan Activities Q4 2018-19 27
	App C - CEO Quarterly Snapshot Report Q4 2018-19 67

PURPOSE

This report presents the Quarterly Progress Report for the period 1 April to 30 June 2019 – Quarter 4.

This report has been prepared to inform Council and the community on delivery of the services, implementation of operational activities and significant operating projects from Council's Operational Plan 2018-2019, effectively providing a progress report on the Corporate Plan.

EXECUTIVE SUMMARY

Each quarter, Council receives a progress report on the delivery of the Operational Plan. The report once adopted, is published and made available to the community.

The Report is comprised of:

- Appendix A – CEO's Quarterly Progress Report
- Appendix B – report on the 187 operational activities flowing from Council's Operational Plan 2018-2019
- Appendix C – CEO's Quarterly Snapshot that is intended for public release through social media channels as part of bringing the corporate plan to life.

Highlights for the quarter ended 30 June 2019 are:

A smart economy

- The manufacturing of new sub-sea cable infrastructure is complete and along with the repeaters, will sail on the installation vessel from Calais, France to the South Pacific to begin installation.
- Council received the first payment of \$2.5 million from the Queensland Government for the Sunshine Coast International Broadband Network project under the Jobs and Regional Growth Fund.
- 18 major events were held during the quarter, attracting 37,693 guests to the region and generating an estimated \$22.41 million in economic activity.

A strong community

- Council completed all the actions committed to in the 2017-2019 Reconciliation Action Plan (RAP) before it expired on 30 June 2019. Work on the new RAP has commenced.
- 104,337 people attended 811 community events at Council's venues.
- 103 community grant applications received with \$593,086 allocated.

A healthy environment

- Community consultation on the Sunshine Coast Biosphere Nomination has been undertaken with 3,600 people being engaged revealing an average of 86% supportive of the nomination proceeding.
- Community consultation for the 'Our Resilient Coast. Our Future' program was undertaken and the project's first Community Advisory Group Meeting, which had representation from government, industry and community groups, was also held.
- 9 new Land for Wildlife properties were registered, bringing the total to 1,121 (879 registered and 242 working towards).

Service excellence

- Council achieved a waste diversion rate of 42%. Of the 68,243 tonnes of waste received, 28,519 tonnes of waste were recovered.
- 92% of development applications assessed within statutory timeframes.
- 52,800 customers assisted through the development and customer contact centres.
- 94% of Council's capital works program delivered for 2018/19.

An outstanding organisation

- Council received 4 awards:
 - Two Queensland iAwards, which are part of the Australian Information Industry Association (AIIA) national awards program for Development.
 - Local Government Managers Australia (Qld) Award for Excellence 2019 for 'Making Governance Innovative'
 - The Weed Society of Queensland's Pest Animal Team Award
- Electricity generated from the solar farm during 2018/19 offset 109% of total Council electricity consumption.
- 72% of Council's total purchasing for 2018/19 was spent with local businesses.
- Council achieved an \$18.1 million operating surplus for the year as at 30 June 2019.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled "Quarterly Progress Report - Quarter 4, 2018/19"**
- (b) note the Chief Executive Officer's Quarterly Progress Report - Quarter 4, 1 April to 30 June 2019 (Appendix A) on service delivery**
- (c) note the Operational Plan Activities Report - quarter ended 30 June 2019 (Appendix B) reporting on implementation of the Corporate and Operational Plans and**
- (d) note the Chief Executive Officer's Snapshot Report - quarter ended 30 June 2019 (Appendix C) reporting service statistics and highlights.**

FINANCE AND RESOURCING

Financial reporting information is not included in the report. A Financial Performance Report is provided to Council each month covering operating revenue and expenses and capital programs.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*

Outcome: We serve our community by providing this great service

Operational Activity: S29 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION**Councillor Consultation**

Councillor E Hungerford as Portfolio Councillor for Governance and Customer Service has been briefed on this report.

Internal Consultation

Consultation has occurred with each Group of Council to provide information on service delivery and status of operational activities.

External Consultation

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

Community Engagement

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

PROPOSAL

Under the requirements of the *Local Government Act 2009* and associated Regulation, Council is required to consider a regular report from the Chief Executive Officer outlining the achievements in delivering on the outcomes in its corporate and operational plans.

This report provides information on the following for consideration by Council.

Progress report

The Chief Executive Officer's Quarterly Progress Report – Quarter 4 (Appendix A) consists of a summary of achievements; and supporting information by Corporate Plan Goal covering Delivery of Council's services.

Operational plan activities

The Operational Plan Activities Report – Quarter 4 ended 30 June 2019 (Appendix B) provides details on the implementation of activities outlined in Council's operational plan. It includes the status of each activity covering percentage complete, completion date and progress commentary.

Status	Q1	Q2	Q3	Q4
Completed	3	19	25	161
Underway	178	166	161	25
Not started	6	2	1	1
Total	187	187	187	187

Table 1: Summary of all operational activities by Quarter.

The only action not started is 4.4.12 Commence construction of the Nambour Resource Recovery Centre which has been delayed pending the State Government Waste Strategy.

Legal

There is a legislative requirement to provide a report on performance against the corporate and operational plans. This report meets the requirements of the *Local Government Act 2009* and *Local Government Regulation 2012*.

Policy

There is no policy associated with the presentation of a quarterly progress report however it is a component of the Strategic Corporate Planning and Reporting Framework.

Risk

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

- reputation/public image: the report provides complete information on Council's operations and builds a positive reputation for Council with the community
- legislative: the report meets the legislative requirements of the Local Government Act and Regulation, and
- business activity: the report keeps Council informed about the progression of the operational plan activities and provides a timely account of Council's progress to the community.

Previous Council Resolution

Ordinary Meeting 28 February 2019 (OM19/18)

That Council:

- receive and note the report titled "Quarterly Progress Report - Quarter 3, 2018/19"*
- note the Chief Executive Officer's Quarterly Progress Report - Quarter 3, 1 January 2019 to 31 March 2019 (Appendix A) on service delivery*
- note the Operational Plan Activities Report - quarter ended 31 March 2019 (Appendix B) reporting on implementation of the Corporate and Operational Plans and*
- note the Chief Executive Officer's Snapshot Report - quarter ended 31 March 2019 (Appendix C) reporting service statistics and highlights.*

Related Documentation

- Corporate Plan 2018-2022
- Operational Plan 2018-2019
- Financial information provided to Council in the Financial and Capital management report.

Critical Dates

Quarterly Progress reports are usually presented to Council within eight weeks of the end of the calendar quarter, subject to the scheduled meeting cycle. Legislation requires the report to be presented to Council at intervals of not more than 3 months.

Implementation

The report will be published and available for community access via Council's website and a copy will be provided to the State Library. The Chief Executive Officer will provide a verbal report to Council at the Ordinary Meeting.

8.2 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (SHOPPING CENTRE) AND PRELIMINARY APPROVAL (MIXED USE DEVELOPMENT) AT 106, 108, 110 & 124 MEMORIAL DRIVE, 1 & 3 COOK STREET, 18 ELIZABETH STREET & 9 CAPLICK WAY EUMUNDI

File No:	MCU16/0284
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Recommended Conditions of Approval.....77
Attachments:	Att 1 - Detailed Assessment Report.....101 Att 2 - Plans for Approval - Development Permit.....125 Att 3 - Plans for Approval - Preliminary Approval143

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU16/0284>

APPLICATION SUMMARY	
Applicant:	JLJL Pty Ltd Tte
Consultant:	Innovative Planning Solutions Pty Ltd
Owner:	JLJL Pty Ltd Tte
Proposal:	<ul style="list-style-type: none"> Development Permit for Material Change of Use (Shopping Centre) Preliminary Approval under s242 of the <i>Sustainable Planning Act 2009</i> to override the <i>Sunshine Coast Planning Scheme 2014</i> for Material Change of Use (Mixed Use Development)
Properly Made Date:	12 December 2016
Public Notification Period:	9 May – 21 June 2018
Number of Submissions:	17 total (16 properly made, 1 not properly made): <ul style="list-style-type: none"> 8 in support 9 against
State Referral Agencies:	Not applicable
PROPERTY DETAILS	
Division:	10
Street Address:	106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street and 9 Caplick Way, EUMUNDI
RP Description:	Lot 4 & 5 RP 50595, Lot 6 CG 1676, Lot 11 CG 1676, Lot 2 RP 151041, Lot 5, 7 & 8 RP 810711
Land Area:	24,380m ² (2.438 hectares)
Existing Use of Land	Unoccupied dwellings, old Highway Motors building, old Butter Factory buildings
STATUTORY DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014</i> (15 August 2016)
SEQRP Designation:	Urban Footprint
Strategic Framework Land Use Category:	Urban

Local Plan Area:	Eumundi Local Plan – Precinct LPP-1 Butter Factory
Zone:	Local Centre Zone Medium Density Residential Zone Low Density Residential Zone Open Space Zone
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek Council's determination of an application for a Development Permit for Material Change of Use of Premises (Shopping Centre, Office, Food and Drink Outlet, Health Care Services) and Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* for Material Change of Use to override the *Sunshine Coast Planning Scheme 2014* (Mixed Use Development) at 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street & 9 Caplick Way Eumundi.

The application is before Council as it involves a Preliminary Approval to override the planning scheme under the now superseded *Sustainable Planning Act 2009*.

The application is assessed against the *Sunshine Coast Planning Scheme 2014*.

EXECUTIVE SUMMARY

On 5 December 2016, the applicant lodged a development application involving the following components:

1. *Development Permit for Material Change of Use of Premises (Shopping Centre, Office, Food and Drink Outlet, Health Care Services)*

The Development Permit component involves the establishment of a new shopping centre within the three existing buildings at 106, 108 and 110 Memorial Drive, Eumundi. Each building is proposed to be refurbished and reused in their current position to accommodate a range of local retail and related land uses.

The proposed shopping centre complex has been assessed against the provisions of the *Sunshine Coast Planning Scheme 2014* and is found to be generally compliant with respect to building height and gross floor area, built form and landscaping, vehicular and pedestrian access, carparking and servicing, stormwater management, acoustic screening to boundaries, and connectivity with the existing town centre via a pedestrian thoroughfare along the old rail corridor.

2. *Preliminary Approval under s242 of the Sustainable Planning Act 2009 to override the Sunshine Coast Planning Scheme 2014 for Material Change of Use (Mixed Use Development)*

The Preliminary Approval component seeks to introduce a range of both residential and small scale, non-residential uses over the land comprising the old Butter Factory (124 Memorial Drive, Eumundi), the residential properties at 1 and 3 Cook Street, and the open space area comprising the old rail corridor. The Preliminary Approval seeks to vary the level of assessment for particular land uses to enable future development applications to be code assessable in accordance with a conceptual Masterplan, Precinct Plans of Development and a Supplementary Table of Assessment.

The concept Masterplan, Precinct Plans of Development and Supplementary Table of Assessment have been assessed against the provisions of the *Sunshine Coast Planning Scheme 2014*, specifically the Strategic Framework and the Overall outcomes of the applicable zone codes. The proposal is considered to meet the strategic intent of the planning scheme and will provide opportunities for the local residents of Eumundi to establish and grow small businesses to service the resident population, visitors and tourists.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Permit for Material Change of Use (Shopping Centre) and Preliminary Approval (Mixed Use Development) at 106, 108, 110 & 124 Memorial Drive, 1 & 3 Cook Street, 18 Elizabeth Street & 9 Caplick Way Eumundi and
- (b) **APPROVE** application no. MCU16/0284 for a Development Permit for Material Change of Use of Premises (Shopping Centre, Office, Food and Drink Outlet, Health Care Services) and Preliminary Approval under s242 of the *Sustainable Planning Act 2009* to override the *Sunshine Coast Planning Scheme 2014* for Mixed Use Development subject to reasonable and relevant conditions provided at Appendix A.

FINANCE AND RESOURCING

If Council were to approve this development, Council’s Transport and Infrastructure Policy Branch has determined that infrastructure charges would be payable in the amount of approximately \$95,000.

CORPORATE PLAN

Corporate Plan Goal:	Service excellence
Outcome:	4.4 - Service quality assessed by our performance and value to customers
Operational Activity:	4.4.2 - Deliver Planning and Development Services to ensure statutory requirements are met to achieve positive customer experiences and maintain strong industry engagement.

CONSULTATION**Councillor Consultation**

The Divisional Councillor, G Rogerson, has been briefed on a number of occasions throughout the application process.

Internal Consultation

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

- Urban Designer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Traffic Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Environmental Health Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Senior Strategic Planner, Strategic Planning Branch, Customer Engagement and Planning Services Group

External Consultation

The application did not trigger referral to any external referral agencies.

Community Engagement

The application was publicly notified for 30 business days from 8 May to 22 June 2018, in accordance with the requirements of the *Sustainable Planning Act 2009*. Sixteen properly made submissions and one not properly made submission were received. Of these, 8 were in support and 8 were against the proposal.

The applicant also undertook consultation with the local community at various stages of the development application, in addition to the minimum statutory consultation requirements.

A table providing a summary and response to the issues raised by submitters is provided in the Detailed Assessment Report at **Attachment 1**.

PROPOSAL

Development Permit for Material Change of Use of Premises (Shopping Centre, Office, Food and Drink Outlet, Health Care Services)

The proposal involves the establishment of a new shopping centre within the three existing buildings at 106, 108 and 110 Memorial Drive. Each building is proposed to be refurbished and reused in their current locations to accommodate a range of retail based land uses, including shops (eg. grocer, delicatessen), cafes/restaurants, professional services and health services. Total proposed gross floor area is 1,033m² (gross leasable floor area 785m²) across the three buildings, linked via ground level walkways and a public piazza space. Site cover is proposed at 1,227m², which equates to 25% of the site area.

Vehicular access is proposed from Caplick Way via a left in/left out intersection, with a further all-turns access proposed via a new roundabout at the Caplick Way / Napier Street intersection.

A total of 61 carparks, 6 motorcycle spaces and 20 bicycle parking spaces are proposed. A loading bay for an MRV is also provided on site.

Pedestrian access into the centre is available from Caplick Way, Cook Street and Memorial Drive. A turfed and landscaped public open space area, including children's playground and small amphitheater, is proposed at the northern end of the site within the old railway corridor.

Part of this open space area will also serve the function of stormwater detention. Pedestrian pathways and a new internal road are also proposed which would ultimately link through to the old Butter Factory land further to the west.

The proposed Shopping Centre complex has been assessed against the provisions of the *Sunshine Coast Planning Scheme 2014* and is found to be generally compliant with respect to vehicular and pedestrian access, carparking and servicing, stormwater management, landscaping and built form, acoustic screening to boundaries and connectivity with the existing town centre.

Figure 1 below is an extract from the applicant's proposal plans.



Figure 1: Site / Landscape Plan

Preliminary Approval under s242 of the Sustainable Planning Act 2009 to override the Planning Scheme for Material Change of Use (Mixed Use Development)

The Preliminary Approval component seeks to introduce a range of both residential and small scale, non-residential uses over the land comprising the old Butter Factory (124 Memorial Drive) and the properties at 1 and 3 Cook Street. The Preliminary Approval seeks to vary the level of assessment for particular land uses to enable future development applications to be code assessable. The types of uses envisaged for these land parcels include short term accommodation, small garden centre, health care services, office(s), small shop(s), service industry, café/restaurant, small scale low impact industry and permaculture gardens.

The application does not include a layout for the proposed land uses under the Preliminary Approval component. Instead, it seeks to provide sufficient guidance as to the intent of future land uses through a Masterplan, Precinct Plans of Development and a Supplementary Precinct Intent Statements and Supplementary Table of Assessment, which provide variations and exceptions to the existing precinct intents and table of assessment contained within the *Eumundi local plan code* of the *Sunshine Coast Planning Scheme 2014*.

The proposal has been found to generally comply with the requirements of the planning scheme, and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. Specifically, the proposal provides appropriate vehicular and pedestrian access and greenspace linkages, and an appropriate interface with adjoining residential properties through the provision of an acoustic and landscape buffer zone around the external perimeter of the site.

Figure 2 below is an extract from the applicant's Master Plan.

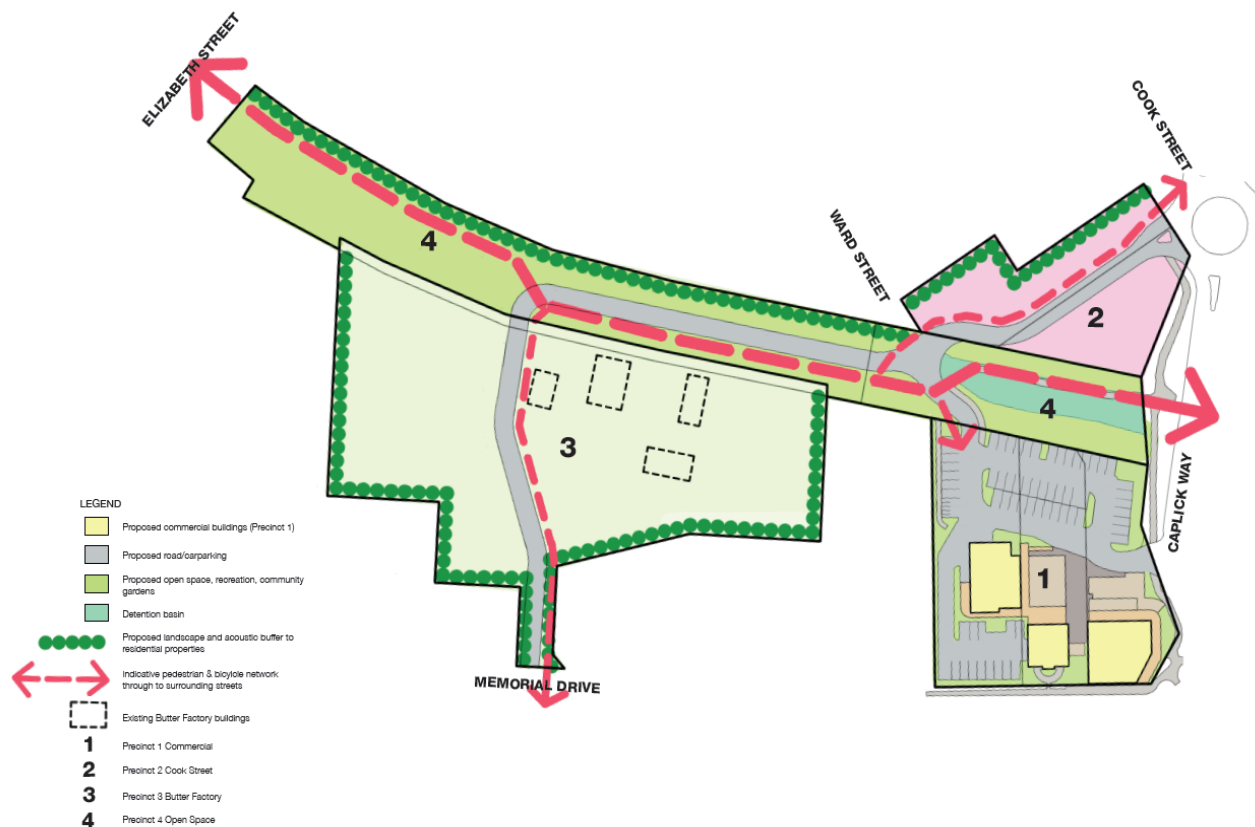


Figure 2: Masterplan

Legal

There are no legal implications relevant to 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 or submitters. 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 proposed plans for the proposed development and masterplan are provided as **Attachment 2** and **Attachment 3** respectively to this report.

Critical Dates

Council's decision for the application was due on 12 April 2019. 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.

8.3 PROPOSED GYM WITHIN EXISTING DEVELOPMENT - REGATTA BOULEVARD BIRTINYA

File No:	MCU19/0107
Author:	Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Existing Conditions of Approval for Master Plan No.38.....159 App B - Existing Conditions of Approval for Master Plan No.39.....163 App C - Conditions for MCU19/0107 - Development Permit for Material Change of Use (Indoor Entertainment - Gymnasium) .167
Attachments:	Att 1 - Amendment to Master Plan No.38 (Extract)171 Att 2 - Amendment to Master Plan No.39 (Extract)173

Link to Development-i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU19/0107>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Poole Group and Lot 850 Birtinya Pty Ltd
Consultant:	RPS Australia East Pty Ltd
Owner:	Lot 850 Birtinya Island Pty Ltd
Proposal	<ul style="list-style-type: none"> Approval of Material Change of Use of Premises to establish Indoor Entertainment (Gymnasium) Approval of amended Master Plan No. 38 (Neighbourhood Plan – Birtinya) 2005 Approval of amended Master Plan No. 39 (Precinct/Estate Plan – Birtinya) 2006
Received Date:	10/05/2019
Request for Further Particulars Date:	Not applicable
Properly Made Date:	17/05/2019
Duly Made Date:	22/07/2019
Decision Due Date	03/09/2019
Number of Submissions	Nil
PROPERTY DETAILS	
Division:	3
Property Address:	67 Regatta Boulevard BIRTINYA
RP Description:	Lot 202 SP251595 Lot 204 SP251595 Volumetric Lot 104 SP289956
Land Area:	Lot 202 - 745m ² Lot 204 - 346m ² Volumetric Lot 104 - 479m ²
Existing Use of Land:	Existing MOKO development (Mixed Use)

STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme 2014
SEQR Designation:	Urban Footprint
Strategic Framework Land Use Category:	Urban
Planning Area / Locality:	Kawana Waters
Planning Precinct / Zone:	Land Subject to Development Control Plan 1
Assessment Type:	<ul style="list-style-type: none"> • Impact Assessment – Material Change of Use • Amendment to Neighbourhood Plan • Amendment to Precinct/Estate Plan

PURPOSE

The purpose of this report is to seek:

- Council's recommendation to the Minister for Natural Resources, Mines and Energy that the application for a minor amendment to Master Plan No. 38 (Neighbourhood Plan – Birtinya) 2005 be approved,
- Council's recommendation to the Minister for Natural Resources, Mines and Energy that the application for minor amendments to Master Plan No. 39 (Precinct/Estate Plan – Birtinya) 2006 be approved,
- Council's determination of the application for Material Change of Use of Premises to establish Indoor Entertainment (Gymnasium) within the existing MOKO development.
- A delegation to the Chief Executive Officer to decide any applications for minor or administrative amendments resulting from the implementation of Master Plan No.38 and Master Plan No.39.

The Department of Natural Resources, Mines and Energy is the approving authority for amendments to the Neighbourhood Plan and Precinct/Estate Plan.

The application is before Council as there is no delegation to officers to determine applications for amended master plans applying to the site.

EXECUTIVE SUMMARY

The application to amend Master Plan No. 38 and Master Plan No. 39 has been received from Lot 850 Birtinya Pty Ltd, the owner of Lot 202 and Lot 204, situated at 67 Regatta Boulevard in the Birtinya Village Centre. The application for Material Change of Use has been received from Poole Group. The combined application has three (3) components and seeks approval of the following:

- Amendment to Master Plan No. 38 (Neighbourhood Plan – Birtinya) 2005. The amendment seeks to nominate 'Indoor Entertainment (Gymnasium)' as a compatible use for the Village Centre, subject to approval of an Impact Assessable development application (Council Ref: MPC14/0003.02).
- Amendment to Master Plan No. 39 (Precinct/Estate Plan – Birtinya) 2006. The amendment seeks to include 'Indoor Entertainment (Gymnasium)' as a compatible use on the subject site, subject to approval of an Impact Assessable development application (Council Ref: MPC14/0002.02).
- Impact assessable application for Material Change of Use of Premises to establish Indoor Entertainment (Gymnasium) within existing tenancy of the MOKO development (Council Ref: MCU19/0107).

The proposal involves amendment to the master planning for the site to permit a gymnasium to establish within one of existing mixed use buildings. The proposed gymnasium would occupy a maximum gross floor area of 250m² located within one of the ground floor tenancies. The proposed gymnasium would utilise the existing on-site car parking provided within the MOKO development.

Council officers have consulted with Stockland (the master developer for Kawana Waters), who have indicated that they have no objection to the proposed applications.

All Master Plans (and amendments thereto) are required to maintain consistency with the intent of Development Control Plan 1 – Kawana Waters and the Kawana Waters Structure Plan.

Council officers have assessed the proposed amended master plans against the Kawana Waters Development Documents, including Development Control Plan 1 as well as the Kawana Waters Structure Plan. Council officers have assessed the proposed ‘Indoor Entertainment (Gymnasium)’ use against Master Plan No.38 and Master Plan No.39, as amended. The proposal generally complies with the Development Documents and amended master plans and is therefore recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Proposed gym within existing development - Regatta Boulevard Birtinya”**
- (b) recommend to the Minister for Natural Resources, Mines and Energy that amended Master Plan No. 38 (Neighbourhood Plan – Birtinya) 2005 be approved, subject to existing conditions contained within Appendix A**
- (c) recommend to the Minister for Natural Resources, Mines and Energy that amended Master Plan No. 39 (Precinct/Estate Plan – Birtinya) 2006 be approved, subject to existing conditions contained within Appendix B**
- (d) upon approval of amended Master Plan No. 38 and amended Master Plan No. 39, approve a Development Permit for Material Change of Use of Premises (Indoor Entertainment – Gymnasium), subject to conditions contained within Appendix C and**
- (e) with respect to (b) and (c) above, delegate authority to the Chief Executive Officer to recommend approval to the Minister for Natural Resources, Mines and Energy of any minor or administrative amendments resulting from the implementation of Master Plan No. 38 and Master Plan No. 39.**

FINANCE AND RESOURCING

There are no Council related Financial Contributions triggered by the proposed master plan amendments or material change of use application.

The proposed development does not have any financial implications in relation to infrastructure under the Kawana Waters Development Agreement.

The applicant has paid \$6,198.75 to Council in application fees for the assessment of the application.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S20 - Development services - planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals.

CONSULTATION

Councillor Consultation

Councillor P Cox was consulted during the application process as the Divisional Councillor.

Internal Consultation

The proposed gymnasium use is to establish within an existing building. As there are no external changes required to the existing development, referral to other internal Council specialists was not necessary.

External Consultation

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning at SARA as a concurrence agency for Contaminated Land (unexploded ordnance). The department responding on 18 June 2019 with no requirements.

The application was discussed with Stockland (as the Master Developer for Kawana Waters) a number of occasions and they have confirmed their support for the proposed master plan amendments.

Community Engagement

The application for Material Change of Use to establish Indoor Entertainment (Gymnasium) was publically notified for a period of 15 business days from 21 June 2019 to 12 July 2019. No submissions were received.

The Material Change of Use and amendment to master plan applications are publicly available via Council's Development-i online system.

PROPOSAL

Background

The *Sunshine Coast Planning Scheme 2014* requires that all land included within the Development Control Plan 1 designation default to the provisions of Development Control Plan 1, as contained within the *Caloundra City Planning Scheme 1996*.

Development Control Plan 1 sets out the Master Planning Community Development Process applicable to the Neighbourhood Plan Area, which applies to the approval of the proposed master plans.

The Neighbourhood Plan for Birtinya (Master Plan No.38) was originally approved by Caloundra City Council on 17 February 2005. The most recent version of this master plan was approved on 8 December 2016 (MPC14/0002.01).

The Precinct/Estate Plan for Birtinya (Master Plan No.39) was originally approved by Caloundra City Council on 14 May 2007. The most recent version of this master plan was approved on 8 December 2016 (MPC14/0003.01).

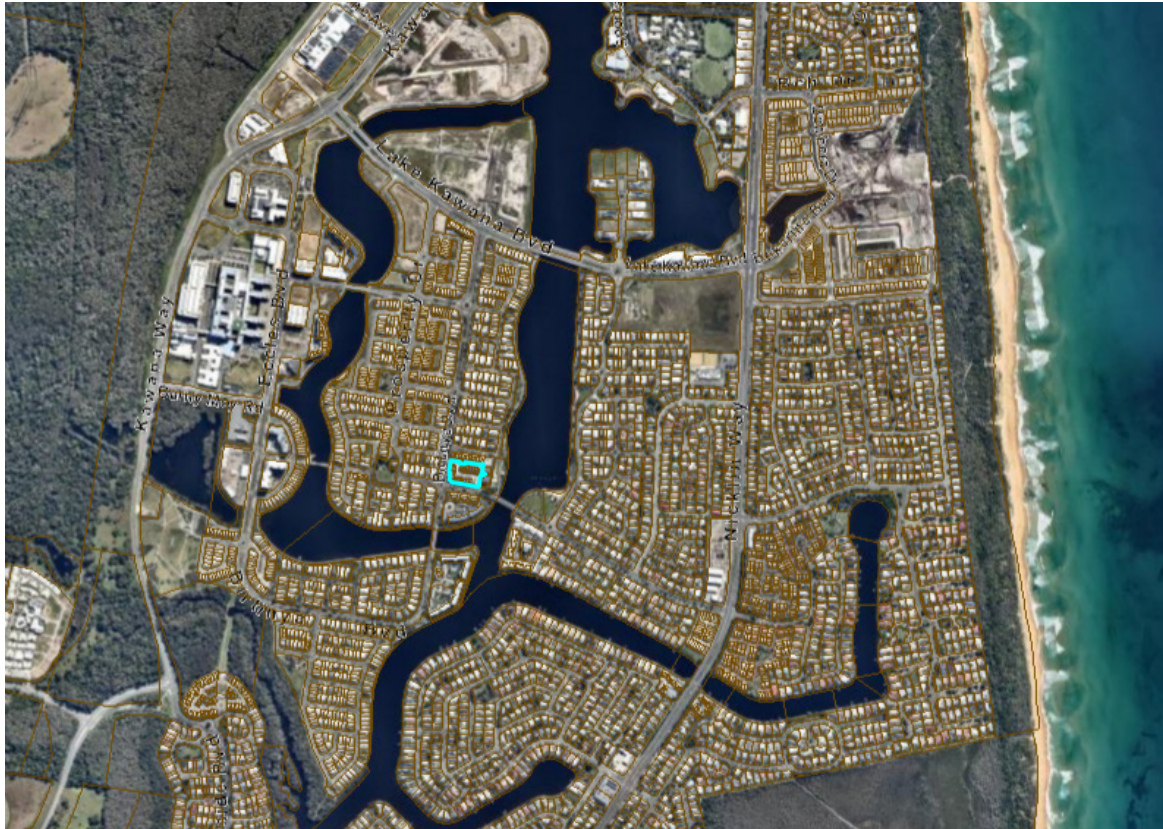
On 17 April 2012 Council approved a Development Permit for Material Change of Use of Premises for a mixed use development incorporating 55 residential dwelling units and

1,677m² of commercial and retail floor space, to be located within the Birtinya Village Centre. The MOKO development was opened in 2018.

The current application seeks to establish a gymnasium within an existing ground floor tenancy of the existing mixed use development.

Site Details

The subject site is situated at 67 Regatta Boulevard within the Birtinya Village Centre. The location of the site is shown on the below aerial images:





Proposed Amendments to the Existing Neighbourhood Plan and Existing Precinct/Estate Plan

The proposed amendment to Master Plan No.38 and Master Plan No.39 is to amend the Supplementary Table of Assessment to add Indoor Entertainment (Gymnasium) as a compatible use within the Village Centre. The purpose of the amendment is to enable the establishment of an Indoor Entertainment (Gymnasium) use within the existing MOKO mixed-use development, subject to approval by Council of an impact assessable Material Change of Use application.

No other changes area proposed to the Master Plans.

Assessment of amendments to the Neighbourhood Plan and Precinct/Estate Plan

The proposed amendments to Master Plan No. 38 and Master Plan No. 39 are as follows:

To the Neighbourhood Plan (Master Plan No. 38)

- Amendment to Table 1 in Section 13.1 to include the following notation:
“Indoor Entertainment (Gymnasium) may be permitted where compatible with the above list of Defined Uses, as demonstrated by an Impact Assessable development application” (refer to extract of Master Plan No.38 in **Attachment 1**).

To the Precinct/Estate Plan (Master Plan No. 39)

- Amendment to Table 1 in Section 12.1 to include the following notation:
“Indoor Entertainment (Gymnasium) may be permitted where compatible with the above list of Defined Uses, as demonstrated by an Impact Assessable development application” (refer to extract of Master Plan No.39 in **Attachment 2**).

The intent of the proposed Master Plan amendments is to enable a gym to establish within one of the existing tenancies within the MOKO mixed-use development within the Village Centre.

The inclusion of Indoor Entertainment (Gymnasium) as a separate permitted use for the subject site would have conflicted with the Kawana Waters Structure Plan, which does not identify Indoor Entertainment as a permitted use within the Village Centre. The approach of identifying Indoor Entertainment (Gymnasium) as a compatible use, rather than an ancillary or supplementary use (which would have avoided the need for a subsequent impact assessment material change of use application) is the same approach applied for the previous proposal to include Indoor Entertainment (Gymnasium) within the existing Stockland Birtinya Shopping Centre located in Precinct 5 and Precinct 6 of the Town Centre.

The proposed master plan amendments are consistent with Development Control Plan 1 and the Kawana Waters Structure Plan.

No new conditions are recommended to be imposed as a result of approving the amended master plans. However, for ease of reference, it is recommended that the Notices of Determination issued in relation to the Master Plan amendments contain all of the same conditions as the Notices issued for the most recent approval of the master plans. The existing conditions for Master Plan No.38 and Master Plan No.39 are contained within **Appendix A** and **Appendix B**.

Proposed Indoor Entertainment (Gymnasium) within MOKO development

The proposed gymnasium would occupy a use area of up to 250m² within the ground floor retail and commercial tenancies within either Building C, E or F of the MOKO development. While the proposed use is limited to a gross floor area of 250m² the application intent is to provide flexibility to enable the gymnasium to change between tenancies over time.

Subject to approval of the proposed master plan amendments, the proposed gymnasium is a compatible use on the site requiring Impact Assessment.

Assessment of Material Change of Use to establish Indoor Entertainment (Gymnasium)

The *Caloundra City Planning Scheme 1996* is applicable to the proposed development. However, the planning scheme does not include any codes specifically applicable to a gymnasium use.

Under the *Sunshine Coast Planning Scheme 2014*, where located in a Centre Zone, establishing a gymnasium within an existing building would generally be 'accepted development' and not require an application to be submitted to Council.

Carparking

The original MOKO development included a total of 82 on-site car parks to cater for the demand of the retail, commercial and restaurant uses. The *Caloundra Planning Scheme 1996* specifies a rate of 1 space per 10m² which would require 25 car spaces to be provided for the 250m² gym, although no additional on-site car parking is proposed.

It is noted that the *Sunshine Coast Planning Scheme 2014* does not specify a rate for car parking for a gymnasium, rather requiring that there are "*sufficient spaces to accommodate the number of vehicles likely to be parked at any one time*". Further, a gymnasium locating within an existing building in a Centre Zone would ordinarily be 'accepted development' and not require the provision of additional on-site car parking above what was required at the time the premises was established.

Legal

There are no legal implications with respect to this report. Council does however have a legal obligation pursuant to the Kawana Waters Development Agreement to make a determination with respect to the Master Plan applications within the specified timeframes.

Policy

There are no policy implication arising from the report.

Risk

Council is required to assess and make a decision in regards to Kawana Master Plan applications in accordance with contractual requirements of the Kawana Waters Development Agreement.

Previous Council Resolution

There is no previous Council resolution relevant to this report.

Critical Dates

Council is required to make a determination within 60 days after the application is taken to be duly made pursuant to section 7.6.3 of DCP-1.

Implementation

Council is required to issue the applicant, the Master Developer (Stockland) and the Department of Natural Resources Mines and Energy (DNRME) a Notice of Determination within ten (10) working days of Council making its determination.

Council's approval of the amended master plans and development permit will only take effect upon approval of the master plans by Department of Natural Resources Mines and Energy.

8.4 COMMUNITY PARTNERSHIP FUNDING PROGRAM RECOMMENDATIONS 2019

File No:	Council meetings
Author:	Team Leader Community Connections Economic & Community Development Group
Appendices:	App A - Community Partnership Funding Program Recommendations 2019185
Attachments:	Att 1 - Community Partnership Funding Program Recommendations 2019 - Additional InformationConf 5/13

PURPOSE

This report seeks Council consideration and endorsement of the funding recommendations for the Community Partnership Funding Program 2019 (Appendix A).

EXECUTIVE SUMMARY

The inaugural Community Partnership Funding Program (the Program) was endorsed by Council at its Ordinary Meeting of 10 December 2009 and launched early in 2010.

The program is open to established not-for-profit community organisations that provide facilities or services which support the delivery of Council's priorities and demonstrate broad community benefit. It provides up to three years of funding towards operational expenses for successful applicants.

The Community Partnership Funding Program offers partnerships under the following five categories:

- Community Development
- Community Facilities
- Community Safety
- Cultural Heritage
- Economic Development.

One Community Partnership Funding Program round is offered per financial year. There are existing commitments for 2019/20 totalling \$837,981 for 113 community organisations that were awarded multiple years of funding in the 2018 round.

It was determined that a maximum of two years of funding be allocated in this round to bring new allocations into line with existing Community Partnership Funding Program agreements which end at 30 June 2021.

The Community Partnership Funding Program 2019 round included a six week Expression of Interest (EOI) period commencing 1 May to identify potential partners and invite eligible organisations to submit a full application. Applications closed on 10 June 2019.

At the close of the application period, Council had received 13 new Community Partnership Funding Program applications requesting \$75,900 in funding. All of these 13 applications requested multi-year funding.

Council also received requests for variations to existing multiple year partnership agreements from two community organisations seeking a total of \$17,452 in additional funding to extend the scope of their partnerships with Council. The variation requests were as follows:

1. Community Centre Inc – \$15,000 towards additional operational expenses due to taking on responsibility for a second facility, Baringa Community Centre
2. Volunteering Sunshine Coast – \$2,452 for additional insurance costs due to the establishment of a spontaneous disaster volunteers program.

This report recommends a total of \$78,452 in funding for 2019/20 comprising of \$61,000 to establish new two-year partnerships with 12 community organisations and \$17,452 in additional funding to two organisations to extend the scope of their existing partnerships. In one instance, the variation is offered at a reduced level in the second year as the group works towards increasing self-sufficiency (see Appendix A).

Council's contribution of \$61,000 for new applications is 16.4% of the estimated \$371,568 annual total operational costs self-reported by new applicant organisations recommended for funding in this report.

OFFICER RECOMMENDATION

That Council:

- (a) **receive and note the report titled "Community Partnership Funding Program Recommendations 2019" and**
- (b) **endorse the Community Partnership Funding Program Recommendations 2019 (Appendix A).**

FINANCE AND RESOURCING

There is one Community Partnership Funding round per financial year and funding is allocated (subject to annual budget considerations) for one, two or three year periods. As 2019/20 is the second year of the current three year cycle, it was determined that a maximum of two years of funding would be allocated in this round.

This program is supported by two budgets. The 2019/20 Community Partnership Funding Program budget provides a total of \$824,000 and the 2019/20 Heritage Levy program budget provides \$92,500 for Cultural Heritage category partnerships.

There are existing commitments for both 2019/20 budgets totalling \$837,981 for 113 community organisations that were awarded multiple years of funding in the 2018 round. This is comprised of \$745,481 supported through the 2019/20 Community Partnership Funding Program budget and \$92,500 supported through the 2019/20 Heritage levy Program budget.

This report recommends a total of \$78,452 in funding for 2019/20 comprising of \$61,000 to establish new two-year partnerships with 12 community organisations and \$17,452 in additional funding to two organisations to extend the scope of their existing partnerships. In one instance, the variation is offered at a reduced level in the second year as the group works towards increasing self-sufficiency. Details of funding recommendations are provided in Appendix A.

The 2019/20 Community Partnership Funding Program budget is sufficient to provide for the new partnerships recommended in this report. As this is a multi-year program, there are implications for the program's 2020/21 budget. Table 1 provides details.

Community Partnership Funding Program Budget	2019/2020	2020/2021
Recommendations 2019 round - variations	\$17,452	\$12,452
Recommendations 2019 round – new applications	\$61,000	\$61,000
TOTAL RECOMMENDATIONS 2019 ROUND	\$78,452	\$73,452
Existing commitments 2018 round	\$745,481	\$738,981
TOTAL EXPENDITURE	\$823,933	\$812,433

Table 1. Budget implications

CORPORATE PLAN**Corporate Plan Goal:** *A strong community***Outcome:** 1.2 - Resilient and engaged communities**Operational Activity:** 1.2.2 - Continue to ensure the manner in which Council distributes grant monies to community and not-for-profit organisations supports Council's vision for the region.**CONSULTATION****Councillor Consultation**

- Councillor J McKay - Portfolio Councillor for Community and Environment
- Councillor J O'Pray - Portfolio Councillor for Tourism, Events and Sport

Internal Consultation

Council officers with expertise relevant to the specific expressions of interest and applications were consulted in partnership development.

1. Strategic Panel Representation

Assessment panel membership:

- Community Connections and Partnerships Lead, Community Planning and Development, Economic and Community Development (Chair)
- Manager Arts Heritage and Libraries, Economic and Community Development
- Head of Economic Development, Economic and Community Development
- Manager Sport & Community Venues, Economic and Community Development
- Senior Project Officer, Community Connections and Partnerships, Community Planning and Development, Economic and Community Development.

2. Category Panel Representation

Assessment panel membership:

- Community Connections and Partnerships Lead, Community Planning and Development, Economic and Community Development (Chair)
- Community Development Officer, Community Development, Community Planning and Development, Economic and Community Development
- Community Development Officer (Grants), Community Connections and Partnerships, Community Planning and Development, Economic and Community Development
- Community Grants Development Officer, Community Connections and Partnerships, Community Planning and Development, Economic and Community Development
- Senior Project Officer, Community Connections and Partnerships, Community Planning and Development, Economic and Community Development
- Sport and Recreation Officer, Sports Planning and Development, Sport and Community Venues, Economic and Community Development.

3. Additional Internal Consultation

The following provided additional information and/or advice to inform assessment processes:

- Business Development Facilitator, Economic Development, Economic and Community Development

- Industry Investment Facilitator, Economic Development, Economic and Community Development
- Land Management Unit, Property Management, Business Performance
- Team Leader Creative Development, Economic and Community Development
- Team Leader Sports Planning & Development, Economic and Community Development.

External Consultation

Throughout the EOI and application period, grants officers and category partners provided advice and assistance to community groups interested in applying for funding through the 2019 Community Partnership Funding Program.

Community Engagement

The Community Partnership Funding Program 2019 round included a six week Expression of Interest (EOI) period commencing 1 May to identify potential partners and invite eligible organisations to submit a full application. Applications closed on 10 June 2019. Throughout the EOI and application period, grants officers and category partners provided advice and assistance to community organisations seeking funding.

PROPOSAL

The Community Partnership Funding Program is designed to provide funding certainty to community groups by granting up to three years of funding for operational expenses, which is the most difficult funding type to secure externally. The program was endorsed by Council in 2009 and launched in early 2010.

The Community Partnership Funding Program is available to established not-for-profit community organisations that provide facilities or services which support the delivery of Council's priorities and demonstrate broad community benefit.

The program ensures that these organisations can continue to operate and invest their time in service delivery and building long-term, ongoing sustainability.

The framework and criteria for the program were developed to ensure an equitable, accountable and transparent process for the creation of funding partnerships between Council and community organisations. This enables distribution and acquittal of financial assistance to community groups, in accordance with government guidelines and standards.

It is important to note that operational expenses of sporting organisations with primary responsibility for maintaining sports fields are supported separately through the Sports Field Maintenance Funding Program. Environmental groups performing on ground works are also funded separately through Council's Environment Levy Partnership Program.

The Community Partnership Funding Program includes the following five categories:

- Community Development
- Community Facilities
- Community Safety
- Cultural Heritage
- Economic Development.

In assessing the applications and determining the level of funding recommended, the panels reference the Program Guidelines which include program specific and category specific criteria, and also consider:

- extent of reach into the community

- alignment with Council's adopted strategies, plans and policy positions
- like services / facilities comparisons to ensure consistency
- availability of other revenue sources and
- funding amount requested in relation to the overall operational costs.

Where part funding is allocated, the panel gives consideration to the scope and scale of the facility or outputs of the group.

There are 113 existing partnerships in the Community Partnership Funding Program totalling \$872,481.

The Community Partnership Funding Program 2019 round included an initial Expression of Interest process to identify potential partners and invite eligible organisations to submit a full application. The EOI process was designed to save organisations with limited alignment to the program priorities from the time-consuming process of completing a full application. It also provides an opportunity for applicants to receive advice and support in the development of their partnership proposals.

Promotion

Tools used to ensure information about this funding program reached potential new partner organisations include:

- Council's website and
- direct email or phone contact with organisations identified by category representatives as potential new partners.

Support

Throughout the EOI and application period, grants officers and category representatives responded to telephone enquiries and emails and actioned requests, providing assistance with:

- eligibility requirements
- alignment to program and category criteria and corporate priorities
- proposal development and negotiation of deliverables and measures and
- completion and submission of online application forms.

In addition, grants officers working with potential applicants sought to manage expectations regarding potential funding amounts available through the program in line with the endorsed program budget.

The high level of support during the EOI period enabled prospective applicants to make an informed decision about whether to invest time and effort in preparing an application for submission and, when doing so, ensure the correct category was selected.

Applications

At the close of the application period, Council had received 13 new Community Partnership Funding Program applications requesting \$75,900 in funding. All of these 13 applications requested multi-year funding.

Council also received two applications for variations to existing multiple year partnership agreements from community organisations seeking a total of \$17,452 in additional funding to extend the scope of their partnerships with Council. The variation requests are as follows:

1. Community Centre Inc – \$15,000 towards additional operational expenses due to taking on responsibility for a second facility, Baringa Community Centre

2. Volunteering Sunshine Coast – \$2,452 for additional insurance costs due to the establishment of a spontaneous disaster volunteers program.

Assessment process

Assessment of applications was based on general program and category specific assessment criteria and comprised of three stages:

- Stage 1: Pre-assessment by Council grants officers to determine applicant and proposal eligibility
- Stage 2: Proposal assessment by a panel made up of Council officer category experts and grants officers
- Stage 3: Strategic assessment by a panel comprised of Branch Managers

Guidance was given to panel members at the start of the assessment process to ensure sound governance. Panel members were also reminded to declare any actual or perceived conflicts of interest relating to applicants or applications. No Declarations of Interest were recorded in this round.

The Stage 2 assessment process resulted in a list of applications aligned to the assessment criteria and included a recommended funding amount and score for each application.

Stage 2 Category Panel outcomes were reviewed by the Stage 3 Strategic Panel against Council's strategic priorities and determined final program recommendations.

In assessing the applications and the amount of funding for each of the organisations recommended for partnership, the panels referenced the guidelines (which include program and category specific criteria) and also considered:

- the extent of the organisation's reach into the community
- its alignment with Council's adopted strategies
- comparable services / facilities to ensure consistency for any funding recommendations
- other revenue sources available to the organisation and
- amount requested in relation to the organisation's overall operational costs.

When considering applications from sports organisations in relation to their facility, the panels are also guided by the matrix developed by Council's Sport and Recreation Officers, which gives consideration to the type of sport played and number of playing areas.

Panel comments, wording for notification letters to applicants, and conditions of funding are recorded at the assessment panel meetings to ensure transparency.

Assessment outcome

This report recommends a total of \$78,452 in funding for 2019/20 comprising of \$61,000 to establish new two-year partnerships with 12 community organisations and \$17,452 in additional funding to two organisations to extend the scope of their existing partnerships. In one instance, the variation is offered at a reduced level in the second year as the group works towards increasing self-sufficiency for their new facility. Details of the recommended outcomes are included in Appendix A. Additional information relating to the assessment of applications is provided in confidence under Section 275 (h) of the *Local Government Act 2009* in confidential Attachment 1.

Program outcomes

The Community Partnership Funding Program supports the Sunshine Coast Social Strategy 2015 which provides the overarching social direction for seeking to advance the Corporate Plan 2019-2023 goal of developing 'a strong community'. The program also supports other corporate strategies and priorities including, and not limited to, the Regional Economic Development Strategy and the Environment and Liveability Strategy.

Based on self-reported statistics collected through the application process, funding of \$61,000 provided to the 12 community organisations recommended for new two-year partnerships in this report will support approximately:

- 2,987 registered members
- 1,218 volunteers
- 377 hours of operation per week and
- 86,850 beneficiaries accessing the various services and/or facilities.

Council's contribution of \$61,000 for new applications is 16.4% of the estimated \$371,568 annual total operational costs self-reported by new applicant organisations recommended for funding in this report.

Legal

It can be said that the act of providing funding does not, of itself, raise issues of legal liability for Council. Rather it is the conduct of the funding recipient in carrying out what may be considered a local government type activity on local government owned or controlled land that will have some legal liability exposure issues for Council.

This will be mitigated, as best as is possible, by having the successful funding applicants enter into Agreements that detail the relationship between the parties and obligate them to be incorporated bodies with adequate risk management plans, levels of insurance, training, reporting and financial controls.

A Conditions of Agreement document will be sent to successful applicant(s) and will include reporting and acquittal requirements and any conditions of funding to be met prior to partnership funding being awarded and/or during the partnership term.

Policy

At its Ordinary Meeting of 20 June 2013, Council adopted the *Community Grants Policy* which subsequently provides a framework to guide the administration of the Community Partnership Funding Program and Council's other grants programs.

Risk

There is minimal financial risk associated with the Program in supporting identified eligible organisations due to the ongoing working relationships between organisations and Council officers. This relationship is supported by individually tailored funding agreements and the requirement for progress reports and annual funding acquittal reports. The one unsuccessful applicant will be invited to work with Sports Development Officers.

Previous Council Resolutions

Ordinary Meeting 16 August 2018 (OM18/129)

That Council

- receive and note report titled "**Community Partnership Funding Program Recommendations 2018**" and*
- endorse the 2018/2019 Community Partnership Funding Program Recommendations (Appendix A).*

Ordinary Meeting 29 January 2015 (OM15/5)

That Council:

- (a) *receive and note the report titled “Community Grants and Partnership Funding Review 2014”*
- (b) *endorse Option 1 for Council support to community organisations for 2015/16 and beyond*
- (c) *endorse multi-year funding under the Community Partnership Funding Program to provide funding for periods of up to 3 years*
- (d) *note “Community Grants Program and Community Partnership Funding Program Review Report” (Appendix A).*

Ordinary Meeting 20 June 2013 (OM13/109)

That Council:

- (a) *receive and note the report titled “Community Grants Policy”*
- (b) *adopt the Community Grants Policy (Appendix A)*
- (c) *note the Community Grants Guidelines (Appendix B) as amended by (f) below to implement the Community Grants Policy*
- (d) *adopt the Mayoral and Councillor Discretionary Funding Policy as amended (Appendix C)*
- (e) *note the Mayoral and Councillor Discretionary Funding Program Guidelines (Appendix D) and*
- (f) *amend the grants guidelines to include a clause that stipulates that each program is subject to annual budget allocations.*

Ordinary Meeting 10 December 2009 (OM09/365)

That Council:

- (a) *receive and note the report titled “Transition Funding Recommendations and Community Partnerships Funding Policy and Program Guidelines”;*
- (b) *endorse the transition funding amounts proposed (Appendix A), including the requirement that recipient organisations be advised funding processes and amounts will be subject to review for 2010/2011 year and beyond;*
- (c) *endorse the Community Partnerships Funding Policy (Appendix B); and*
- (d) *endorse the Community Partnerships Funding Program guidelines for 2010/2011 and beyond (Appendix C).*

Related Documentation

- Community Grants Policy
- Community Partnership Funding Program Guidelines
- Corporate Plan 2019-2023
- Heritage Levy Policy
- Local Government Act 2009
- Local Government Regulation 2012
- Regional Economic Development Strategy 2013-2033
- Statutory Bodies Financial Arrangements Act 1982
- Sunshine Coast Sustainability and Liveability Strategy
- Sunshine Coast Arts Plan 2018-2038

- Sunshine Coast Multicultural Action Plan 2017-2020
- Sunshine Coast Reconciliation Action Plan 2017 - 2019
- Sunshine Coast Social Strategy 2015
- Sunshine Coast Sport and Active Recreation Plan 2011-2026
- Sunshine Coast Youth Action Plan 2018-2021

Critical Dates

The due date for acquittal of 2019/20 Community Partnership Funding Program allocations is 31 August 2020.

Implementation

If Council endorses the recommendations in this report, the applicants will be notified of the recommended funding amount, funding conditions including reporting and acquittal requirements, and any conditions to be met prior to funding being processed and/or during the partnership term.

Funding will be distributed once online agreements are submitted to Council and any specific conditions are met. All recipients will be required to display Council supplied signage acknowledging Council's support for their operations.

A list of successful Community Partnership Funding partner organisations will be posted on Council's website.

8.5 HERITAGE LEVY POLICY

File No:	Council meetings	
Author:	Manager Arts, Heritage and Libraries Economic & Community Development Group	
Appendices:	App A - Strategic Policy - Heritage Levy	195
Attachments:	Att 1 - Strategic Policy - Heritage Levy V4 August 2019 - tracked	201

PURPOSE

The purpose of this report is to present the revised Strategic Policy - Heritage Levy (the Policy) to Council for consideration and adoption.

EXECUTIVE SUMMARY

Sunshine Coast Council initially endorsed the Strategic Policy - Heritage Levy in June 2010.

The purpose of the Policy is to outline cultural heritage and administrative principles that provide direction for allocation of the Heritage Levy (the Levy) revenue in an effective, open and accountable way.

The Policy was amended by Council resolution in 2016 to align to the strategies and five-year program of projects and actions outlined in the Sunshine Coast Heritage Plan 2015-2020 and to introduce a futures fund to ensure a percentage of the Levy was set aside annually to create an ongoing fund for Heritage Plan outcomes related to new infrastructure.

The revised Strategic Policy - Heritage Levy before Council as Appendix A of this report provides the mechanism to support decisions made during the 2019/2020 budget deliberations and budget adoption.

Specifically, the amendment will enable community groups that lease heritage buildings owned or managed by Council to access levy funds to undertake ongoing building maintenance in line with heritage maintenance and conservation plans.

A tracked changes version of the Policy, which shows all amendments, is provided as Attachment 1.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Heritage Levy Policy” and**
- (b) endorse the revised Strategic Policy - Heritage Levy (Appendix A).**

FINANCE AND RESOURCING

The Strategic Policy - Heritage Levy directs the allocation of the Heritage Levy revenue towards endorsed projects and programs.

The revised Policy (Appendix A) allows for a percentage of the Levy to be set aside to create an ongoing “Built Heritage Conservation Fund” to ensure community groups who lease heritage buildings owned or managed by Council can access the funds to undertake ongoing maintenance in line with maintenance and conservation plans.

Council reviews both the Heritage Levy charge and the Heritage Levy Program, which is funded by the Levy revenue, as part of adopting its annual revenue statement.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: 1.3 - A shared future that embraces culture, heritage, diversity

Operational Activity: 1.3.4 - Develop the annual Heritage Levy program to implement the priority activities and projects identified in the Sunshine Coast Heritage Plan 2015-2020.

CONSULTATION

Councillor Consultation

The 2019/20 Heritage Levy program was endorsed by Council at a Special Meeting on 20 June 2019.

This included the establishment of a new restricted fund to support a *Built Heritage Conservation Fund* to be used to provide financial support for building maintenance to community groups leasing Council owned or managed heritage buildings.

The revised Policy (Appendix A) provides the mechanism for the Fund to be established, and enable community groups that lease heritage buildings owned or managed by Council to access levy funds to undertake ongoing building maintenance in line with heritage maintenance and conservation plans.

Internal Consultation

- Chief Financial Officer
- Manager Corporate Governance
- Coordinator Land Management, Property Branch
- Senior Planner, Strategic Planning Branch

External Consultation

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

However, community groups under Council heritage property lease agreements have advised Councillors and Council officers, on an ongoing basis, of issues and hardship in raising revenue to fund the building maintenance costs required as part of lease agreements.

The Sunshine Coast Heritage Reference Group (SCHRAG) were made aware of the proposed new restricted fund when the draft 2019/20 levy was presented to the group for comment.

Community Engagement

All community groups leasing Council owned or managed heritage listed buildings will be formally advised of the Built Heritage Conservation Fund and how it may be accessed.

PROPOSAL

Sunshine Coast Council endorsed the Strategic Policy - Heritage Levy in June 2010.

The purpose of the Policy is to outline cultural heritage and administrative principles that provide direction for the allocation of the Heritage Levy revenue in an effective, open and accountable way.

The Policy was amended by Council resolution in 2016 to:

- align to the strategies and five-year program of projects and actions outlined in the Sunshine Coast Heritage Plan 2015-2020 and
- to introduce a futures fund to ensure a percentage of the Levy was set aside annually to create an ongoing sinking fund for Heritage Plan outcomes related to new infrastructure.

The 2019/20 Heritage Levy program was endorsed by Council at a Special Meeting in June 2019.

An increase to the levy by 50 cents (from \$12.50 in 2018/19 to \$13 in 2019/20) per rateable property was also endorsed specifically to establish an ongoing Built Heritage Conservation Fund as outlined in the levy program.

As the Levy Policy is the mechanism that directs the Levy spend, the Policy has been revised to reference the new restricted fund.

Once Council has endorsed the amended Policy, a transparent, criteria based process for accessing the fund will be developed to ensure that it is used to provide financial support to community groups leasing Council owned or managed heritage buildings. The financial support will be for maintenance works identified in, and in line with, maintenance and conservation plans.

The Levy Policy amendment is by way of a new paragraph inserted into the Policy which states:

A further four percent (4%) of the Levy, or as determined annually by Council, will be set aside to create an ongoing "Built Heritage Conservation Fund" to undertake ongoing maintenance of Council owned or managed State or Locally listed heritage properties that are leased by community groups or associations. The maintenance costs will be in line with maintenance and conservation plans.

A tracked changes version of the Policy which shows all amendments is provided as Attachment 1.

The endorsed 2019/20 Heritage Levy Program has allocated \$71,592 to the Fund's establishment. This reflects the increase of 50 cents per rateable property (based on 143,831 properties).

The amended Policy identifies a flat rate of 4% to be allocated the fund annually which will see the annual allocation grow in line with the number of rateable properties or future levy increases.

A number of Council owned heritage listed buildings that are leased to the community groups do not currently have conservation or maintenance plans. These will need to be undertaken as a priority and as part of the process of distributing the Fund.

Legal

The Strategic Policy - Heritage Levy is the mechanism which directs how the Heritage Levy revenue is expended.

Any significant amendments to a Strategic Policy of Council require Council endorsement.

Policy

This proposed Policy amendment is consistent with the Heritage outcomes and directions as provided in Council's *Corporate Plan 2019-2023*, *Social Strategy 2015*, and *Sunshine Coast Heritage Plan 2015-2020*.

Risk

If the amendments in Appendix A are not approved, the restricted Built Heritage Fund, as it appears in the 2019/20 Heritage Levy Program, will not have the necessary head of power to be established or expended in the manner agreed by Council and described in this report.

Previous Council Resolutions**Special Meeting 6 June 2016 (SM16/7)**

That Council:

- (a) *receive and note the report titled “Heritage Levy Policy 2016” and*
- (b) *endorse the revise Strategic Policy – Heritage Levy 2016 (Appendix A)*

Ordinary Meeting 20 August 2015 (OM15/134)

That Council:

- (a) *receive and note the report titled “Sunshine Coast Heritage Plan 2015-2020”*
- (b) *adopt the Sunshine Coast Heritage Plan 2015-2020 (Appendix A) and*
- (c) *note that the Chief Executive Officer may make minor amendments to the “Sunshine Coast Heritage Plan 2015 – 2020” to allow for final editing and publication*

Special Meeting 16 May 2011 (SM11/35)

That Council:

- (a) *receive and note the report titled “Heritage Levy Progress Report”;*
- (b) *endorse the indicative program of Cultural Heritage Projects outlined in the Heritage Levy Progress Report (Appendix A) for implementation in 2011/2012;*
- (c) *acknowledge and thank the members of the Sunshine Coast Cultural Heritage Reference Group for their work in relation to the Heritage Levy;*
- (d) *endorse the criteria for assessing and prioritising items for expenditure in relation to the Heritage Levy developed by the Cultural Heritage Reference Group and Council’s Cultural Heritage and Collections Unit;*
- (e) *endorse the indicative program of Cultural Heritage projects for implementation in 2011/2012; and*
- (f) *support a \$5.00 Heritage Levy per rates notice for the 2011/2012 rates notice with the amount to be reviewed in the 2012/2013 year.*

Special Meeting 22 April 2010 (SM10/21)

That Council:

- (a) *receive and note the report entitled “Introduction of a heritage levy on all rateable land across the Council region” and consider in their budget deliberations on all rateable land in the Council region, for the:*
 - i. *promotion of heritage values and strategies across the region;*
 - ii. *implementation of heritage programs and projects across the region;*
 - iii. *recording and preserving the history of the region including its oral and social history;*
 - iv. *establishing partnerships that have the capacity to enhance preservation of heritage facilities and resources;*
 - v. *identification, recording and protection of cultural heritage including Aboriginal heritage, landscape heritage, historical heritage and collections;*

- (b) *support \$5.00 rates notice for the 2010/2011 year with the amount reviewed in the 2011/2012 year;*
- (c) *note the prepared program scope included in the Sunshine Coast Heritage Levy Program (Attachment A)*
- (d) *support the formation of a regional Cultural Heritage Reference group to provide support and advice and appoint Cr Anna Grosskreutz as portfolio Councillor of Social Policy to chair the group;*
- (e) *endorse the commitment of the remaining funds of the Northern Area Heritage Levy to a relevant and eligible project in the Noosa area; and*
- (f) *continue discussion with the State Government and traditional owners and Aboriginal people of the region to strengthen Council's response to Aboriginal heritage on the Sunshine Coast.*

Related Documentation

- Community Grants Policy (2013)
- Sunshine Coast Council Corporate Plan 2019-2023 (February 2019)
- Sunshine Coast Heritage Plan 2015-2020
- Sunshine Coast Planning Scheme (2014)
- Strategic Policy - Heritage Levy (2016)

Critical Dates

As the Strategic Policy - Heritage Levy is the mechanism which directs how the Heritage Levy revenue is expended, the amendment to the Policy requires Council endorsement, before the new *Built Heritage Conservation Fund* can be established and expended.

Implementation

If Council endorses the amended Policy, Council officers will develop a criteria based, transparent process for community groups to access the funds.

A number of Council owned heritage listed buildings that are leased to the community groups do not currently have conservation or maintenance plans.

The Arts, Heritage and Library Branch will work with the Property Branch to identify the Council owned or managed Heritage listed properties: those that are under lease to community groups and those requiring a conservation or maintenance plans.

Depending on the number of properties identified, a prioritised list of planning and works will be developed in consultation with the lessee.

8.6 GAZETTAL OF BATHING RESERVE FOR BOKARINA

File No:	Council meetings
Author:	Team Leader Managed Sports Complexes Economic & Community Development Group
Attachments:	Att 1 - Proposed bathing reserve for Bokarina211

PURPOSE

The purpose of this report is for Council to resolve to make application to the State Government for the gazettal of a bathing reserve which will permit Council and Surf Life Saving Queensland (SLSQ) to establish and regulate a bathing area (patrolled beach) at Bokarina.

EXECUTIVE SUMMARY

The ease of access to Bokarina Beach and projected growth of the region were identified in the Surf Life Saving Queensland Lifesaving Services: Service Plan 2018-2022 - Sunshine Coast Council. This plan was endorsed by Council at its Ordinary Meeting on 22 February 2018 and recommends the commencement of a patrolled beach at Bokarina from September 2020.

The *Local Government Regulation 2012* prescribes a requirement for a bathing reserve to be under the control of Local Government and included as part of the Local Government's area.

Before a lifeguard patrol service can commence at Bokarina, a bathing reserve must be gazetted. An application by Council, for the State to relinquish control of a foreshore or bathing reserve, must be presented to the Governor in Council to consider. If approved, control of these areas is provided to Council by Gazette notice by the Governor in Council.

In order for a lifeguard patrol service to be established at Bokarina, it is proposed that Council make application to the State for a new bathing reserve by extending the existing Wurtulla Beach bathing reserve.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Gazettal of bathing reserve for Bokarina"**
- (b) resolve to make application for a new bathing reserve and repeal the existing Wurtulla bathing reserve, which will have the effect of extending the existing Wurtulla bathing reserve by approximately 700 metres and**
- (c) proceed to commence the local law making process to amend Subordinate Local Law No. 2 (Animal Management), to remove the dog off leash area on map SLL 2.6.24 between beach access 247- 245 to allow for the declaration of a bathing reserve.**

FINANCE AND RESOURCING

The costs associated with the gazettal of a bathing reserve include the costs for the survey plan for the area and the gazettal notice in the Government Gazette.

Stakeholder consultation is required to support the application however this will be absorbed as part of normal officer duties. No additional staff resources are required for the consultation or preparation of the application to the State.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*
Outcome: We serve our community by providing this great service
Operational Activity: S5 - Lifeguards - providing regular patrols of beaches to ensure the safety and enjoyment of residents and visitors.

CONSULTATION

Councillor Consultation

Councillor P Cox, Divisional Councillor has been briefed on the proposed bathing reserve for Bokarina.

Internal Consultation

Consultation has occurred with the following on the proposed bathing reserve:

- Coordinator Governance Process and Policy
- Coordinator Response Services

External Consultation

- Surf Life Saving Queensland
- Department of Local Government, Racing and Multi-Cultural Affairs

Community Engagement

It is proposed to develop a community consultation plan that not only meets the requirements of Council's Community Engagement Policy and good governance; it will also meet the requirements set out by the Department of Local Government, Racing and Multi-Cultural Affairs for the application to gazette the bathing reserve.

Consultation will include the following:

- Public notices
- Website communication including an online submission form
- Display of the public notice at the proposed bathing reserve and in Council offices
- Printed submission forms will be available from Council offices.

The following stakeholders will be engaged in consultation:

- State or Federal agencies which may have an interest in the area proposed for the bathing reserve, including Coastal Protection Authority, Maritime Safety Queensland, Great Barrier Reef Marine Park Authority, National Parks, Sport and Recreation
- individuals or organisations that may be affected by the area under application
- Native Title prescribed bodies corporate and/or claimants.

To ensure transparency and expedite the gazettal of the bathing reserve, it is proposed to undertake the community consultation on the proposed amendment to Subordinate Local Law No 2 and the application to gazette the bathing reserve concurrently.

PROPOSAL

The Kawana Waters Development Control Plan 1 (gazetted in December 1996) references controlled beach access and surf lifesaving facilities at Bokarina. Approvals for the Stockland development at Bokarina required the developer to provide beach access and foreshore surf lifesaving infrastructure such as a lifeguard tower.

In addition to additional beach access and lifesaving service infrastructure, the Bokarina development has provided improved connectivity to the beach for the rapidly developing residential developments of Birtinya, Harmony and Aura. The ease of access to Bokarina Beach and projected growth of the region were identified in the Surf Life Saving Queensland Lifesaving Services: Service Plan 2018-2022 - Sunshine Coast Council. This plan was endorsed by Council at its Ordinary Meeting on 22 February 2018 and recommends the commencement of a patrolled beach at Bokarina from September 2020.

Before a lifeguard patrol service can commence at Bokarina, a bathing reserve must be gazetted. An application by a Local Government, for the State to relinquish control of a foreshore or bathing reserve, must be presented to the Governor in Council to consider. If approved, control of these areas is given to a Local Government by Gazette notice by the Governor in Council.

Though it is implied through approvals and endorsement of the Planning Scheme, master plans and service plans, a Council resolution to make application for control of a foreshore or bathing reserve is required to accompany the application to the State.

The Head of Power to declare a bathing reserve sits within the *Local Government Regulation 2012*, Part 3 Division 3 Marine and aquatic matters, Section 62 Bathing reserves. The process to apply for, or amend a bathing reserve, requires an application to the Queensland State Government to consider the request (Governor in Council is the decision maker). The process of making an application to the State is a decision of the Council, meaning Council is making the application.

Clarification was sought from the State on the requirement for a Council resolution to accompany the application for the gazettal of the bathing reserve. The State advised to consider the application it requires either a Council resolution or a copy of the specific delegation regarding applying for a bathing reserve, which Sunshine Coast Council do not have.

To commence a lifeguard patrol service at Bokarina from September 2020, it is proposed that Council make application to the State to extend the existing Wurtulla Beach bathing reserve north from Beach Access 247 to Beach Access 245. Council will make application for a new bathing reserve and repeal the existing Wurtulla bathing reserve, which will have the effect of extending the existing Wurtulla bathing reserve by approximately 700 metres to approximately 1.0 km. The proposed area of the extended bathing reserve is shown in Attachment 1. The application for gazettal requires a survey plan of the bathing reserve to be submitted. A survey will be undertaken if Council resolves to proceed with the application.

Dog-off leash is not permitted within the existing Wurtulla bathing reserve (Beach Access 249 to 247) and the proposed extension of the bathing reserve north to Beach Access 245 means the dog-off leash area also requires amendment. It is important to note that the signed area which applies to the existing Wurtulla bathing reserve, that is, "Dogs on-leash may traverse through the bathing reserve without stopping to access off-leash area", will be extended north to Beach Access 245 to permit same in the extended bathing reserve.

The power for Council to establish and regulate a bathing area (patrolled beach) is provided under Council's Bathing Reserve Local Law and Subordinate Local Laws. Under the local law, an official patrolled beach (bathing area) can only be conducted in a gazetted bathing reserve. There are eight gazetted bathing reserves on the Sunshine Coast.

Until such time that there is a gazetted bathing reserve, a patrolled beach (bathing area) cannot be established or regulated at Bokarina.

Legal

The power for Council to establish and regulate a bathing area (patrolled beach) is provided under Council's Bathing Reserve Local Law and Subordinate Local Laws. Under the local law, an official patrolled beach (bathing area) can only be conducted in a gazetted bathing reserve.

Policy

Consultation with Council's Governance and Response Services teams in relation to making application for the gazettal of the bathing reserve, identified that Subordinate Local Law No. 2 (Animal Management) 2011 requires amendment to remove the dog off-leash area from the proposed bathing reserve. Dog-off leash is not permitted within the existing Wurtulla bathing reserve (Beach Access 249 to 247) and the proposed extension of the bathing reserve north to Beach Access 245 means the dog-off leash area also requires amendment. It is important to note that the signed area which applies to the existing Wurtulla bathing reserve, that is, "Dogs on-leash may traverse through the bathing reserve without stopping to access off-leash area", will be extended north to Beach Access 245 to permit same in the extended bathing reserve.

Risk

Until such time that there is a gazetted bathing reserve, a patrolled beach (bathing area) cannot be established or regulated at Bokarina by Council or Surf Life Saving Queensland.

Previous Council Resolution***Ordinary Meeting 22 February 2018 (OM18/16)***

That Council:

- (a) *receive and note the report titled "**Sunshine Coast Council Lifeguard Service Plan 2018-2022**"*
- (b) *endorse the Surf Life Saving Queensland Lifesaving Services: Service Plan 2018-2022 – Sunshine Coast Council (Appendix A) and*
- (c) *refer the budget increases for consideration in the relevant annual budget process.*

Related Documentation

- *Local Government Regulation 2012*
- *Surf Life Saving Queensland Lifesaving Services: Service Plan 2018-2022 - Sunshine Coast Council*

Critical Dates

While the Surf Life Saving Queensland Lifesaving Services: Service Plan 2018-2022 - Sunshine Coast Council recommends the commencement of a patrolled beach at Bokarina from September 2020, the consultation process for both the gazettal and proposed local law amendment as well as the State Government's gazettal process may take up to six months. It is therefore important the application is submitted as soon as possible to ensure the gazettal of the bathing reserve before the start of the patrol season in September 2020.

Implementation

Should Council resolve to make application for the bathing reserve, consultation will commence and information gathered to support the application.

8.7 FESTIVE SEASON PROGRAM 2019/20**File No: 190919-6148****Author: Coordinator Creative Arts & Events
Economic & Community Development Group**

PURPOSE

This report seeks Council direction on the extension of Christmas and Australia Day Events funding agreements and Festive Infrastructure (Christmas Trees and Banners), and identifies a timeline for a review of these programs.

EXECUTIVE SUMMARY

This report seeks Council direction on the extension and subsequent review of the Christmas and Australia Day events and Festive Infrastructure (Christmas Trees and Banners).

Christmas and Australia Day Events funding agreements

Council adopted a three-year model (2017-2020) of delivery for Christmas and Australia Day events at its September 2016 Ordinary Meeting.

The funding agreements for the delivery of five Christmas events in December and two Australia Day events in January expire in 2019 and 2020 respectively. Therefore, to enable pre-planning and engagement processes in time for the delivery of the Christmas and Australia Day events for 2020/21 and beyond, Council officers would be required to present a further report to Council in late 2019 or early 2020.

Given that this further report will also detail a review of the delivery model and may make recommendations that will require considered decision-making, Council officers are seeking permission through this current report to extend the existing three-year agreements for an additional 12 month period. This proposal would allow the status quo to remain in relation to the funding agreements and delivery model for the December 2020 Carols events and the January 2021 Australia Day program.

A report to the new Council in February 2021 would provide opportunity for the new Council to determine how the Christmas and Australia Day events be delivered for 2021/22 and beyond. This timing would also allow adequate planning, community engagement and implementation lead-in to ensure the success of these much loved festivities in 2021/22 and beyond, and meet submission deadlines for 2021/22 Budget workshops at which decisions will be made around funding of the agreed delivery model.

Festive infrastructure (Christmas Trees and Banners)

The last endorsed direction from Council in relation to festive infrastructure was provided at its 30 January 2014 Ordinary Meeting.

While the community has a strong attachment to particular Christmas trees and decorations within various localities, the 2014 report supported Council to streamline, wherever possible, the number of Christmas trees in the region. The intent was to slowly reduce the number of trees to one large tree located outside a Council administration building and for Council to support a divisional grants program which would encourage local service groups and business groups to take ownership of decorating or celebrating Christmas within their local community – to encourage both local economic benefit and community spirit.

Council resolved at its 30 January 2014 Ordinary Meeting that a review of the Festive Season delivery model (including Christmas and Australia day events) be undertaken by 2018/19. This review has not been delivered due to the engagement required for both

programs. For the same reason as the Festive events, Council officers are requesting extension of the funding agreements with the providers of festive infrastructure to allow a full review – which will include community engagement – to be undertaken and a report be brought to Council by February 2021.

As a result of the development of the new Sunshine Coast City Hall, known population growth, and the time that has elapsed since the 2014 report it is anticipated that the review will recommend a more regional approach for Council's consideration.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Festive Season Program 2019/20”
- (b) renew/extend for one year (2020 delivery) the three \$10,000 agreements for the Nambour Community Carols, the Glasshouse Community Carols and the Coolum Christmas in the Park events
- (c) renew/extend for one year (2020 delivery) the \$60,000 agreement for the Calvary Christian Church to deliver the Carols at Cotton Tree and the Carols on Kings events
- (d) renew/extend for one year (2021 delivery) the agreements for the Kings Beach and the Maleny Australia Day flag raising events and
- (e) receive a report by February 2021 which seeks Council direction for future Christmas and Australia Day funding agreements and festive infrastructure, including the Divisional Discretionary Festive Fund.

FINANCE AND RESOURCING

Table 1 provides details of the **Christmas and Australia Day Events** annual funding agreements.

Organisation	Amount
Flame Tree Baptist Church to produce Nambour Community Carols	\$10,000
Glasshouse Community Carols (liaising with Cr R Baberowski on producer)	\$10,000
Coolum Christian Family Church to produce Coolum Christmas in the Park	\$10,000
Calvary Christian Church to deliver:	
Carols at Cotton Tree	\$30,000
Carols on Kings	\$30,000
Caloundra RSL for the Kings Beach Australia Day flag raising event	\$3,000
TS Centaur Navy Cadets for the Maleny Australia Day flag raising event	\$3,000

Table 1. Christmas and Australia Day Events Annual Funding Agreements

Table 2 provides details of the annual budget for **Festive Infrastructure (Christmas trees and banners)** which is more than \$380,000.

Infrastructure	Amount
Decoration of 20 natural trees across the region	\$250,000
Installation of festive banners across the region (including de-install and storage)	\$50,000
Installation of two artificial trees at the Nambour and Caloundra administration buildings (including de-install and storage). It should be noted that these artificial trees have a three-year life span and to replace them would require an extra allocation of \$130,000 every three years.	\$40,000
Repairs, maintenance, replacements due to storms, vandalism etc.	\$13,000
Annual allocation to a Divisional Discretionary Festive Fund, administered by the Community Grants team, which allocates funding for festive decorations of CBD areas for those Divisions with only one tree (Divisions 1, 2, 3, 6, 7, 9).	\$30,000

Table 2. Festive Infrastructure (Christmas trees and banners) Annual Budget

The **Divisional Discretionary Festive Fund** has an annual budget of \$30,000 (\$5,000 per Division). Table 3 outlines the fund's uptake for the past five years.

Div	14/15 uptake	15/16 uptake	16/17 uptake	17/18 uptake	18/19 uptake
1	\$5,000 Glasshouse Chamber of Commerce	0	\$5,000 Celebrate Glasshouse Country	\$350 Peachester Hall	\$4,598 Celebrate Glasshouse Country
2	\$4,969 Caloundra Chamber of Commerce	\$3,671 Caloundra Chamber of Commerce	\$1,920 Caloundra Chamber of Commerce	\$5,000 Caloundra Business Alliance	\$5,000 Caloundra Business Alliance
3	0	0	0	0	0
6	0	0	0	0	0
7	0	\$5,000 Rotary Buderim	0	0	0
9	\$2,000 Coolum Business & Tourism	\$1,500 Coolum Business & Tourism	0	0	\$2,500 Bli Bli Hall
	\$11,969	\$11,671	\$6,920	\$5,350	\$12,098

Table 3. Divisional Discretionary Festive Funding uptake

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: We serve our community by providing this great service

Operational Activity: S1 - Community and cultural development and partnerships - Council is providing planning, partnering and supporting the community through a range of community development, civic and cultural programs and grants.

CONSULTATION

Councillor Consultation

Community and Environment Portfolio Councillor J McKay.

Internal Consultation

Internal consultation has been undertaken in relation to this report with the following Council officers:

- Coordinator Procurement and Contract Performance
- Coordinator Governance Process and Policy
- Coordinator Community Connections and Partnerships

External Consultation

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

Community Engagement

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

PROPOSAL

This report seeks Council direction on the extension and subsequent review of the Christmas and Australia Day events and Festive Infrastructure (Christmas Trees and Banners). Table 4 provides an overview of the current status of these programs, and the recommendations made in this report in relation to the programs.

Program	Current status	Recommendation
Carols events	<ul style="list-style-type: none"> • Five events delivered by external parties via funding agreements with Council. • Agreements expire after December 2019 delivery. • Applications for non-Council events via Community Grants program. 	One-year extension while review is undertaken
Australia Day flag-raising events	<ul style="list-style-type: none"> • Two events delivered by external parties via funding agreements with Council. • Agreements expire after January 2020 delivery. • Applications for non-Council events via Community Grants program. 	One-year extension while review is undertaken
Festive infrastructure	<ul style="list-style-type: none"> • Annual budget delivers Christmas trees (decoration of real and installation of artificial) and banners across the region. • Fund allocation for divisions with only one decorated tree. 	Maintain status quo while review is undertaken

Table 4. Overview of current status and recommendations

Christmas and Australia Day Events funding agreements

Council adopted a three-year model (2017-2020) of delivery for Christmas and Australia Day events at its September 2016 Ordinary Meeting. This model included annual funding agreements totalling \$96,000 with the following organisations:

Flame Tree Baptist Church to produce Nambour Community Carols	\$10,000
Glasshouse Community Carols (liaising with Cr R Baberowski on producer)	\$10,000
Coolum Christian Family Church to produce Coolum Christmas in the Park	\$10,000
Calvary Christian Church to deliver:	
Carols at Cotton Tree	\$30,000
Carols on Kings	\$30,000
Caloundra RSL for the Kings Beach Australia Day flag raising event	\$3,000
TS Centaur Navy Cadets for the Maleny Australia Day flag raising event	\$3,000

The funding agreements for the delivery of five Christmas events in December and two Australia Day events in January expire in 2019 and 2020 respectively. Therefore, to enable pre-planning and engagement processes in time for the delivery of the Christmas and Australia Day events for 2020/21 and beyond, Council officers would be required to present a further report to Council in late 2019 or early 2020.

Given that this further report will also detail a review of the delivery model and may make recommendations that will require considered decision-making, Council officers are seeking permission through this current report to extend the existing three-year agreements for an additional 12 month period. This proposal would allow the status quo to remain in relation to the funding agreements and delivery model for the December 2020 Carols events and the January 2021 Australia Day program.

A report to the new Council in February 2021 would provide opportunity for the new Council to determine how the Christmas and Australia Day events be delivered for 2021/22 and beyond. This timing would also allow adequate planning, community engagement and implementation lead-in to ensure the success of these much loved festivities in 2021/22 and beyond, and meet submission deadlines for 2021/22 Budget workshops at which decisions will be made around funding of the agreed delivery model.

Festive infrastructure (Christmas Trees and Banners)

The last endorsed direction from Council in relation to festive infrastructure was provided at its 30 January 2014 Ordinary Meeting.

While the community has a strong attachment to particular Christmas trees and decorations within various localities, the 2014 report supported Council to streamline, wherever possible, the number of Christmas trees in the region. The intent was to slowly reduce the number of trees to one large tree located outside a Council administration building and for Council to support a divisional grants program which would encourage local service groups and business groups to take ownership of decorating or celebrating Christmas within their local community – to encourage both local economic benefit and community spirit.

Council resolved at its 30 January 2014 Ordinary Meeting that a review of the Festive Season delivery model (including Christmas and Australia day events) be undertaken by 2018/19. This review has not been delivered due to the engagement required around each program. For the same reason, Council officers are requesting extension of the funding agreements with the providers of festive events to allow a full review – which will include community engagement – to be undertaken and a report be brought to Council by February 2021.

As a result of the development of the new Sunshine Coast City Hall, known population growth, and the time that has elapsed since the 2014 report it is anticipated that the review will recommend a more regional approach for Council's consideration.

Legal

There are no legal implications relevant to this report.

Policy

Council's Procurement Policy directs that, as these agreements were formed by Council resolution, the power to grant an extension to the current agreements beyond what is provided for in said agreements lies with Council.

Risk

Procurement – addressed by Policy.

Previous Council Resolutions

Ordinary Meeting 15 September 2016 (OM16/164)

That Council:

- (a) *receive and note the report titled "**Festive Season Report 2014-2016**"*
- (b) *subject to receipt of satisfactory acquittal reports for the 2016 Christmas Carol events extend an invitation for three year funding agreements, at \$10,000 each per annum with:*
 - (i) *Flame Tree Baptist Church to produce Nambour Community Carols*
 - (ii) *Church on the Rise to produce Glasshouse Country Community Carols and*
 - (iii) *Coolum Christian Family Church to produce Coolum Christmas in the Park*
- (c) *request the Chief Executive Officer seek, via a Tender process, three year (2017-2020) sponsorship arrangements with one or more not-for-profit organisations to deliver Carols on Kings at Caloundra and Carols at Cotton Tree, at \$30,000 for each event, and that the preferred tender be brought back to Council by March 2017 for endorsement and*
- (d) *request the Chief Executive Officer seek, via Register Of Interest (ROI) process, three year (2018-2021) sponsorship arrangement for two Australia Day flag raising ceremonies in the Sunshine Coast local government area with one being Kings Beach, Caloundra, at \$3,000 for each event.*

Ordinary Meeting 30 January 2014 (OM14/7)

That Council:

- (a) *receive and note the report titled "**Festive Season program 2014/2015**"*
- (b) *endorse a community event matrix (Appendix A) to assist the equitable allocation of grants, donations and sponsorship by Council for community Festive Season events and activities*
- (c) *seek community partnerships and offer sponsorship arrangements for Carols on Kings and Carols at Cotton Tree at \$30,000 each event*
- (d) *request the Chief Executive Officer to approach the organisers of identified, high profile, established community Christmas Carol events to offer sponsorship arrangements*

- (e) *approve the continuation of one signature New Year's Eve event for the region based at Mooloolaba and continue ongoing strategic investigations into additional revenue streams*
- (f) *approve the ongoing delivery of the three Australia Day civic event programs consisting of the Sunshine Coast Australia Day Awards and the Sunshine Coast Australia Day Citizenship ceremony (to be held at a different location across the region annually) and one formal Australia Day flag raising ceremony at Kings Beach*
- (g) *endorse the installation and decoration of existing Christmas trees and banners across the region (Appendix B), while working with divisional Councillors to seek further opportunities to reduce the number of Council funded trees via the establishment of sponsorship and partnership programs with businesses and community groups*
- (h) *develop an annual grants program, in consultation with divisional Councillors, aimed at encouraging business groups to take on the responsibility of lighting and decorating business centres*
- (i) *request the Chief Executive Officer ensure the planning and delivery of the Maroochydore Principal Regional Activity Centre be considerate of future Festive Season programming in relation to safety and competition with already existing festive season events*
- (j) *request the Chief Executive Officer to investigate the establishment of festive season entry statements*
- (k) *request the Chief Executive Officer to refer the funding for the Festive Season program as outlined in this report to the 2014/2015 budget and*
- (l) *request the Chief Executive Officer to review the Festive Season delivery model in three years and report back to Council, however at an earlier time as required where external involvement is not realised.*

Related Documentation

Procurement Policy

Critical Dates

Timely direction from Council is required in order to enable the pre-planning and engagement processes required for agreement extension, to plan and undertake the review, and if needed, develop and implement a procurement process to deliver the Festive season and Australia Day events and infrastructure.

Implementation

Should the recommendations be accepted by Council, the Chief Executive Officer will implement Council's resolution.

8.8 LEASE AGREEMENT KABI KABI PEOPLES ABORIGINAL CORPORATION AT 331 - 335 FINLAND ROAD, MARCOOLA**File No: SCAEP CHMP****Author: Project Director (Sunshine Coast Airport Expansion)
Built Infrastructure Group**

PURPOSE

The purpose of this report is to seek Council's endorsement to progress a lease agreement for Lot 1 RP 133655 (331 - 335 Finland Road, Marcoola) with the Kabi Kabi Peoples Aboriginal Corporation.

EXECUTIVE SUMMARY

Council has the opportunity to enter into a lease agreement with the Kabi Kabi Peoples Aboriginal Corporation (KKPAC) that will open the potential for economic, cultural and educational growth for the corporation and community awareness.

The property proposed to be leased to the KKPAC is on Council Freehold land. This land is currently leased to Sunshine Coast Airport Pty Ltd (SCAPL) as part of the Sunshine Coast Airport - Commercial Partner Agreement. The lease agreement is to be executed by Council as the current Lessor.

However, Council currently sub-leases the land back from SCAPL whilst managing the construction of the new runway expansion project. The subject property is within the project's footprint. This sub-lease from Sunshine Coast Airport Pty Ltd is until the completion of the new runway at which time the sub-lease will be terminated and returned to the lessee, Sunshine Coast Airport Pty Ltd.

At this time the subject lease for Lot 1 RP 133655 will be novated to Sunshine Coast Airport Pty Ltd, who have previously agreed to this arrangement.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Lease Agreement Kabi Kabi Peoples Aboriginal Corporation at 331 - 335 Finland Road, Marcoola"**
- (b) resolve, pursuant to Section 236(2) *Local Government Regulation 2012*, that an exception to dispose of an interest in land at Lot 1 RP 133655 (331 - 335 Finland Road, Marcoola), other than by tender or auction applies, as the disposal is, pursuant to Section 236(1)(c)(ii) to a person whose restored enjoyment of the land is consistent with Aboriginal tradition or Island custom and**
- (c) approve the preparation, negotiation and execution of a lease to the Kabi Kabi Peoples Aboriginal Corporation for a term not less than 25 years with an annual rent in the sum of \$1 per annum.**

FINANCE AND RESOURCING

Sunshine Coast Council proposes to offer a lease agreement to the Kabi Kabi Peoples Aboriginal Corporation for a term of not less than 25 years and with an annual rent in the sum of \$1 per annum. The lease agreement will allow for commercial activities associated with caring for country, other business conducted by a duly established legal entity

representing the Kabi Kabi First Nation People including Cultural Heritage, Native Title and other business meetings or business development to occur.

Council will be responsible for any duty on the registration of the lease (if required) and reimbursement of Kabi Kabi Peoples Aboriginal Corporation's reasonable costs including legal costs and the negotiation and execution of the lease. Approximate cost \$5,000.

Council agrees that within six months of the commencement date of the lease it will, in consultation with Kabi Kabi Peoples Aboriginal Corporation:

- a) construct a 60m² green house to be used by a duly established legal entity representing the Kabi Kabi people or its sub-contractor. Approximate cost \$5,000.
- b) install a water bore and connection to tanks, pumps and filters including repairs to shed doors, to be used by a duly established legal entity representing the Kabi Kabi people or its sub-contractor. Approximate costs \$20,000.

Council will obtain all approvals, permits, authorities and licenses and pay all costs in respect of the planning and construction of the greenhouse and water bore referred to above.

All associated costs for utility connections and supply of water, repairs, maintenance and all outgoings will be the responsibility of the proposed Lessee.

On completion of the new runway project the project footprint will be returned to Sunshine Coast Airport Pty Ltd. Due to the subject land being part of a sub-lease agreement as part of the construction of the new runway at Sunshine Coast Airport Pty Ltd, the lease agreement must be capable of novation to Sunshine Coast Airport from a date to be determined.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: We serve our community by providing this great service

Operational Activity: S1 - Community and cultural development and partnerships - Council is providing planning, partnering and supporting the community through a range of community development, civic and cultural programs and grants.

CONSULTATION

Councillor Consultation

Division 8 Councillor J O'Pray was consulted in relation to this report.

Internal Consultation

- Chief Executive Officer
- Group Executive Economic & Community Development
- Group Executive Built Infrastructure
- Manager, Business and Innovation - Business Performance Group
- Manager Community Planning and Development - Economic & Community Development
- Senior Advisor, First Nations Partnerships - Economic & Community Development
- Senior Property Officer, Property Management Branch - Business Performance Group
- Solicitor, Legal Services - Office of the Mayor & CEO.

External Consultation

- Kabi Kabi First Nation Peoples Claimant Representatives
- P&E Law - Legal Representative for the claimant representatives
- CEO, Sunshine Coast Airport Pty Ltd.

Community Engagement

Discussions have been held with the Kabi Kabi First Nation Claimant Group representatives.

PROPOSAL

Council has the opportunity to enter into a lease agreement with the Kabi Kabi Peoples Aboriginal Corporation (KKPAC) that will open the potential for economic, cultural and educational growth for the corporation and community awareness. Kabi Kabi Peoples Aboriginal Corporation is a legal entity of the Kabi Kabi First Nation Claimant Group referred to hereunder. KKPAC was registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on 5 February 2019.

The property proposed to be leased to the KKPAC is on Council Freehold land. This land is currently leased to Sunshine Coast Airport Pty Ltd (SCAPL) as part of the Sunshine Coast Airport - Commercial Partner Agreement. The lease agreement is to be executed by Council as the current Lessor.

However, Council currently sub-leases the land back from SCAPL whilst managing the construction of the new runway expansion project. The subject property is within the project's footprint. This sub-lease from Sunshine Coast Airport Pty Ltd is until the completion of the new runway at which time the sub-lease will be terminated and returned to the lessee, Sunshine Coast Airport Pty Ltd.

At this time the subject lease for Lot 1 RP 133655 will be novated to Sunshine Coast Airport Pty Ltd, who have previously agreed to this arrangement.

The location of the proposed lease area is within the project footprint on the western side of the new runway as seen in **Figures 1 and 2**. Renovations to the existing house on proposed lease area have been made in preparation for leasing the property to the corporation and is near ready for occupancy. The house is a two story dwelling situated on 9,626m² of land as seen in **Figure 3** and the layout downstairs is suitable for office style operations. Upstairs is a three (3) bedroom floor plan with open kitchen and dining facilities suitable for use by a caretaker. The property has a two (2) bay shed and the water supply is by storage tank facilities.

In December 2017 Council issued a Letter of Intent to the Kabi Kabi First Nation Peoples Claimant Group Representatives that Council proposed to offer a lease agreement on reasonable terms for a period of no less than 25 years. The proposal was extended to allow for commercial activities to occur on the land including an onsite caretaker.

As part of the runway expansion project the Kabi Kabi First Nations People Claimant Group and Council jointly agreed to a Cultural Heritage Management Plan (CHMP/The Plan). As the sponsor, Council proposed in the plan to develop the project area to construct the new runway on land that has had long standing connections to the Kabi Kabi people. The Plan was endorsed on specific recitals that both parties provide effective recognition, protection and management of the Cultural Heritage in the project area.

In conjunction with Council's Community Planning and Development Branch which leads implementation of the Reconciliation Action Plan (RAP), Council's proposal of the lease will further develop relations and contribute to increased economic and social opportunities to the KKPAC. This also allows potential to build relationships with the local community. The lease would also provide a collaborative meeting place for the Kabi Kabi people.

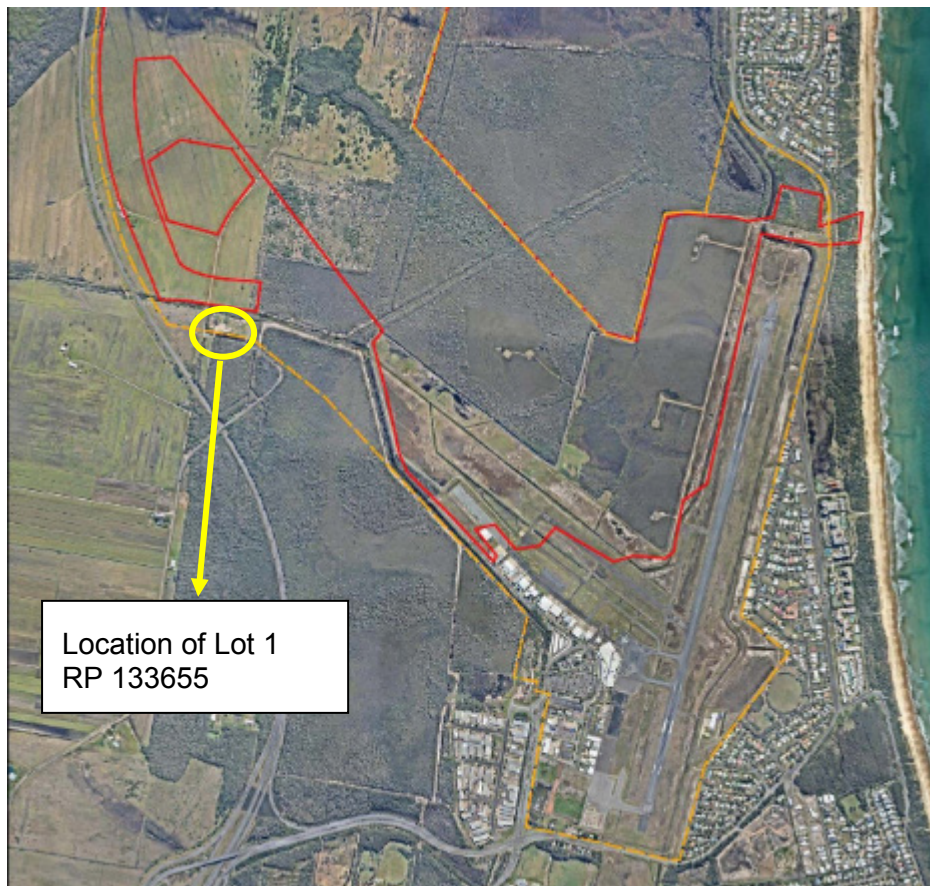


Figure 1 - Location of Lot 1 RP 133655 within the Sunshine Coast Airport Expansion Project Footprint



Figure 2 - Lot 1 RP 133655 331 - 335 Finland Road, Maroocha



Figure 3 - Existing house on proposed lease area

Legal

Council's Legal Services has been consulted regarding the lease. They will prepare the lease agreement should Council resolve to establish the lease. The lease agreement is to be executed by Council's Chief Executive Officer or delegate. The lease agreement will incorporate the capability to have the lease novated to Sunshine Coast Airport Pty Ltd at a date to be determined upon completion of the new runway project.

Policy

Entering into a lease agreement with Kabi Kabi Peoples Aboriginal Corporation for this property responds to multiple action items within Council's Reconciliation Action Plan, including:

- 3. Build relationships with the local community to further reconciliation
- 5. Raise awareness of our organisation's reconciliation commitments
- 10. Identify opportunities to expand First Nations cultural tourism within the region
- 12. Investigate First Nations supplier diversity
- 13. Identify partnership opportunities to enhance First Nations participation in activities that promote healthy and active lifestyles.

Further, entering into this lease agreement will underpin the delivery of actions arising from the Kabi Kabi Peoples Aboriginal Corporation meeting with Council's Board of Management on 15 April, 2019 including cross-sectoral advocacy to develop a Kabi Kabi Ranger Program and Keeping Place.

Risk

The lease agreement includes allowance for commercial activities to occur on the property for economic, cultural and educational growth for the corporation.

Council will directly enter into a lease agreement with the Kabi Kabi Peoples Aboriginal Corporation and has not advertised the lease externally. In accordance with Council's Reconciliation Action Plan (RAP) Council is fostering a meaningful relationship with the Kabi Kabi Peoples Aboriginal Corporation to support economic and social opportunities.

The Kabi Kabi Peoples Aboriginal Corporation is registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The Australian Government's Office of the Registrar of Indigenous Corporations provides supports and regulates corporations by:

- advising on how to incorporate
- training directors, members and key staff in good governance
- ensuring compliance with the law
- intervening when needed.

The Registrar also provides a training program to help members and directors of corporations understand their roles, responsibilities and other corporate governance issues.

Previous Council Resolution

There are no previous Council resolutions relevant to this report.

Related Documentation

Council's Reconciliation Action Plan (RAP)

Sunshine Coast Airport Expansion Project - Cultural Heritage Management Plan (CHMP)

Critical Dates

It is anticipated that this lease agreement will be executed in a timely manner to provide an appropriate base from which the Kabi Kabi Peoples Aboriginal Corporation may engage in ongoing activities associated with the environmental management of offset areas associated with the Sunshine Coast Airport Expansion Project.

Implementation

Authorise Council's Legal Services to prepare the lease agreement to the Kabi Kabi Peoples Aboriginal Corporation based on this report for execution by the Chief Executive Officer or delegate. The lease agreement must be capable of novation to the Sunshine Coast Airport Pty Ltd and the end of the new runway expansion project.

Authorise the CEO's delegate to execute the lease agreement.

Once the lease is executed, consultation will commence with the Kabi Kabi Peoples Aboriginal Corporation regarding the construction of the greenhouse, the water bore and the other associated requirements.

8.9 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR COMMERCIAL LEASE C SP178915 IN LOT 1 RP92714, 30-32 WHITECROSS ROAD, BLI BLI

File No:	F15/00430
Author:	Senior Property Officer Business Performance Group
Attachments:	Att 1 - Lease C SP178915 in Lot 1 RP92714 aerial map.....231 Att 2 - Lot 1 RP92714 locality aerial map.....233 Att 3 - Lease C SP178915 in Lot 1 RP92714235 Att 4 - Telstra Corporation Limited facility237

PURPOSE

The purpose of this report is to seek an exception from Council in accordance with the *Local Government Regulation 2012* from the tender or auction process to enter into a commercial lease agreement with the existing tenant of the land, being Telstra Corporation Limited.

EXECUTIVE SUMMARY

In December 2009, Council entered into a telecommunications lease agreement with Telstra Corporation Limited over part of Council Freehold land legally described as Lot 1 RP92714, located at 30-32 Whitecross Road, Bli Bli as shown on **Attachment 1 – Lease C SP178915 in Lot 1 RP92714 aerial map** and **Attachment 2 – Lot 1 RP92714 locality aerial map**. In 2013, Telstra Corporation Limited approached Council to enter into a new lease agreement due to the expiry of their current tenure being on 13 December 2014. Telstra Corporation Limited has requested a lease term of 10-years commencing 14 December 2014 and expiring 13 December 2024. Item 8 of the Reference Schedule contained within the draft telecommunications lease agreement stipulates that the annual rental will be \$23,570.62 (plus GST) per annum from the commencement date, subject to a rental increase on each review date by 3.5% per annum during the term.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Exception Under Local Government Regulation 2012 for Commercial Lease C SP178915 in Lot 1 RP92714, 30-32 Whitecross Road, Bli Bli” and
- (b) resolve in accordance with section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land (lease) at Lot 1 RP92714, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(c)(iii) to the existing tenant of the land.

FINANCE AND RESOURCING

The annual rental will be \$23,570.62 (plus GST) per annum from the commencement date, subject to a rental increase on each review date by 3.5% per annum during the term. The total revenue to Council over the term of the telecommunication lease agreement is \$304,167.83. All expenditure associated with these dealings, including Titles Office registration fees will be borne by Telstra Corporation Limited.

CORPORATE PLAN

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

CONSULTATION

Councillor Consultation

Councillor S Robinson – Divisional & Economic Development and Innovation Portfolio
Councillor

Internal Consultation

- Manager, Business and Innovation
- Solicitor, Legal Services
- Strategic Planner, Strategic Planning
- Environment Project Officer, Environment and Sustainability Policy
- Technical Officer Open Space Planning, Parks & Gardens
- Coordinator, Strategic Property
- Manager, Economic & Community Development
- Lead Advisor Technical, Economic & Community Development
- Senior Property Officer, Property Management Branch

External Consultation

Council's Property Management Branch has liaised with Telstra Corporation Limited on this matter.

Community Engagement

Due to the administrative nature of this report, no community engagement has been undertaken or is required.

PROPOSAL

In December 2009, Council entered into a telecommunications lease agreement with Telstra Corporation Limited over part of Council Freehold land legally described as Lot 1 RP92714, located at 30-32 Whitecross Road, Bli Bli as shown on **Attachment 1 – Lease C SP178915 in Lot 1 RP92714 aerial map** and **Attachment 2 – Lot 1 RP92714 locality aerial map**. In 2013, Telstra Corporation Limited approached Council to enter into a new lease agreement due to the expiry of their current tenure being on 13 December 2014. Telstra Corporation Limited has requested a lease term of 10-years commencing 14 December 2014 and expiring 13 December 2024. Item 8 of the Reference Schedule contained within the draft telecommunications lease agreement stipulates that the annual rental will be \$23,570.62 (plus GST) per annum from the commencement date, subject to a rental increase on each review date by 3.5% per annum during the term. The review date is defined in the telecommunications lease agreement as each anniversary of the commencement date during the term.

The tenure area was surveyed in 2005 as shown on **Attachment 3 – Lease C SP178915 in Lot 1 RP92714** and is legally described as Lease C SP178915 in Lot 1 RP92714. There are two (2) adjoining telecommunication towers where a lease agreement is registered between Council and Crown Castle Australia Pty Ltd. Both telecommunication lease agreements expire on 13 December 2024.

The telecommunications lease agreement legally described as Lease C SP178915 in Lot 1 RP92714 encompasses a telecommunications tower facility as shown on **Attachment 4 – Telstra Corporation Limited facility** that provides cellular service to the local area.

The new telecommunications lease agreement was not finalised prior to the expiry date of the previous agreement, being 13 December 2014, due to the Lessee considering the future requirements of this site and ongoing negotiations between both parties. In accordance with clause 5.3 – ‘Holding Over’ of the lease agreement, the Lessee has occupied the Premises with the Lessor’s consent after the expiry date, and has done so under a yearly tenancy. The Lessee has paid rent to Council annually as per the new agreement. Should Council resolve to enter into a new telecommunications lease agreement, the expiry date will be ten (10) years from the expiry of the previous agreement, being 13 December 2024.

Legal

Council’s Legal Services have been consulted in relation to the preparation of the Form 7 – Lease/Sublease document.

Policy

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

Risk

There are no risks relevant to this report.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates relevant to this report, however, Telstra Corporation Limited have advised Council they would like to finalise the registration of this lease as soon as possible.

Implementation

Should Council resolve that an exception to the *Local Government Regulation 2012* applies, Council’s Delegated Officer will execute the Form 7 – Lease/Sublease document and return to the Telstra Corporation Limited’s Solicitor for registration at the Titles Office.

8.10 JULY 2019 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports

**Author: Coordinator Financial Services
Business Performance Group**

Late report to be provided.

8.11 SUNSHINE COAST CITY HALL - PROJECT UPDATE

File No: Financial Reports

**Author: Group Executive
Business Performance Group**

Late report to be provided.

8.12 PROPOSED AMENDMENT LOCAL LAW NO. 1 (COMMUNITY HEALTH AND ENVIRONMENTAL MANAGEMENT) 2019 AND AMENDMENT SUBORDINATE LOCAL LAW NO.2 (COMMUNITY HEALTH AND ENVIRONMENTAL MANAGEMENT) 2019

File No:	Report
Author:	Manager Corporate Governance Office of the CEO
Appendices:	App A - Amendment Local Law No. 1 (Community Healthy and Environmental Management) 2019257 App B - Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019267

PURPOSE

The purpose of this report is to seek a Council resolution proposing to make Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019.

EXECUTIVE SUMMARY

The Maroochydore City Centre Infrastructure Agreement binds future developments within the precinct to connect to the Automatic Waste Collection System (AWCS).

The AWCS is the first of its kind to be delivered within Australia. As such there is no legislative framework or precedent that provides for the administration and regulation of private and public infrastructure.

In order to ensure that Council has the minimum tools necessary to administer and regulate the private and public pneumatic waste infrastructure, new local law provisions have been developed to accommodate this legislative gap. The new provisions broadly include:

- **Registration Requirements** – to ensure that we have the details of the owners of the pneumatic waste infrastructure (e.g. for any single dwellings the owner, for multi-dwellings the Body Corporate details and contact details)
- **Operating Requirements** - require owners to comply with the Prescribed Waste Infrastructure Standards (e.g. what is AWCS waste)
- **Maintenance Requirements** - impose requirements on who is able to repair the private pneumatic waste infrastructure (e.g. licensing requirements for authorised repairers)
- **Public Space compliance** - regulate the usage of the public pneumatic waste infrastructure (e.g. waste inlets in public spaces) and
- **Non AWCS provisions** – to enable Council to specify how occupiers must manage their non-AWCS waste (e.g. bulk glass, cardboard etc.).

Further details on the proposed changes are highlighted in **Table 2** of this report and full details of the proposed amendments are contained in **Appendix A** (amendment local law) and **Appendix B** (amendment subordinate local law) of this report.

A Council resolution proposing to make the amendment subordinate local law is necessary to proceed with the local law making process detailed in **Table 3** of this report.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Proposed Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No.2 (Community Health and Environmental Management) 2019”
- (b) resolve to propose to make Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019 (Appendix A)
- (c) resolve to undertake Community Consultation during the period 23 August to 23 September 2019 (32 days)
- (d) resolve to undertake a State Interest Check in relation to the proposed amending local law pursuant to section 29A of the *Local Government Act 2009*
- (e) resolve that proposed Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019 have been reviewed in accordance with section 38 of the *Local Government Act 2009* and that it has been identified that the law contains several anti-competitive provisions that should not be excluded from review and that have potential impacts and
- (f) resolve to undertake a public interest review of the anti-competitive provisions and hereby authorise the Chief Executive Officer to conduct the review during the Community Consultation period in accordance with the State Government’s *National Competition Policy – Guidelines for conducting reviews on anti-competitive provisions in local laws (version 1)*.

FINANCE AND RESOURCING**Local Law drafting**

The cost of drafting Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019 has been funded through existing budget allocations within the Corporate Governance Branch.

Costs of the administration and regulation of the local law

Operational areas have advised that the initial impost on staff resourcing is 0.03 FTE field officer and 0.01 FTE admin officer for the first two financial years given the known developments occurring on site. This matter will be reassessed before each operating budget to determine if staff resourcing levels need to be changed. Current estimates are that \$5000 is the cost to administer this program. Resourcing under current budgets could meet this requirement.

Resourcing will depend on the progress of the Maroochydore CBD development over a 25 year period.

Table 1 below outlines the finance and resourcing implications as a result of implementing the proposed local law amendments.

Table 1 - Finance and resourcing proposed Local Law amendments

Local Law	New provision	Examples	Finance and resourcing implications
Local Law No. 3 (Community Health and Environmental Management) and Subordinate Local Law No. 3 (Community Health and Environmental Management)	Registration Requirements	Resources required for – <ul style="list-style-type: none"> • Application enquiries • Application processing and conditioning • Developing and maintaining register and issuing registration certificates of owner details for 2000 residential apartments, owners of 150,000m² of commercial space, owners of 65,000m² of retail gross floor area(when whole CBD is developed) • Updating new owner details (new buildings and change of ownership) • Annual reminders to owners to ensure details remain current 	Cost recovery revenue collected from local law registration fee is a once-off fee and can only be charged when owner takes over the property. No ability to charge an annual registration fee to fund the program. Currently estimates are around 100 applications per year. Admin officer*:- 0.01 FTE (could be absorbed within existing workforce)
Local Law No. 3 (Community Health and Environmental Management) and Subordinate Local Law No. 3 (Community Health and Environmental Management)	Operating Requirements	Resources required for - <ul style="list-style-type: none"> • “Automated Waste Collection System – Education and Communication Plan” Information and education for owners and occupiers – Omni channel • Compliance monitoring • Complaint management • System alerts 	Education and communication plan will be provided by existing Waste Management staff and budget. System alerts will be management under the Operate and Maintain Contract. Field officer*:- 0.01 FTE
Local Law No. 3 (Community Health and Environmental Management) and Subordinate Local Law No. 3 (Community Health and Environmental Management)	Maintenance Requirements	Resources required for – <ul style="list-style-type: none"> • Inspections • Compliance monitoring • Collection and filing of maintenance reports (periodic inspection and servicing) • Compliance and enforcement actions • Rectification of damage actions 	Field officer*:- 0.01 FTE Reporting collation absorbed with existing Waste resources.
Local Law No. 3 (Community Health and Environmental Management) and Subordinate Local Law No. 3 (Community Health and Environmental Management)	Public Space compliance	Resources required for – <ul style="list-style-type: none"> • Routine patrols • Complaint management • Signage costs (install and replacement) • Repair of damaged infrastructure 	11 sets of public place bins in CBD stage 1A. Visual inspections and issues likely to be reported by existing Parks and Gardens staff or community. Minimal impact. Repair and damage will be undertaken under Council's insurance.

Local Law	New provision	Examples	Finance and resourcing implications
Local Law No. 3 (Community Health and Environmental Management) and Subordinate Local Law No. 3 (Community Health and Environmental Management)	Non AWCS provisions	Resources required for – <ul style="list-style-type: none"> • General enquiries • “Automated Waste Collection System – Education and Communication Plan” Information and education for owners and occupiers – Omni channel • Compliance monitoring • Complaint management • Compliance and enforcement actions 	Undertaken by existing Waste staff. Education and communication plan will be provided by existing Waste Management staff and budget. Initial investigations for issues regarding complaints will be undertaken by existing Waste Management staff. Field officer*:- 0.01 FTE

Note:

Field officer*:- 1 FTE is \$110,000 (level 5 officer = \$97,000 wages, \$13,000 vehicle)

Admin officer*:- 1 FTE is \$72,250 (level 2 officer = \$75,250 wages)

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S25 - Waste and resource management - collection and disposal of solid and liquid wastes, operation of waste transfer facilities and landfills, recycling and materials recovery, community education programs.

CONSULTATION**Portfolio Councillor Consultation**

Consultation has occurred with Councillor E Hungerford, Portfolio Councillor.

Councillor Consultation

Councillors have been consulted throughout the local law making process regarding proposed amendments listed in **Table 2** below.

Internal Consultation

Governance have consulted with:

- Chief of Staff Office of the Mayor
- Portfolio Director Major Projects
- Coastal Project and Permits Officer
- Coordinator Building and Plumbing
- Coordinator Coastal Constructed Water Bodies and Planning
- Coordinator Community Land Permits and Parking
- Coordinator Healthy Places
- Coordinator Response Services
- Group Executive Customer Engagement and Planning

- Manager Customer Response
- Manager Development Services
- Senior Building Certifier
- Supervisor Pound Business Operations
- Team Leader Environmental Health
- Manager Waste & Resources Management
- Coordinator Waste Diversion & Disposal and
- Project Manager, Liveability & Natural Assets.

External Consultation

Section 29 of the *Local Government Act 2009* provides that the Local Government may decide its own process for making a local law. The proposal to commence the amendment local law making process will include engagement with:

- relevant government agencies about the overall State interest in the proposed amendment local law
- the community and
- undertake a public interest review with businesses in the region likely to be affected by the amendment local law.

To assist with the public interest review a consultation paper has been written. The review seeks to gain community feedback to allow Council to determine whether potentially anti-competitive provisions should be retained within the proposed local law (in the overall public interest).

The public interest review will be undertaken with effected business from 23 August 2019 to 23 September 2019 (32 days).

Community Engagement

Section 29 of the *Local Government Act 2009* provides that the Local Government may decide its own process for making a local law. Council may, at its discretion, determine the amount of (if any) public consultation it undertakes before adopting the amendment Subordinate Local Law by resolution. A consultation period of no less than 28 days is considered good governance when proposing to make a local law.

The local law making process community consultation period for the proposed changes will occur from 23 August to 23 September 2019 (32 days) and will include but not limited to:

- media releases
- website information (Have your Say) and public interest review
- messages on hold
- spotlight radio
- spotlight print
- Councillor columns
- Sunshine Coast Lightning - activation stand
- information stands and pull up banners in customer service centres
- posters in libraries
- social media (possible)
- Sunshine Coast Daily public notices

PROPOSAL

Background

Council is the owner and developer of the Maroochydore City Centre pursuant to the Maroochydore City Centre Infrastructure Agreement 2017 (**IA**), which was executed on behalf of the Minister Economic Development Queensland on 26 May 2017. The Maroochydore City Centre is a green field central business district development that amongst other objectives aims to deliver a 'smart city' platform. The Maroochydore City Centre demonstrates Council's commitment to being Australia's most sustainable region – Healthy.Smart.Creative.

Council is charged with providing services to the community including waste collection services. At the 15 October 2015 Ordinary Meeting, Council endorsed the business case to establish an Automated Waste Collection System (**AWCS**) as the waste collection service for the Maroochydore City Centre as an alternative to conventional kerbside bin collection. Council is the first Local Government to establish an AWCS in a development precinct in Australia.

The AWCS consists of the Public Pneumatic Waste Infrastructure (Public PWI), which is to be established on public land by Council and the Private Pneumatic Waste Infrastructure (Private PWI) which, is to be established by the property owner and/or developer on private land. Access to the Public PWI is conditional on the landowner and/or developer establishing their Private PWI connection to the Public PWI.

Statutory Framework

The IA is the first and only infrastructure agreement in Australia that includes binding future developments to connect to Australia's first AWCS in Maroochydore. The IA establishes the legal framework for the ongoing management of Council's AWCS through the Prescribed Waste Infrastructure Standards (PWIS).

While the IA establishes the legal framework for the ongoing management of the AWCS and the PWIS sets the standards for the system, there is currently no legislative framework that provides Council with a streamlined process to effectively administer and regulate the private and public pneumatic waste infrastructure. Non-compliance matters would be dealt with under the IA as a breach of contract, which would require Council to take enforcement action through the court system rather than the simple process of issuing a penalty infringement notice (PIN).

External legal advice obtained during the early stages of the IA development, recommended that Council develop a local law to manage this gap and to ensure Council had the minimum tools necessary to administer and regulate the system.

Consideration of alternatives

The Maroochydore City Centre IA establishes the legal framework for the ongoing management of Council's AWCS through Prescribed Waste Infrastructure Standards (PWIS).

Lot owners are currently subject to requirements about operating and maintaining the AWCS as a covenant that flows on from the developer to the purchaser (as a condition of the development application). However, many of these obligations can be difficult to enforce in practice and aren't always particularly clear to private lot owners. This is especially the case when there may be multiple owners over many years. Further, the planning provisions are much more complex to enforce than local laws, and are more resource intensive for both the Council and the person in breach. They also attract much higher penalties than local law regulation.

Following multiple stakeholder groups, it was determined that the development of a local law that mirrors the requirements of the PWIS made it clearer for developed lot owners, future owners and occupiers to understand their obligations and to ensure compliance. It is

paramount that we have the necessary tools to administer and regulate this new system to ensure its success and to make sure the public PWI is not compromised or damaged.

Research into new local law framework

As mentioned, the AWCS is the first of its kind to be delivered within Australia and Sunshine Coast Council is the only Local Government to connect both the public and private pneumatic infrastructure. Therefore it is imperative that Council has the minimum tools necessary to ensure the system is successful and not compromised by instances of non-compliance with the operating requirements.

Research was undertaken across Australia and globally to determine whether there were any laws regulating the use of these systems that could be adapted to our specific requirements. As there was no suitable legislative framework available for us to model the new local law amendments on, a new local law framework was developed which was based on the following criteria.

From our research and extensive consultation with invested stakeholders across Council, it was identified that Council needed (at a minimum) the following 5 elements to administer and regulate the AWCS:

- **Registration Requirements** – to ensure that we have the details of the owners of the pneumatic waste infrastructure (e.g. for any single dwellings the owner, for multi-dwellings the Body Corporate details and contact details)
- **Operating Requirements** - require owners to comply with the Prescribed Waste Infrastructure Standards (e.g. what is AWCS waste)
- **Maintenance Requirements** - impose requirements on who is able to repair the private pneumatic waste infrastructure (e.g. licensing requirements for authorised repairers)
- **Public Space compliance** - regulate the usage of the public pneumatic waste infrastructure (e.g. waste inlets in public spaces)
- **Non AWCS provisions** – to enable Council to specify how occupiers must manage their non-AWCS waste (e.g. bulk glass, cardboard etc.)

As waste management is an environmental health issue, the new amendments will be inserted into:

- *Local Law No.3 (Community Health and Environmental Management) 2011* and
- *Subordinate Local Law No.3 (Community Health and Environmental Management) 2011.*

Table 2 below provides a summary of the proposed local law and subordinate local law amendments. See **Appendix A** (amendment local law) and **Appendix B** (amendment subordinate local law) for full details of the proposed changes.

Table 2 - Proposed new waste local law provisions

Local Law	Proposed amendment	Purpose
Local Law No. 3 (Community Health and Environmental Management) 2011	Owner of the land containing pneumatic waste infrastructure (PWI) must register it in the owner's name – maximum penalty 50 penalty units.	Council needs to know who the owner is who is responsible for the (private waste infrastructure) PWI connected to the public system in case there is a problem affecting the wider system. It is a simple registration.
Local Law No. 3 (Community Health and Environmental Management) 2011	New owner must change registration to their name after taking ownership	Ensure we have the most current information on owners.

Local Law	Proposed amendment	Purpose
Local Law No. 3 (Community Health and Environmental Management) 2011	Registration form and fee	In the registration form, the owner must provide on-site contact person for the infrastructure in case of problems. The application of a fee is optional.
Local Law No. 3 (Community Health and Environmental Management) 2011	Council can give a notice asking for updates of registered information	This provides the ability for Council to send updates throughout the year as a reminder for PWI owners to update their contact details. This could be a yearly mail out.
Local Law No. 3 (Community Health and Environmental Management) 2011	Owner must tell Council within 28 days if they remove or cease to operate PWI	Provides ability for Council to manage the cessation or removal of the PWI. While it is unlikely for this to ever occur, this provision ensures we are notified in a timely manner.
Local Law No. 3 (Community Health and Environmental Management) 2011	Owner to comply with operating requirements	This provides the power for Council to prescribe the operating requirements under the subordinate local law.
Local Law No. 3 (Community Health and Environmental Management) 2011	Owner of the land must ensure compliance with the operating requirements – maximum penalty 50 penalty units	This provides the mechanism for Council to require compliance and take enforcement action for non-compliance with the operating requirements. The operating requirements are detailed in the Subordinate Local Law and the Prescribed Waste Infrastructure Standards (PWIS)
Local Law No. 3 (Community Health and Environmental Management) 2011	Council could agree to be responsible for the operating of a private PWI	Provides the mechanism to allow Council to take responsibility for the private PWI and manage the operating requirements if required.
Local Law No. 3 (Community Health and Environmental Management) 2011	Rectification of damage	If a person commits an offence (non-compliance with operating requirements) Council can take action by issuing a compliance notice requiring a person to take action to rectify damage caused by the offence.
Local Law No. 3 (Community Health and Environmental Management) 2011	Regulation of the use of public waste infrastructure	Provides Council with the ability to erect regulatory signage at or near a waste inlet. Maximum penalty for contravening a regulatory notice is 20 penalty units.
Local Law No. 3 (Community Health and Environmental Management) 2011	Executive officers of a corporation must ensure compliance	This imposes compliance responsibility on an executive officer of a corporation (e.g. body corporate). It is the same penalty as that imposed on an individual.
Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for pneumatic waste infrastructure (non-AWCS waste)	Ability for Council to declare by subordinate local law waste that is unsuitable for disposal and how non-AWCS waste is stored, processed and removed. Maximum penalty 20 penalty units.

Subordinate Local Law	Proposed amendment	Purpose
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	General requirements to minimise disruptions	<ul style="list-style-type: none"> • Ensure all reasonable action is taken to troubleshoot a matter that is disrupting the PWI • Provide notice to the Local Government about the disruption
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	General Operation	Provisions relating to the general operation of the PWI including – <ul style="list-style-type: none"> • Power supply is uninterrupted • Communication system is uninterrupted • The operation of the private PWI does not interrupt the operation of the public PWI that it is connected to.
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Disposal of AWCS Waste	<ul style="list-style-type: none"> • AWCS waste must be disposed of in the PWI • AWCS waste must not be disposed of in the Non AWCS waste infrastructure • AWCS waste must only be disposed of in the relevant waste fraction¹
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Operation of the discharge valve	The discharge valve for the release of the AWCS Waste is only to be operated by the Local Government.
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Requirements for display of signage	Display of signage at each inlet Signage – <ul style="list-style-type: none"> • that state the AWCS fraction for the inlet • consistent with the AWCS education and communication plan
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Safe use of the infrastructure	The PWI is to be for safe use
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Education material for the infrastructure	Education material for the use of the PWI is to be – <ul style="list-style-type: none"> • consistent with the AWCS education and communication plan • provided to a user of the PWI
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Environmental health	The operation of the infrastructure must - <ul style="list-style-type: none"> • not attract fly breeding or vermin infestation • be kept free of pests and conditions offering harbourage for pests
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Maintenance	The PWI is to be maintained – <ul style="list-style-type: none"> • With all relevant laws • Ensure safe and functional operation • Relevant PWI consent • Comply with warranty and manufacturers recommendation • Comply with healthy, safety and quality standard • Comply with periodic inspection and servicing requirements undertaken by an approved contractor
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Record keeping and reporting for maintenance work	Record keeping and reporting for maintenance is to be – <ul style="list-style-type: none"> • Carried out by the owner • Retained by the owner for a minimum of 5 years • Provided to the Local Government within 2 business days of request

¹ Waste fractions include general and recyclable AWCS waste. AWCS waste fractions do not include Non-AWCS waste.

Subordinate Local Law	Proposed amendment	Purpose
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Maintenance personnel	The PWI is to be maintained by an approved contractor
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Notice of maintenance work	<p>A notice is to be given to the Local Government as soon as reasonably practicable of any maintenance of the PWI that –</p> <ul style="list-style-type: none"> • May disrupt the operation of the PWI • For a safety reason requires the Local Government to be given notice of the maintenance • Is in response to a request by the Local Government to complete the maintenance
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Replacement components	<p>A replacement component for the PWI must –</p> <ul style="list-style-type: none"> • Meet the minimum component standards for PWI set out in the Prescribed Waste Infrastructure Standards • Be installed in a manner that ensures the safe operation of the PWI
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Repairs	<p>A notice must be given to the Local Government when a repair is required</p> <p>When the repair is completed, a notice must be provided stating the nature of the repair and when it was completed</p> <p>All repairs are to use components which comply with the minimum component standards</p>
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Non – AWCS	Waste defined as Non-AWCS waste in the Prescribed Waste Infrastructure Standards is declared to be Non-AWCS waste
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – Disposal of Waste	<p>The requirements for the storage , processing and removal of non-AWCS waste are –</p> <ul style="list-style-type: none"> • Non-AWCS waste is not to be disposed of in the PWI • Where Non-AWCS waste (other than organic waste) is disposed of using waste infrastructure at a property, it is to be disposed of in a Non-AWCS waste receptacle in the waste storage area • Bulk glass is not to be emptied or transferred from one non-AWCS waste receptacle to another non-AWCS waste receptacle, except within the waste storage area • Non-AWCS Waste and Non-AWCS Waste Receptacles are not to be placed outside the Waste Storage Area, except for the purpose of collection from the Non-AWCS Waste Service Point, and for no longer than necessary for such collection to occur • Non-AWCS Waste and Non-AWCS Waste Receptacles are to be collected from the Non-AWCS Waste Service Point
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – Storage of Non-AWCS Waste	A Waste Storage Area is to be maintained and operated in accordance with the minimum requirements in the Prescribed Waste Infrastructure Standards.
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – processing of Non-AWCS waste	<ul style="list-style-type: none"> • If bulk glass and/or bulk cardboard will be generated at the premises glass processing equipment is to be maintained and operated in accordance with the PWIS • An under sink macerator is to be maintained and operated in accordance with the PWIS

Subordinate Local Law	Proposed amendment	Purpose
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – Waste receptacles	Waste receptacles for non-AWCS Waste are to be maintained and operated in accordance with the PWIS
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – collection vehicles	Collection vehicles are to collect Non-AWCS waste in accordance with the PWIS
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – requirements for the display of signage	The signage for the non-pneumatic waste infrastructure is to— <ul style="list-style-type: none"> • be displayed at each Waste Storage Area; and • be fixed on or above the collection point; and • state the Non-AWCS Waste Fraction for the collection point; and • be consistent with the Local Government's 'Automated Waste Collection System – Education and Communication Plan
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – safe use of infrastructure	The non-pneumatic waste infrastructure is to be safe for use
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Management of waste unsuitable for PWI – education material for the infrastructure	Education material for the use of the non-PWI is to be – <ul style="list-style-type: none"> • Consistent with the Local Governments AWCS education and communication plan • Provided to a user of the non PWI

Local Law Making process

The following table outlines the statutory requirements in accordance with Council's adopted local law making process.

Table 3 – Local Law making process

Statutory Requirement	Action taken	Date	Status
Propose to make local law amendments	Report to Council to propose to make: <ul style="list-style-type: none"> • Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 • Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019 	Council Ordinary meeting - 22 August 2019	Completed
Community Consultation	Undertake Community Consultation including but not limited to: <ul style="list-style-type: none"> • media releases • website information (Have your Say) and public interest review • messages on hold • spotlight radio • spotlight print • Councillor columns • Sunshine Coast Lightning - activation stand • information stands and pull up banners in customer service centres • posters in libraries • social media (possible) • Sunshine Coast Daily public notices 	23 August – 23 September 2019	Underway
State Interest Check	Undertake a State Interest Check with the following departments: <ul style="list-style-type: none"> • Department of Local Government, Racing and Multicultural Affairs 	23 August – 23 September 2019	Underway

	<ul style="list-style-type: none"> Treasury Department Department of Environment and Science 		
Public Interest Review	Undertake a public interest review with regards to identified anti-competitive provisions.	23 August – 23 September 2019	Underway
Council Website Updated	All relevant information and documentation placed on and available through Council's website on "Have your say" page.	23 August – 23 September 2019	To be completed
Report to Council to make the amendment local laws	Prepare report to Council to make the local laws	Council's Ordinary Meeting – 14 November 2019	To be completed
Gazette Notice Publication	Preparation of Government Gazette notice for publication in the Government.	22 November 2019	To be completed
Notice to Minister	Preparation of notification to the Minister, Department of Local Government, Racing and Multicultural Affairs.	28 November 2019	To be completed
Consolidation of Local Laws	Preparation and adoption of the consolidated local laws.	Council's Ordinary Meeting – 12 December 2019	To be completed

Legal

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

- Section 29-32 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*
- Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws
- Council Prescribed Waste Infrastructure Standards (No. 3) 2019 and
- Maroochydore City Centre Infrastructure Agreement 2017

Policy

The Prescribed Waste Infrastructure Standards (PWIS) includes the private AWCS design and construction requirements and the maintenance and repair conditions for the AWCS. The proposed local law amendments align with the PWIS.

There are no further policy implications in the proposed Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 and Amendment Subordinate Local Law No. 2 (Community Health and Environmental Management) 2019.

Risk

There is a risk that if local law provisions are not adopted by Sunshine Coast Council by 14 November 2019:

- Council will not have the ability to regulate and administer the Automated Waste Collection System (AWCS) by the time the developed lots in the Maroochydore CBD are completed.
- Council will not have the minimum tools necessary to administer and regulate the new AWCS for both the private pneumatic waste infrastructure (PWI) and public pneumatic waste infrastructure (PWI) and
- Council could be exposed to the risk of damage of the public PWI and instances of non-compliance by owners of the private PWI without an effective regulatory system in place.

Previous Council Resolution**Ordinary Meeting 15 October 2015 (OM15/194)**

That Council:

- (a) *adopt in principle the Business Case for the Automatic Waste Collection System for Maroochydore Priority Development Area, for implementation within the Maroochydore central area*
- (b) *request the Chief Executive Officer to bring forward a report on the tenders for construction of the Automatic Waste Collection System and associated costs of the implementation of the initial stage of this system and*
- (c) *request the Chief Executive Officer to bring forward a Waste Strategy for implementation of the Automatic Waste Collection System including associated charging regimes and cost recovery mechanisms for future residents and businesses within the proposed new development within the Maroochydore Priority Development Area.*

Related Documentation

- *Local Government Act 2009 and Local Government Regulation 2012*
- *Sunshine Coast Regional Council Local Laws and Subordinate Local Laws*
- *State Government Guidelines for Drafting Local Laws 2016*
- *Corporate Plan 2019-2023*
- *Council Prescribed Waste Infrastructure Standards (No. 3) 2019 and*
- *Maroochydore City Centre Infrastructure Agreement 2017*

Critical Dates

It is beneficial for Council to commence the local law making process as soon as possible in order for the Local Law and Subordinate Local Law amendments to take effect before the developed lots in new Maroochydore CBD are completed.

Implementation

Following consideration of this report, actions relevant to the recommendation will be implemented and include:

- commencement of community consultation from 23 August 2019 – 23 September 2019
- undertake State interest checks on 23 August 2019 – 23 September 2019
- undertake a public interest review on 23 August 2019 – 23 September 2019 and
- preparation of the website notice on proposed local law change.

8.13 PROPOSED AMENDMENT LOCAL LAW NO. 2 (MISCELLANEOUS) 2019 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (MISCELLANEOUS) 2019

File No:	Report
Author:	Manager Corporate Governance Office of the CEO
Appendices:	App A - Amendment Local Law No. 2 (Miscellaneous) 2019.....293 App B - Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019303

PURPOSE

The purpose of this report is to seek a Council resolution proposing to make Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019.

EXECUTIVE SUMMARY

As part of the five (5) year local law review, Corporate Governance have undertaken a series of stakeholder meetings to determine what amendments are required to ensure the local laws remain current and responsive to community and environmental needs.

Following a series of workshops, information sessions, individual stakeholder meetings and a rigorous decision making process, several amendments have been proposed to the local laws. The local law review identified a number of required amendments and proposes amendments to the following local laws and subordinate local laws:

- Local Law No. 1 (Administration) 2011
- Subordinate Local Law No. 1 (Administration) 2016
- Local Law No. 2 (Animal Management) 2011
- Subordinate Local Law No. 2 (Animal Management) 2011 and
- Local Law No. 3 (Community Health and Environmental Management) 2011
- Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011
- Local Law No. 5 (Parking) 2011
- Subordinate Local Law No. 5 (Parking) 2011 and
- Local Law No. 7 (Sunshine Coast Airport) 2017.

These amendments include:

- Inclusion of a new prescribed activity for making amplified music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme).
- The ability to allow building site delivery noise permits outside of normal business hours in clearly defined circumstances.
- The ability to allow building site noise permits outside of normal business hours in clearly defined circumstances.
- Removal of the dog off leash beach at beach access 247 to 245 to allow for the declaration of a new bathing reserve at Bokarina Beach.
- Various animal management changes primarily around strengthening enforcement provisions.

- Inclusion of ability to utilise low voltage (Pingg) fencing adding additional capacity for the containment of cats within property boundaries.
- Clearer understanding around the ability for authorised persons (parking inspectors) to mark tyres using crayon, chalk or similar substance for enforcing parking regulation.
- The ability to regulate the temporary placement of shipping containers for storage.
- The ability to provide parking permits to health and community services workers.
- Flexibility with eligibility requirements for commercial vehicle parking permits.

The proposed amendments also include a number of minor administrative changes and updates of legislative references. Further details on the proposed changes are highlighted in **Table 2** of this report and are contained in **Appendix A** (amendment to local laws) and **Appendix B** (amendments subordinate local laws) of this report.

A Council resolution proposing to make the amendment local laws and subordinate local law is necessary to proceed with the local law making process detailed in **Table 3** of this report.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Proposed Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019”
- (b) resolve to propose to make Amendment Local Law No. 2 (Miscellaneous) 2019 (Appendix A)
- (c) resolve to propose to make Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 (Appendix B)
- (d) resolve to undertake a State interest check in relation to the proposed local law and subordinate local law pursuant to section 29A of the *Local Government Act 2009*
- (e) resolve to undertake community consultation on the draft local law and subordinate local law for thirty-two (32) days
- (f) resolve that proposed Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 have been reviewed in accordance with section 38 of the *Local Government Act 2009* and that it has been identified that the laws contain several anti-competitive provisions that should not be excluded from review and that have potential impacts and
- (g) resolve to undertake a public interest review of the anti-competitive provisions and hereby authorise the Chief Executive Officer to conduct the review during the community consultation period (23 August 2019 – 23 September 2019) in accordance with the State Government’s National Competition Policy – Guidelines for conducting reviews on anti-competitive provisions in local laws (version 1)

FINANCE AND RESOURCING

Local Law Drafting

The cost of drafting Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 has been funded through existing budget allocations within the Corporate Governance Branch.

Costs of the administration and regulation of the local law

Operational areas have advised that certain factors will determine the exact costs as the new changes are implemented over time. However for all the proposed changes detailed in **Table 2** staff resourcing levels will be reassessed as part of the relevant areas review of their operating budgets.

Entertainment Precinct

At this stage it is not expected that there will be many businesses within the new Entertainment Precinct in Nambour that will apply for a making amplified music noise in a special entertainment precinct approval. It is anticipated in the early stages that the current resources within the Healthy Places Team, Customer Response will manage these applications. This activity will be reassessed over time as more businesses in the Nambour Entertainment Precinct apply for approvals.

Building Noise

The amendments relating to exemptions for building noise (causing building noise and causing delivery building noise) will only apply in extraordinary circumstances and is a new prescribed activity. It is expected that in the early stages current resources within the Healthy Places Team, Customer Response will manage these applications and the regulation of building noise is already covered in existing resources allocations. If additional workloads are unable to be met by current resourcing and Council is receiving additional revenue for applications a request for additional % of an FTE resource will be forthcoming to Council for consideration.

Shipping containers

For the placement of shipping containers it is proposed that the application fee for eligible approvals will be \$264.00. All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.

Inclusion of compliance notice powers for unregistered dogs

The compliance activity for unregistered dog will be delivered within current operational resourcing and budgets.

Health and Community Services parking permit

The current application fee for a parking permit is \$51.00. As this is a new parking permit future application projections are limited. It is currently anticipated that all administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.

Commercial vehicle permit

This proposed change introduces greater flexibility with regards to who may apply for a commercial parking permit. Current fees for parking permits are \$51.00. All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.

Table 1 below outlines the finance and resourcing implications as a result of implementing the proposed local law amendments. Information on the finance and resourcing costs have been supplied by the relevant operational areas responsible for the administration and regulation of the proposed new amendments.

Table 1 – Finance and Resourcing

Local Law	Proposed change	Finance and resourcing implications
Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1 (Administration) 2016	Inclusion of a new prescribed activity for making amplified music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme)	<p>Information provided by operational areas</p> <p>The number of operators will be considered to be only a handful. The Healthy Places Unit already has an on-call capability to respond to certain environmental nuisances. This could be amended to include the Entertainment Precinct noise relevant to this license.</p> <p>If an application is correctly assessed and conditioned through assessment of a noise report from a suitably qualified person and constructed and operated within those constraints it is unlikely that complaints will be generated from that noise aspect. However it may be that Queensland Police are required to respond to other noise concerns as a result of patrons moving around the exterior of the premises. Part of the conditioning of the approval is that the operator of the venue must:-</p> <ol style="list-style-type: none"> 1. install and operate noise limiting devices; and 2. carry out and record noise monitoring; and 3. provide noise monitoring records upon request by an authorised person; and 4. where a noise management plan forms part of the approval—comply with the requirements of the noise management plan. <p>This will provide a high level of confidence that the venue operator will conduct the activity in line with these conditions. Council will have a number of sources of information at hand to quickly determine if breaches are occurring through desktop analysis in the early stages of investigations. Before this point occurred Council officers would proactively work with the venue operator through site visits during normal business hours to assist with information and education to help the venue to meet their obligations. If this failed there may be a need to conduct a number of after-hours inspections for taking evidence to substantiate complaints or undertake enforcement actions.</p>

Local Law	Proposed change	Finance and resourcing implications
		<p>If complaints are after dark two officers must attend due to workplace health and safety and overtime rates apply.</p> <p>To fund the program Council through a resolution of Council could issue an annual licence and undertake activity based costing of the cost (in line with the provisions of the <i>Local Government Act 2009</i>) to undertake this service including site inspections, compliance and enforcement. The application and licence fees would meet the majority of the cost of the program unless legal action is required to be undertaken on a recalcitrant venue operator. Compliance matters could also receive some revenue from infringements for breaches if the operator failed to address issues after Council attempted an education phase. At this stage it is considered that the current resources within the Environmental Health team can action these matters.</p>
<p>Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1 (Administration) 2016</p>	<p>The ability to allow building noise permits for special circumstances outside business hours</p>	<p>Information provided by operational areas</p> <p>This creates a new permit application process and is only relevant for special circumstances. To minimise impacts the applicant must demonstrate to Council:-</p> <ul style="list-style-type: none"> (i) there are extraordinary circumstances justifying why the activity should occur outside the prescribed times; or (ii) there are environmental or public safety reasons why the activity should occur outside the prescribed times; and (iii) it will not cause unreasonable noise at which the noise can be heard; and (iv) other control measures such as public notification and the applicant having in place a 24 hour complaints management number to address issues. <p>The Healthy Places Unit already has an on-call capability to respond to certain environmental nuisances including building works.</p> <p>To fund the program Council through a resolution of Council can issue a permit for a set time period for the activity and undertake activity based</p>

Local Law	Proposed change	Finance and resourcing implications
		<p>costing of the cost (in line with the provisions of the Local Government Act 2009) to undertake this service including site inspections, compliance and enforcement. The application and permit fees would meet the majority of the cost of the program unless legal action is required to be undertaken on a recalcitrant venue operator. Compliance matters could also receive some revenue from infringements for breaches if the permit holder failed to address issues after Council attempted an education phase. Compliance matters for these sites will be much easier to undertake as officers will already know who the contact details for the site reducing investigation time. Also if a breach is noted the permit holder or an operator without a permit can be issued an infringement.</p> <p>It is difficult to estimate how many applications may be received each year as it will depend on development and maintenance activity in the region and whether these matters meet the criteria to operate under special circumstances. If additional workloads are unable to be met by current resourcing and Council is receiving additional revenue for applications a request for additional % of an FTE resource will be forthcoming to Council for consideration. This is to ensure that Council does not breach the Local Government Act 2009 as a cost recovery fee (regulatory fee) for service is being collected and must be spent on the program to provide that service.</p>
<p>Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1 (Administration) 2016</p>	<p>Regulation of the placement of shipping containers</p>	<p>Information provided by operational areas</p> <p>The compliance activity will be delivered within current operational resourcing and budgets.</p> <p>Any applications received will be subject to payment of a cost-recovery fee. This fee will cover the costs associated with assessing an application and issuing a permit.</p> <p>Any applications received will be subject to payment of a cost-recovery fee. This fee will cover the costs associated with assessing an application and issuing a permit.</p>

Local Law	Proposed change	Finance and resourcing implications
		<p>If it is determined that this new permit type is introduced, that the fee be included for adoption by Council as part of the local law making process. It is proposed that the application fee is consistent with existing fees and charges for infrastructure on Council land, and therefore it is proposed that the fee is \$264.00.</p> <p>All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.</p>
Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011	Inclusion of compliance notice powers for unregistered dogs	<p>Information provided by operational areas</p> <p>The compliance activity will be delivered within current operational resourcing and budgets.</p> <p>Council has addressed 780 reports of unregistered dogs in the last 12 months, of these 51 (6.5%) are not registered after an initial infringement or request from Response Services.</p> <p>Where a compliance notice is issued, the dog may be impounded and/or an infringement for failure to comply with a compliance notice may be issued the on-the-spot fine for this offence is 5 penalty units or \$667.</p> <p>Where an animal is impounded the normal cost-recovery fees apply.</p>
Subordinate Local Law No. 5 (Parking)	New permit - Health and community services parking permits	<p>Information provided by operational areas</p> <p>This proposal involves the introduction of a new parking permit type. It is proposed that an application fee be introduced which covers the costs associated with assessing an application and issuing a permit.</p> <p>The current application fee for a parking permit is \$51.00. It is proposed that applications for a Health and Community Services Parking Permit be consistent with the existing fees and charges for parking permits.</p> <p>If it is determined that this new permit type is introduced, that the fee be included for adoption by Council as part of the local law making process.</p> <p>All administration costs associated with implementing this change will be</p>

Local Law	Proposed change	Finance and resourcing implications
		delivered within existing operational resourcing and budgets.
Subordinate Local Law No. 5 (Parking)	Flexibility with regards to who can apply for a commercial vehicle permit	<p>Information provided by operational areas</p> <p>This proposal provides greater flexibility with who may apply for a commercial parking permit.</p> <p>The current application fee for a parking permit is \$51.00.</p> <p>All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.</p>

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*
Outcome: We serve our community by providing this great service
Operational Activity: S21 - Local amenity and local laws - maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Portfolio Councillor Consultation

Consultation has occurred with Councillor E Hungerford, Portfolio Councillor.

Councillor Consultation

Councillors have been consulted throughout the local law making process regarding proposed amendments listed in **Table 2** below.

Internal Consultation

Consultation with all internal stakeholders has been undertaken with regards to the proposed amendments as outlined in **Table 2** below including:

Office of the Mayor & CEO

- Coordinator Governance Process and Policy
- Governance Liaison Officer
- Manager Corporate Governance and
- Chief of Staff

Customer Engagement and Planning Services

- Group Executive Customer Engagement and Planning Services
- Manager Customer Response
- Coordinator Response Services, Customer Response
- Coordinator Healthy Places, Customer Response
- Coordinator Community Land Permits and Parking, Customer Response
- Supervisor Prosecutions and Reviews, Customer Response
- Team Leader Environmental Health, Customer Response
- Coordinator Planning Scheme & Projects, Strategic Planning

- Senior Strategic Planner, Strategic Planning and
- Coordinator Building & Plumbing, Development Services

Livability and Natural Assets

- Coordinator Coastal Constructed Water Bodies & Planning and
- Coastal Project and Permits Officer

External Consultation

Section 29 of the *Local Government Act 2009* provides that the Local Government may decide its own process for making a local law. The proposal to commence the amendment local law making process will include engagement with:

- relevant government agencies about the overall State interest in the proposed amendment local law
- the community and
- undertake a public interest review with businesses in the region likely to be affected by the amendment local law.

To assist with the public interest review a consultation paper has been written. The review seeks to gain community feedback to allow Council to determine whether potentially anti-competitive provisions should be retained within the proposed local law (in the overall public interest).

The public interest review will be undertaken with effected business from 23 August 2019 to 23 September 2019 (32 days).

Community Engagement

Section 29 of the *Local Government Act 2009* provides that the Local Government may decide its own process for making a local law. Council may, at its discretion, determine the amount of (if any) public consultation it undertakes before adopting the amendment local law and subordinate local law by resolution. A consultation period of no less than 28 days is considered good governance when proposing to make a local law.

The local law making process community consultation period for the proposed changes will occur from 23 August 2019 to 23 September 2019 (32 days) and will include but not limited to:

- media releases
- website information (Have your Say) and public interest review
- messages on hold
- spotlight radio
- spotlight print
- Councillor columns
- Sunshine Coast Lightning - activation stand
- information stands and pull up banners in customer service centres
- posters in libraries
- social media (possible)
- Sunshine Coast Daily public notices

PROPOSAL

The Corporate Governance Branch undertakes a major review of the Local Laws and Subordinate Local Laws every five (5) years to ensure they remain current to the legislative environment and are responsive to the community and environmental needs.

The local law review has been separated into two stages that allowed for priority changes to be presented to Council and adopted at their Ordinary Meeting of Tuesday 30 April 2019 and these more complex amendments to be presented at this meeting.

Stage two, and the final stage of the local law review proposes amendments to the following local laws and subordinate local laws:

- Local Law No. 1 (Administration) 2011
- Subordinate Local Law No. 1 (Administration) 2016
- Local Law No. 2 (Animal Management) 2011
- Subordinate Local Law No. 2 (Animal Management) 2011
- Local Law No. 3 (Community Health and Environmental Management) 2011
- Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011
- Local Law No. 5 (Parking) 2011
- Subordinate Local Law No. 5 (Parking) 2011 and
- Local Law No. 7 (Sunshine Coast Airport) 2017

These amendments include:

- Inclusion of a new prescribed activity for making amplified music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme).
- The ability to allow building site delivery noise permits outside of normal business hours in clearly defined circumstances.
- The ability to allow building site noise permits outside of normal business hours in clearly defined circumstances.
- Removal of the dog off leash beach at beach access 247 to 245 to allow for the declaration of a new bathing reserve at Bokarina Beach.
- Various animal management changes primarily around strengthening enforcement provisions.
- Inclusion of ability to utilise low voltage (Pingg) fencing adding additional capacity for the containment of cats within property boundaries.
- Clearer understanding around the ability for authorised persons (parking inspectors) to mark tyres using crayon, chalk or similar substance for enforcing parking regulation.
- The ability to regulate the temporary placement of Shipping Containers for storage.
- The ability to provide parking permits to health and community services workers.
- Flexibility with eligibility requirements for commercial vehicle parking permits.

The proposed amendments also include a number of minor administrative changes and updates of legislative references. **Table 2** below provides a summary of the proposed local law and subordinate local law amendments. See **Appendix A** (amendment local law) and **Appendix B** (amendment subordinate local law) for full details of the proposed changes.

Table 2 – Proposed local law amendments*Local Law No. 2 (Miscellaneous) 2019*

Current Local Law	Proposed amendment	Explanation for amendment
Local Law No.1 (Administration) 2011, s9	s4 Adds another matter that Council will take into account in deciding whether to grant an approval – namely, whether the owner of the land consents (when applicant is not owner)	Clarifies that when Council is deciding an application, it will take into account whether landowner consents. This is already implied because a copy of such consent is required with the application in section 8.
Local Law No.1 (Administration) 2011, s28	s5 Extends the power to remove unauthorized structures to the situation where a structure or thing remains on a Local Government controlled area after the authority for it to be there expires	Clarifies a potential gap in the Council's power to remove unauthorized structures, which currently only mentions things brought onto areas without authority, not things that remain after authority expires.
Local Law No.1 (Administration) 2011, s44	s6 Replaces current process for applying proceeds of sale of an impounded item with the process stipulated in the Act, s38A	Brings the local law into line with a more recent amendment in the Act.
Local Law No.1 (Administration) 2011, sch 1	s7(1) (2) (3) Amends definitions of AS and electric fencing	Amends out of date references in the definitions. Exempts Pingg String and similar low voltage devices from the definition of electric fencing so that these will no longer be considered 'community safety hazards' under Local Law No.3 and therefore will not be subject to the prescribed requirements for electric fences under schedule 4 of Subordinate Local Law No.3. These devices are used for restraining cats and controlling wildlife and are not considered dangerous to the community.
Local Law No.1 (Administration) 2011, sch 1	s7(4) Inserts several new definitions	These new definitions are required to support the other new provisions discussed below.
Local Law No.1 (Administration) 2011, sch 2	s8 Inserts new prescribed activities for 'causing building site delivery noise' and 'causing building work noise'	These new prescribed activities enable a person to apply for Council approval to cause noise undertaking building work or delivering materials to a building site outside of the normal hours permitted for such noise under the noise standards in the <i>Environmental Protection Act 1994</i> . There may be extraordinary circumstances or environmental or public safety reasons why building work or deliveries may need to occur outside normal hours (see explanation of s7 of the Amendment Subordinate Local Law below).
Local Law No.1 (Administration) 2011, sch 2	s8 inserts a new prescribed activity for operation of an amplified music venue within a special entertainment precinct	The amendment uses a specific power in the <i>Local Government Act 1993</i> (s264) for Councils to grant to an amplified music venue in a 'special entertainment precinct' the approval to emit specified levels of noise at various times. The provisions are modelled on a 2006 precedent local law from Brisbane City Council. See discussion of the Amendment Subordinate Local Law below for more information.
Local Law No.1 (Administration) 2011, sch 2	s8 inserts a new prescribed activity for temporary placement of a shipping container	There is currently a lack of clarity in the regulation of residents temporarily placing shipping containers on their properties for storage or other purposes (not for living in). Where a shipping container will be lived in, it is regulated by the Building Act or by the local law approval requirements for 'Establishment of occupation of a temporary home'. Where a shipping container is placed permanently, it is regulated by the Building Act. The new prescribed activity deals with temporary placement

Current Local Law	Proposed amendment	Explanation for amendment
		not covered by the Building Act. It clarifies how long and under what circumstances a shipping container may be placed without an approval, and the parameters for approvals to be granted by Council (see explanation of s10 of the Amendment Subordinate Local Law below).
Local Law No.2 (Animal Management) 2011, s6	s10 changes terminology of continuous supervision to 'direct supervision', and adds a definition of direct supervision	The amendment clarifies the requirements of a person providing direct supervision to an animal that is under effective management. For example, this applies to a dog in an off-leash area and a cat in a public place. The person must be physical present and within a proximate distance and able to respond immediately to manage the animal's behaviour.
Local Law No.2 (Animal Management) 2011, s9	s11 inserts the applicable penalty (20 penalty units) where a person breaches a minimum standard for keeping an animal other than a dog	This provision currently indicates a penalty amount only for regulated dogs and dogs. The amendment clarifies the penalty for breaching minimum standards for keeping other animals is 20 penalty units.
Local Law No.2 (Animal Management) 2011, s9A	s12 changes the way that the local law sets requirements for collars to be worn by regulated dogs	Rather than specifying the collar by Council resolution, the local law directly specifies the requirements (i.e. a red and yellow striped collar meeting certain specifications).
Local Law No.2 (Animal Management) 2011, s9B	s13 inserts new section 9B reinforcing in the local law the obligation under the <i>Animal Management (Cats and Dogs) Act 2008</i> for an owner to register a dog	The provision does not impose a penalty because the offence of not registering a dog is in the Animal Management Act. However, by reinforcing the obligation in the local law, the Council will be able to issue a compliance notice to ensure this obligation is met.
Local Law No.2 (Animal Management) 2011, s9C	s13 inserts new section 9C reinforcing in the local law the obligation under the <i>Animal Management (Cats and Dogs) Act 2008</i> for an owner to implant a cat or dog	The amendment addresses current scenarios where the requirement in the Animal Management Act has not been sufficient to ensure a cat or dog is implanted. For example, a breeder is not required to implant an animal during the first 12 weeks of life, but must implant the animal before selling it. The amendment ensures a breeder who retains an animal after 12 weeks must implant it with the identification device. Subsections (3) and (4) ensure that a new owner of a dog or cat that has not been implanted by the previous owner (in breach of that person's obligation under the Act), now has the obligation to implant the animal within 14 days of starting to keep the animal.
Local Law No.2 (Animal Management) 2011, s13	s14 amends the requirements for control of animals in public places to require that the owner or responsible person must ensure the animal is not causing damage to property or harassing, intimidating or otherwise endangering the health and safety of another person or animal. A working dog that must harass live stock is exempted.	The amendment fills a gap in relation to how animals must be managed in a public place. The amendment also clarifies the requirements for securely restraining a declared dangerous animal in a public place.
Local Law No.2 (Animal Management) 2011, s15	s15 amends the requirements for proper enclosures for animals	The amendment addresses a potential ambiguity where a person who keeps an animal temporarily has the animal at another location. It clarifies that a proper enclosure must be kept at that other location as well and that the animal must actually be contained with that proper enclosure.
Local Law No.2 (Animal Management) 2011, s16	s16 removes the reference to a core habitat area declared under the Sunshine Coast Biodiversity Strategy 2010-2020.	The amendment removes an out of date reference as the specified Strategy has been superseded.

Current Local Law	Proposed amendment	Explanation for amendment
Management) 2011, s16		
Local Law No.2 (Animal Management) 2011, s19A	s17 inserts a new section 19A (Duty to exchange details where animal involved in certain incidents)	The amendment inserts a new requirement (modelled on a recent South Australian precedent) that requires persons whose animals are involved in an incident (such as an animal harming a person or another animal) to give assistance to any person or animal hurt and to exchange details (e.g. name and address and animal registration number).
Local Law No. 5 (Parking) 2011, s9	s20 omits section 9 (Restrictions on heavy vehicle parking on a road)	Section 9 is redundant as parking of a heavy vehicle on a road is now regulated by State legislation.
Local Law No. 5 (Parking) 2011, s12A	s21 inserts a new provision about the power of an authorised person to mark the tyres of a vehicle for the purpose of enforcing parking restrictions	The amendment clarifies that parking officers may mark the tyres of vehicles using crayon, chalk or a similar substance for the purposes of parking enforcement.
Local Law No. 7 (Sunshine Coast Airport) 2017, s10	s23 amends the definition of 'standard'	The amendment updates a reference to a superseded entity.

Subordinate Local Law No. 3 (Miscellaneous) 2019

Current Subordinate Local Law	Proposed amendment	Explanation for amendment
Subordinate Local Law No.1 (Administration) 2016, s4	s4 inserts a definition of 'prescribed times'	This definition is relevant to the new schedules 5A and 5B related to building site noise and building site delivery noise.
Subordinate Local Law No.1 (Administration) 2016, s8	s5 replaces the current provision that specifies the areas of local law regulation that apply on State-controlled roads	Local law regulation of activity on roads generally applies only to Local Government-controlled roads. However, the definition of road can be expanded to State-controlled roads for certain local laws by agreement with the State. The current section 8 is based on an agreement from 2011. The provision is being amended to reflect a more recent agreement about local law application on State roads. It enables local law regulation of commercial use of State roads and installation of some advertising devices on State roads, as well as the prohibition on selling vehicles on roads.
Subordinate Local Law No.1 (Administration) 2016, sch 1	s6 specifies the maximum penalties applicable to the new prescribed activities created by the amendments	Every prescribed activity needs to be allocated a maximum penalty applicable to the offence of undertaking the activity without approval.
Subordinate Local Law No.1 (Administration) 2016, sch 5A and 5B	s7 inserts new schedules related to the new prescribed activities of 'causing building site delivery noise' and 'causing building work noise'	Every prescribed activity in Local Law No.1 has a corresponding schedule in Subordinate Local Law No.1 to set out details about the application, additional criteria to be considered, mandatory and standard conditions of approval, and term of approvals. The new schedules set out the applicable details for the two new prescribed activities.
Subordinate Local Law No.1 (Administration) 2016, sch 9	s8 amends the requirements for documents and materials that must accompany applications to keep 3 or more dogs at a property (including properties within a multiple dwelling).	The amendments require community management plans to be submitted with applications, dealing with consultation, waste and noise. In some cases, written agreement of neighbours is required (and body corporates, in the case of multiple dwellings).

Current Subordinate Local Law	Proposed amendment	Explanation for amendment
Subordinate Local Law No.1 (Administration) 2016, sch 10A	s9 inserts a new schedule related to the new prescribed activity of 'Operation of an amplified music venue within a special entertainment precinct'	For amplified music venue approvals under Local Law No.1, the new schedule sets out details about the application documents, exemptions, additional criteria to be considered, mandatory and standard conditions of approval, and term of approvals. It is based on a Brisbane City Council precedent from 2007.
Subordinate Local Law No.1 (Administration) 2016, sch 11A	s10 inserts a new schedule related to the new prescribed activity of 'Temporary placement of a shipping container'	For temporary placement of shipping containers, the new schedule sets out details about the application documents, exemptions, additional criteria to be considered, standard conditions of approval, and term of approvals.
Subordinate Local Law No.1 (Administration) 2016, sch 16	s11 includes requirements for applications for community and health services parking permits, a new category introduced by an amendment to Subordinate Local Law No. 5 (see below)	See below for explanation of changes to the parking permit categories in Subordinate Local Law No. 5.
Subordinate Local Law No.1 (Administration) 2016, sch 17	s12 changes a reference to commercial vehicle application label	This amendment substitutes an incorrect reference.
Subordinate Local Law No. 2 (Animal Management) 2011, s8	s14 replaces the requirements about identification of cats and dogs that are at a place other than their registered address. For cats, the identification required is the registration device required under the local law (i.e. a tag), while for dogs this is prescribed under the Animal Management (Cats and Dogs) Act. A show dog may be exempted from wearing the identification.	Previously, an animal that was implanted did not have to wear another registration device when away from its registered address. The changes require that all registered animals must wear their registration device when away from their registered address, whether they are implanted or not. The exemption is based on a precedent in the Gold Coast local laws.
Subordinate Local Law No. 2 (Animal Management) 2011, sch 5	s15 replaces a map of an area in Buderim where animals are prohibited	This updates a previous map and allows for a small area of the park to permit dogs on a lead at all times.
Subordinate Local Law No. 2 (Animal Management) 2011, sch 6	s16 removes the dog off leash beach between beach access 247-245.	It is proposed that the beach access between 247-245 will be declared a bathing reserve to allow for a new patrolled beach area.
Subordinate Local Law No. 2 (Animal Management) 2011, sch 8	s17 adds additional requirements applicable to a person keeping a declared dangerous animal. The person must (unless they have a veterinary certificate to the contrary) ensure the animal is desexed and, in the case of a cat, implanted with a PPID.	These amendments ensure responsible management of declared dangerous animals.
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011, s4	s19 adds definitions of places and activities.	The new definitions are required to give effect to the amendments in s20 below.
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities,	S20 amends the prohibited activities in specified types of Local Government areas or roads. The prohibition on painting, altering or maintaining a vehicle is extended from roads to Local	These changes will give effect to Lake Management Plans developed by the Council covering certain Local Government controlled areas.

Current Subordinate Local Law	Proposed amendment	Explanation for amendment
Infrastructure and Roads) 2011, sch 1	Government controlled areas (e.g. parks and reserves).	
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011, sch 2	s21 amends the restricted activities in specified Local Government areas or roads. Restrictions on using powered vessels to waterski, wave jump or freestyle are added for Parrearra Lake, Pelican Waters North and Twin Waters Residential Lake. The schedule is also amended to enable time-restricted camping to be permitted in a place.	These changes will give effect to Lake Management Plans developed by the Council covering Parrearra Lake, Pelican Waters North and Twin Waters Residential Lake. The amendments will also facilitate time-restricted camping in designated Local Government controlled area.
Subordinate Local Law No.5 (Parking) 2011, s8	s23 changes the vehicles that may be issued with commercial vehicle identification labels. Currently, any vehicle that is permanently sign written or displays a magnet or sticker indicating it is being used in connection with a business is entitled to the label. The amendment will broaden this to any vehicle owned by a person or company in business and actually used in the course of that business.	The change will make it less restrictive regarding the vehicles that can receive a commercial vehicle identification label.
Subordinate Local Law No.5 (Parking) 2011, sch 2	s24 makes changes to the off-street regulated parking areas declared at the Sunshine Coast airport	The amended maps reflect the parking regulation at the Sunshine Coast airport.
Subordinate Local Law No.5 (Parking) 2011, sch 3	s25 changes the categories of person who may be issued with a parking permit to park contrary to parking restrictions. Prepaid parking permits are restricted to persons requiring access to a metered bay within the Caloundra CBD or war veterans requiring access to metered bays within the Caloundra CBD or the Birtinya Regulated Parking Area. The category of business parking permit is abolished. A new category of parking permit is created for health and community services.	The changes implement new directions agreed by the Council recently in relation to parking permits.

Local Law Making Process

Before the amendment local law and subordinate local law can be made, a number of statutory and other requirements need to be fulfilled. **Table 3** below outlines these requirements.

Table 3 – Local Law Making Process

Statutory Requirement	Action taken	Date	Status
Propose to make local law amendments	Report to Council to propose to make Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019	22 August 2019	Current
Community Consultation	Undertake Community Consultation including but not limited to: <ul style="list-style-type: none"> • media releases • website information (Have your Say) and public interest review • messages on hold • spotlight radio • spotlight print • Councillor columns • Sunshine Coast Lightning - activation stand • information stands and pull up banners in customer service centres • posters in libraries • social media (possible) and • Sunshine Coast Daily public notices. 	23 August to 23 September 2019	Underway
State interest check	Undertake a State interest check with the following State departments: <ul style="list-style-type: none"> • Department of Environment and Science • Department Local Government, Racing and Multicultural Affairs • Department Natural Resources, Mines and Energy • Treasury • Department State Development, Manufacturing, Infrastructure and Planning and • Department Transport and Main Roads. 	23 August to 23 September 2019	Underway
Public interest review	Undertake a public interest review with regards to identified anti-competitive provisions.	23 August to 23 September 2019	Underway
Council Website Updated	All relevant information and documentation placed on and available through Council's website on "Have your say" page.	23 August to 23 September 2019	Underway
Report to Council to make the amendment local laws	Prepare report to Council to make the local laws	14 November 2019	To be prepared
Gazette Notice Publication	Preparation of Government Gazette notice for publication in the Government Gazette.	22 November 2019	To be prepared
Notice to Minister	Preparation of notification to the Minister, Department of Local Government, Racing and Multicultural Affairs.	27 November 2019	To be prepared
Consolidation of Local Laws	Preparation and adoption of the consolidated local laws.	12 December 2019	To be prepared

Legal

The Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 have been considered in accordance with the following legislation:

- Section 29-32 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* and
- Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws.

Policy

There are no new policy implications in the in the proposed Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019.

Risk

Risks associated with the making of amendment local laws will be managed by:

- conducting effective community consultation
- ensuring effective implementation of the amendment local law and
- utilising robust systems and processes to monitor the performance of the local laws.

Previous Council Resolution

There are no previous resolutions in relation to the proposed amendments presented in this report.

Related Documentation

- *Local Government Act 2009* and *Local Government Regulation 2012*
- Sunshine Coast Regional Council Local Laws and Subordinate Local Laws
- State Government Guidelines for Drafting Local Laws 2016
- Sunshine Coast Regional Council Corporate Plan 2019-2023
- Compliance and Enforcement Policy

Critical Dates

It is beneficial for Council to commence the local law making process as soon as possible in order for the local law and subordinate local law amendments to take effect by the 22 November 2019.

Implementation

Following consideration of this report, actions relevant to the recommendation will be implemented and include:

- commencement of community consultation from 23 August to 23 September 2019
- undertake a public interest review from 23 August to 23 September 2019
- undertake a State interest check from 23 August to 23 September 2019 and
- preparation of the website notice on proposed local law changes.

8.14 INDEPENDENT AUDIT COMMITTEE MEMBER TRANSITION STRATEGY**File No:** Council meetings**Author:** Manager Audit and Assurance
Office of the CEO**Attachments:** Att 1 - Audit Committee Charter339

PURPOSE

The purpose of this report is to seek Council's approval for the proposed Independent Audit Committee Transition Strategy following Council Elections in March 2020.

EXECUTIVE SUMMARY

The Audit Committee is an advisory Committee of Council with an overall objective to assist the Council and the Chief Executive to discharge their duties. It is established in accordance with the *Local Government Regulation 2012* and these requirements are reflected in the Audit Committee Charter which was last reviewed at the 27 May 2019 Audit Committee meeting and subsequently endorsed at Council's Ordinary Meeting, 20 June 2019 (refer Attachment 1).

The Audit Committee is comprised of four members (two Councillors and two Independent Members).

A function the post Council election process is that the new Council appoint two Councillors as Audit Committee Members.

Given that the current two Independent Audit Committee Members (Mr Peter Dowling AM and Mr Len Scanlan) have served 10 years on the Audit Committee, it is considered appropriate to rotate the existing Independent Audit Committee Members during 2020. Independent member contracts are due to expire 31 March 2020.

The proposed Independent Audit Committee Member Transition Strategy is as follows:

- Publicly advertise two Independent Audit Committee positions prior to the March 2020 Council Elections
- Recruitment selection panel makes recommendation in April 2020 to the newly elected Council for the appointment of two new Independent Audit Committee Members
- Following Council resolution and appointment, the two new Independent Audit Committee Members would attend the May 2020 Audit Committee Meeting
- The contracts of Mr Peter Dowling AM and Mr Len Scanlan be extended 9 months from April 2020 to December 2020, to allow effective transitioning of the new Independent Audit Committee Members and effective Audit Committee oversight of the Queensland Audit Office's certification of the 2019 – 2020 Financial Statements
- The Audit Committee composition will temporarily be comprised of six members for the period April to December 2020 i.e. two Councillors and four Independent Members.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Independent Audit Committee Member Transition Strategy”
- (b) endorse the Independent Audit Committee Member Transition Strategy and
- (c) appoint Mr Peter Dowling AM as Audit Committee Chair and Mr Len Scanlan as an Independent Audit Committee Member by extending their existing individual contracts to 31 December 2020.

FINANCE AND RESOURCING

Current total annual independent member costs are \$17,000 GST exclusive which are increased in accordance with the annual staff pay increases.

For the period April to December 2020 when there will be four Independent Audit Committee Members, the associated additional costs are estimated at \$12,000 GST exclusive.

These costs will be contained within the Audit and Assurance budget.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*

Outcome: 5.1 - A collaborative workplace culture, with engaged, energised and skilled people professionally ready for the future

Operational Activity: 5.1.1 - Lead the implementation of the Outstanding Organisation framework to build organisational capability and capacity.

CONSULTATION**Councillor Consultation**

Councillors T Dwyer and C Dickson as members of the Audit Committee support the proposed transition strategy.

Internal Consultation

The Chief Executive Officer and Group Executives support the proposed the proposed transition strategy.

External Consultation

Mr Peter Dowling and Mr Len Scanlan have confirmed their acceptance of the proposed contract extensions and support the proposed transition strategy.

Community Engagement

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

PROPOSAL

The Audit Committee is an advisory Committee of Council with an overall objective to assist the Council and the Chief Executive to discharge their duties. It is established in accordance with the *Local Government Regulation 2012* and these requirements are reflected in the Audit Committee Charter which was last reviewed at the 27 May 2019 Audit Committee meeting and subsequently endorsed at Council's Ordinary Meeting, 20 June 2019 (refer Attachment 1).

The Audit Committee is comprised of four members:

- Councillor T Dwyer
- Councillor C Dickson
- Mr P Dowling AM (Independent Member Chair)
- Mr L Scanlan (Independent Member)

A function the post Council election process is that the new Council appoint two Councillors as Audit Committee Members.

Given that the current two Independent Audit Committee Members (Mr Peter Dowling AM and Mr Len Scanlan) have served 10 years on the Audit Committee, it is considered appropriate to rotate the existing Independent Audit Committee Members during 2020. Independent member contracts are due to expire 31 March 2020.

The proposed Audit Committee Member Transition Strategy is as follows:

- Publicly advertise two Independent Audit Committee positions prior to the March 2020 Council Elections
- Recruitment selection panel makes recommendation in April 2020 to the newly elected Council for the appointment of two new Independent Audit Committee Members
- Following Council resolution and appointment, the two new Independent Audit Committee Members would attend the May 2020 Audit Committee Meeting
- The contracts of Mr Peter Dowling AM and Mr Len Scanlan be extended 9 months from April 2020 to December 2020, to allow effective transitioning of the new Independent Audit Committee Members and effective Audit Committee oversight of the Queensland Audit Office's certification of the 2019 – 2020 Financial Statements
- The Audit Committee composition will temporarily be comprised of six members for the period April to December 2020 i.e. two Councillors and four Independent Members.

Legal

Local Government Act 2009

Local Government Regulation 2012

Policy

Audit Committee Charter endorsed by Council 20 June 2019.

Risk

The proposed Independent Audit Committee Member Transition Strategy minimises potential risks associated with the Audit Committee operations.

Previous Council Resolution

Independent Member contracts were extended by Council Resolution at the Ordinary Meeting 12 October 2017.

Related Documentation

Audit Committee Charter endorsed by Council 20 June 2019.

Ordinary Meeting 20 June 2019 (OM19/96)

That Council:

- (a) receive and note the report titled “**Audit Committee Meeting 27 May 2019**”
- (b) endorse the Audit Committee Minutes 27 May 2019 (Appendix A), Audit Committee Charter 2019 (Appendix B) and 2019 – 2020 Internal Audit Work Plan (Appendix C).

Ordinary Meeting 21 April 2016 (OM16/58)

That Council:

- (a) receive and note the report titled “**Consequential Matters arising from the implementation of the 2016 Council Portfolio System and Protocols**”
- (b) approve the appointment of Councillor Christian Dickson as a member of the Sunshine Coast Regional Council Audit Committee
- (c) approve the membership of the SunCentral Maroochydore Pty Ltd Shareholder Representative Group be amended to consist of the Mayor (as Region Making Projects Portfolio Councillor) (as Chair); the Corporate Strategy and Finance Portfolio Councillor; the Economic Development and Innovation Portfolio Councillor; the Divisional Councillor; and Council staff
- (d) approve the membership of the Solar Farm Contract Development and Build Phase Project Control Group be amended to consist of the Economic Development and Innovation Portfolio Councillor and Divisional Councillor (as Chair); the Corporate Strategy and Finance Portfolio Councillor; the Community and Environment Portfolio Councillor; and Council staff
- (e) approve the membership of the Sunshine Coast Airport Expansion Project: Project Control Group be amended to consist of the Mayor (as Region Making Projects Portfolio Councillor) (as Chair); the Corporate Strategy and Finance Portfolio Councillor; the Economic Development and Innovation Portfolio Councillor; the Tourism, Events and Sport Portfolio Councillor and Divisional Councillor; and Council staff
- (f) endorse the continuation of the appointment of Councillor Tim Dwyer (as the Councillor for Division 2) as a Director of Sunshine Coast Events Centre Pty Ltd
- (g) approve the continuation of the Mayor as the ex officio member of the Sunshine Coast Economic Futures Board
- (h) approve the appointment of Councillor Stephen Robinson as the deputy member for the Mayor on the Sunshine Coast Economic Futures Board
- (i) approve an amendment to clause 3.1 (c) (ii) of the Charter for the Sunshine Coast Events Board to provide that the Portfolio Councillor for Tourism, Events and Sport shall be a member of that Board
- (j) approve the continuation of Councillor Jason O’Pray as the Council representative on the Sunshine Coast Events Board
- (k) approve the appointment of Councillor Rick Baberowski as the nominated delegate from the elected Council to be a member of the Sunshine Coast Arts Advisory Board
- (l) approve the following nominations to the Standing Committees of the Council of Mayors South East Queensland –

Standing Committee	Councillor Member	Councillor Alternate Member
Economic Development Committee	Councillor Stephen Robinson	Councillor Tim Dwyer
Infrastructure and Planning Committee	Councillor Christian Dickson	Councillor Rick Baberowski
Waterways and Environment Committee	Councillor Jenny McKay	Councillor Greg Rogerson

- (m) approve the nomination of Councillor Jenny McKay as Council’s representative on the Council of Mayors South East Queensland – Rural Communities Special Interest Group

- (n) *adopt in accordance with section 196 (1) of the Local Government Act 2009, an organisation structure comprising –*
- *Office of the Mayor and Chief Executive Officer*
 - *Community Services Department*
 - *Corporate Services Department*
 - *Economic Development and Major Projects Department*
 - *Infrastructure Services Department*
 - *Planning and Environment Department*
- (o) *authorise the Chief Executive Officer to advise staff, the community and the relevant organisations, boards and committees of the matters outlined above (as appropriate) and*
- (p) *note that a further report may be brought forward to Council for consideration in due course if any other consequential matters are identified as a result of the implementation of the 2016 Council Portfolio System and Protocols.*

Post Election Meeting 7 April 2016 (PEM 16/2)

That Council:

- (a) *receive and note the report titled “Council Meetings - Post-Election Meeting Matters”*
- (b) *conduct the first Ordinary Meeting of the 2016 – 2020 Council at 9:00am, Thursday 21 April 2016 at the Nambour office with subsequent Ordinary Meetings of Council to be held once a month on a rotational basis between Council’s Caloundra and Nambour offices*
- (c) *appoint Mayor, Councillor Mark Jamieson as a continuing member and Chair and the Deputy Mayor, Councillor Tim Dwyer as the Deputy Chair of the Sunshine Coast Local Disaster Management Group and*
- (d) *appoint the Deputy Mayor, Councillor Tim Dwyer as member of the Sunshine Coast Regional Council Audit Committee and consider the appointment of an additional Councillor to that committee at a future ordinary meeting.*

Critical Dates

Council Elections 2020

Current Independent Audit Committee contracts expire 31 March 2020.

Implementation

Implementation as outlined in the above strategy.

8.15 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS**File No:** F2016/209704**Author:** Coordinator Response Services
Customer Engagement & Planning Services Group**Attachments:** Att 1 - Requirements for keeping a regulated dog349

PURPOSE

The purpose of this report is to seek approval by Council resolution to conduct a systematic inspection program to monitor compliance with the mandatory conditions for regulated dogs within the boundaries of the Sunshine Coast region, in accordance with the *Animal Management (Cats and Dogs) Act 2008*.

EXECUTIVE SUMMARY

The *Animal Management (Cats and Dogs) Act 2008* (the Act) requires local governments to manage regulated dogs within their boundaries. Council undertakes investigations into animal attacks and declares dogs to be regulated dogs in accordance with the Act.

Once a dog is deemed a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (refer to Attachment 1). To guarantee the ongoing compliance of the mandatory conditions to keep a regulated dog, a check of the property should be conducted annually to address any breaches.

Annual inspections can only occur if Council approves by resolution, a systematic inspection program.

This program would provide authorised officers the power to enter private property in order to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog.

It is proposed that the annual systematic inspection program be undertaken by Council's Response Services Team commencing on 21 October 2019 and concluding on 31 January 2020.

The cost to undertake this program is estimated to be approximately \$31,690 which will be funded via the registration fees collected from the regulated dog owners.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Systematic Inspection Program - Regulated Dogs" and**
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry):***
 - (i) compliance audit of the premises within the region where Council's Regulated Dog Register indicates a regulated dog is being kept to occur from 21 October 2019 to 31 January 2020.**

FINANCE AND RESOURCING

As at 15 July 2019, Council had up to 95 regulated dogs listed in its Regulated Dog Register.

Fees and Charges:

The registration fees for regulated dogs as of 1 October 2019 are as follows:

Fees description	Fee	No. dogs
Regulated Dangerous Dog	\$483	56
Regulated Menacing Dog (undesexed)	\$483	13
Regulated Menacing Dog (desexed)	\$369	26

The cost-recovery fees are calculated to cover the full costs associated with registering a regulated dog including:

Description of activity	Calculated cost
Administrative processing related to registering a regulated dog	\$138
Registration Tag	\$2
Regulated dog collar	\$8 ¹
Regulated dog sign	\$2 ²
Systematic inspection program – regulated dogs	\$333 ³

¹ Based on a review of previous audits a replacement sign is required in approximately 20% of audits

² Based on a review of previous audits a replacement sign is required in approximately 3% of audits

³ Please see the below table for a breakdown of the costs associated with this activity.

Based on current numbers it is estimated Council will collect \$42,921 in registration fees from regulated dogs.

Estimated cost of the inspection program:

The cost of conducting this program is anticipated to be approximately \$31,690. This will be funded by the revenue generated through the collection of registration fees from the regulated dog owners. The balance of the cost-recovery fees (\$11,231) collected for registration cover the cost of managing the yearly registration process for regulated dogs, as outlined in the above table.

Description of activity	Estimated time	Estimated cost
Administration including - booking appointments, updating systems, generating letters or notices, issuing infringements (1 Officer)	30 min	\$49.42
Conducting initial inspection including travel time to locations (based on current registered locations of regulated dogs) (2 Officers)	180 min	\$270.63
Follow-up inspection, including travel (required where areas of non-compliance are identified)* (2 Officers)	180 min	\$270.63
Average cost per dog*	219 min	\$333.58

*Note: a follow-up inspection or further investigation is required approximately 5% of the time, based on previous programs.

CORPORATE PLAN

Corporate Plan Goal:	Service excellence
Outcome:	We serve our community by providing this great service
Operational Activity:	S21 - Local amenity and local laws - maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Councillor Consultation

Councillor J McKay – Portfolio Councillor for Community and Environment

Internal Consultation

Consultation has been undertaken with the following key internal stakeholders:

- Group Executive Customer Engagement and Planning Services
- Manager Customer Response
- Management Accountant, Finance and Business.

External Consultation

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

Community Engagement

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

PROPOSAL

The *Animal Management (Cats and Dogs) Act 2008* was introduced in 2009 making local governments responsible for the effective management of regulated dogs in the local government area.

Council accepted this responsibility by appointing authorised officers to investigate, monitor and enforce compliance with the *Animal Management (Cats and Dogs) Act 2008* (the Act). These officers investigate complaints that may lead to a dog being declared to be dangerous, restricted or menacing (i.e. a regulated dog).

There are three categories of regulated dogs as defined under the Act:

- declared dangerous dog
- declared menacing dog and
- restricted dog.

Once a dog is declared a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (refer to Attachment 1). To ensure compliance with these conditions, authorised officers' conduct an initial inspection at the property where the animal is normally kept and work with the animal owner to ensure all the conditions are met.

The systematic inspection program allows Council to proactively monitor adherence with these conditions on an ongoing basis. Without this program Council has no way of confirming if a regulated dog is being kept in accordance with the mandatory conditions, unless a complaint is received.

To conduct a systematic inspection program for regulated dogs Council must pass a resolution as outlined in the Act, *section 113 (Approval of inspection program authorising entry)*. The systematic inspection program provides authorised officers the power to enter

private property in order to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog.

The program was undertaken in the 2018/2019 financial year from 22 October 2018 to 25 January 2019 with high levels of compliance. Out of the 95 inspections:

- 84 animal owners were compliant with the conditions for keeping a regulated dog (88.42%)
- six (6) animal owners were issued with a compliance notice for failing to meet the conditions for keeping a regulated dog (6.32%), in each case the animal owner was required to replace a spring on the self-closing gate which had deteriorated over time
- four (4) animals were deceased (4.21%)
- one (1) animal owner was issued two (2) infringements (totally \$1224) for failing to meet the conditions for keeping a regulated dog (1.05%).

Without a systematic inspection program Council has no way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act unless a complaint is received.

It is proposed that the systematic inspection program for 2019/2020 financial year will be undertaken by four (4) authorised officers, commencing on 21 October 2019 and concluding on 31 January 2020. Officers will undertake inspections at all properties where:

- a regulated dog was last known to have been kept according to Council records and
- it is identified that a regulated dog is now being kept.

Council records show that there is 95 regulated dogs in the Sunshine Coast area which require an annual inspection. The cost to undertake this program is estimated to be approximately \$31,690 which is funded via the registration fees collected from the regulated dog owners. The balance of the cost-recovery fees (\$11,231) collected for registration cover the cost of managing the yearly registration process for regulated dogs, as outlined in the below table.

Legal

Council has an obligation to the community to ensure that dogs identified and declared as dangerous, menacing or restricted are being monitored for compliance with the *Animal Management (Cats and Dogs) Act 2008*. In particular the mandatory conditions set out for the keeping of regulated dogs (refer to Attachment 1 – Mandatory conditions for keeping regulated dogs).

The *Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry)* provides the power for a local government to pass a resolution to approve a program under which an authorised person may enter a place to monitor compliance with the *Animal Management (Cats and Dogs) Act 2008*.

An approved inspection program must state the following:

- (a) the purpose of the program
- (b) when the program starts
- (c) a description of the places which will be entered as part of the program and
- (d) the period over which the program will be carried out (of not more than 6 months).

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

Due to the potential risk for regulated dogs not being kept in accordance with the mandatory conditions of the declaration, the *Animal Management (Cats and Dogs) Act 2008* provides considerable powers to authorised officers to require compliance. Where an animal owner has failed to comply with the mandatory conditions for keeping a regulated dog, Council may in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Compliance and Enforcement Policy 2009*:

- issue an on-the-spot fine under the Act (\$934)
- issue a compliance notice outlining the mandatory conditions which require attention
- where an officer deems the dog may be a risk to the community they may seize a regulated dog (*Animal Management (Cats and Dogs) Act 2008, section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (*Animal Management (Cats and Dogs) Act 2008, section 127*)
- undertake further legal action such as prosecution through the Magistrate's Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$10,008).

Policy

Council's *Compliance and Enforcement Policy 2018* identifies how Council is to meet its statutory obligations, and exercise its compliance and enforcement actions. Officers will use the *Compliance and Enforcement Policy 2018* in conjunction with the *Animal Management (Cats and Dogs) Act 2008* in assessing the most appropriate enforcement action to address areas which require further action.

Risk

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

Previous Council Resolution

Ordinary Meeting 16 August 2018 (OM18/131)

That Council:

- (a) receive and note the report titled "**Systematic Inspection Program - Regulated Dogs 2018-19**" and
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008, section 113* (Approval of an inspection program authorising entry):
 - (i) compliance audit of the premises within the region where Council's Regulated Dog Register indicates a regulated dog is being kept to occur from 22 October 2018 to 31 January 2020.

Related Documentation

- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Management (Cats and Dogs) Regulation 2009*
- *Compliance and Enforcement Policy 2009*

Critical Dates

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

The systematic inspection program is proposed to commence 21 October 2019. Therefore 7 October 2019 is the last date that an advertisement can be placed in the local newspaper advising of Council's intent to undertake the systematic inspection program.

The program must not exceed dates outlined in the recommendation.

Implementation**23 September 2019 – 7 October 2019**

Upon Council endorsement, it is intended that an advertisement will be placed in the Sunshine Coast Daily between 23 September 2019 and 7 October 2019, in accordance with the Act.

21 October 2019 – 31 January 2020

Council's authorised officers will commence the approved systematic inspection program on 21 October 2019 and concluding no later than 31 January 2020. Properties will be identified from the Regulated Dog Register and will be inspected for compliance with the mandatory conditions for keeping a regulated dog. Inspections will be undertaken unannounced on weekdays in daylight hours in accordance with the Act.

Where a breach of the mandatory conditions is identified, officers will determine the appropriate action in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Compliance and Enforcement Policy 2009*. These actions may include:

- issue an on-the-spot fine (\$934)
- issue a compliance notice outlining the mandatory conditions which require attention
- where an officer deems the dog may be a risk to the community they may seize a regulated dog (*Animal Management (Cats and Dogs) Act 2008, section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (*Animal Management (Cats and Dogs) Act 2008, section 127*)
- further legal action such as prosecution through the Magistrate's Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$10,008).

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

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 19 September 2019 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE