

Agenda

Ordinary Meeting

Thursday, 23 July 2020

commencing at 9:00am

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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 Special Meeting (Maroochydore City Centre – Project Update) held on 22 June 2020, the Special Meeting (2020/2021 Budget Adoption) held on 25 June 2020 and the Ordinary Meeting held on 25 June 2020 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 DEVELOPMENT APPLICATION - TWIN WATERS WEST (PRELIMINARY APPROVAL - VARIATION REQUEST TO VARY THE SUNSHINE COAST PLANNING SCHEME 2014 AND DEVELOPMENT PERMIT - RECONFIGURING A LOT) AT VARIOUS PROPERTIES IN PACIFIC PARADISE**

File No:	MCU18/0350 and RAL18/0199
Author:	Principal Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Conditions of Approval □ Att Pg 5/297 App B - Infrastructure Agreement □ Att Pg 53/297
Attachments:	Att 1 - Detailed Officer Report □ Att Pg 103/297 Att 2 - Plan of Development and Precinct Plans .. □ Att Pg 227/297 Att 3 - Subdivision Proposal Plans □ Att Pg 263/297 Att 4 - Concurrence Agency Response □ Att Pg 271/297

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0350>

SUMMARY SHEET	
Applicant:	Stockland (Development) Pty Ltd
Owner:	Stockland (Development) Pty Ltd
Consultant:	RPS Australia East Pty Ltd
Proposal:	<ul style="list-style-type: none"> Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i>) for Residential, Business, Community, and Sport & Recreation uses Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new roads, parks and balance lot, over 2 Stages)
Properly Made Date:	19 December 2018
Information Request Date:	31 January 2019
Information Response Received Date:	17 May 2019
Further Advice Date:	22 August 2019
Further Advice Response Received Date	2 October 2019 (All except Hydrology information 14 October 2019 (Hydrology information))
Decision Due Date:	1 July 2020
Number of Properly Made Submissions:	417 submissions were received, with 132 in support and 285 opposed to the development. Of these submissions, 388 submissions were properly made.
PROPERTY DETAILS	
Division:	8
Property Address:	De Vere Road, PACIFIC PARADISE

	232 - 284 Godfreys Road, PACIFIC PARADISE Settlers Park Ocean Drive, PACIFIC PARADISE 23 Stillwater Drive, PACIFIC PARADISE 581-593 David Low Way, PACIFIC PARADISE
RP Description:	Lot 1 & 2 RP 103117, Lot 4 - 8 RP 98356, Lot 2 & 3 RP 842858, Lot 1 RP 811523, Lot 8 RP 812125, Lot 261 SP 124274, Lot 10 SP 248472, Lot 3 SP 248471 & part of Godfreys Road (unformed road separating Lot 2 RP103117 from Lot 3 on SP248471)
Land Area:	Total - 104.7 ha (1,047,615 m ²)
Existing Use of Land:	Vacant
STATUTORY DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014</i> (10 December 2018)
SEQRP Designation:	Urban Footprint
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Maroochy North Shore Local Plan
Zone:	Emerging Community Community Facilities – Place of Worship (6 De Vere Road) Open Space (Settlers Park) Low Density Residential (23 Stillwater Drive)
Assessment Type:	Variation Request (Material Change of Use) Impact Assessable (Reconfiguring a lot)

PURPOSE

The purpose of this report is to seek Council's determination for two proposed aspects of development at De Vere Road, 232 - 284 Godfreys Road, Settlers Park Ocean Drive, 23 Stillwater Drive and 581-593 David Low Way, Pacific Paradise, being:

- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) for Residential, Business, Community, and Sport & Recreation uses; and
- Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new roads, parks and balance lot, over 2 Stages).

The application is before Council as the application involves a variation request and due to the level of community interest on the application.

EXECUTIVE SUMMARY

The application seeks to develop the site for a staged residential community including a constructed waterbody and open space network. This is proposed through the mechanism of a Preliminary Approval (including a Variation Request to vary the effect of the planning scheme) which seeks to secure approval for the development concept for the Twin Waters West Estate and guide the future assessment and categories of assessment tables for subsequent applications for development permits lodged over the site.

The application includes two proposed aspects of development:

- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) for Residential, Business, Community, and Sport & Recreation uses
- Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new road, park and balance lot, over 2 Stages)

The application is impact assessable, due to the inclusion of a Variation Request for the Material Change of use component, and the underlying Table of Assessment for Reconfiguring a Lot in the Emerging Community zone.

Under the *Sunshine Coast Planning Scheme 2014*, and as a result of *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12*, which took effect on 19 March 2018, the subject land is located within the Emerging community zone, the Maroochy North Shore local plan area, and inside the Urban Growth Management Boundary.

The application has been assessed against the provisions of the *Planning Regulation 2017* and the *Sunshine Coast Planning Scheme 2014*.

The *Sunshine Coast Planning Scheme 2014* identifies specific buffers and linkages to ecologically important areas, highest astronomical tide areas and the Sunshine Motorway. The assessment identifies that the central ecologically important area is not suitable for development and is recommended to be open space. All other buffers surrounding the ecologically important area include the road and street network which is an accepted reserve management practice and suitable for visual or ecological reasons on the site. Further, 27.93 ha (or 26.7%) of the site is dedicated as open space (excluding the lake).

The flood model submitted by the applicant has been tested, peer reviewed and compared against Council's model. Any increases in flooding on external properties is acceptable, and the nature of flooding and how the development changes the flooding characteristics has been sufficiently demonstrated. The development has appropriately responded to flooding for the proposed lots with appropriate floor levels, including 60 lots above probable maximum flood.

The loss of floodplain storage within the lower Maroochy River downstream on the Sunshine Motorway is acceptable because the closer the fill is to the mouth of the river, the less opportunity there is for storage reduction to have an adverse impact. It is the conveyance of floodwaters which is critical, rather than flood storage capacity with the proposed lake providing a more efficient flowpath, thus compensating for the loss in storage capacity.

A safe refuge building is proposed with a gross floor area of 1,500m² on a site area of approximately one hectare. This size facility can cater for the at risk population who elect not to evacuate early when requested based on the Red Cross standards.

A lake is proposed with deep areas with water quality maintained through a pumping system pumping water in at the northern end from the existing Twin Waters Lake and flows discharged to the south to Maroochy River. The *Sunshine Coast Planning Scheme 2014* specifically anticipates a lake will be dedicated to Council and a sinking fund amount has been agreed to be provided to Council to cover costs associated with the maintenance of the lake.

The *Sunshine Coast Planning Scheme 2014* identifies a building height of 8.5 metres for the site. The applicant seeks a variation to building height for the medium density residential and community facility sites, which seek a 12 metre height limit.

The assessment of the application against the *Sunshine Coast Planning Scheme 2014* has determined that the proposed 12 metre height limit for the Community Facility site is unlikely to be seen from outside the development, and can therefore be supported. However, no other height increases are supported.

Through the assessment of the application, the recommended residential development is 645 dwellings and no multiple dwelling units. Over the net developable area of 59.261 ha, the density of the development is 10.8 dwellings per hectare, consistent with and sympathetic to the established low density residential character of the adjoining Twin Waters residential community and therefore, complying with the density requirements of the *Sunshine Coast Planning Scheme 2014*.

The subject site contains both Indigenous Cultural Heritage significance, and European Cultural heritage significance, with Settlers Park included as part of the *Heritage and character areas overlay* of the *Sunshine Coast Planning Scheme 2014*. A Cultural Heritage Management Agreement has been entered into by Stockland and Kabi Kabi representatives Archaeo Cultural Heritage Services, in August 2019. The subject site includes two mapped sites of European Heritage significance within the Heritage and Character areas overlay, Settlers' Park and the Blazed Tree. Conditions can be applied to preserve the Blazed Tree, and the infrastructure in Settlers Park including the four mango trees, existing shelter with tables and benches, interpretation panels and art installations.

The development provides suitable pedestrian, cyclist, public transport and car movement infrastructure generally consistent with the requirements of the *Maroochy North Shore local plan code*, *Transport and parking code* and the *Planning scheme policy for the transport and parking code*.

The assessment recommends changes to the development footprint, notably the removal of the central Medium density residential site (MD2) and replacement with Open space zone and amending the northern Medium density residential site to Low density residential (Protected Housing Area Precinct).

The Categories of development and categories of assessment tables can be modified to comply with the *Sunshine Coast Planning Scheme 2014* noting that the proposed commercial uses have been justified through an Economic Impact Assessment. To ensure consistency with the existing Twin Waters Estate, there are no grounds to support a change to the setback requirements of the *Sunshine Coast Planning Scheme 2014* and the *Queensland Development Code* provisions.

There are three lots (4, 10 and 12 De Vere Road) that abut the proposed development and are not included as part of the application. The interface between the development and these lots has considered the impacts of overshadowing, privacy and overlooking, building character and appearance and building massing and scale as seen from neighbouring premises by appropriate design outcomes.

Overall, the assessment concludes that the development can be supported subject to conditions.

If the development is supported by Council, a Special Rate and Charge Levy is recommended to be applied to any future lots resulting from this approval to match with the existing Twin Waters Estate.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Development Application - Twin Waters West (Preliminary Approval - Variation Request to vary the Sunshine Coast Planning Scheme 2014 and Development Permit - Reconfiguring a Lot) at various properties in Pacific Paradise"
- (b) approve Application No. MCU18/0350 and RAL18/0199, situated at De Vere Road, Pacific Paradise, 232 - 284 Godfreys Road, Pacific Paradise, Settlers Park Ocean Drive, Pacific Paradise, 23 Stillwater Drive, Pacific Paradise and 581-593 David Low Way, Pacific Paradise and grant a

- (i) preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014) for Residential, Business, Community, and Sport & Recreation uses
- (ii) development Permit for Reconfiguration of a Lot – 4 Lots into 182 Lots, new roads, parks and balance lot, over 2 Stages

subject to:

- (iii) imposition of the conditions of approval identified in Appendix A, and
 - (iv) execution of the Infrastructure Agreement included as Appendix B by both parties
- (c) delegate authority to the Chief Executive Officer to execute the Infrastructure Agreement included as Appendix B
 - (d) note its intention to levy a special rate or charge (Benefited Area Levy), pursuant to section 94 of the *Local Government Regulation 2012*, on any lots created as part of this development approval to cover any costs associated with maintaining a higher than normal landscaping standard, with such special rate or charge to be determined at Council's budget development meeting for a financial year.

FINANCE AND RESOURCING

The Twin Waters West development is located outside the Priority Infrastructure Area in the current Local Government Infrastructure Plan. Therefore, the demand generated by this development has not been incorporated into the current trunk infrastructure planning contained in the Local Government Infrastructure Plan.

If the development occurs, the demand (population) generated will trigger a requirement for additional trunk infrastructure to cater for the increased demand. It is envisaged that this additional trunk infrastructure will be funded by the infrastructure charges attributable to this development.

Infrastructure charges are payable for the development in accordance with the Infrastructure Charges Resolution.

Council's proportion of infrastructure charges that would be applicable, in the event of approval for the reconfiguration of a lot for Stages 1 and 2 for 170 lots, is approximately \$2,700,000.

If the balance of development is developed in accordance with the recommendation, Council would receive approximately \$7,500,000 in infrastructure charges (in addition to the figures mentioned above for Stages 1 and 2) under the current charging provisions.

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 J O'Pray has been consulted during the application process.

Internal Consultation

The application was forwarded to the following internal Council specialists:

- Principal Architect, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Environment and Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Environment Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Traffic Engineer, Development Services Branch, Customer Engagement and Planning Services
- Landscape Officer, Development Services Branch, Customer Engagement and Planning Services
- Principal Development Engineer (Hydraulics), Development Services Branch, Customer Engagement and Planning Services

Council also sought an external peer review from the following organisations:

- Austecology (Lindsay Agnew) for ecological matters
- BMT Global (Neil Collins) for flooding and water quality matters
- CDM Smith (Marcus Brown) for economic matters

The application was also reviewed and input provided by the following teams within Council:

- Strategic Planning Branch, Customer Engagement and Planning Services Group
- Disaster Management Branch, Built Infrastructure Group
- Flooding and Stormwater Policy & Planning Branch, Built Infrastructure Group
- Transport and Infrastructure Planning Branch, Built Infrastructure Group
- Transport Infrastructure Management Branch, Built Infrastructure Group
- Civil Asset Management Branch, Built Infrastructure Group
- Parks and Gardens Branch, Built Infrastructure Group
- Design and Placemaking Services Branch, Liveability and Natural Assets Group
- Environment & Sustainability Policy Branch, Liveability and Natural Assets Group
- Environmental Operations Branch, Liveability and Natural Assets Group
- Property Management Branch, Business Performance Group
- Finance Branch, Business Performance Group

- Major Projects and Strategic Property, Office of Chief Executive Officer
- Legal Services, Office of Chief Executive Officer
- Corporate Governance Branch, Office of Chief Executive Officer
- Economic Development Branch, Economic and Community Development Group
- Community Planning and Development Branch, Economic and Community Development Group
- General Manager Property and Planning, Sunshine Coast Airport

The above internal and external assessments form part of this report.

External Consultation

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning for concurrence agency assessment in relation to the following matters:

- Reconfiguring a lot in a coastal management district
- Material change of use involving work in a coastal management district
- Operational work that is the removal, destruction or damage of a marine plant is assessable development
- Development near or adjacent to State transport infrastructure generally
- Reconfiguring a lot near a State transport corridor
- Reconfiguring a lot that is a future State transport corridor
- Reconfiguring a lot near a State-controlled road intersection and
- Material change of use of premises near a State transport corridor or that is a future State transport corridor

The department responded by letter dated 4 October 2018 imposing conditions that must attach to any development approval (refer to **Attachment 4**).

Community Engagement

This impact assessable development application was subject to a public notification period of 30 business days between 21 May 2019 and 5 July 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 417 submissions were received, of which 388 were determined to be 'properly made' in accordance with the *Planning Act 2016*. There were 132 submissions in support of the proposal and 285 submissions against the proposal.

A summary of the issues raised by submitters together with a response is provided in the Detailed Assessment Report (**Attachment 1**).

The applicable Sunshine Coast Planning Scheme 2014 (Major Amendment) adopted on 8 March 2018 underwent public consultation from 26 September 2016 to 7 November 2016. A total of 629 properly made submissions were received in relation to the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment). Of these, 127 submissions were in support of the proposed amendment and 502 submissions opposed the proposed amendment. Three of the submissions opposing the proposed amendment included petitions comprising a total of 614 signatories.

PROPOSAL

This report considers two aspects:

- The development application including the request for
 - Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) for Residential, Business, Community, and Sport & Recreation uses
 - Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new roads, park and balance lot, over 2 Stages);
- If approval is granted, the consideration of a special rate and charge levy for the new estate; and

The proposed plans for the development are provided in **Attachment 2** and **Attachment 3** to this report.

Each aspect of the proposal is explored in more detail below.

Development Application

Application Background

Under Application Number MCU07/0130, and at the Ordinary Meeting held on 16 July 2009, Council refused an application for preliminary approval to override the planning scheme for approximately 950 residential lots ranging in area from 200m² to 640m² (average of 400m²) at the 103 ha site located north of the Maroochy River and east of the Sunshine Motorway at Twin Waters. An appeal was filed with the Planning and Environment Court on 18 August 2009 and the appeal was dismissed on 13 December 2013.

Following the Court decision and commencement of the Sunshine Coast Planning Scheme 2014, the proponent prepared a revised conceptual master plan for development of the subject land and engaged in further community consultation with the local community association and other community stakeholder groups. The revised conceptual master plan incorporated approximately 650-700 residential lots based on a waterway system similar to the existing Twin Waters residential community and was considered to be more consistent with local community expectations compared with the previous development application, particularly in terms of character, density and scale.

Importantly, given previous reservations from the local community in relation to development of the subject land, Council required demonstration of community consultation and community support for development of the Twin Waters West land, before contemplating a planning scheme amendment process. Following consultation with the proponent, the local community association indicated its conditional support for development of the subject land.

Following this, Council resolved to progress a planning scheme amendment in July 2015 for the sites the subject of this application to:

- amend the zoning of land from the Rural zone to the Emerging community zone
- include the Twin Waters West land within the Maroochy North Shore local plan area and inside the Urban Growth Management Boundary; and
- amend the *Maroochy North Shore Local plan code*, to include specific provisions to guide future development of the Twin Waters West land for residential purposes.

Following permission to notify the amendment (July 2016) and public notification (26 September 2016 to 7 November 2016), Council resolved on 13 April 2017 (SM17/16) to support the amendment. The proposed planning scheme amendment, with changes, was forwarded to the Planning Minister on 28 April 2017, for approval.

During the final state interest review process, the Department of Infrastructure, Local Government and Planning commissioned an independent review of the flood modelling used by Council to inform the proposed amendment. The review found that the flood model and flood impact assessment used by Council was suitable for the purpose of informing the planning scheme amendment and recommended a number of improvements be made to the model to assist with the assessment of future development applications.

On 1 March 2018, Council received advice from the Planning Minister that Council may proceed to adopt the proposed planning scheme amendment, subject to conditions. Council adopted the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12* on 8 March 2018. The amendment was gazetted on 9 March 2018 and took effect on 19 March 2018.

Application

The development application includes the following two components:

1. *Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014) for Residential, Business, Community, and Sport & Recreation uses*

The applicant proposes a Preliminary Approval, including a Variation Request to vary the effect of the planning scheme seeks to secure approval for the development concept for the Twin Waters West Estate and guide the future assessment and categories of assessment tables for subsequent applications for development permits lodged over the site.

The Preliminary Approval includes the following components:

- Establish a zone plan, including the following zones
 - Low Density Residential zone
 - Medium Density Residential zone
 - Community Facilities zone
 - Open Space zone
- Vary the permitted residential densities, overriding Acceptable Outcome AO22 of the *Maroochy North Shore local plan code*
- Vary the categories of assessment for future development applications within these zones, overriding the Table of Assessment for the current Emerging Community and Community Facilities zoning under the *Sunshine Coast Planning Scheme 2014*
- Vary the permitted building heights for the Medium Density Residential zone and the Community Facility zone to permit development up to 12m, overriding the Height of Buildings and Structures Overlay Map OVM21H under the *Sunshine Coast Planning Scheme 2014* and
- Vary a number of design provisions for dwelling houses.

The Master Plan is supported by the following plans:

- Zone Plan
- Development Density Plan
- Maximum Building Heights Plan
- Open Space Plan
- Pedestrian & Cycle Movement Plan
- Road Network

- Sections – Road Typologies
- Edge Treatment Plan and
- Sections – Walkable Waterfront.

In the event of approval, the applicant seeks the overall development outcome for the site to include:

- 584 residential lots
- 2 multiple dwelling units sites (with an expected density of 180 dwellings over the two sites)
- A community facilities site with some limited commercial uses, such as office, food and drink outlet, shop, health care services, child care centre and place of worship; and
- 26.68 ha of open space (being 25% of the site).

2. *Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new roads, park and balance lot, over 2 Stages);*

In addition to the Preliminary Approval, including a Variation Request to vary the effect of the planning scheme, the application also seeks a development approval to reconfigure the lots for the first two stages to deliver a total of 182 lots including 172 residential lots, one Community facility lot for the purposes of a future Community Hub, roads and 11 open space lots.

Following the statutory process, the applicant lodged a change to the application on 15 October 2019 in response to concerns raised by the Department of State Development, Manufacturing, Infrastructure & Planning in their role as the State Assessment and Referral Agency to preclude any future operational works application involving marine plants from being referable to the Department of Agriculture and Fisheries (DAF), under the Planning Regulation 2017.

On this basis, the applicant amended the reconfiguring a lot proposal to remove those components of the proposed subdivision that impact on the existing marine plants (removing the proposed multiple dwelling unit site in Stage 2).

Therefore, the proposal assessed in this report is for:

- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) for Residential, Business, Community and Sport and Recreation uses
- Development Permit to Reconfigure a Lot (4 Lots into 182 Lots, new road, park and balance lot, over 2 Stages).

Assessment of Application

The application has been assessed against the provisions of the *Planning Regulation 2017* and the *Sunshine Coast Planning Scheme 2014*.

Under the *Planning Act 2016*, a preliminary approval can also include a request for a variation approval, which varies the effect of a local planning instrument on premises the subject of the approval. A variation approval may establish new categories of assessment and assessment benchmarks for development and any related development and prevails over a local planning instrument to the extent of any inconsistency for the “life” of the approval, or until the development is completed.

This type of Preliminary Approval may establish specific assessment provisions that will then apply in assessing any future development applications relating to the land. A preliminary approval may seek to:

- vary or add the provisions of a relevant code; or
- vary the level of assessment and assessment benchmarks for future applications.

The *Planning Act 2016* requires that the proposed resultant development is assessed against the planning instruments at the time the development application is made to determine whether the development is suitable for the site. The proposed variations are not assessed unless the development the subject of the development application is to be approved. If the other parts of the development application are refused, any proposed variations will also be refused.

Given this, the proposal to create the new estate is assessed against the planning scheme.

Proposed Layout of Development and Variation Request

The site is affected by a number of overlays including:

- Acid Sulfate Soils
- Airport Environs
- Biodiversity, Waterways and Wetlands
- Bushfire Hazard
- Extractive Resources
- Flood Hazard
- Height of Buildings and Structures
- Heritage and Character Areas
- Regional Infrastructure
- Scenic Amenity

These overlays and the additional requirements in the *Maroochy North Shore local plan code* should be considered to establish the confines of any developable area or areas where development is not appropriate. This assessment was undertaken considering the following factors:

- Vegetated and Ecological Buffers/Linkages
- Recreation and Passive Open Space
- Building Height
- Density
- Heritage and Character Areas
- Access Movements
- Extractive Resources
- Bushfire
- Airport Matters
- Acid Sulfate Soils
- Acoustic Amenity

The Detailed Assessment Report in **Attachment 1** provides a detailed assessment of this application.

A. Vegetated and Ecological Buffers/Linkages

Through the purpose and overall outcomes, the *Biodiversity, waterways and wetlands overlay code* broadly intends to protect and enhance ecologically important areas and ecological connectivity, protect and establish appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat, protect known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the *State Nature Conservation Act 1992*, *Nature Conservation (Wildlife) Regulation 2006* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* and ensure development is located, designed and managed to avoid or minimise adverse direct or indirect impacts on ecological systems and processes;

Further, the *Maroochy North Shore local plan code* identifies specific buffers and linkages to ecologically important areas, highest astronomical tide areas and the Sunshine Motorway.

The development proposes the following:

- No development occurring in the conservation and rehabilitation area noted in the local plan code complying with the local plan code;
- Minimum 30 metre buffer on the northern side of the centrally located ecologically important area complying with the acceptable outcomes of the local plan code;
- Minimum 10.5 metre buffer on the northern side of the western interface to the ecologically important area in lieu of 30 metres (30 metres provided including the road reserve);
- Minimum 13.2 metre buffer in the southern side of the western interface of the ecologically important areas in lieu of 30 metres (30 metres provided including the road reserve);
- Minimum 15 metre buffer to the southern interface to the ecologically important areas in lieu of 30 metres (30 metres provided including the road reserve);
- Minimum 30 metre buffer to the proposed medium density development within the cleared area surrounded by the ecologically important area;
- Minimum 35.5 metre buffer along the eastern boundary of the site linking the ecologically important areas to the north and south in lieu of 50 metres (50 metres provided including road reserve);
- Minimum 100 metre buffer (with an average of 150 metres) to the highest astronomical tide in lieu of 150 metres; and
- Minimum 20 metre buffer to the Sunshine Motorway in lieu of 40 metres.

An assessment against the performance outcomes identifies that:

- an external ecological expert has identified that the central area abutting the ecologically important area is not suitable for development for the following reasons:
 - impacts on wetland functionality through provision of adequate buffers and avoiding groundwater and surface water quality impacts to the wetland; and
 - kangaroo grazing habitats are affected and it is likely that kangaroo numbers would decline. There is a real prospect that developing the subject land as proposed, will contribute over time to a cumulative impact on the local population which could result in the local extinction of Eastern Grey Kangaroos. The resident kangaroo population can be protected with several conservation and management measures including protective fencing, exclusion of dogs, road

underpasses, provision of grazing and movement corridors and an interim Kangaroo Management Plan (for civil/bulk earthworks) and a subsequent final Kangaroo Management Plan;

- all other buffers surrounding the ecologically important area include the road and street network which is an accepted reserve management practice, and is consistent with the definition of a buffer as defined in the *Sunshine Coast Planning Scheme 2014*;
- with the acquisition of the 17,397 m² central area, the buffer along the eastern boundary of the site linking the ecologically important areas to the north and south is for fauna movement, rather than for prolonged grazing. The fauna movement corridor can be protected with appropriate vegetated buffers to allow for sufficient rehabilitation and linkages between ecologically important areas;
- the proposed line for the northern limit of the highest astronomical tide buffer is sufficient to support local wildlife refuge and movement. The average width would remain 50m greater than the common standard buffer width of 100m to wetland areas, to offset impacts from the adjacent intensified land use. This also accommodates the erosion prone area (40m outwards from HAT). The resulting footprint of the restored natural vegetation would also be more practical to manage in future; and
- the existing Godfreys Road road reserve is available to be utilised for the Caboolture to Maroochy Corridor Study (shortened to CAMCOS) purposes along the south-western segment, with a land dedication provided in the north-western segment from the point where the Godfreys Rd road reserve terminates. This allows for a minimum width of 20 metres without considering the subject site. The proposed 20 metre buffer proposed would screen the development from the Sunshine Motorway and is likely to be in place for the medium term. If CAMCOS proceeds at some stage in the future, it is likely that parts of the vegetated buffer could be retained within the edge buffers (of 6 to 10 metres) or the battered slope (which would assist with stabilising this area).

The assessment of the application against the *Biodiversity, waterways and wetlands overlay code* and the *Maroochy North Shore local plan code* has determined that the development complies with, or can be conditioned to comply as follows:

- Removal of the central Medium density residential site (MD2) and replace with Open space zone surrounding the central ecologically important area for fauna (kangaroos) and ecological protection measures;
- Suitable buffers are provided for visual or ecological reasons on the site; and
- 26.7% of the site is dedicated to open space (excluding the lake).

B. Recreation and Passive Open Space

To meet the acceptable outcomes of the *Maroochy North Shore local plan code*, the open space contribution should equate to 26.1 ha (261,904 m² based on 25% of the site area). The proposal includes open space areas totalling 26.68 ha, above the 25% required by the local plan code.

As an offset for the loss of Settlers Park, the central Medium density residential site (MD2) can be replaced with Open space zone. Therefore, the open space areas total 27.93 ha equalling to 26.7% of the site, meeting the acceptable outcome. The size and location of the open space areas are satisfy the open space needs of the residents, provides three consolidated open space areas and maximises the opportunities for open space to waterfront areas.

C. Flooding and Hydrology

The *Maroochy North Shore local plan code*, the *Flood hazard overlay code* and the *Stormwater management code* identify a number of key assessment matters associated with this site including flood modelling, flood impacts, flood storage capacity, flood immunity,

residual flood risk (safe refuge), the constructed waterbody and stormwater quality and quantity.

The applicant has developed a flood model of the site, which is based on an extract of Council's flood model of the Maroochy River. The model includes a base case to represent existing site conditions and a developed case model including the proposed development and the expanded Sunshine Coast Airport. The flood model has been reviewed by an external expert and the results from the base case model have been compared to Council's model and good agreement between the models has been observed.

The flood model has been tested under a range of different annual exceedance period flood events including the 1% projected climate change at 2100, local flooding and regional flooding associated with the Maroochy River.

The results of the flood modelling show that no unacceptable flood impacts are predicted to result from the development under all of the local and regional flooding simulations run.

Some increases in peak flood levels are proposed on the Maroochy River floodplain to the south east of the site. These increases are between 10 and 25mm and do not impact any existing buildings or structures or impact on any areas where buildings could be constructed. Existing floodwaters are deep in this area and the proposed increase has been assessed as not causing an unacceptable flood impact.

With respect to local flood impacts, some increases have been identified on the low lying vegetated land to the south of the proposed development. These increases result in levels well below regional flood levels and do not constitute an unacceptable impact as these sites have no possibility of being developed.

The only development scenario in which offsite impacts are predicted to occur within existing residential communities was a sensitivity scenario which was undertaken to ensure that the development of the site does not preclude other existing residential properties from being filled in the future to cater for the effects of climate change. This analysis shows that there is a predicted increase in flood levels within the David Low Way of up to 40mm. This impact has been determined to not affect the trafficability of the road as the road is inundated by more than 1 metre, and is already not trafficable at that time.

The development is proposed to result in a loss of floodplain storage capacity during the 1% annual exceedance period flood events, which is not in accordance AO9 of the *Flood hazard overlay code*. A loss of floodplain storage capacity is typically not approved due to the cumulative impact which can occur through cumulative loss of floodplain storage. The loss of floodplain storage within the lower Maroochy River downstream on the Sunshine Motorway is acceptable because the closer the fill is to the mouth of the river, the less opportunity there is for storage reduction to have an adverse impact. It is the conveyance of floodwaters which is critical, rather than flood storage capacity with the proposed lake providing a more efficient flowpath, thus compensating for the loss in storage capacity.

With regard to flood immunity, the development is proposed with significantly higher flood immunity than the existing surrounding development.

The results of this review have found that:

- the submitted flood model from the applicant have been tested and peer reviewed against Council's model and found to have good agreement;
- any increases in flooding on external properties is acceptable;
- the nature of flooding and how the development changes the flooding characteristics have been sufficiently demonstrated;
- the development has appropriately responded to flooding for the proposed lots with appropriate floor levels including 60 lots above probable maximum flood; and

- flood storage capacity is not maintained but due to the flooding characteristics of the site, the flood storage in this circumstance is not critical.

Residual flood risk is required to be addressed to meet compliance with PO4 of the Flood hazard overlay code and PO24 of the *Maroochy North Shore local plan code* including a safe refuge building. Through the assessment of the development application, the proposal has been modified and the number of dwellings (and therefore people) within the development has reduced.

A critical component of the submitted Flood Emergency Management Plan is to manage the residual flood hazard on the site through early evacuation of the site prior to access to the site becoming inundated by floodwaters. The strategy of “early evacuation” is suitable provided all of the following requirements are met:

- there is sufficient time to evacuate,
- there is somewhere for people to go,
- it does not burden emergency services,
- there is a failsafe backup plan in the event people do not evacuate for whatever reason, and
- it does not make the situation worse for existing communities.

The proposed development may provide an area of over 4ha above the probable maximum flood level. If residents from surrounding areas in other communities fail to evacuate before the David Low Way is cut by floodwaters, they could access the higher land within the development to be safe. Therefore, if existing Maroochy North Shore residents fail to evacuate early, the proposed development will provide a flood free area for them to shelter during the event.

Surveys undertaken within Australia, by the hydrological experts engaged by the applicant, show that between 10% and 20% of people say they would not evacuate under any circumstances. However, only about 20% to 25% of people evacuate when they are told to do so. The majority (between 55% and 70%) will attempt to evacuate at some point, but not when they are told to do so. For a development such as that proposed, the proportion leaving evacuation until it is too late may be higher given the developed site will have such high flood immunity.

A Safe Refuge Building is proposed onsite with a gross floor area of 1,500m² on a site area of approximately one hectare so people are not just confined to the 1,500m² building. This size facility can cater for the at risk population who elect not to evacuate early when requested based on the Red Cross standards.

A constructed waterbody (lake) is proposed with deep areas. The shape and depth of the waterbody are based on the dual purpose of the constructed waterbody to provide flood conveyance through the development and provide fill material to achieve the required flood immunity standards. The constructed waterbody is proposed to operate as a perched water body with water quality maintained through a pumping system pumping water in at the northern end from the existing Twin Waters Lake and flows discharged to the south to Maroochy River.

PO18 of the *Stormwater management code* states that constructed waterbodies which are proposed to be dedicated as public assets are avoided unless there is an overriding need in the public interest. The background to this policy position of Council is that constructed waterbodies require significant expenditure to maintain them in good condition and represent an additional cost to Council beyond the usual roads and associated infrastructure dedicated to Council as part of urban development. Council's expenditure on constructed waterbodies can only be managed to an acceptable level on those which provide an overriding community benefit. The proposed waterbody has been assessed as not providing an overriding community benefit.

However, the hierarchy of the planning scheme is that local plans override the development codes. Therefore, the *Maroochy North Shore local plan code* overrides the *Stormwater management code*. PO27 and PO28 of the local plan code specifically anticipate a constructed waterbody will be dedicated to Council and that a sinking fund amount be provided to Council to cover costs associated with the maintenance of the constructed waterbody.

The flooding solution for the site was intended to result in a constructed waterbody forming part of the development and it would be dedicated to Council. The local plan anticipates this and seeks the sinking fund.

Detailed analysis including analysis of water quality in the existing Twin Waters Lake and computer modelling has been completed by the applicant to predict the water quality within the constructed waterbody, the lake turnover time and potential for stratification.

A sinking fund amount has been calculated based on Council's *Planning Scheme Policy for Development Works* and an Infrastructure Agreement (**Appendix B**) has been signed by the applicant to provide a fund such that there is no cost to Council to maintain the constructed waterbody over the 80 year timeframe stipulated in the policy. This sinking fund amount is designed to cover all Council costs associated with operating the waterbody in accordance with the Lake Management Plan over an 80 year timeframe.

Stormwater quality and quantity have been considered with all stormwater discharge from the development is directed to the proposed constructed water body and all stormwater from the development is treated in bioretention devices within the road reserve with some end of line devices where levels permit to meet the post construction water quality design objectives prior to discharge to the proposed constructed water body.

D. Building Height

The *Sunshine Coast Planning Scheme 2014* identifies a building height of 8.5 metres for the site. The applicant's variation to building height for this application relates to the medium density residential and community facility sites, which seek a 12 metre height limit.

The assessment of the application against the *Height of buildings and structures overlay code* and the *Maroochy North Shore local plan code* has determined that the development complies with, or can be conditioned to comply as follows:

- The residential development maintains a height of 8.5 metres for dwellings.
- The proposed 12 metre height limit for the Community Facility site is centrally located, which will reduce opportunities of views to this building from outside the development.

On this basis, the proposed Building Heights Plan should be amended to allow for the Community facilities zoned site to retain the proposed 12 metre height limit, but all other parts of the site should remain at a building height of 8.5 metres. This map could be conditioned to replace the mapping within the *Height of buildings and structures overlay code* of the *Sunshine Coast Planning Scheme 2014*.

E. Density

The performance outcome in the *Maroochy North Shore local plan code* states:

Development in the Emerging community zone provides for residential uses at a scale and intensity, and in a configuration that is consistent with and sympathetic to the established low density residential character of the adjoining Twin Waters residential community.

The applicant seeks to vary the density provisions to reflect the earlier Council resolution (Special Meeting 13 April 2017 (SM17/16)) being

- For low density residential uses within the development

- (a) a minimum lot size of 400m²;
 - (b) the proportion of lots less than 500m² are limited to 12% of the total number of low density residential lots; and
 - (c) a maximum density of 12 lots per hectare delivered across the entire site.
- For medium density residential uses in the development
 - (a) a maximum cumulative density of 40 dwellings per hectare for the two multiple dwelling unit sites.

Based on these proposed densities, the application seeks the residential development outcome for the site to include:

- 584 residential lots within 6 precincts; and
- 2 multiple dwelling units sites (with an expected density of 180 dwellings over the two sites).

The central medium density site is not recommended to proceed for ecological reasons, and is anticipated to be included as open space in the event of approval.

The proposal also includes a 2.7ha site in the northern end of the site, which is intended to accommodate 111 multiple dwellings at a density of 40 dwellings per hectare. This is a large, concentrated multiple dwelling unit development, and is not considered to be located in discreet nodes. There are multiple dwelling unit developments within the Twin Waters estate, but none as large as the one proposed. This medium density residential site is therefore not consistent with the scale, intensity and configuration of the Twin Waters estate. As such, this medium density site is recommended to be removed, and replaced by Low density residential zoned land (with the same Protected Housing Area Precinct as with the remainder of the Twin Waters West site).

The recommended residential development is 645 dwellings and no multiple dwelling units. Over the net developable area of 59.261 ha, the density of the development is 10.8 dwellings per hectare, complying with the planning scheme requirements.

F. Heritage and Character Areas

The subject site contains both Indigenous Cultural Heritage significance, and European Cultural heritage significance, with Settlers Park included as part of the *Heritage and character areas overlay* of the Planning Scheme.

A Cultural Heritage Management Agreement was executed by Stockland and Kabi Kabi representatives Archaeo Cultural Heritage Services, in August 2019. The objectives of this Cultural Heritage Management Agreement are to provide for the identification, protection and management of Cultural Heritage in the Project Area (Twin Waters West), including by undertaking the following:

- Implementation of the Management Recommendations contained in the Cultural Heritage Management Agreement; and
- Directly involving Kabi Kabi First Nation in the formulation and implementation of appropriate management strategies for Cultural Heritage as may be uncovered within the Project Area during development activities.

The subject site includes two mapped sites of European Heritage significance within the Heritage and Character areas overlay, Settlers' Park and the Blazed Tree. The applicant submitted a Heritage Impact Statement which demonstrates compliance with PO1 and PO2 of the *Heritage and Character areas overlay code*, through demonstrating that the proposed development is to be undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Heritage Significance (Burra Charter). Any impacts can be managed through conditions applied based on the recommendations from the Heritage Impact

Statement including the preservation of the Blazed Tree, and the infrastructure in Settlers Park including the four mango trees, existing shelter with tables and benches, interpretation panels and art installations within the current area of the park.

G. Access Movements

The applicant has provided a proposed Road Network plan with the primary vehicle access through the State-controlled David Low Way / Ocean Drive intersection, with the main site access street being the southern leg of the intersection. The application included a roundabout as the preferred access arrangements into the site. However, the State Government have directed that this intersection be a signalised intersection (as per **Attachment 4**).

A secondary, local street connection is proposed at the south-eastern part of the site to link with Stillwater Drive at the existing Esperance Drive roundabout. This promotes local connectivity and integration within the overall Twin Waters area and is consistent with the requirements of the *Maroochy North Shore local plan code*.

Potential for public transport access is created via allowance for a future bus route on the main access street through the development between David Low Way and Stillwater Drive. This allows for a bus 'loop' to be created through part of the existing Twin Waters area and the subject site. It is noted that such a bus 'loop' would require a significant diversion from existing through-running bus routes on David Low Way and therefore unlikely to be serviced in the short to medium term.

Connectivity for pedestrians and cyclists is provided within and through the site via a network of pathways and on-road cycle lanes on the main access street through the site with the connections nominated in the local plan code.

The development provides walkable waterfronts for the majority of the lake frontage on the eastern side of the lake (with a small section that diverts to road based pathways) and connects the Twin Waters development to the central park area on the northern side of the lake. The pathway network connects the development between the Twin Waters development and the Sunshine Motorway and David Low Way. The proposal also includes the coastal pathway along the southern edge of the site in accordance with the local plan code.

Overall, the development makes suitable provision for pedestrian, cyclist, public transport and car movement generally consistent with the requirements of the *Maroochy North Shore local plan code*, *Transport and parking code* and the *Planning scheme policy for the transport and parking code*.

H. Extractive Resources

A Key Resource Area (KRA No 150) is identified on the western side of the Sunshine Motorway extending across David Low Way, and covering the existing Maroochy River Golf Club.

While the development does materially increase the number of people living in the extractive resource separation area, the purpose of the *Extractive resources overlay code* is to ensure that the ability to win the resource is not affected.

Given the proposed acoustic fence, and the method of extraction, it can be concluded that the proposed development would not prevent or interfere with the current or future viability of winning or processing of the extractive resource.

I. Bushfire

The site is affected by the Medium Bushfire Hazard Area and Buffer under the *Bushfire hazard overlay code* in the *Sunshine Coast Planning Scheme 2014*. This is confirmed in the

State Government mapping, which shows the site as being affected by the High Potential Bushfire Intensity and Potential Impact Buffer areas.

The submitted Bushfire Management Report addresses the interfaces between the central bushland reserve and adjoining dwellings by providing a continuous road interface to the central wetland and no roads ending in cul-de-sacs. This allows adequate access for fire fighting vehicles and escape /evacuation for adjoining residents in the event of bushfire.

J. Airport Matters

The subject site is mapped within the Airport Environs overlay, being within 3km of the Sunshine Coast Airport. The site is located within the *OLS – Obstacle limitation surface boundary sub-category* and *Runway separation distance* subcategories of the overlay.

The proposed development (maximum building height 12 metres) will not penetrate the obstacle limitation surface (OLS) of the airport, meeting Acceptable Outcome AO1.1 and therefore not impacting the functionality of the existing airport environment.

The proposed planting palette for the development addresses the requirements of the *Planning scheme policy for the Airport Environs overlay code* by ensuring the avoidance of extensive planting that might provide habitat or food sources for medium to large water birds).

K. Acid Sulfate Soils

The applicant provided an Acid Sulfate Soils investigation for the site. In the event of approval, conditions (including engineering certification) could be applied by the State as a referral agency for each stage of the development where acid sulfate soils will be disturbed to be endorsed through an operational works approval.

L. Acoustic Amenity

The applicant provided a noise impact assessment report to address compliance with the outcomes for the location and design of sensitive land uses to ensure that noise emissions from the Sunshine Motorway and David Low Way do not adversely affect the wellbeing of occupants i.e. by provision of noise barriers, house façade design and buffer setback to the roads as per PO7 of the *Regional Infrastructure overlay code* and PO39 of the *Maroochy North Shore local plan code*.

Conclusion for Developable Area

The above assessment recommends the following changes to the development footprint:

- Amend the northern Medium density residential site to Low density residential (Protected Housing Area Precinct);
- Amend Recreation Park 2 to Low density residential (Protected Housing Area Precinct);
- Removal of the central Medium density residential site (MD2) and replace with Open space zone;
- The proposed height of buildings for the development are 8.5 metres with the exception of the community facility site being 12 metres;
- The resultant residential development is 645 dwellings with lot sizes being:
 - a minimum lot size of 400m²;
 - the proportion of lots less than 500m² are limited to 12% of the total number of low density residential lots (77 lots); and
 - a maximum density of 12 lots per hectare delivered across the entire site;

Land Uses and Categories of development and categories of assessment table

The Preliminary Approval, involving a variation request, includes the following components:

- Establish a zone plan, including the following zones
 - Low density residential zone
 - Medium density residential zone
 - Community facilities zone
 - Open space zone and
- Vary the Categories of development and categories of assessment for future development applications within each of these zones, overriding the Table of Assessment for the current Emerging community and Community facilities zoning under the *Sunshine Coast Planning Scheme 2014*;
- Vary the Categories of development and categories of assessment for Reconfiguring a Lot across the site
- Vary the Categories of development and categories of assessment for Operational Works (Advertising Devices) in the Sales Village area

When assessed against the Low density residential zone category of development and category of assessment table in the *Sunshine Coast Planning Scheme 2014*, there are land uses added to the table including sales office and parking station, residential and community land uses that are removed from the table being either code assessable or accepted development, and the zone and local plan codes are removed.

The Sales Office amendments are not accepted as this alters the acceptable outcomes in the *Sales office code*. A Parking station is already considered to be accepted development where associated with the Sales office. Emergency services (for an evacuation centre) may be required where the display village is to be used for a safe refuge. There are no impacts caused by removing the remaining uses identified in the Category of development and category of assessment tables. The zone and local plan codes can be added for code assessable uses.

For the low density residential zone, the applicant has requested different setback provisions for dwelling houses. To ensure consistency with the Twin Waters Estate and based on the overall outcome of the *Maroochy North Shore local plan code*, there are no grounds to support a change, and the Planning Scheme and *Queensland Development Code* provisions should apply.

The Plan of Development identifies two Medium density residential zones across the estate, and proposes an alternative Category of development and category of assessment table. As noted above, both medium density sites have been recommended to be removed from the application and be contained in the Low density residential (Protected housing area) zone.

The Plan of Development identifies a Community facility zone within the estate, which proposes a mix of commercial activities, typically found in a Local Centre, and Community activities including:

- Place of worship, including 562 m² auditorium and 316 m² of church administration;
- Long day care centre: 597 m²;
- Gym: 247 m²; and
- Retail floor space: 691 m².

The Planning Scheme does not anticipate commercial uses on the sites zoned Emerging community.

When assessed against the Community facilities zone category of development and category of assessment table in the *Sunshine Coast Planning Scheme 2014*, there are land uses added to the table including office and place of worship, commercial uses changed from code assessable to accepted development (with requirements), and residential and community land uses that are removed from the table that are either code assessable or accepted development, and the zone and local plan codes are removed.

The applicant provided an Economic Impact Assessment in accordance with the current *Sunshine Coast Planning Scheme 2014* to determine the impact of the centre on existing commercial centres within the locality. External advice on the matters was sought and this concluded that:

- demand for the proposed retail component of the development at the subject site does not manifest prior to 2026, as prior to this time period the development is reliant primarily on trade from the secondary trade area;
- there will be some demand for additional long day care places at the subject site by 2024, with approximately 60 long day care places supportable by 2026 and increasing to 80 long day care places in 2029;
- there is limited demand for another gym within the main trade area in the short to medium term; and
- the proposed development is unlikely to have unacceptable impacts on the centres network and hierarchy.

There are no impacts caused by removing the uses from the category of development and category of assessment table. The zone and local plan codes can be added for code assessable uses.

The Plan of Development identifies an Open Space zone within the estate, and proposes an alternative Category of development and category of assessment table.

When assessed against the Open space zone category of development and category of assessment table in the *Sunshine Coast Planning Scheme 2014*, the sales office land use is added, the maximum gross floor area of a food and drink outlet use is changed, residential and community land uses that removed from the table that are either code assessable or accepted development, and the zone and local plan codes are removed.

The Open space zone typically allows for a small Food and drink outlet up to 100m², particularly where located adjoining a park with additional park and playground infrastructure. A maximum gross leasable floor area recommended to be 100m² to be shared between the two uses for Recreation Park 1. The zone and local plan codes can be added for code assessable uses.

An alternative Category of development and category of assessment table is proposed for future reconfiguring a lot applications. This table is recommended to reflect the maximum density requirements listed in this report.

An alternative Category of development and category of assessment table is proposed for operational works (for advertising devices). The Category of development and category of assessment table is recommended to replicate the Planning Scheme, with an additional clause for pylon signs associated with Sales office (forming part of a Display Village).

Proposed Reconfiguration of a Lot

The application also requests a development permit for reconfiguring a lot for 182 lots as follows:

- 169 residential lots including:
 - 101 residential lots in Stage 1 (including 11 lots between 400m² and 500m²) and
 - 68 lots in Stage 2 (including 15 lots between 400m² and 500m²);

- 1 community facilities lot;
- 11 open space lots; and
- 1 balance lot.

The above report considers the area subject to this application regarding suitability for development and the assessment against the relevant sections of the planning scheme, and considering the outcomes of the assessment of the Variation Request.

There are three lots (4, 10 and 12 De Vere Road) that abut the proposed development and are not included as part of the application.

The interface between the development and these lots must consider the impacts of:

- overshadowing;
- privacy and overlooking;
- building character and appearance; and
- building massing and scale as seen from neighbouring premises.

These potential impacts can be addressed where the following outcomes are implemented:

- Maximum height of 1.8 metre high retaining wall on the boundary reflecting a typical boundary fence;
- 1.5 metre high pool fence on top of the retaining wall (unless the neighbours come to an arrangement which agrees to a higher, solid fence at the boundary line) except for the southern boundary of 12 De Vere Road abutting the proposed road reserve for acoustic measures;
- Providing interallotment drainage to ensure the existing properties are not impacted by stormwater runoff from Twin Waters West within an easement;
- Minimum 3 metre wide landscaped buffer with appropriate screening plantings prior to plan sealing occurring, within the proposed drainage easement at the rear of the new lots;
- All outermost projections of buildings being located 2 metres from these easements to ensure protection of the vegetation;
- Applying conditions of approval and property notations requiring the retention of this landscaping in perpetuity; and
- Offer from the applicant to neighbouring properties to plant additional landscaping to assist in screening the retaining wall (Council cannot condition landscaping to be planted on sites that do not form part of the application).

Benefited Area Levy

Section 94 of the *Local Government Act 2009* and the associated *Local Government Regulation 2012* allows Council to levy special rates and charges on any property or group of properties that will derive a 'special benefit'.

A special rate and charge is for a particular service, facility or activity which mainly or solely relates to the group of ratepayers levied. Council can recover reasonable contributions from property owners who will derive special benefits from particular services, facilities, assets or activities so that those special benefits do not need to be subsidised by general ratepayers.

This benefit must be determined to be over and above that provided to non-levied properties as the result of the application of a special rate and charge scheme to a particular area or project. The establishment of a 'special benefit' is an important assessment in implementing a special rate and charge. Council has now adopted a number of these which are commonly

referred to as 'Benefited Area Levies' and occur in estates such as Brightwater and Twin Waters where an increased maintenance standard is delivered for landscaping and facilities.

In many cases, the development approval process will determine that a special rate and charge scheme for a particular service or activity should apply.

In this circumstance, additional landscape maintenance standards are likely to be required to support additional landscape maintenance standards above and beyond Council's standard maintenance activities. Further, the special rate and charge levy is proposed by the applicant to apply to the future lots created within the Twin Waters West estate.

On this basis, and in the event of approval, it is recommended that a special rate and charge levy be applied to future lots created as part of this approval.

Legal

In relation to the development applications, there are currently no legal implications relevant to this report, however this matter can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions resulting from any legal action.

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

Ordinary Meeting 16 July 2009 (OM09/207)

That Council:

REFUSES Application MCU07/0130 by Stockland Developments Pty Ltd for a Preliminary Approval Overriding the Planning Scheme for Material Change of Use of Premises (Master Planned Community) over land at De Vere Rd, Godfreys Rd and David Low Way PACIFIC PARADISE QLD 4564, and described as Lot 1 RP 811523, Lot 3 SP 166012, Lot 1 RP 103117, Lot 2 RP 103117, Lot 3 RP 842858, Lot 4 RP 98356, Lot 5 RP 98356, Lot 6 RP 98356, Lot 7 RP 98356, Lot 8 RP 98356, for the following reasons:

REASONS FOR REFUSAL

- 1. The proposed development is for an urban activity located on rural land outside an urban precinct. The site is identified as "Good Quality Agricultural Land" and the proposal seeks to convert the land to urban use. Consequently, the proposal conflicts with the provisions of Maroochy Plan 2000;*
- 2. The proposed development is located on part of the Maroochy River floodplain and has not adequately demonstrated that development of the site would achieve the outcomes of the Maroochy Plan for the protection of persons and property from flood risk, or preserve the required flood storage and conveyance functions of the site. Consequently the proposal conflicts with the provisions of the Maroochy Plan;*
- 3. The proposal is premature insofar as Council has not undertaken necessary forward planning (including planning scheme amendments) in accordance with the South East Queensland Regional Plan. Furthermore, the proposal requires out of sequence infrastructure upgrades, which have not been considered by Council in terms of its*

impact on Planning Scheme Policies for funding trunk infrastructure within the Shire. Consequently, the proposal conflicts with the provisions of Maroochy Plan 2000; and

4. *Insufficient information has been provided to demonstrate that the proposal complies with the applicable Codes including the Code for Integrated Water Management, Code for Waterways and Wetlands and the Code for Nature Conservation.*

Special Meeting 13 April 2017 (SM17/16)

That Council:

- (a) *having considered all properly made submissions about the proposed Round 2A Sunshine Coast Planning Scheme 2014 (Major Amendment) – Twin Waters West, decide to proceed with the proposed planning scheme amendment, with changes*
- (b) *delegate authority to the Chief Executive Officer to make all decisions to progress the proposed Round 2A planning scheme amendment in accordance with the Sustainable Planning Act 2009, including authority to*
- (i) *write to the Minister for Infrastructure and Planning seeking approval to adopt the proposed Round 2A planning scheme amendment*
- (ii) *advise each person in writing who made a properly made submission about the proposed Round 2A planning scheme amendment, detailing how their submission has been dealt with*
- (iii) *make terminology or other operational changes, where required, to align the proposed Round 2A planning scheme amendment with the New Planning Act 2016 and*
- (c) *adopt the Round 2A planning scheme amendment, subject to receiving advice from the Minister for Infrastructure and Planning that Council may adopt the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Twin Waters West*

Related Documentation

A copy of the officer's 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 of the development are provided as **Attachment 2 and 3** to this report.

A copy of the concurrence agency response is provided as **Attachment 4** of this report.

Critical Dates




Council's decision for the application is due on 1 July 2020. If a decision has not been made by this date, the applicant may elect to take a 'deemed refusal' of the application.

Implementation

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

Where the resolution of Council includes an intent to apply a special rate and charge levy as part of future budgets, this will be included in any future rates notice once a figure is determined for the maintenance of infrastructure above agreed service levels.

8.2 MINOR CHANGE TO A DEVELOPMENT APPROVAL - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (73 UNITS) AND SHOP (CORNER STORE) AT 2 AND 6 TALINGA STREET, 84 AND 85 PACIFIC BOULEVARD AND 61 AND 63 ILUKA AVENUE, BUDDINA

File No:	MCU18/0190.01
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Conditions of Approval..... 39 
Attachments:	Att 1 - Negotiated Decision Notice..... 45 
	Att 2 - Detailed Assessment Report 71 

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0190.01>

APPLICATION SUMMARY	
Applicant:	Pacific Diamond 88 Pty Ltd
Consultant:	Project Urban Pty Ltd
Owners:	Robyn Elizabeth Byrnes; Dorothy Graham; Richard Charles Kinzbrunner; Joy Ada Findlay; Mark Shelton Hayes and David Seaton Hayes
Proposal:	Minor Change to Development Permit for Material Change of Use for Multiple Dwelling Units (73 units) and Shop (corner store)
Properly Made Date:	8 April 2020
Decision Due Date:	31 July 2020
Number of Properly Made Submissions:	The original application was code assessable, therefore there was no formal public notification period. However, a total of 84 community comments were received from local residents detailing various concerns with the proposed development. These concerns are summarised in the original assessment report. A total of 16 community comments were received for the subject change application.
PROPERTY DETAILS	
Division:	4
Street Address:	2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue, BUDDINA
RP Description:	Lot 1 RP 201319; Lot 280 B 92911; Lot 281 B 92911; Lot 282 B 92911; Lot 310 B 92911; Lot 311 B 92911
Land Area:	3806.1m ²
Existing Use of Land:	5 x single dwelling houses
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (29 June 2018)

Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Kawana Waters local plan area
Zone:	High density residential zone
Consistent/Inconsistent Use:	Consistent
Assessment Type:	Code
State Referral Agencies:	There are no state referrals applicable to this application.

PURPOSE

The purpose of this report is to seek Council's determination of an application for a Minor Change to Development Permit for Material Change of Use of Premises to establish Multiple Dwelling Units (73 units) and a Shop (corner store) at 2 & 6 Talinga Street 84 & 85 Pacific Boulevard & 61 & 63 Iluka Avenue BUDDINA.

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

EXECUTIVE SUMMARY

The applicant seeks to make a Minor Change to the existing approval for a Development Permit for Material Change of Use for Multiple Dwelling Units (73 units) and Shop (Corner Store).

The change is in relation to the lighting conditions of the approval, which were imposed to ensure the lighting impacts of the proposed development were appropriately managed to minimise light spill and sky glow impacts on Buddina Beach, which is a known turtle nesting beach.

The original approval is currently the subject of an Originating Application to the Planning & Environment Court seeking a declaration from the Court that Council's Negotiated Decision Notice approving the development is invalid and of no legal effect.

This application for a Minor Change to the Development Approval is independent of the appeal proceedings and must be assessed on its individual merits in accordance with the *Planning Act 2016*. The Originating Application is not a relevant consideration for the assessment of the Minor Change application.

The application relates only to Conditions 54, 63, 69, 70 and 73 (plus a new condition 70A) and no other changes are proposed.

In most circumstances, the proposed condition changes are supported by Council officers because they improve the clarity and enforceability of the conditions. Where Council officers have not agree with the applicant's proposed conditions, amended wording has been imposed to ensure the intent of the original conditions are maintained.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Minor Change to a Development Approval - Development Permit for Material Change of Use for Multiple Dwelling Units (73 units) and Shop (Corner Store) at 2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue, Buddina" and
- (b) **APPROVE** the application for a Minor Change to a Development Approval subject to the amended conditions of approval provided at Appendix A.

FINANCE AND RESOURCING

Infrastructure charges are applicable to the approved development. The application for Minor Change to the Development Approval would not result in changes to the existing infrastructure charges which have been levied on the approval.

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 J Natoli has been consulted during the assessment and has requested the matter be brought to Council for consideration.

Internal Consultation

The application was referred and/or discussed with the following internal Council specialists and their assessment forms part of this report:

- Environment Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Conservation Officer (Wildlife Management/TurtleCare), Liveability and Natural Assets Group
- Solicitor, Legal Services Branch, Office of Mayor and CEO

External Consultation

Council officers have engaged and consulted with an external independent lighting expert in relation to this application.

Community Engagement

There has been no formal community engagement carried out in relation to this application, however a number of comments were received from members of the community throughout the assessment process which have been considered in the assessment.

PROPOSAL

The applicant seeks to make a Minor Change to existing approval for a Development Permit for Material Change of Use for Multiple Dwelling Units (73 units) and Shop (Corner Store).

The original approval MCU18/0190 was issued on 2 May 2019 and took effect on 11 October 2019 following the issue of a Negotiated Decision Notice (**Attachment 1**). Construction on the development has not yet commenced.

The approval is for a residential apartment building located across six sites in close proximity to Buddina Beach. The development contains two levels of basement carparking (188 cars) with dual access from both Iluka Avenue (primary access) and Talinga Street. The building would be 21 metres high.

The submitted Minor Change to the Development Approval application proposes to:

- Update Conditions 54, 63, 69, 70 and 73 which relate to the management of lighting and sky glow, particularly in relation to the potential impacts of lighting on marine turtles, as outlined below:
 - Condition 54 relates to the use of landscaping as a barrier to light emission;
 - Condition 63 relates to the certification of all lighting devices used throughout the development to meet the conditions of the overall development approval;
 - Condition 69 relates to the requirement for the development to, at all times, maintain or reduce the sky glow values that existed on the site pre development;
 - Condition 70 relates to specific building design and construction requirements (including use of window tinting and opaque blinds) to maintain or reduce sky glow levels and minimise light emission from the development; and
 - Condition 73 relates to rehabilitation commitments in the adjoining Buddina Foreshore Reserve.
- The applicant also proposes inclusion of a new Condition 70A. This condition provides additional detail for inclusion into the Community Management Statement such that users and visitors to the development are better informed about their ongoing responsibilities with respect to the management of lighting at the site.

The applicant has proposed revised versions of Conditions 54, 63, 69, 70 and 73 and seeks that the proposed conditions would replace the existing set.

In assessing the Minor Change application, Council officers engaged the services of an external independent lighting expert to assist in assessing the technical lighting matters which are the subject of the application. The lighting expert has concluded that the changes proposed by the applicant (and as further modified by Council officers) not only maintain the intent of the original condition set, but serve to enhance and strengthen the conditions to make them clearer, improve enforceability and remove reliance on human behavior.

The officers Detailed Assessment Report at **Attachment 2** provides a more in-depth assessment and recommendation for each of the proposed conditions. Below is a summary of the proposed condition changes.

Condition 54 – Landscaping Works

Condition 54 is in relation to standard landscaping requirements. The applicant has proposed to relocate provisions relating to weed management to a later condition (Condition 73) and include a requirement for vegetated screening (from Condition 70).

Council officers, as well as Council's external independent lighting expert have agreed that it is appropriate to consolidate the requirements for landscaping and vegetated screening within the overarching landscaping condition, with the management of weeds being more appropriately dealt with by Condition 73 which relates to the ongoing management of the Buddina Foreshore Reserve.

It is agreed by Council officers, as well as Council's external independent lighting expert, that the condition can be modified, as outlined in the officers Detailed Assessment Report.

Condition 63 – Lighting Devices

Condition 63 is a standard condition requiring certification of lighting devices throughout the development by a qualified consultant. It is proposed to amend Condition 63 to improve the clarity and enforceability of the condition through clarifying when the certification needs to occur, and providing a procedure for the management and resolution of complaints in relation to lighting impacts arising from the use.

It is agreed by Council officers, as well as Council's external independent lighting expert that the condition can be updated, but with modifications, as outlined in the officers Detailed Assessment Report.

Condition 69 – Turtle Lighting

Condition 69 is one of the key methods for regulating the lighting impacts of the approved development and requires the developer to undertake pre and post construction Artificial Light at Night (ALAN) surveys to ensure that sky glow levels (the amount of lighting 'glow' emitted into the sky by the overall development) once constructed, do not exceed those existing in the pre development scenario.

The applicant has proposed changes to make it clearer when the ALAN surveys are to be undertaken and how the results should be interpreted (and by whom). A procedure for the management of any complaints arising from perceived lighting impacts is also introduced.

It is agreed by Council officers, as well as Council's external independent lighting expert that the condition can be updated, but with modifications, as outlined in the officers Detailed Assessment Report.

Condition 70 – Turtle Lighting

Condition 70 provides the majority of the regulating parameters for lighting at the site, to ensure that all lighting is managed to minimise light spill and sky glow.

The applicant's proposed changes seek to provide additional clarity on the various requirements. In particular, the conditions requiring window tinting and use of automated opaque blinds have been clarified and strengthened, to make them clearer and remove the reliance on occupier compliance (by introducing automation). Blinds are now required to be automated, and configured to automatically be closed after 8pm from 1 October to 31 May. Outdoor lighting is also proposed to be activated by proximity sensors year round (which was not required by the initial condition set).

The intent of the applicant's proposed changes is generally supported, particularly in its focus on automation to reduce reliance on human behavior. Some notable inclusions in the revised condition are the automation of the opaque blinds, and the use of motion sensing lighting in all outdoor lighting (including balcony lighting). The applicant has also committed to the use of motion sensing lighting year round (i.e.: not just in turtle nesting/hatching season). Non-consequential changes have also been made to the conditions to replace the word 'external' with 'outdoor' where relevant, and clarify the precise dates for turtle nesting and hatching season (1 October to 31 May).

It is agreed by Council officers, as well as Council's external independent lighting expert that the condition can be updated, but with modifications, as outlined in the officers Detailed Assessment Report.

New Condition 70A - Additional requirements for Community Management Statement

The applicant proposes the addition of a new Condition 70A (to sit consequential to Condition 70 within the suite of development conditions). The proposed condition (which does not exist in any form in the current approval) would provide greater protections to the whole condition set, through requiring additional matters to be listed within the Community Management Statement.

The applicant provides the following justification for the inclusion of Condition 70A:

"Under s.73 of the Planning Act 2016 (Qld), owners and occupiers are automatically bound by the conditions of any development approval. This condition replicates and expands on that requirement, by imposing a cascading chain of responsibility, including supervisory responsibility, on occupiers, owners and the body corporate – including a requirement for Condition 70 to be reflected in the body corporate's by-laws (and for those bylaws to be enforced). This improves the enforceability of the suite of conditions, by ensuring that there are multiple levels of responsibility".

It is agreed by Council officers, as well as Council's external independent lighting expert that the condition can be updated as outlined in the officers Detailed Assessment Report.

Condition 73 – Land Rehabilitation

This condition relates to rehabilitation work to be undertaken in the coastal foreshore on the seaward side of Pacific Boulevard. The applicant has provided an amended condition which includes an additional point about utilising locally occurring native species within the rehabilitation plantings, as well as changing the layout of the condition by relocating the initial statement about the removal of weed species to dot point (a).

It is agreed by Council officers, as well as Council's external independent lighting expert that the condition can be updated as outlined in the officers Detailed Assessment Report.

Advice Note 23

Advice Note 23 describes who a 'qualified person' is for the purposes of certifying lighting devices.

The applicant has not specifically requested to change Advice Note 23, but in the course of the assessment, it has been considered necessary to further define the required qualifications and experience required for a 'qualified person' given the specialised nature of the interpretation and certification of conditions required in this approval.

It is considered appropriate that Advice Note 23 is updated as outlined in the officers Detailed Assessment Report

Summary

Overall, the condition changes detailed within this report are considered suitable for approval because they:

- maintain the intent of the original condition set;
- in some cases, provide additional requirements to those provided in the original condition set;
- provide greater clarity of the conditions;
- provide greater enforceability of the conditions; and
- replace conditions requiring behavioural compliance with measures such as automation to aid in enforceability.

The recommended condition changes are therefore considered to be an improvement to the current conditions.

Legal

The original approval is currently the subject of an Originating Application to the Planning & Environment Court seeking a declaration from the Court that Council's Negotiated Decision Notice approving a development application for a code assessable Material Change of Use for Multiple Dwelling Units (73 units) and Shop is invalid and of no legal effect.

This application for a Minor Change to the Development Approval is independent of the appeal proceedings and must be assessed on its individual merits in accordance with the *Planning Act 2016*. This application can be appealed to the Planning and Environment Court by the applicant. Council will proceed with any required actions arising from any legal action.

Policy

The application has been processed under the *Planning Act 2016* and assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

Risk

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

Previous Council Resolution**Ordinary Meeting 30 April 2019 (OM19/49)**

That Council:

- (a) *receive and note the report titled “Development Application for Material Change of Use of Premises (Multiple Dwelling Units x 73 and Corner Store)” and*
- (b) *APPROVE application no. MCU18/0190 for a Development Application for Material Change of Use of Premises (Multiple Dwelling Units x 73 and Corner Store) 2 and 6 Talinga Street, 84 and 85 Pacific Boulevard and 61 and 63 Iluka Avenue BUDDINA subject to reasonable and relevant conditions provided at Appendix A.*

Related Documentation

A copy of the original Negotiated Decision Notice is provided in **Attachment 1**.

A copy of the officer’s full and detailed assessment report is included as **Attachment 2** 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.

Critical Dates

The applicant has extended the period in which Council must make a decision on this application until 31 July 2020 to allow for determination at this Council’s Ordinary Meeting.

Implementation

Should the recommendation be accepted by Council, it is noted that Council officers will communicate the outcome of Council’s resolution to the applicant as appropriate.

8.3 KENILWORTH COMMUNITY TRANSPORT SERVICES - TRIAL END REPORT

File No: F2020/26289

Author: Manager Transport Infrastructure Management
Built Infrastructure Group

PURPOSE

The purpose of this report is to provide a summary of the operation of the Kenilworth Community Transport Service trial.

EXECUTIVE SUMMARY

The Kenilworth Community Transport Service, which commenced in June 2019, is a volunteer run service, in partnership between Council and the community, under the guidance of the Department of Transport and Main Roads. The service provides the community of Kenilworth access to Nambour, Maleny, Mapleton and Eumundi. Council supplied a fully insured 7-seater passenger vehicle and a small allocation (of up to \$2,000 to cover expenses) for the community to provide the service with volunteer drivers under the leadership of a sub-committee of the Kenilworth Chamber of Commerce (the sub-committee).

The Key Performance Indicator for the Trial is *“to operate successfully within the funding commitments offered by Council, clearly showing an ability for ongoing success.”*

The service has been suspended with the COVID-19 safe distancing restrictions. This report summarises the outcomes of the trial to the end of March 2020 which was effectively in operation for nine months from June 2019 to March 2020.

The service has been a success with a number of residents regularly travelling, providing a passenger transport option for the relatively isolated community of Kenilworth.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Kenilworth Community Transport Services - Trial End Report”**
- (b) continue to support the Kenilworth Chamber of Commerce to deliver the volunteer-led Kenilworth Community Transport Service including the provision of the vehicle and an annual allocation to cover costs if required, pending annual budget approval and service viability and**
- (c) request the Chief Executive Officer to provide a report to a future Council meeting addressing potential changes to the service identified by the sub-committee relating to improving the service.**

FINANCE AND RESOURCING

The provision of the Kenilworth Community Transport Service is supported by Council's Transport Levy through the provision of a fit-for-purpose fully insured 7-seater passenger vehicle. Further, a maximum \$2,000 allocation to cover expenses exceeding the net revenue from fares is provided, should such a need arise.

Residents currently pay \$8 per person per trip to access the service.

The annual costs for vehicle registration and insurance amount to \$1,905.90. These costs are covered by Council, funded by the Transport Levy.

The operational costs for the vehicle, including fuel and vehicle maintenance, are funded from passenger fares (\$8 per trip per passenger). Should this revenue stream require additional funding, Council provided an additional \$2,000 (maximum) to be accessed under a process identified in the Operations Manual. Where required, this funding is to be utilised to assist with application and accreditation fees, vehicle servicing costs and incidentals. As at June 2020, expenses drawn from the \$2,000 held by Council totals \$1,913.06 for set up costs including application fees, operator accreditation workbook assessment, motor vehicle insurance renewal, vehicle servicing costs and operator accreditation renewal. This funding has again been approved in the 2020/21 Transport Levy Budget.

CORPORATE PLAN

Corporate Plan Goal:	<i>A healthy environment</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S15 - Sustainable growth and network planning - providing land use planning, social policy, infrastructure planning and charges, flood mapping, transportation planning and environmental initiatives.

CONSULTATION

Councillor Consultation

Councillor D Law, Councillor for Division 10, and Transport Portfolio Councillor, Councillor R Baberowski have been consulted on the matters contained within this report.

Internal Consultation

A number of branches have been consulted:

- Transport and Infrastructure Planning
- Transport Infrastructure Management
- Asset Management
- Legal services.

External Consultation

Council has consulted with the Chamber of Commerce sub-committee, Kenilworth Visitor Information Centre, and the Department of Transport and Main Roads.

Community Engagement

There has been no community engagement undertaken in association with compiling this report.

PROPOSAL

Background

In recognition of Kenilworth's relative isolation, Council operated a FlexiLink service from Kenilworth to Mapleton for a period of six years, which ceased in August 2015 due to lack of patronage and high operational costs (≈\$47,500 annually).

In 2017, the former Kenilworth and District Chamber of Commerce & Citizens Inc operated a three-month bus service trial (one trip per week), with \$2,000 Council Minor Community

Grant funding. A mini-bus and driver were hired for delivery of this trial. This trial was not considered a success in delivering a viable long-term community transport service to the Kenilworth community.

On 19 July 2018, Council endorsed the establishment of a transport trial for the Kenilworth community for a period of 12 months. As part of the trial, Council provided a 7-seater passenger vehicle (with GPS tracking) to the community as well as support to establish the service together with the formal legally binding agreement with the Chamber of Commerce, signed by both parties in May 2019.

The Kenilworth Chamber of Commerce formed a sub-committee of volunteers to establish the service, including preparation of the documentation to become an accredited transport service operator with Department of Transport and Main Roads, developing a training module for the volunteer drivers, and formulating the operational logistics of the service.

The service is administered by the sub-committee, having been approved as an operator, and supported by a band of volunteer drivers who have been trained and approved by the Department of Transport and Main Roads. The trial was set for 12 months, but given the social distancing requirements in response to COVID-19, the trial has been suspended, having completed approximately nine months from 25 June 2019 to 23 March, 2020.

Prior to COVID-19, the service offered 3 scheduled trips per week (Tuesday: Nambour, via Mapleton; Wednesday: Eumundi and Yandina; Thursday: Maleny, departing Kenilworth at approximately 9.30am and returning early afternoon. Additional ad-hoc trips were offered, subject to driver availability.

Due to COVID-19 driver numbers have been reduced, and during this time, it is envisaged that drivers will be scheduled three days per week to approved destinations, in accordance with booking requests. Additional ad-hoc trips will be offered, subject to driver availability.

The Act

The *Transport Operations (Passenger Transport) Act 1994* and *Transport Operations (Passenger Services) Regulation 2018* regulate the establishment of community transport services.

The Kenilworth Community Transport Service is established under the Act's definition of Community Transport Service, being "a public passenger service funded out of public money or by a charity and provided for the benefit of a particular group". The "particular group" was defined as being residents of the Kenilworth community, residing within 5 kilometres of the Kenilworth Post Office. This distance parameter was extended to 6.5 kilometres in response to a request from the organising sub-committee and approved by Council's CEO on 15 February, 2019.

Parameters of the service

A community transport service cannot replicate a bus service provided by TransLink. Therefore, the deed limits the approved service routes to those from Kenilworth to Nambour, Maleny, Mapleton, Yandina and Eumundi, but must not replicate an existing bus route.

Progress of service

The service, which is pre-booked by residents through the Kenilworth Visitor Information Centre, has been well received by the community. The service provided its first trip on 25 June 2019.

Data to 19 March 2020 (9 months of service) shows:

- The service has taken 98 trips (between 25/6/19 and 19/3/20), resulting in \$1,176 in fares
- 36 residents have utilised the service
- After covering fuel and maintenance costs, the bank balance is \$193.94.

The service is making an average of 11 trips per month with most trips carrying between 1 to 4 passengers however the majority of trips carry just one passenger, averaging 1.5 persons per trip overall for the 9 months of the service.

Table 1: Trip summary

Month	Total trips	Total passengers	Average passengers / trip
Jun-2019	2	2	1.00
Jul-2019	8	13	1.63
Aug-2019	14	32	2.29
Sep-2019	8	9	1.13
Oct-2019	13	18	1.38
Nov-2019	15	24	1.60
Dec-2019	8	12	1.50
Jan-2020	9	11	1.22
Feb-2020	9	13	1.44
March 2020	12	13	1.08
Total	98	147	1.5

The service is run by a dedicated sub-committee of the Chamber of Commerce, managing the day to day operations and management, with administrative and technical support from Council's Transport Infrastructure Management Branch. The service has ten fully trained and accredited volunteer drivers who are rostered to drive the vehicle on certain days or provide a more responsive service if possible, where a booking is received.

The sub-committee has identified a challenge in retaining and securing volunteer drivers. Due to most drivers being of a retired age, and thus frequent travelers, on two occasions the service has been unable to operate due to driver availability.

The financial viability of the service has been proven. The vehicle, sourced from one of Council's leasing companies and still carrying warranty, was supplied by Council fully insured, with 12-months' registration. As at June 2020, expenses drawn from the \$2,000 held by Council totals \$1,913.06 for set up costs and vehicle servicing; including application fees, operator accreditation workbook assessment, motor vehicle insurance renewal, operator accreditation renewal and vehicle servicing.

It is intended for the vehicle to be turned over annually under the arrangement of purchasing out-of-lease vehicles, negating the depreciation from the running costs.

It was initially anticipated that the sub-committee would be responsible for the costs of vehicle registration and insurance, however, due to Council's ownership of the vehicle, this requirement was subsequently removed.

The service has been well received by the community with 140 residents registering interest in utilising the service. The current 6.5-kilometre radius makes the service available to 608 properties and of these 110 residents have registered to use the service. An additional 30 users who reside outside the 6.5km radius (and therefore ineligible to access the service) have also registered interest.

Committee and Community Requests

The sub-committee has raised operational issues with Council, directed at expanding the service area to improve the service.

Additionally, the community has presented a petition (with 147 signatures) to Council requesting that the service be extended to include trips to Sunshine Coast University Hospital.

Due to the extent of the requests in the petition and the sub-committee's submission, these matters will be the subject of a follow-up report to Council.

Legal

Legal Services Branch assisted with the establishment of the legal framework for the Deed of Agreement between the parties.

Council has consulted with TMR to ensure compliance with the *Transport Operations (Passenger Transport) Act 1994 and Transport Operations (Passenger Services) Regulation 2018*.

Previous Council Resolution**Ordinary Meeting 28 May 2020 (OM20/56)**

That Council resolve the petition tabled by Councillor D Law relating to the Kenilworth Community Transport Service be received and referred to the Chief Executive Officer to determine appropriate action.

Ordinary Meeting 19 July 2018 (OM18/110)

That Council:

- (a) receive and note the report titled “Kenilworth Community Transport” and*
- (b) endorse the trial for a Kenilworth Community Transport proposal (Appendix A).*

Ordinary Meeting 23 February 2017 (OM17/27)

That Council resolve the petition tabled by Councillor Rogerson from Kenilworth and District Chamber of Commerce and Citizens Inc relating to a transport service at Kenilworth be received and referred to the Chief Executive Officer to determine appropriate action.

Critical Dates

There are no critical dates. The trial was set for 12 months, but given the social distancing requirements in response to COVID-19 the trial has ceased, having completed 9 months from 25 June 2019 to 23 March 2020.

Implementation

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

- Work with the Kenilworth Chamber of Commerce sub-committee to continue the service
- Annually turn over the vehicle with out-of-lease vehicles, in consultation with Asset Management Branch.
- Annually review the service to ensure continued viability.
- Provide an update to the Department of Transport and Main Roads.

Kenilworth Community Transport service vehicle



8.4 2020 SPORTS FIELD MAINTENANCE FUNDING PROGRAM

File No:	Council Meetings
Author:	Community Connections and Partnerships - Lead Economic & Community Development Group
Appendices:	App A - Sports Field Maintenance Funding Program Recommendations 2020-2021 115 □

PURPOSE

This report seeks Council consideration and endorsement of recommendations for the 2020 Sports Field Maintenance Funding Program (Appendix A).

EXECUTIVE SUMMARY

The inaugural Sports Field Maintenance Funding Program and supporting guidelines were endorsed by Council at its Ordinary Meeting of 2 February 2011. The funding program commenced in the 2011/12 financial year providing funding for up to three years to successful applicants.

On 20 June 2013, Council adopted the *Community Grants Policy* under which the Sports Field Maintenance Funding Program guidelines are administered.

The aim of this program is to contribute to maintenance costs incurred by, and provide expert advice to, organisations maintaining turf surfaces to competition standard.

The program is jointly managed by the Economic and Community Development and Built Infrastructure Groups and is premised on the following four elements:

- The sports field maintenance undertaken ensures fields are at competition standard
- The costs are attributed per field, per annum and based on the type of sport played
- Council's contribution is a percentage of the full contractor rate
- The program is not applicable to specialised, exclusive and/or restricted access sports.

Pivotal to the program is the availability of a dedicated Council staff member, Parks Community Sports Officer (Parks and Gardens), to provide support to sporting organisations by providing expert advice on maintaining their sports field to competition standard.

All Sports Field Maintenance Funding Program agreements ceased at 30 June 2020.

A thorough review of the Sports Field Maintenance Funding Program undertaken during 2019/20 confirmed the program is achieving its aim of providing consistent, equitable and appropriate support for sports field maintenance across the Sunshine Coast Local Government Area. The review recommendations are implemented in this 2020 program round.

Applications for the 2020 Sports Field Maintenance Funding Program round closed on 27 May 2020 with applications from forty-six (46) sporting organisations.

This report recommends a total of \$734,051 in funding to forty-six (46) sporting organisations to contribute toward the cost of maintaining fields.

Details of this recommendation are provided in Appendix A.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “2020 Sports Field Maintenance Funding Program” and
- (b) endorse the 2020 Sports Field Maintenance Funding Program Recommendations (Appendix A).

FINANCE AND RESOURCING

Funding of sporting organisations through the Sports Field Maintenance Funding Program is based on a formula which considers field type, number of fields and period of responsibility and is allocated (subject to budget) for one, two or three year funding periods.

As all previous Sports Field Maintenance Funding Program agreements ceased at 30 June 2020 there are no existing commitments under this program for 2020/21.

The recommendations of the 2019/20 review of the Sports Field Maintenance Funding Program included an increase of 5.4% to be applied to the allocation for each field type when calculating annual funding amounts for each sporting organisation. Once applied, the base rates would remain the same for the three year cycle from July 2020 – June 2023.

This increase was considered in Council’s 2020/21 budget deliberations and included in the 2020/21 Grants and Partnerships Budget.

The 2020/21 Grants and Partnerships Budget is sufficient to support the \$734,051 recommended in this report for forty-six (46) sporting organisations (Appendix A). For comparison the 2019/20 budget was \$662,008.

As funding is allocated for up to a three (3) year funding period, the recommendations in this report have implications for future budgets.

As part of the annual budget process, consultation will occur with internal stakeholders on timelines for field maintenance responsibility being transitioned to sporting organisations. Should the transfer of field maintenance responsibility to a sporting organisation occur, there is the ability for the organisation to apply for funding at that time. In 2019, Baringa Football Club Inc and North Shore Multisport Association Inc were examples where this occurred.

TABLE 1. Budget Implications

Budget Implications	2020/2021	2021/2022	2022/2023
2020/2021 round – 1 st year	\$734,051		
2021/2022 round – 2 nd year		\$734,051	
2022/2023 round – 3 rd year			\$734,051
Total	\$734,051	\$734,051	\$734,051

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

Portfolio Councillor Consultation

- Economic Development Portfolio – Councillor J O’Pray and Councillor T Landsberg
- Community Portfolio – Councillor R Baberowski and Councillor D Law

Internal Consultation

Consultation has been undertaken with relevant internal stakeholders across various groups and branches of Council including:

- Parks Community Sports Field Officer, Parks and Gardens
- Senior Property Officer, Land Management Team, Property Management
- Team Leader Sports Planning and Development, Sport and Community Venues
- Sport and Recreation Officer x 3, Sports Planning and Development, Sport and Community Venues
- Senior Project Officer, Community Connections, Community Planning and Development
- Team Leader Community Connections, Community Planning and Development

External Consultation

Consultation with representatives from partner sporting organisations is undertaken on a regular basis by both the Parks Community Sports Field Officer and relevant Sport and Recreation Officers to ensure compliance with and support for their funding agreements.

Community Engagement

No external community engagement was undertaken in relation to this report.

PROPOSAL

The inaugural Sports Field Maintenance Funding Program and supporting guidelines were endorsed by Council at its Ordinary Meeting of 2 February 2011. The funding program commenced in the 2011/12 financial year, providing funding for up to three years.

On 20 June 2013, Council adopted the Community Grants Policy under which the Sports Field Maintenance Funding Program guidelines are administered.

The aim of the program is to contribute to maintenance costs and provide expert advice to organisations to assist in maintaining turf surfaces to competition standard.

Funding through the Sports Field Maintenance Funding Program is based on a formula which considers field type, number of fields and period of responsibility.

The program is jointly managed by the Economic and Community Development and Built Infrastructure Groups and is premised on the following four elements:

- Sports fields are maintained to competition standard
- Costs are attributed per field, per annum and based on the sport played
- Council’s contribution to the maintenance costs is a percentage of the full contractor rate
- The program is not applicable to specialised, exclusive and/or restricted access sports. Examples of these activities include lawn bowls, tennis, croquet, archery and pony clubs.

Pivotal to the program is the availability of a dedicated Council officer, the Parks Community Sports Officer (Parks and Gardens) to support the partner sporting organisations by providing expert advice on maintaining their sports fields to competition standard.

Program Review

A thorough review of the Sports Field Maintenance Funding Program was undertaken during 2019/20 to consider whether the program was achieving its aim of providing consistent, equitable and appropriate support for sports field maintenance across the Sunshine Coast Local Government Area.

The review recommendations include:

1. The Sports Field Maintenance Funding Program continue using the current funding model
2. An increase of 5.4% be applied to the allocation for each field type when calculating annual funding amounts for each sporting organisation for the next three year cycle.

All of the review recommendations are implemented in the 2020 Sports Field Maintenance Funding Program.

2020 Sports Field Maintenance Funding Program

The 2020 Sports Field Maintenance Funding Program round opened on 20 April 2020 and closed on 27 May 2020. The program was promoted through direct contact with organisations identified as potentially eligible for funding as well as on Council's website.

Council received Sports Field Maintenance Funding Program applications from forty-six (46) sporting organisations.

The assessment of applications for this funding program required clarification of tenure, type of sport played on the field/s, number of fields and period of maintenance responsibility. An assessment panel made up of Council officers with relevant expertise met to review the applications and determine an outcome. Assessment panel membership is detailed in the Internal Consultation section of this report.

Applications for the 2020 Sports Field Maintenance Funding Program round closed on 27 May with forty-six (46) organisations applying to enter the program.

This report recommends a total of \$734,051 in funding to forty-six (46) sporting organisations per year for a three funding period to 30 June 2023 to contribute toward the cost of maintaining fields.

Details of this recommendation are provided in Appendix A.

Legal

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 clearly articulate 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.

Policy

Delivery of the Sports Field Maintenance Funding Program is governed by the Community Grants Policy and supporting guidelines.

Risk

There is minimal financial risk associated with the program in supporting identified eligible organisations to carry out field maintenance, due to the ongoing working relationships between the organisations and dedicated Council officers. This relationship is supported by individually tailored funding agreements.

Previous Council Resolutions**Ordinary Meeting 25 July 2019 (OM19/104)**

That Council:

- (a) *receive and note the report titled “**2019 Sports Field Maintenance Funding Program**” and*
- (b) *endorse the 2019 Sports Field Maintenance Funding Program Recommendations (Appendix A).*

Ordinary Meeting 19 July 2018 (OM18/117)

That Council:

- (a) *receive and note the report titled “**2018 Sports Field Maintenance Funding Program**” and*
- (b) *endorse the 2018 Sports Field Maintenance Funding Program Recommendations (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 2 February 2011 (OM11/12)

That Council:

- (a) *receive and note the report titled “Sports Field Maintenance Funding Program”*
- (b) *adopt a 70% Council funding contribution of the full contractor rate to maintain fields noting potential funding sources and refer funding to 2011/12 budget process*
- (c) *adopt the Sports Field Maintenance Funding Program Policy (Appendix A) and note Guidelines (Appendix B) and*
- (d) *request the Chief Executive Officer to review the Sports Field Maintenance Funding Program one year after adoption and provide a progress report back to Council.*

Related Documentation

Funding arrangements with individual organisations include individual agreements which must demonstrate field maintenance plans. These plans are formulated in consultation with the Parks Community Sports Field Officer.

There are also a number of related policies and governing legislation that guide and inform the management and delivery of the Sports Field Maintenance Funding Program. These include:

- Community Grants Policy (2013)
- *Local Government Act (2009)*
- *Local Government Regulation (2012)*
- Sport and Active Recreation Plan 2011-2026
- Sports Field Maintenance Funding Program Guidelines
- *Statutory Bodies Financial Arrangements Act (1982)*
- Sunshine Coast Community Strategy 2019-2041

Critical Dates

All current Sports Field Maintenance Funding Program agreements will end at 30 June 2020.

Implementation

Upon Council endorsement of 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.

The recipients will also develop a maintenance agreement in consultation with Council's Parks Community Sports Field Officer, clarifying expectations in relation to the maintenance of the sports fields.

Funding will be distributed once the transfer of responsibility is confirmed and the online agreement is submitted to Council. All recipients will be required to display Council supplied signage acknowledging Council's support for field maintenance.

Details of the successful partner organisations will be posted on Council's website.

8.5 FERAL ANIMAL PREVENTION AND CONTROL PROGRAM - BIOSECURITY ACT 2014

File No:	F2018/30481
Author:	Coordinator Healthy Places Customer Engagement & Planning Services Group
Appendices:	App A - Feral Animal Prevention and Control Program under the Biosecurity Act 2014 for the Sunshine Coast Council area 7 August 2020 to 31 July 2021127

PURPOSE

This report seeks Council endorsement to conduct a feral animal prevention and control program. The state government requires that Council under section 235 of the *Biosecurity Act 2014* must give authorisation to carry out the program. The program is scheduled to commence on 7 August 2020 and end on 31 July 2021 and will be implemented by Council's Feral Animal Education and Control Team.

EXECUTIVE SUMMARY

A feral animal prevention and control program is proposed and shall be known as the Feral Animal Prevention and Control Program under the *Biosecurity Act 2014* (the Act) for the Sunshine Coast Council area (the Program) 7 August 2020 to 31 July 2021. The Program requires endorsement from Council under section 235 of the Act to lawfully conduct this work in the management of feral animals (invasive biosecurity matter).

Council has been managing feral animals in our community since amalgamation, the commencement of the *Biosecurity Act 2014* included the requirement for Council to endorse programs annually, developed in consultation with the Department of Agriculture and Fisheries.

The Program is targeting specific feral animals throughout the Sunshine Coast Council area namely wild dogs (other than a domestic dog), feral pigs, feral goats, feral cats (other than a domestic cat), feral deer, European foxes and European rabbits.

Work under the Program involves confirming the presence, absence, extent and/or magnitude of certain feral animals within specific locations that are mapped and the capture and euthanasia of them.

Council offers assistance through training, advice and on-ground support to occupiers of properties to support them with feral animals which includes trapping and baiting programs. There are also several proactive education stalls that are provided by Council on feral animal management at community events throughout the year.

In the first instance Council officers will contact (try to locate on the property) the landholder, provide them with information / education and obtain their consent to allow the management of feral animals. Under the current legislation it has not occurred however in the unlikely event that the landholder refuses to work with Council, the Program gives authorised persons (Council officers) power to enter private property without consent for the purposes under the program.

Council officers respond to around 700 requests for service each year regarding feral animals and this Program will support this service. This Program will also support the community led partnerships such as the Community Wild Dog Baiting Programs and operate on both Council owned or controlled lands and private properties.

The 2020/2021 budget allocation provides sufficient finance and resources to undertake the proposed Program. The Program is consistent with the Corporate Plan 2019-2023 goals, and

provides an instrument for the implementation of actions specified in the *Sunshine Coast Local Government Area Biosecurity Plan 2017*.

Whilst the majority of control work is conducted on private land, it is also carried out on Council-owned and managed land to ensure General Biosecurity Obligations are met under the *Queensland Biosecurity Act 2014*. Several other local land managers are liaised with to effect cross tenure controls within the region. Council's landmark proactive strategic control efforts play an integral role in the region to ensure high risk native species including endangered, vulnerable and near threatened species (EVNT) are protected.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Feral Animal Prevention and Control Program - Biosecurity Act 2014"
- (b) adopt the Feral Animal Prevention and Control Program under the *Biosecurity Act 2014* for the Sunshine Coast Council area 7 August 2020 to 31 July 2021 in accordance with section 235 of the *Biosecurity Act 2014* (Appendix A) and
- (c) authorise the carrying out of the Feral Animal Prevention and Control Program under the *Biosecurity Act 2014* for the Sunshine Coast Council area 7 August 2020 to 31 July 2021 (Appendix A) in accordance with section 235 of the *Biosecurity Act 2014*.

FINANCE AND RESOURCING

The budget allocated to address feral animal issues through the prevention and control program for 2020/2021 is \$1,231,084 allocated as follows:

Salaries	\$720,816
Materials and services	\$370,492
Vehicles and plant	\$102,018
Internal materials and services	\$37,758

This equates to nine full time equivalent persons allocated to this program. The Environment Levy is funding \$358,136 of the Program which includes a community action and engagement component of \$60,000. The budget allocation is sufficient to undertake the proposed Program under the *Biosecurity Act 2014*.

CORPORATE PLAN

Corporate Plan Goal:	Service excellence
Outcome:	We serve our community by providing this great service
Operational Activity:	S23 - Public health - protecting public health by managing declared pests, controlling mosquitoes and administering environmental health regulations.

CONSULTATION

Councillor Consultation

- Councillors P Cox and M Suarez – Portfolio Councillors for Environment and Liveability
- Councillors W Johnston and C Dickson – Portfolio Councillors for Service Excellence
- Councillor D Law – Portfolio Councillor for Community

Internal Consultation

The following internal stakeholders contributed to the development of this report:

- Feral Animal Education and Control Team

External Consultation

The following external stakeholders were consulted:

- The Chief Executive Officer of the Department of Agriculture and Fisheries was consulted to inform the drafting of the Prevention and Control Program.

Community Engagement

There has been no community engagement undertaken in relation to this report. However Council undertakes a number of proactive education programs including information displays at agricultural shows and other community events throughout the year to inform the community on feral animals and Council's programs.

PROPOSAL

Biosecurity matter is defined in full in the *Biosecurity Act 2014*, but in brief is a living plant or animal, pathogen, disease, or contaminant. The Program is targeting specific feral animals, namely wild dogs (other than a domestic dog), feral pigs, feral goats, feral cats (other than a domestic cat), feral deer, European foxes and European rabbits. Council officers respond to around 700 requests for service each year regarding feral animals and this Program will support this service.

The proposed Program under the *Biosecurity Act 2014* must be authorised by Council to allow the carrying out of the following activities:

1. Provide information and education to an occupier of a place.
2. Undertake property assessments to determine the travel routes or harbourage areas of the feral animals being targeted in the Program.
3. Collect information from occupiers of properties to inform the Program to maximise its functioning.
4. Establish monitoring cameras, sand pads or other animal detection devices on a property to determine the presence of roaming domestic animals or feral animals.
5. Undertake regular monitoring programs to inform the distribution, habitat use and populations of specific feral animal species within the region.
6. Install traps and or deploy poisons (1080 and strychnine or other scheduled poisons as they become approved by regulatory authorities) in line with regulatory controls including humane destruction.
7. Install warning signage on the property to alert the public to the actions being conducted.
8. Visit the property at varying hours to attend to traps or other devices.
9. Visit the property at varying hours to undertake removal/destruction of feral animals in line with regulatory controls and humane destruction.
10. Undertake the use of firearms for feral animal destruction purposes within the regulatory controls.
11. Engage a veterinarian for animal care or destruction purposes where required.

In the first instance Council officers will contact (try to locate on the property) the landholder, provide them with information / education and obtain their consent to allow the management of feral animals. Part of this education process will include assisting the person in understanding their “general biosecurity obligation”. The person who is in control of the property *has an obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk* (section 23(2) of the Act).

Council also offers access to free training and feral animal control equipment to assist the occupier to comply with their obligations.

Under the current legislation it has not occurred however in the unlikely event that the landholder refuses to work with Council, the Program gives authorised persons (Council officers) power to enter private property without consent for the purposes under the Program.

It should be noted Council has been managing feral animals in our community since 2002. Since the commencement of the *Biosecurity Act 2014* Council must endorse a program which is developed in consultation with the Department of Agriculture and Fisheries before it can be carried out.

Background

Long term monitoring forms a key component of the programs and demonstrates the necessity of robust monitoring. This approach allows for informed decision making in the design and delivery of efficient feral animal control programs.

Examples of successful programs based on long term monitoring include:

- Hunchy Wild Dog Canid Pest Ejector Program
Agricultural protection this program has run for one year in that time wild dog attacks and reports have dropped from 12 in 2018 program commenced 2019 complaints dropped to two.
- Coastal Fox Control Program
Endangered Native Species Protection – This program has run for 6 years, during this time the program has been monitored using trail cameras in treatment and non-treatment sites. This ensures robust data that can infer positive change in species assemblage over time due to the consistent control of predominantly foxes. This has led to the ongoing protection of endangered species ensuring their survival into the future. This has produced an increase in mammal species in the treatment site compared to the non-treatment site. Specifically, no turtle nests have been predated on in the last 2 years in the treatment area and the recent confirmed discovery of a Spotted Tailed Quoll within the Coastal Fox Control Program area is significant find. This is a species thought to be locally extinct and has not been sighted since 2004.
- Feral Deer Control - Agricultural and Environmental asset protection
This program has run since 2015. In that time the overall deer density varied from a high of 10.4 deer/km² in August 2015 to a low of 2.7 deer/km² in December 2017. Numbers continue to fall in the control areas with stable populations in areas where control is not carried out. The deer control program continues to expand focusing on halting range extension of the main species of Red and Rusa deer. It is imperative that range extension be halted before it reaches high speed roadways leading to the region to avoid deer vehicle collisions experienced in other regions along the eastern seaboard of Australia.
- Mary River Turtle Protection Program
Native species protection and direct agricultural asset protection as an indirect benefit of the control. The program has only been running since September 2018. In that time Council has deployed control techniques across initially 20 properties. This figure has now grown to 50 properties where landholders participate in the delivery of

the program. Control are effected across 15 properties in the Mary Valley. Sunshine Coast Council has become the lead agency in the delivery of Mary River Turtle Protection moving from a clutch to catchment approach.

Control techniques

The bulk of animals are removed by deploying trapping techniques such as cage or foothold. Other controls that are used to effectively and humanely control invasive species in our region are outlined in Table 1.

As a lead agency, Council uses innovative control techniques along with standard trapping. Older practices are being slowly replaced with new technologies such as Canid Pest Ejectors (CPE) with new poisons like PAPP (Para-aminopropiophenone). Monitoring projects using Artificial Intelligence are in place to sort data from monitoring cameras to help inform officers in the program.

In addition, the table below offers an explanation of what control methods are utilised.

Table 1 – Invasive species controlled for period 1 July 2019 to 30 June 2020

Invasive Species Controlled	Numbers removed	Control method
Feral cat	61	Cage trap
Feral pig	55	Corral trap
Fox	30	CPE activation
Fox	66	Foot hold
Pigeon	29	Cage trap
Rabbit – domestic	1	N/A
Rabbit – wild	15	Foot hold
Deer	42	Field shot
Wild dog	11	CPE activation
Wild dog	62	Foot hold

Legal

Authorisation of the Program by a resolution of the local government is required in accordance with section 235 of the Act. Section 236 of the Act outlines what must be stated in the program authorisation for a biosecurity program.

The authorisation of the Program enables a number of specific powers under the Act including section 261 (Power to enter place under biosecurity program), section 262 (Power to enter place to check compliance with biosecurity order) and section 270 (Entry of place under sections 261 and 262).

While these powers are in place, Council officers will continue to work closely with landholders to seek their support and voluntary participation in the Program as their primary approach.

The Act provides for powers of entry, however these powers are rarely exercised in only 0.1% of cases such as to apprehend domestic rabbits. Council works with Biosecurity Queensland under an MOU to carry out this work. Local landholders are pleased to have the service available to assist in the control of feral animals considering the specialist techniques and training requirements.

Policy

Local governments in Queensland have a biosecurity obligation to control invasive biosecurity matter within their local government area in compliance with the *Biosecurity Act 2014* (section 48). The Program contributes to the outcomes of the new *Sunshine Coast Council Local Government Area Biosecurity Plan 2017*.

Risk

The activities conducted to address feral animals include a number of risks and can be categorised in the broader areas detailed below:

Risk	Mitigation
Firearms	The use of firearms is undertaken in accordance with the Queensland legislation and internal policies and procedures.
Animal welfare	Throughout the capture and management of animals, procedures are followed in accordance with Queensland legislation, codes of practice for humane outcomes and internal policies and procedures.
Best practice	Routine training adhered to, to ensure appropriate methodology applied to feral animal control and the early adoption of technology and advancements across the industry.
Workplace Health and Safety	Safe Work Method Statements and documented processes adhered to, to prevent risk to officers and the community.
Poisons	Use of poisons (including 1080) undertaken in line with Queensland legislation and officers undertake relevant training approved by Biosecurity Queensland and Queensland Health.

With the control of feral animals comes the use of tools, techniques and chemicals that many are unfamiliar with. These items are seen as high risk and their misuse could cause great harm to the operators. These high risk items are heavily regulated by legislation and supported by significant training and proficiency testing. In addition, Council procedures provide governance in the use of firearms and chemicals and are reviewed on a regular basis to ensure update with legislative and technical changes.

Previous Council Resolution

Ordinary Meeting 25 July 2019 (OM19/108)

That Council:

- (a) *receive and note the report titled "Biosecurity Feral Animal Prevention and Control Program"*
- (b) *adopt the 9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the Biosecurity Act 2014 for the Sunshine Coast Council area (Appendix A) in accordance with section 235 of the Biosecurity Act 2014*
- (c) *authorise the carrying out of the 9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the Biosecurity Act 2014 for the Sunshine Coast Council area (Appendix A) in accordance with section 235 of the Biosecurity Act 2014.*

Related Documentation

- *Local Government Act 2009*
- *Biosecurity Act 2014*

- *Work Health and Safety Act 2011*
- *Queensland invasive plants and animals Strategy 2019-2024*
- *Sunshine Coast Council Local Government Area Biosecurity Plan 2017*
- *Sunshine Coast Council Corporate Plan 2019-2023*
- *Sunshine Coast Council Operational Plan 2019-2020*
- *Health (Drugs and Poisons) Regulation 1996*

Critical Dates

The Program has been scheduled to commence monitoring activities from 7 August 2020 to 31 July 2021. Notice of the Program must be given at least 14 days prior to the commencement of the program. The notification would be raised no later than 24 July 2020.

Implementation

The Program will be available for customers and the public to view at all Customer Service Centres and will be published on the Council website at least 14 days before commencement. The Program is a necessary initial step before Council can undertake compliance and enforcement work can commence to prevent and control feral animals.

The Program will be implemented by Council's Feral Animal Education and Control Team in correlation to Council land management schedules. This ensures an efficient delivery for maximum benefit to both community and Council's assets. Council has a number of tools to be used in the education, surveillance, compliance and enforcement work including an entry notice and fact sheet that will be supplied to the occupier outlining the requirements of the legislation and their options.

A number of resources including educational booklets, a smartphone application, fact sheets and public notices will be provided to occupiers of a property via social media, mail outs and surveys. Information is also available online at Council's website and Biosecurity Queensland's website.

The Program will:

1. Allow the confirmation of the presence of feral animals on a property.
2. Allow Council to communicate and inform a person about their biosecurity general obligation.
3. Assess whether to issue a Biosecurity Order to a person for failure to discharge their general biosecurity obligation (which may require the person to undertake management action – such as prevention or control).
4. Ensure Sunshine Coast Council is meeting its general biosecurity obligation to manage invasive biosecurity matter – invasive animals that are prohibited or restricted matter in the Sunshine Coast Council local government area, to reduce the impacts on human health, social amenity, the economy or the environment (section 48 of the Act).
5. Assist in capacity building of the occupiers of properties to minimise the impacts from invasive animals – prohibited or restricted matter on pets, animals and livestock or agricultural crops.
6. Determine the extent of invasive animals – prohibited or restricted matter in identified locations.
7. Collect data and undertake research to assist in determining trends in invasive animals – prohibited or restricted matter populations and better understand how to manage these populations whilst reducing their impacts including refining and enhancing current programs and services.

8. Determine the effectiveness of education, community/Council partnerships and on-ground treatment programs
9. Permit the deployment of data collection methods such as sand pads, monitoring cameras and infield infrared site surveys.
10. Permit the deployment of trapping systems, Canid Pest Ejectors, tied and buried 1080 meat baits, manufactured 1080 baits and strychnine providing these deployments are within the regulatory controls.
11. Provision of 1080 manufactured and or meat baits to landholders to use for approved feral animal control programs.
12. Permit the destruction of invasive animals – prohibited or restricted matter subject to meeting regulatory controls including humane destruction under animal welfare legislation.

8.6 SURVEILLANCE PROGRAM - BIOSECURITY ACT 2014**File No:** F2016/210350**Author:** Coordinator Healthy Places
Customer Engagement & Planning Services Group**Appendices:** App A - 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council under the Biosecurity Act 2014 145 [□](#)

PURPOSE

This report seeks Council endorsement to conduct an annual biosecurity surveillance program for the management of invasive plants. Under section 235 of the *Biosecurity Act 2014* Council must give authorisation for officers to carry out the program. The program is scheduled to commence on 7 August 2020 and end on 31 July 2021 and will continue to be implemented by Council's Vector and Pest Plant Education and Control Team.

EXECUTIVE SUMMARY

A biosecurity surveillance program is proposed to occur from 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council (the Program). The Program requires authorisation from Council under section 235 of the *Biosecurity Act 2014* (the Act) to lawfully conduct this work in the management of invasive plants (invasive biosecurity matter).

The Sunshine Coast Council Local Government Area Biosecurity Plan 2017 (Biosecurity Plan) prescribes the prioritisation of all invasive species with management options for the five major Sunshine Coast catchments (Mary River, Upper Stanley River, Pumicestone Passage, Mooloolah River, Maroochy River and (part of Noosa River)).

The objectives of the Program are to reduce the environmental, social, economic and amenity impacts associated with invasive biosecurity matter, i.e. invasive plants that are prohibited, restricted or listed as locally significant under Council's Biosecurity Plan. Council aims to inspect all properties within the program area for invasive plants, regardless of whether the property is private or publically managed. Council receives hundreds of complaints each year from members of the community in relation to infestations of biosecurity matter and the Program balances Council's reactive response with a proactive approach to invasive plant management in our region.

The Program focuses on invasive plants listed in the Act such as Groundsel bush, Cat's claw creeper, Fireweed, Giant rat's tail grasses and Salvinia. Work to be conducted through the Program involves confirming the presence, absence and extent of targeted invasive plants. The Program also includes an educational component, providing advice and monitoring compliance activities and measures that prevent and/or control invasive plants.

Council has been managing invasive plants in our community since the mid-1980s, the commencement of the *Biosecurity Act 2014* included the requirement for Council to endorse the yearly program which is developed in consultation with the Department of Agriculture and Fisheries.

While Council partners closely with the Department of Agriculture and Fisheries and more specifically Biosecurity Queensland to design and implement the program, Council also works with a variety of other government agencies including Department of Transport and Main Roads, Department of Environment and Science and the Queensland Police Service. Non-government organisations (including non-for-profit community groups such as Landcare) assist Council with the program helping to communicate and educate the community in relation to invasive plants.

Council's focus with the program is to educate and empower landholders to understand and manage invasive plants on their property. This educational approach has had a high level of success with less than 1% requiring Council's intervention to manage the plants.

The 2020/2021 budget allocation provides sufficient finance and resources to undertake the proposed Program. The Program is consistent with Council's *Corporate Plan 2020-2024* goals, and provides an instrument for the implementation of actions specified in the *Sunshine Coast Council Local Government Area Biosecurity Plan 2017*.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Surveillance Program - Biosecurity Act 2014"
- (b) adopt the 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council (Appendix A) in accordance with section 235 of the *Biosecurity Act 2014*
- (c) authorise the carrying out of 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council (Appendix A) in accordance with section 235 of the *Biosecurity Act 2014*
- (d) note the following details of the 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council (which are required to be specified in this authorisation under Section 236 *Biosecurity Act 2014*):
 - (i) relates to invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014*
 - (ii) purpose is to monitor for compliance with the *Biosecurity Act 2014* and monitor the presence and extent of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014*
 - (iii) the period over which the program is carried out is from 7 August 2020 to 31 July 2021
 - (iv) is for monitoring compliance with the *Biosecurity Act 2014* and places that will be entered and inspected are privately owned land within the Sunshine Coast Council Local Government Area and are properties with land size equal to or greater than 4,000m²
 - (v) is for determining the presence or extent of the spread of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014* and applies to privately owned land within the Sunshine Coast Council Local Government Area and are properties with land size equal to or greater than 4,000m²
 - (vi) surveillance in the localities of Balmoral Ridge, Diamond Valley, Beerwah, Mount Mellum, Bells Creek, Crohamhurst, North Maleny, Flaxton, Dulong, Eerwah Vale, Verrierdale, Belli Park, Peachester, Montville, Obi Obi, Pacific Paradise, Mapleton and
 - (vii) individual properties also previously known to harbour invasive biosecurity matter will be surveyed for ongoing compliance.

FINANCE AND RESOURCING

The 2020/2021 budget allocated to address invasive plant issues through the biosecurity surveillance program is \$443,112 allocated as follows:

Salaries	\$ 291,611
Materials and services	\$ 66,657
Vehicles and plant	\$ 59,767
Internal materials and services	\$ 25,077

This equates to 3.5 x full time equivalent persons allocating their time to this program:

- 2.7 x full time equivalent positions conduct the proactive inspections, management and administration (currently 1500 inspections per year) and
- 0.8 x full time equivalent positions responding reactively to complaints (around 400 customer requests per year) lodged by the community on invasive plants.

One of the full time equivalent positions is funded from the Environment Levy (\$84,358). The Environment Levy funds \$60,000 for Community Action and Engagement which includes educational materials and the free weed hire equipment that can be accessed by landholders.

The 2020/2021 budget allocation is sufficient to undertake the proposed program under the *Biosecurity Act 2014*.

CORPORATE PLAN

Corporate Plan Goal:	Service excellence
Outcome:	We serve our community by providing this great service
Operational Activity:	S23 - Public health - protecting public health by managing declared pests, controlling mosquitoes and administering environmental health regulations.

CONSULTATION

Councillor Consultation

- Councillors P Cox and M Suarez – Portfolio Councillors for Environment and Liveability
- Councillors W Johnston and C Dickson – Portfolio Councillors for Service Excellence
- Councillor D Law – Division 10 Councillor

Internal Consultation

The following internal stakeholders contributed to the development of this report:

- Vector and Pest Plant Education and Control Team

External Consultation

The following external stakeholders were consulted:

- The Chief Executive Officer of the Department of Agriculture and Fisheries was consulted and provided a response to Council to inform the drafting of the Surveillance Program.

Community Engagement

In 2017 community consultation was undertaken with a broad spectrum of land care groups and external agencies in prescribing the prioritisation of invasive plants and management options for the five major Sunshine Coast catchments in the *Sunshine Coast Council Local Government Area Biosecurity Plan 2017*. This plan remains current.

PROPOSAL

Biosecurity matter is defined in full in the *Biosecurity Act 2014*, but in brief is a living plant or animal, pathogen, disease, or contaminant. The Program is targeting specific invasive plants listed in the Act such as Groundsel bush, Cat's claw creeper, Fireweed, Giant rat's tail grasses and Salvinia.

The proposed Program under the *Biosecurity Act 2014* must be authorised by Council to allow the carrying out of the following activities:

- monitoring compliance with the *Biosecurity Act 2014*
- confirming the presence, absence, and/or the extent of invasive biosecurity matter (invasive plants)
- monitoring the effectiveness of measures taken in response to a biosecurity risk
- monitoring compliance with requirements about prohibited matter or restricted matter (as defined in the Act) and
- monitoring levels of biosecurity matter (invasive plants), including a carrier (e.g. feed contaminated with invasive plants).

Council officers always make efforts to locate the landholder and an information leaflet is sent in the weeks prior to inspections to notify residents to prompt a productive pre inspection discussion. Officers provide information and education to assist them with their management options during and post the inspections.

Part of this education process will include assisting the person in understanding their "general biosecurity obligation", noting that the person who is in control of the property *has an obligation to take all reasonable and practical measures to prevent or minimise the biosecurity risk* (section 23(2) of the Act).

Council also offers access to free weed control equipment to assist the landholder to comply. The Program is a necessary initial step before compliance work under the Act can occur such as issuing a Biosecurity Order.

Council's endorsement of the Program gives authorised persons (Council officers) power to enter private property without consent in the very unusual circumstance where a landholder does not want to work with Council to manage invasive plants (in less than 1% of cases).

The Program will continue work that Council has delivered under previous biosecurity surveillance programs. Based on the previous year's data from Council's work in biosecurity surveillance programs:

- 54% of properties proactively inspected through the current program contained invasive plants
- 12% of landholders received a Notice requesting further control actions to meet their general biosecurity obligations
- less than 1% of properties inspected resulted in Council engaging a contractor to enter and clear the property.

Legal

Authorisation of the proposed Program by a resolution of the local government is required in accordance with section 235 *Biosecurity Act 2014*.

Section 236 of the *Biosecurity Act 2014* outlines what must be stated in the program authorisation for a biosecurity program.

The authorisation of the program enables a number of specific powers under the Act including section 261 (Power to enter place under biosecurity program), section 262 (Power

to enter place to check compliance with biosecurity order) and section 270 (Entry of place under sections 261 and 262).

While these powers are in place, Council officers will continue to work closely with landholders to seek their support and voluntary compliance with their obligations as their primary approach.

Policy

Local governments in Queensland have a biosecurity obligation to control invasive biosecurity matter within their local government area in compliance with the *Biosecurity Act 2014* (section 48). The Program contributes to the outcomes of the Sunshine Coast Council Local Government Area Biosecurity Plan 2017.

Risk

With increasing numbers of residents moving to our rural and hinterland areas with limited understanding of rural land management, invasive plants have the potential to present a problem on large and small acreage as well as urban fringe areas. Failure to endorse 7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council may mean:

- that Council is not meeting its obligations under the Act
- lead to the potential loss of agricultural productivity and community amenity
- risks associated with not controlling invasive plants throughout the region are increased
- lead to potential significant longer term environmental damage and the resulting loss or reduction of biodiversity
- that stock and domestic animals are exposed to threats.

Under section 50 of the Act the State Government minister responsible for biosecurity may direct by issue of a formal notice to the local government to perform a biosecurity function or obligation. The local government must comply with this notice.

Previous Council Resolution

Ordinary Meeting 25 July 2019 (OM19/107)

That Council:

- (a) *receive and note the report titled "Surveillance Program";*
- (b) *adopt the 9 August 2019 to 31 July 2020 Surveillance Program for Sunshine Coast Council in accordance with section 235 of the Biosecurity Act 2014;*
- (c) *authorise the carrying out of the 9 August 2019 to 31 July 2020 Surveillance Program for Sunshine Coast Council (Appendix A) in accordance with section 235 of the Biosecurity Act 2014; and*
- (d) *note the following details of the 9 August 2019 to 31 July 2020 Surveillance Program for Sunshine Coast Council (which are required to be specified in this authorisation under Section 236 Biosecurity Act 2014):*
 - (i) *relates to invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the Biosecurity Act 2014*
 - (ii) *purpose is to monitor for compliance with the Biosecurity Act 2014 and monitor the presence and extent of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the Biosecurity Act 2014*
 - (iii) *the period over which the program is carried out is from 9 August 2019 to 31 July 2020*

- (iv) *is for monitoring compliance with the Biosecurity Act 2014 and places that will be entered and inspected are privately owned land within the Sunshine Coast Council Local Government Area and are properties with land size equal to or greater than 4,000m²*
- (v) *is for determining the presence or extent of the spread of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the Biosecurity Act 2014 and applies to privately owned land within the Sunshine Coast Council Local Government Area and are properties with land size equal to or greater than 4,000m²*
- (vi) *surveillance in the localities of Balmoral Ridge, Diamond Valley, Mooloolah Valley, Beerwah, Mt Mellum, Bells Creek, Crohamhurst, North Maleny, Mons, Tanawha, Forest Glen, Maroochy River, Bli Bli, Peachester, Montville and Mapleton and*
- (vii) *individual properties also previously known to harbour invasive biosecurity matter will be surveyed for ongoing compliance.*

Related Documentation

- *Local Government Act 2009*
- *Biosecurity Act 2014*
- *Work Health and Safety Act 2011*
- Queensland invasive plants and animals strategy 2019-2024
- Sunshine Coast Council Local Government Area Biosecurity Plan 2017
- Sunshine Coast Council Corporate Plan 2019-2023
- Sunshine Coast Council Operational Plan 2019-2020

Critical Dates

If adopted the Program has been scheduled to commence monitoring activities from 7 August 2020 to 31 July 2021. Notice of the Program must be given at least 14 days prior to the commencement of the program. The notification would be raised no later than 24 July 2020.

Implementation

The Program will be available at all Customer Service Centres and will be published on the Council website at least 14 days before commencement. The Program is a necessary initial step before Council can undertake compliance and enforcement work can commence to prevent and control invasive plants.

The Program will be implemented by Council's Vector and Pest Plant Education Team in conjunction to Council's land management schedules from 7 August 2020 to 31 July 2021. This ensures an efficient delivery for maximum benefit to both community and Council's assets. Council has a number of tools to be used in the education, surveillance, compliance and enforcement work including an entry notice and fact sheet that will be supplied to the owner outlining the requirements of the legislation and their options.

A number of resources including pest plant identification manuals, a smartphone application, fact sheets, and public notices will be provided to rural and peri-urban landholders via social media, mail outs and surveys. Information is also available online at Council's website and Biosecurity Queensland's website.

Council's Vector and Pest Plant Control Officers will seek voluntary compliance and collaborate with landholders/land managers wherever possible to facilitate the control of invasive plants. The Program will:

- allow the confirmation of the presence of invasive plants on a property
- allow Council to communicate and inform a person about their general biosecurity obligation and
- assess whether to issue a Biosecurity Order to a person for failure to discharge their general biosecurity obligation (which may require the person to undertake management action – such as prevention or control).

If a landholder/land manager fails to comply, (or the occupier fails to allow the owner to comply) the authorised Program under the *Biosecurity Act 2014* provides for the property to be entered and for Council to undertake the work required (section 263). Costs can be recovered from the person that has failed to comply (section 380). Based on the history of the program, this intervention is required in less than 1% of cases.

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

8.7 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR AN ELECTRICAL EASEMENT WITHIN LOT 448 CG2436

File No: D2020/624150

Author: Principal Property Officer
Office of the CEO

Attachments: Att 1 - Proposed Easement Location..... 157 [□](#)
Att 2 - Energex Standard Terms 159 [□](#)

PURPOSE

This purpose of this report is to seek a resolution from Council to resolve that an exception applies, in accordance with the *Local Government Regulation 2012*, from the tender/auction process to dispose of land to a government agency. The purpose of which is to facilitate the registration of an electrical easement over Council owned land at 38-44 Brisbane Road, Mooloolaba, legally described as Lot 448 CG2436.

EXECUTIVE SUMMARY

Council is upgrading Brisbane Road and Walan Street to four traffic lanes. In addition to improving traffic flow, this project will enhance the southern entrance into Mooloolaba and create an integrated and inviting entry for visitors. The Placemaking Mooloolaba Master Plan, endorsed by Council in December 2015, identified the Southern Gateway into Mooloolaba (Brisbane Road) as one of the key placemaking opportunities, being the first experience for most visitors arriving into Mooloolaba.

To upgrade the entry experience, powerlines are being undergrounded from the intersection of Brisbane Road and Walan Street to Kapala Street as part of the Mooloolaba Corridor Upgrade Project. In order to do this, a padmount transformer and ring main unit is required to replace the existing pole mounted transformer that supplies the local areas low voltage network.

Energex and Council have identified that the corner of 38-44 Brisbane Road, Mooloolaba (described as Lot 448 CG2436) is a suitable location for the padmount transformer. **Refer Figure 1- Site Location.** Energex requires an electrical easement to be registered in their favour over the location of the padmount transformer and ring main unit. The proposed location of the easement is shown on **Attachment 1 – Proposed Easement Location**. It is anticipated that when the site is developed in the future there will be the opportunity to incorporate the padmount transformer into the design of the building and provide screening and landscaping around the transformer. Although depending on the timeframe, Council may wish to screen the transformer as soon as it is installed.

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Energex Limited. Section 236(2) provides that a Local Government must decide by resolution that an exception applies. Section 236 (3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value. However, subsection (3) does not apply if the land or interest in land is disposed of to a government entity, Energex in this case.

This report seeks an exception for the purpose of granting an easement to Energex Limited, being approximately 42m², to formalise the installation of an Energex transformer in Mooloolaba.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Exception under Local Government Regulation 2012 for an electrical easement within Lot 448 CG2436”
- (b) resolve, pursuant to section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land at Lot 448 CG2436, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Energex Limited is a government agency.

FINANCE AND RESOURCING

Costs associated with facilitating the easement is expected to be approximately \$4,000 including GST and are to be met by Council funding through the Mooloolaba Transport Corridor Upgrade Project. These costs include the preparation of an easement plan and documentation, and registration fees which are payable to the Titles Office to register the dealing. If Council chooses to screen the transformer, it is expected to cost up to \$5,000 and will be funded through the Mooloolaba Transport Corridor Upgrade Project.

The easement is located entirely within Lot 448 CG2436 and is required to house a transformer and ring main unit as a result of the Brisbane Road Upgrade Project, therefore compensation for the value of the land encumbered by this easement is not a consideration.

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 Council's objectives.

CONSULTATION

Councillor Consultation

Division 4 Councillor - J Natoli has been briefed on this matter.

Internal Consultation

- Project Officer, Project Delivery, Liveability and Natural Assets Group
- Solicitor, Legal Services
- Director, Major Projects and Strategic Property

External Consultation

- Council's Project Officer, Liveability and Natural Assets has liaised with Energex on this matter.

Community Engagement

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

PROPOSAL

As part of a transport infrastructure investment, Council is upgrading Brisbane Road (south of Hancock Street and Walan Street) and Walan Street to four traffic lanes. In addition to improving traffic flow, this important project will enhance the southern entrance into Mooloolaba and create a corridor that is integrated and inviting for pedestrians, cyclists, motorists and public transport users. The Placemaking Mooloolaba Master Plan, endorsed by Council in December 2015, identified the Southern Gateway into Mooloolaba (Brisbane Road) as one of the key placemaking opportunities, being the first experience for most visitors arriving into Mooloolaba.

To further improve the entry experience into Mooloolaba, powerlines are being undergrounded from the intersection of Brisbane Road and Walan Street to Kapala Street. This forms part of the Mooloolaba Corridor Upgrade Project. In order to do this, a padmount transformer and ring main unit is required to replace the existing pole mounted transformer that supplies the local areas low voltage network.

Council in conjunction with Energex and its consultants have identified that the corner of 38-44 Brisbane Road (described as Lot 448 CG2436) is a suitable location for the padmount transformer and ring main unit. **Refer Figure 1- Site location.** The location and number of transformers is determined by the load or development of the area. In this area of Brisbane Road, the load is high and it has been determined that the proposed location of the transformer location is able to supply the existing area without losing supply capacity due to voltage drop.

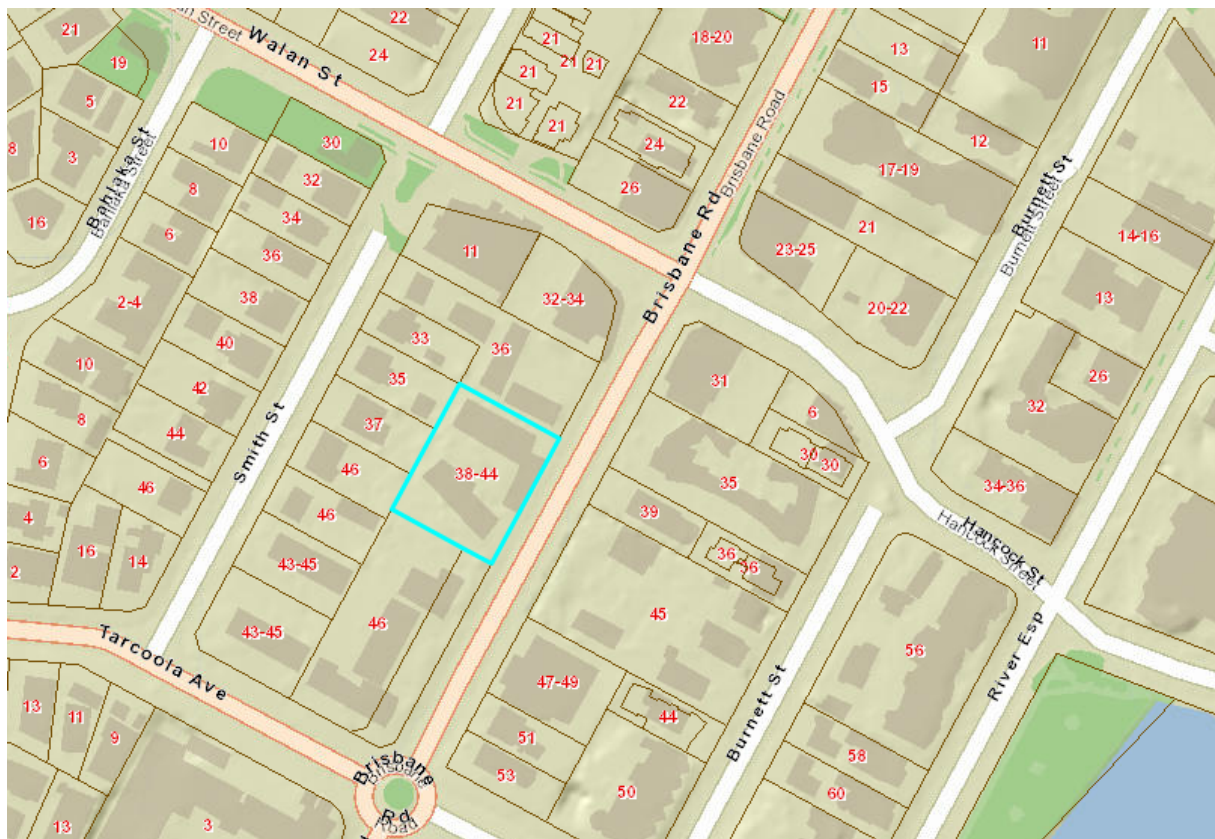


Figure 1 – Site Location

Council originally acquired the subject land to facilitate the upgrading of Brisbane Road, the portion of land required for the road is yet to be dedicated as road as the entire site is currently being used as a storage site for the Mooloolaba Transport Corridor Upgrade Project. However the proposed easement has been positioned in the proposed new corner boundaries of the property.

Energex requires an electrical easement to be registered in their favour over the proposed location of the padmount transformer and ring main unit. The proposed location of the Easement is shown on **Attachment 1 – Proposed Easement Location**. It is anticipated that when the site is developed in the future, the padmount transformer can be incorporated into the design of a new building and be screened and landscaped. Alternatively Council could screen it upon installation. Some examples are seen below in figure 2.



Figure 2 – Examples of Screened and Non-Screened Transformers

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Energex Limited. Section 236(2)

provides that a Local Government must decide by resolution that an exception applies. Section 236 (3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value. However, subsection (3) does not apply if the land or interest in land is disposed of to a government entity, such as it is in this case, being Energex.

This report seeks an exception for the purpose of granting an easement, being approximately 42m², to formalise the installation of an Energex transformer in Mooloolaba.

Strategic Property have commissioned a survey of the subject property for the preparation of an easement plan for registration. The easement will be registered in accordance with Energex's standard terms document for electrical easements, refer **Attachment 2 – Energex Standard Terms**.

Legal

Legal Services has been consulted in relation to this report and will prepare and lodge all documentation to facilitate the registration of the proposed Easement.

Policy

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

Risk

No other suitable location on Council controlled land has been identified for the padmount transformer. Without the padmount transformer the powerlines are not able to be placed underground.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Critical Dates

Construction is scheduled for early 2021, it would be preferable that this easement is established before that date.

Implementation

Should Council approve this report, the Easement document and survey plan will be executed by Council's Delegated Officer and registered at the Titles Office by Legal Services.

8.8 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR WATER AND SEWERAGE EASEMENTS WITHIN LOT 901 SP265560**File No:** F2019/88853**Author:** Senior Property Officer
Business Performance Group**Attachments:** Att 1 - Lot 901 SP265560 Locality Plan..... 169 [□](#)
Att 2 - RAL19/0082 Approved Subdivision Plan 171 [□](#)
Att 3 - Lot 901 SP265560 Proposed Utility Services 173 [□](#)
Att 4 - SP318744 Proposed Easement Locations 175 [□](#)

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 facilitate the registration of water and sewerage easements in favour of Unitywater over Council freehold land. The land is held in trust for drainage purposes and is located at Parklakes Drive, Bli Bli legally described as Lot 901 SP265560 as shown on **Attachment 1 – Lot 901 SP265560 Locality Plan**.

EXECUTIVE SUMMARY

There is a requirement for the registration of water and sewerage easements in favour of Unitywater over Council freehold land held in trust for drainage purposes and legally described as Lot 901 SP265560. The purpose of these easements is to accommodate water and sewer infrastructure to enable the connection of utility services for 95 lots as part of the adjacent Lot 6 SP110911 subdivision as shown on **Attachment 2 – RAL19/0082 Approved Subdivision Plan**. The proposed locations of the utility services and easements are shown on **Attachment 3 – Lot 901 SP265560 Proposed Utility Services Locations** and **Attachment 4 – SP318744 Proposed Easement Locations**.

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Unitywater. Section 236(2) provides that a Local Government must decide by resolution that an exception may apply.

This report seeks an exception for the purpose of granting easements for water and sewerage purposes, being approximately 160m² and 17m² respectively, to formalise the installation of utility services to facilitate stages 12 & 13 of the Parklakes 2 development in Bli Bli.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled “Exception under Local Government Regulation 2012 for water and sewerage easements within Lot 901 SP265560”
- (b) resolve, pursuant to section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land legally described as Lot 901 SP265560, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Unitywater is a government agency.

FINANCE AND RESOURCING

Costs associated with facilitating the easements are expected to be approximately \$8,300.00 including GST and are to be incurred by Unitywater. These costs include the preparation of an easement survey plan and documentation, valuation report, compensation to Council for the encumbrance of the easements on Council owned land and registration fees payable to the Titles office to register the dealing. The compensation for easement encumbrances was assessed on 25 June 2020 in accordance with an independent compensation assessment at a value of \$500.00 exclusive of GST for both Easement A and Easement B.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S22 - Property management - comprehensive management of Council's land and building assets to ensure that Council's property dealings are optimised, centrally managed, and support Council's objectives.

CONSULTATION

Councillor Consultation

- Councillor M Suarez – Division 9 Councillor
- Councillor W Johnston – Service Excellence Portfolio Councillor
- Councillor C Dickson – Service Excellence Portfolio Councillor

Internal Consultation

- Strategic Planning
- Environment & Sustainability Policy
- Transport & Infrastructure Planning
- Transport Infrastructure Management
- Project Delivery
- Civil Asset Management
- Environmental Operations
- Strategic Property
- Customer Response
- Sports & Community Venues
- Community Planning & Development
- Waste & Resource Management
- Economic Development
- Design & Place Making Services
- Property Management
- Parks & Gardens
- Business & Innovation

External Consultation

Council's Property Management Branch has liaised with Covey Associates Pty Ltd, being the adjoining land owners engineering consultant, in relation to this report.

Community Engagement

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

PROPOSAL

There is a requirement for the registration of water and sewerage easements in favour of Unitywater over Council freehold land held in trust for drainage purposes and legally described as Lot 901 SP265560 as shown on **Attachment 1 – Lot 901 SP265560 Locality Plan** and **Figure 1** below. The purpose of these easements is to accommodate water and sewer infrastructure to enable the connection of utility services for 95 lots as part of the adjacent Lot 6 SP110911 subdivision as shown on **Attachment 2 – RAL19/0082 Approved Subdivision Plan** and **Figure 2** below. The proposed locations of the utility services and easements are shown on **Attachment 3 – Lot 901 SP265560 Proposed Utility Services Locations & Attachment 4 – SP318744 Proposed Easement Locations** and **Figures 3 & 4** below.

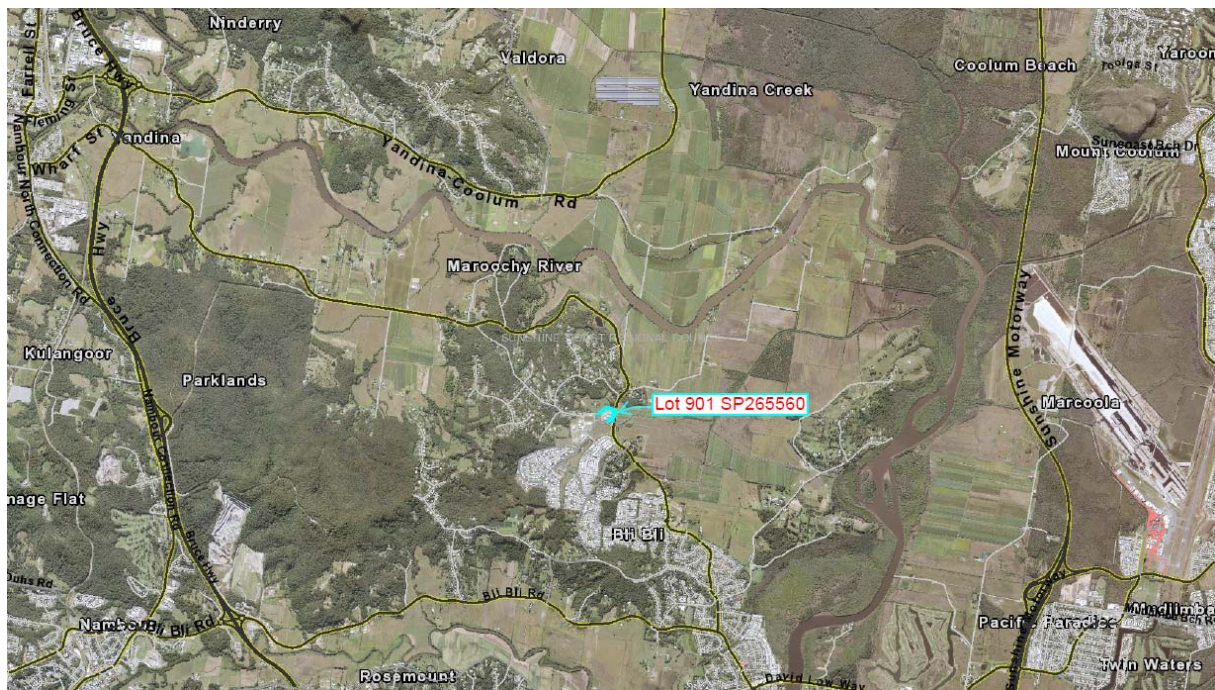


Figure 1. 'Lot 901 SP265560 Locality Plan'

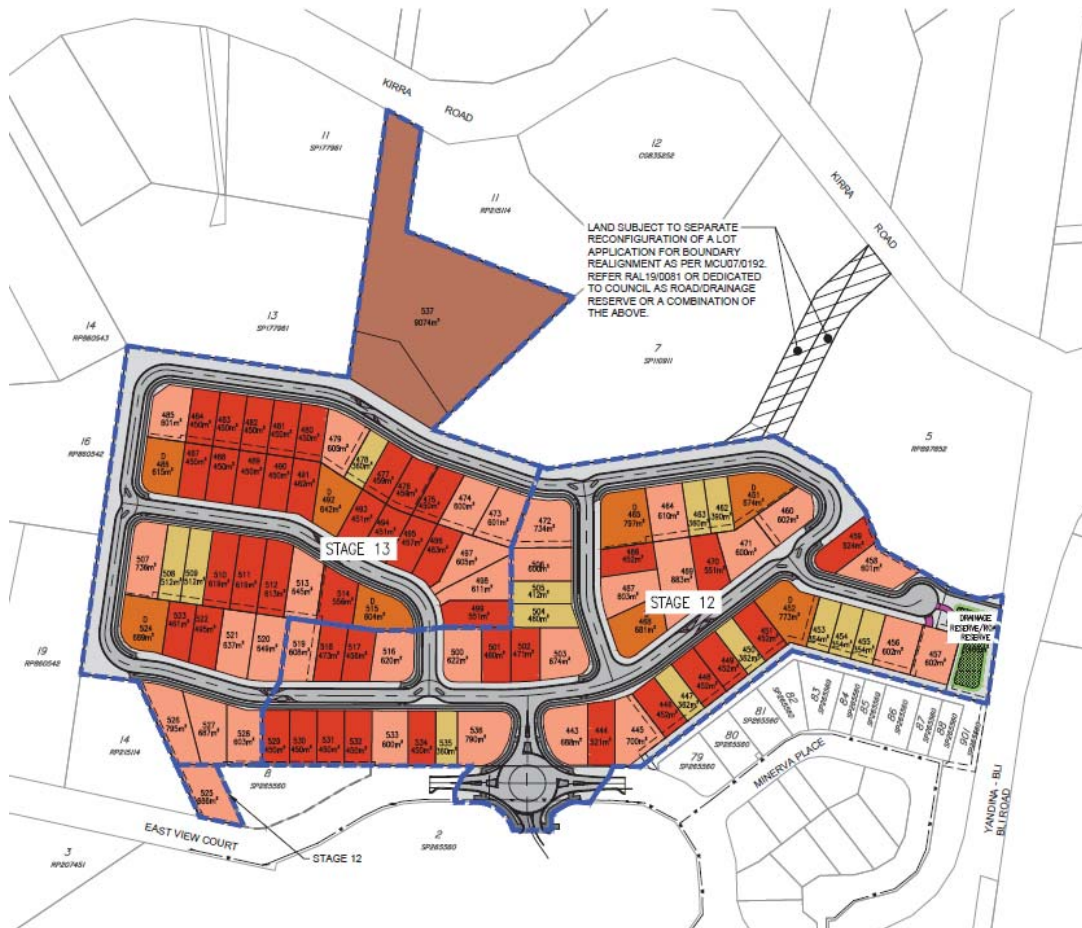


Figure 2. 'RAL19/082 Approved Subdivision Plan'



Figure 3. 'Lot 901 SP265560 Proposed Utility Services Locations'

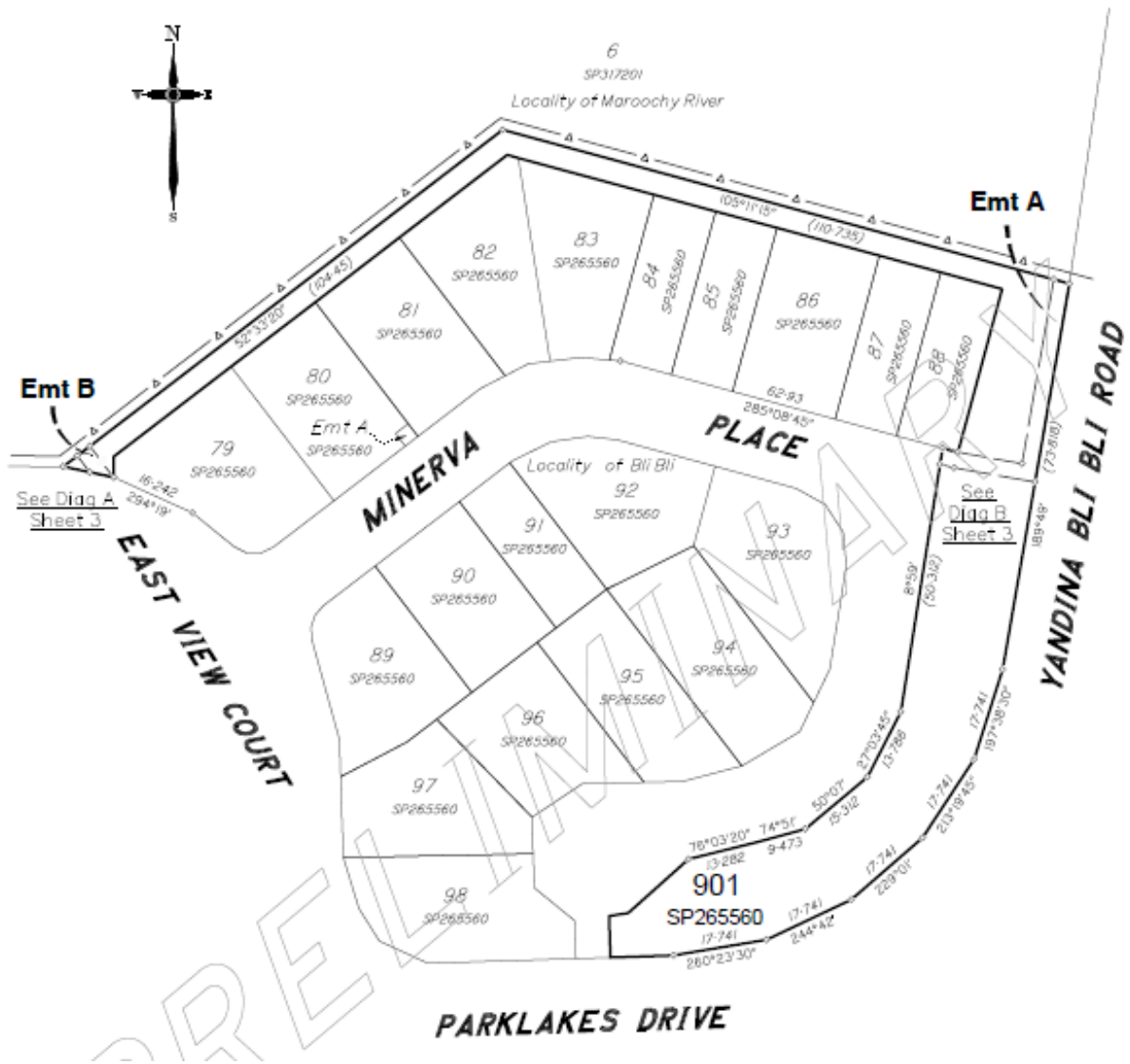


Figure 4. ‘SP318744 Proposed Easement Locations’

A sewer connection point was previously installed within Lot 901 SP265560 for a future connection purpose, however, the proposed sewer main design requires a slightly different grade so the existing connection point will be removed and replaced. The installation of the water main connecting stages 12 & 13 of the Parklakes 2 development has been conditioned by Unitywater. The proposed location of the water main within Lot 901 SP265560 negates the requirement to remove and replace the existing footpath adjacent to Yandina-Bli Bli Road and the requirement for a non-standard alignment for electrical infrastructure which would limit future road widening opportunities. In accordance with Council’s ‘in principle’ consent granted 24 February 2020 for the proposed water and sewerage infrastructure installation all areas disturbed by the proposed works within Lot 901 SP265560 must be revegetated in conjunction with Council’s Parks & Gardens Branch requirements.

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Unitywater. Section 236(2) provides that a Local Government must decide by resolution that an exception may apply.

This report seeks an exception for the purpose of granting easements for water and sewerage purposes, being approximately 160m² & 17m² respectively, to formalise the installation of utility services to facilitate stages 12 & 13 of the Parklakes 2 development in Bli Bli.

Unitywater has commissioned a preliminary survey for the preparation of an easement plan in order for registration. The easements will be registered in accordance with Council's standard terms document for Unitywater easements on Council land, being dealing number 714904857.

Legal

Legal Services has been consulted in relation to this report.

Policy

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

Risk

If the water and sewerage easements are not registered then utility services are unable to be provided to facilitate the adjoining subdivision and there would not be a registered record of infrastructure within Lot 901 SP265560.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

The easement documentation must be registered in accordance with Council's standard terms document, being dealing number 714904857, for easements in favour of Unitywater on Council freehold land.

Critical Dates

There are no critical dates relevant to this report, however, the installation of the utility services must not occur until the easements are registered and the applicant is wanting to commence works as soon as possible.

Implementation

If Council resolves that an exception to Division 4 Section 236 of the *Local Government Regulation 2012* applies, the easement documentation and survey plan will be executed by Council's Delegated Officer and registered at the Titles Office by the applicant.

8.9 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR TELECOMMUNICATIONS LEASE A SP121384 IN LOT 1 RP78427

File No:	F15/00432
Author:	Senior Property Officer Business Performance Group
Attachments:	Att 1 - Lot 1 RP78427 Locality Plan 183 □
	Att 2 - Lease A SP121384 in Lot 1 RP78427 Aerial Map..... 185 □
	Att 3 - SP121384 Plan 187 □

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 telecommunications lease agreement with the existing tenant of the land, being Telstra Corporation Limited.

EXECUTIVE SUMMARY

In October 2014, Council entered into a commercial telecommunications lease agreement with Telstra Corporation Limited over part of Council freehold land legally described as Lot 1 RP78427, located at 5 Palm Street, Maleny as shown on **Attachment 1 – Lot 1 RP78427 Locality Plan & Attachment 2 – Lease A SP121384 in Lot 1 RP78427 Aerial Map**. In March 2020, Telstra Corporation Limited approached Council with the desire to enter into a new lease agreement commencing 1 October 2019 and expiring 30 April 2025. Telstra has confirmed that 4G technology currently exists onsite and there are no intentions to upgrade to 5G technology. The annual rental of the proposed new lease agreement was assessed on 23 June 2020 in accordance with an independent commercial market rental assessment at a value of \$22,500 exclusive of GST per annum.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Exception under Local Government Regulation 2012 for telecommunications Lease A SP121384 in Lot 1 RP78427” 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 RP78427, 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 of the proposed new lease agreement was assessed on 23 June 2020 in accordance with an independent commercial market rental assessment at a value of \$22,500 exclusive of GST per annum.

All administration expenditure associated with this dealing, including valuation, legal and Titles Office registration fees, totals approximately \$3,000.00 including GST and will be borne by the existing tenant, being Telstra Corporation Limited.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S22 - Property management - comprehensive management of Council's land and building assets to ensure that Council's property dealings are optimised, centrally managed, and support Council's objectives.

CONSULTATION

Councillor Consultation

- Councillor W Johnston – Division 5 Councillor and Service Excellence Portfolio Councillor
- Councillor C Dickson – Service Excellence Portfolio Councillor

Internal Consultation

- Strategic Planning
- Environment & Sustainability Policy
- Transport & Infrastructure Planning
- Transport Infrastructure Management
- Project Delivery
- Civil Asset Management
- Environmental Operations
- Strategic Property
- Customer Response
- Sports & Community Venues
- Community Planning & Development
- Waste & Resource Management
- Economic Development
- Design & Place Making Services
- Property Management
- Parks & Gardens
- Business & Innovation

External Consultation

Council's Property Management Branch has liaised with Telstra Corporation Limited, being the existing tenant, in relation to this report.

Community Engagement

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

PROPOSAL

In October 2014, Council entered into a commercial telecommunications lease agreement with Telstra Corporation Limited over part of Council freehold land legally described as Lot 1 RP78427, located at 5 Palm Street, Maleny as shown on **Attachment 1 – Lot 1 RP78427 Locality Plan & Attachment 2 – Lease A SP121384 in Lot 1 RP78427 Aerial Map** and **Figures 2 & 3** below. In March 2020, Telstra Corporation Limited approached Council with the desire to enter into a new lease agreement commencing 1 October 2019 and expiring 30

April 2025. The annual rental of the proposed lease agreement is subject to an independent commercial market rental assessment that has been commissioned by Property Management Branch.

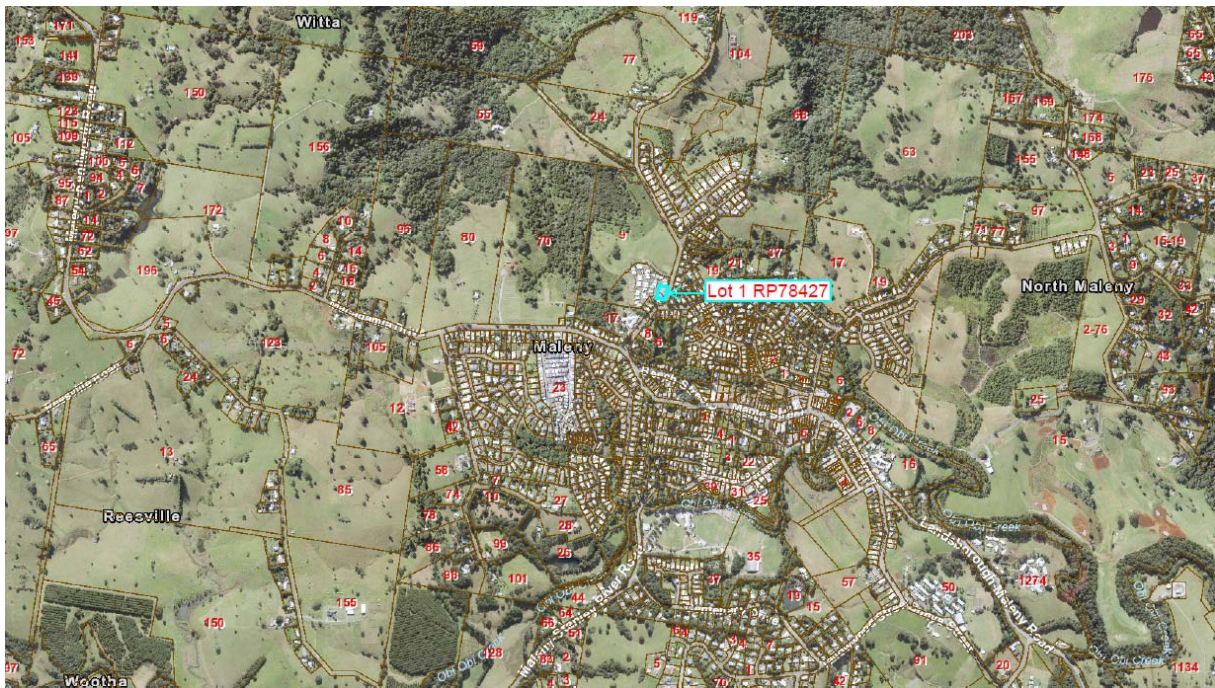


Figure 1. 'Lot 1 RP78427 Locality Plan'



Figure 2. 'Lease A SP121384 in Lot 1 RP78427 Aerial Map'

The tenure area of 44m² was surveyed in 1999 as shown on **Attachment 3 – SP121384 & Figure 3** below and is legally described as Lease A SP121384 in Lot 1 RP78427. Telstra

Corporation Limited have a licence agreement with Unitywater for the associated antenna on the adjacent water tank expiring 30 April 2025. The current lease area 'A' between Council and Telstra Corporation Limited encompasses cabins for Telstra's mobile telephone network. Telstra has confirmed that 4G technology currently exists onsite and there are no intentions to upgrade to 5G technology.

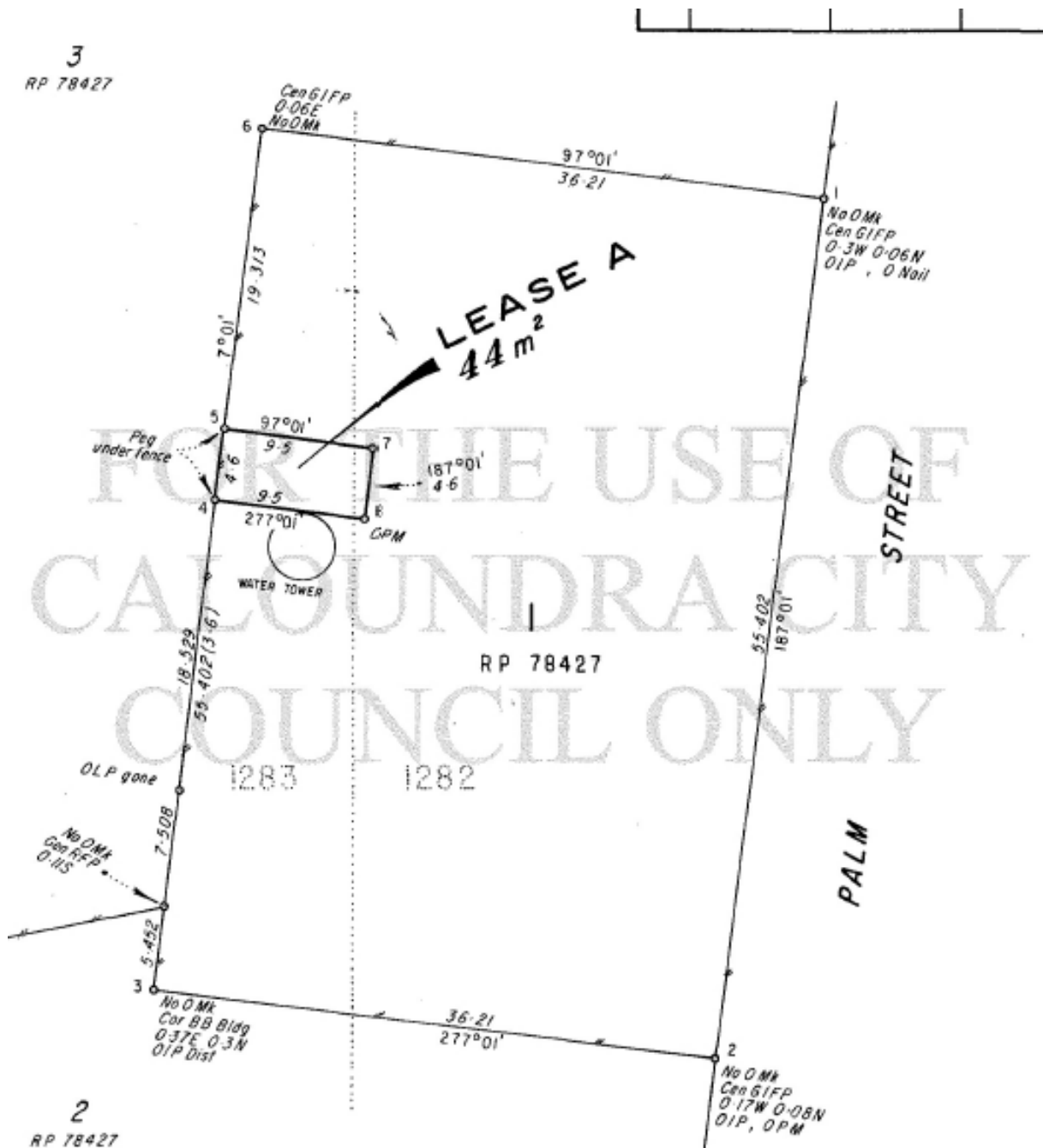


Figure 3. 'SP121384'

A new commercial telecommunications lease agreement was not finalised prior to the expiry date of the current agreement, being 30 September 2019, due to Council's consideration of the future use of the site. In accordance with clause 14 'Overholding' of the current lease agreement, the existing tenant has occupied the Premises with the Lessor's consent after the expiry date, and has done so under a month to month tenancy. The existing tenant has continued to pay rent to Council annually as per Item 5 of the 'Reference Schedule' contained within the Lease. Should Council resolve to enter into a new lease agreement, the

expiry date will be 30 April 2025 to align with the expiry date of the licence agreement between Unitywater and Telstra Corporation Limited over the adjacent infrastructure.

Legal

Council's Legal Services branch have been consulted in relation to this report.

Policy

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

Risk

If a new lease is not entered into Telstra Corporation Limited will remove any equipment within Lease A SP121384 in Lot 1 RP78427 and discontinue the telecommunications services at the site. Telstra Corporation Limited is concerned that if a new lease is not entered into with Council over the existing cabins an 'orphaned site' will remain and the Lessee will be unable to utilise their associated antenna located on the adjacent Unitywater water tank.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Critical Dates

There are no critical dates relevant to this report, however, the existing tenant is wanting to enter into a new lease agreement as soon as possible.

Implementation

If Council resolves that an exception to Division 4 Section 236 of the *Local Government Regulation 2012* applies, the lease documentation will be executed by Council's Delegated Officer and registered at the Titles Office by the existing tenant.

8.10 JUNE 2020 INTERIM FINANCIAL PERFORMANCE REPORT

File No: Financial Reports
Author: Coordinator Financial Services
Business Performance Group

Report to be provided

8.11 2020/2021 CONTRACTING PLAN AND SIGNIFICANT CONTRACTING PLANS

File No: Council meetings

Author: Coordinator Procurement and Contract Performance
Business Performance Group

Appendices:

- App A - 2020/21 Contracting Plan..... 197
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PURPOSE

The purpose of this report is to present and have Council adopt the 2020/21 Contracting Plan and Significant Contracting Plans.

EXECUTIVE SUMMARY

At the Ordinary Meeting of 17 May 2018, Council resolved to adopt the Strategic Contracting Procedures to empower Council to pursue improved contracting outcomes. The Strategic Contracting Procedures require Council to make and adopt:

- a Contracting Plan each financial year and
- Significant Contracting Plans for each Significant Contract identified in the Contracting Plan that Council will enter into during the course of the financial year.

The Contracting Plan is a document which outlines the types of contracts that Council proposes to enter into during the financial year, including principles and strategies for performing contracts, and further information about market assessments, delegations and a list of the significant contracts having regard to the market assessment. The Contracting Plan must be consistent with and support achievement of the strategic directions outlined in the Corporate Plan.

Significant Contracts are contracts that:

- have an anticipated value of \$5 million or more and/or
- are deemed Significant Contracts by the Procurement and Contract Performance Team following assessment under the Procurement Profiling Matrix, and Risk Assessment Calculator, which includes an assessment of the market relating to the contract.

Appendix A to this report is the 2020/21 Contracting Plan. The following contracts have been identified in the Contracting Plan as Significant Contracts:

- a Mooloolaba Foreshore Revitalisation Project
- Supply of Fuel Card
- Open Space Turf and Vegetation Maintenance
- Landscape Maintenance

- Waste Collection Services
- **Appendices B – F** to this report are the Significant Contracting Plans for these Significant Contracts, which comply with the requirements of the Local Government Regulation 2012.

Adoption of a Significant Contracting Plan is required prior to entering into a Significant Contract.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “2020/2021 Contracting Plan and Significant Contracting Plans”
- (b) adopt the proposed:
 - (i) Contracting Plan (Appendix A)
and Significant Contracting Plans as follows:
 - (ii) Mooloolaba Foreshore Revitalisation Project (Appendix B)
 - (iii) Supply of Fuel Card (Appendix C)
 - (iv) Open Space Turf and Vegetation Maintenance (Appendix D)
 - (v) Landscape Maintenance (Appendix E) and
 - (vi) Waste Collection Services (Appendix F).

FINANCE AND RESOURCING

There are no immediate budget implications for this report, or in the adoption of the Contracting Plan and Significant Contracting Plans.

Budget for each of the projects to which a Significant Contracting Plan relates, has been secured following adoption of the Sunshine Coast Council 2020/21 budget. Budget implications will be considered in the development of the procurement process and the resulting contracts for each of the projects to which a Significant Contracting Plan relates.

CORPORATE PLAN

Corporate Plan Goal:	<i>An outstanding organisation</i>
Outcome:	5.6 - Information, systems and process underpin quality decisions and enhance the customer experience
Operational Activity:	5.6.3 - Enhance the Organisational Performance framework and supporting system to monitor ongoing delivery of strategic priorities and assist decision making.

CONSULTATION

Internal Consultation

The Coordinator Procurement and Contract Performance and Procurement Specialists from the Procurement and Contract Performance Team prepared the Significant Contracting Plans for:

- Mooloolaba Foreshore Revitalisation Project Carpark in consultation with the Acting Manager Project Delivery and the Acting Coordinator Urban Projects

- Supply of Fuel Card in consultation with the Manager Asset Management
- Open Space Turf and Vegetation Maintenance and Landscape Maintenance in consultation with the Manager Parks and Gardens and Coordinator Business and Technical and
- Waste Collection Services in consultation with the Manager Waste and Resource Management and Waste Innovation Coordinator.

External Consultation

The Contracting Plan remains consistent with external legal advice.

Community Engagement

No community consultation was required in the preparation of this report.

PROPOSAL

At the Ordinary Meeting of 17 May 2018, Council resolved to adopt the Strategic Contracting Procedures to empower Council to pursue improved contracting outcomes. The Strategic Contracting Procedures require Council to make and adopt:

- a Contracting Plan each financial year and
- Significant Contracting Plans for each Significant Contract identified in the Contracting Plan that Council will enter into during the course of the financial year.

The Contracting Plan is a document which outlines the types of contracts that Council proposes to enter into during the financial year, including principles and strategies for performing contracts, and further information about market assessments, delegations and a list of the significant contracts having regard to the market assessment. The Contracting Plan must be consistent with and support achievement of the strategic directions outlined in the Corporate Plan.

The Contracting Plan in Appendix A to this report complies with the requirements of the *Local Government Regulation 2012*.

Significant Contracts are contracts that:

- have an anticipated value of \$5 million or more and/or
- are deemed Significant Contracts by the Procurement and Contract Performance Team following assessment under the Procurement Profiling Matrix, and Risk Assessment Calculator, which includes an assessment of the market relating to the contract.

The following contracts have been identified in the Contracting Plan as Significant Contracts:

- Mooloolaba Foreshore Revitalisation Project
- Supply of Fuel Card
- Open Space Turf and Vegetation Maintenance
- Landscape Maintenance
- Waste Collection Services.

Adoption of a Significant Contracting Plan is required prior to entering into a Significant Contract.

The Local Government Regulation 2012 requires a Significant Contracting Plan to be a document which states:

- the objectives of the significant contract

- how the objectives are to be achieved
- how achievement of the objectives will be measured
- any alternative ways of achieving the objectives
- why the alternative ways were not adopted
- proposed contractual arrangements for the activity
- a risk analysis of the market in which the contract is to happen.

The objectives must be consistent with the Contracting Plan.

Appendices B – F to this report are the Significant Contracting Plans for these Significant Contracts, which comply with the requirements of the Local Government Regulation 2012.

Current Procurement Activities

The tender for Telecommunications Services recently closed and is now under evaluation, a Significant Contracting Plan was adopted by council prior to its release.

Legal

External legal advice has been sought regarding the format and content of proposed procurement and contracting framework, including the 2020/21 Contracting Plan. This advice supports the framework as being compliant and appropriate for Council.

Policy

Council's Procurement Policy has been complied with in the preparation of these Significant Contracting Plans.

Risk

A risk assessment has been conducted and identified Legal and Reputational Risk as entering into these Significant Contracts prior to adopting the Significant Contracting Plans would breach the *Local Government Regulation 2012*.

Previous Council Resolutions

Special Meeting 11 June 2020 (SM20/13)

That Council:

- (a) *receive and note the report titled "2020/2021 Procurement Policy and Procurement and Contracting Framework" and,*
- (b) *adopt the proposed procurement and contracting framework for 2020/21 as follows:*
 - (i) *Procurement Policy (Appendix A)*
 - (ii) *Contract Manual (Appendix B)*
 - (iii) *Local Preference in Procurement Guideline (Appendix C)*
 - (iv) *Social Benefit Procurement Guideline (Appendix D)*
 - (v) *First Nations Procurement Guideline (Appendix E)*
 - (vi) *Innovation and Market-Led Engagement Guideline (Appendix F).*

Ordinary Meeting 20 June 2019 (OM19/93)

That Council:

- (a) *receive and note the report titled "2019/2020 Procurement Policy and Procurement and Contracting Framework"*
- (b) *adopt the Strategic Contracting Procedures framework for 2019/20 as follows:*
 - (i) *Procurement Policy (Appendix A)*
 - (ii) *Contract Manual (Appendix B) and*
 - (iii) *Contracting Plan (Appendix C) and Significant Contracting Plans (Appendix D, E, F, G, H and I).*

Ordinary Meeting 21 June 2018 (SM18/9)

That Council:

- (a) *receive and note the report titled "2018/19 Contracting Plan"*
- (b) *adopt the 2018/19 Contracting Plan which is to remain in force from 1 July 2018 to 30 June 2019 (Appendix A)*
- (c) *adopt the Significant Contracting Plan for Retail Electricity Services - Street Lighting (Appendix B)*
- (d) *adopt the Significant Contracting Plan for Street Sweeping Services (Appendix C) and*
- (e) *adopt the Significant Contracting Plan for Tree Maintenance Services (Appendix D).*

Ordinary Meeting 14 June 2018 (OM18/95)

That Council:

- (a) *receive and note the report titled "2018/2019 Procurement Policy"*
- (b) *adopt the 2018/2019 Procurement Policy (Appendix A).*

Ordinary Meeting 14 June 2018 (OM18/94)

That Council:

- (a) *receive and note the report titled "2018/2019 Contracting Manual" and*
- (b) *adopt the 2018/19 Contracting Manual which is to remain in force from 1 July 2018 to 30 June 2019.*

Ordinary Meeting 17 May 2018 (OM18/62)

That Council:

- (a) *receive and note the report titled "Strategic Contracting Procedures" and*
- (b) *apply Chapter 6 Part 2 Strategic Contracting Procedures of the Local Government Regulation 2012 to its contracts, following adoption by Council of:*
 - (i) *a contracting plan; and*
 - (ii) *a contracting manual which will not be more than one year after the date of this resolution.*

Related Documentation

Local Government Act 2009

Local Government Regulation 2012

2020/21 Procurement Policy and associated guidelines

Critical Dates

The *Local Government Regulation 2012* requires Council review its Procurement Policy annually and adopt a Contracting Plan for each financial year. Significant Contracts cannot be entered into prior to adoption of their Significant Contracting Plans. As a result, the following critical dates apply to each of the Significant Contracting Plans:

Mooloolaba Foreshore Revitalisation Project

Public tender likely to be released to market during fourth quarter of the 2020/21 financial year.

Supply of Fuel Card

The current contract for the supply of fuel card expires on 31 December 2020.

Open Space Turf and Vegetation Maintenance

The current contract for these services expires on 30 June 2021.

Landscape Maintenance

The current contract for these services expires on 29 February 2021.

Waste Collection Services

The current contracts for these services expire as follows:

- 1112141 – Waste Collection Services: 9 July 2022
- 1112143 – Liquid Waste Collection Services: 6 July 2021 with an option to extend to 6 July 2022. Council intends to exercise the final available extension option.

Implementation

Chief Executive Officer to conduct contracting activities in a manner consistent with the approaches outlined in the Strategic Contracting Plans in Appendices B – F to this report.

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 20 August 2020.

13 MEETING CLOSURE