



Ordinary Meeting

Thursday, 12 December 2019

commencing at 9:00am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

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

2 WELCOME AND OPENING PRAYER

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

4 RECEIPT AND CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting held on 14 November 2019 and the Special Meeting (Region Shaping Projects) held on 14 November 2019 be received and confirmed.

5 INFORMING OF PERSONAL INTERESTS

5.1 MATERIAL PERSONAL INTEREST

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

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

5.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST

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

The other Councillors must then decide

- (a) whether the Councillor has a real conflict of interest or perceived conflict of interest in the matter and
- (b) if they decide the Councillor has a real conflict of interest or perceived conflict of interest in the matter
 - 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 FOR A MATERIAL CHANGE OF USE OF PREMISES (RESIDENTIAL CARE FACILITY) AT 7-15 ILLUKA STREET, BUDERIM

File No: MCU19/0116

Author: Development Planner Customer Engagement & Planning Services Group

This item was withdrawn from the Agenda by the Chief Executive Officer .

The applicant has provided notice in accordance with section 52 of the *Planning Act 2016* of a change to the application in response to submissions received during the public notification period. As a result, the officers report has been withdrawn from the agenda, and the changed application will be reassessed and presented to a future Council meeting.

8.2 DEVELOPMENT APPLICATION - PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE TO ESTABLISH AN INTEGRATED TOURIST FACILITY AT NAMBOUR CONNECTION ROAD, AIRD LANE, AND GARRAD ROAD, WOOMBYE

File No:	MCU17/2064
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Recommended Conditions of Approval5/259
Attachments:	Att 1 - Detailed Assessment Report

Link to Development.i:

https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU17/2064

SUMMARY SHEET			
APPLICATION DETAILS			
Applicant:	Big Pineapple Corporation Pty Ltd		
Owner:	Big Pineapple Corporation Pty Ltd		
Consultant:	Place Design Group Pty Ltd		
Proposal:	Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme</i> <i>2014</i>) to establish an integrated tourist facility.		
Properly Made Date:	15/11/2017		
Information Request Date:	22/11/2017		
Information Response Received Date:	14/09/2018		
Public Notification Dates:	The application was publicly notified for 30 days between 24 September and 6 November 2018 in accordance with the requirements of the <i>Planning Act 2016</i> .		
Number of Submissions:	A total of 42 submissions were received of which 36 were Properly Made. Of the Properly Made submissions, 12 were against the proposed development, 23 were for the proposed development, and 1 was unable to be determined.		
State Referral Agency Response Date:	9/9/2019		
Decision Due Date:	29/10/2019		
PROPERTY DETAILS			
Division:	5		

Property Address:	6, 43, 55, 63, 76, 79, 84, 85, 91 and 104 Nambour Connection Road, 77, 83 (2 parcels), 87, 91 and 105 Aird Lane, and 52 Garrad Road, Woombye		
RP Description:	Lot 5 RP 205097 Lot 2 RP 111446 Lot 11 CG 2939 Lot 2 CG 2939 Lot 197 CG 2939 Lot 2 RP 154927 Lot 544 CG 3592 Lot 3 C 311179	Lot 1 RP 154927 Lot 2 RP 27899 Lot 2 RP 228921 Lot 2 RP 111181 Lot 1 RP 101860 Lot 1 RP 168426 Lot 2 RP 168426 Lot 1 RP 27796 Lot 1 RP 130151	
Land Area:	170.45ha		
Existing Use of Land:	Big Pineapple tourist facility and associated agricultural land		
STATUTORY DETAILS			
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (3 July 2017)		
SEQRP Designation:	Regional landscape and rural production area		
Strategic Plan Designation:	Rural enterprise and landscape area		
Master Plan Area	Not applicable.		
Zone:	Rural zone and Tourism zone		
Assessment Type:	Impact – Variation Request		

PURPOSE

The purpose of this report is to seek Council's determination for a Development Application for Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) to establish an integrated tourist facility at 6, 43, 55, 63, 76, 79, 84, 85, 91 and 104 Nambour Connection Road, 77, 83, 87, 91 and 105 Aird Lane, and 52 Garrad Road, Woombye.

The application is before Council as the application involves a Variation Request under Section 61 of the *Planning Act 2016.*

EXECUTIVE SUMMARY

The application seeks a Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) to establish an integrated tourist facility.

The application was Impact Assessable and subject to a public notification period of 30 days (between 24 September to 6 November 2018), in accordance with the requirements of the *Planning Act 2016*.

The application seeks to provide an assessment framework for the future development of the site by introducing a new Master Plan, being the Big Pineapple Master Plan and Tables of Assessment for the Master Plan area, which make development within the Master Plan area code assessable. The application does not seek to authorise any assessable development to take place, and future development permits would be required for all future uses on the site in accordance with the Master Plan.

Assessment of the application has focused on the compatibility of the proposed land uses, and potential impacts arising from the proposed development on matters such as scenic amenity, building height, heritage protection and protection of neighbouring rural properties.

Appropriate parameters have been established and recommended in relation to the nature, scale and impacts of future development (including building height restrictions, building exclusion zones and generous building setbacks), and additional material change of use development applications will be required for the establishment of future uses on the site, in accordance with the Big Pineapple Master Plan. More detailed assessment and regulation would occur by Council at the time of each future application.

The proposal has been found to be sufficiently compatible with the existing rural and historic tourist related use of the site, and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions.

The application is therefore recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Development Application Preliminary Approval for Material Change of Use to establish an integrated tourist facility at Nambour Connection Road, Aird Lane, and Garrad Road, Woombye"
- (b) APPROVE application no. MCU17/2064 for Preliminary Approval for Material Change of Use to establish an integrated tourist facility at Nambour Connection Road, Aird Lane and Garrad Road, Woombye subject to reasonable and relevant conditions (Appendix A) and
- (c) delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the Preliminary Approval where the changes would not have a material impact on the outcome of the original decision.

FINANCE AND RESOURCING

Due to the proposed development representing a Preliminary Approval, it would not attract infrastructure charges at this stage. Subsequent Development Permits under the provisions of the Preliminary Approval would be subject to the relevant infrastructure charges.

CORPORATE PLAN

Corporate Plan Goal: Outcome:	Service excellence 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 McKay has been consulted during the assessment process for this application.

Internal Consultation

The application was forwarded to the following internal Council specialists:

 Principal Architect, Development Services Branch, Customer Engagement and Planning Services Group

- Urban Designer, Development Services Branch, Customer Engagement and Planning Services Group
- 3D Project Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer Engagement and Planning Services Group
- Principal Ecologist, Development Services Branch, Customer Engagement and Planning Services Group
- Landscape Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Environment Officer, Development Services Branch, Customer Engagement and Planning Services Group
- Strategic Planning Branch, Customer Engagement and Planning Services Group
- Plumbing Officer, Development Services Branch, Customer Engagement and Planning Services Group

Their assessment forms part of the Detailed Assessment Report (Attachment 1).

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:

- State Controlled Road matters
- Clearing native vegetation
- Heritage
- SEQ Regional Planning matters (Development outside the urban footprint).

The department responded by letter dated 9 September 2019 imposing conditions that must attach to any development approval (refer to **Attachment 2**).

Community Engagement

This impact assessable development application was subject to a public notification period of 30 days between 24 September 208 and 6 November 2018 in accordance with the requirements of the *Planning Act 2016*.

A total of 42 submissions were received of which 36 were Properly Made. Of the Properly Made submissions, 12 were against the proposed development, 23 were for the proposed development, and one (1) was unable to be determined.

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

PROPOSAL

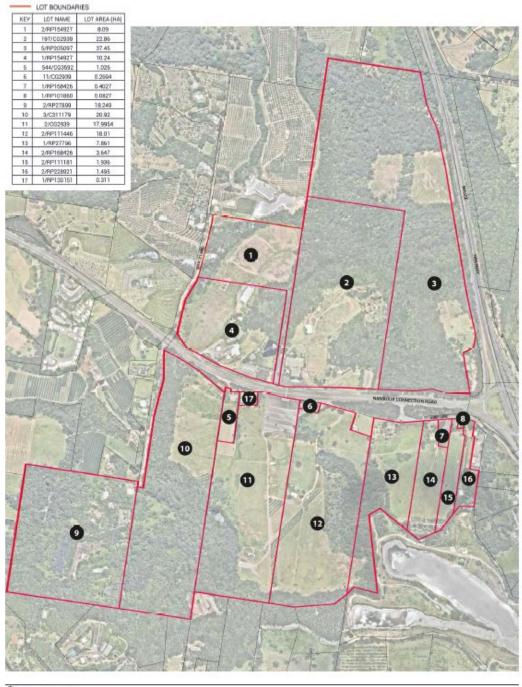
The application seeks a Preliminary Approval for Material Change of Use (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*) to establish an integrated tourist facility. A copy of the proposed plans of the development is provided as **Attachment 3** to this report.

The Variation Request covers the entirety of the site made up of the historic Big Pineapple tourist attraction and seeks to vary the planning scheme such that the whole of the site would be treated as though it were in the Tourism zone (rather than the Rural zone) for the purposes of the planning scheme. Variation to the range of uses ordinarily permitted in the Rural/Tourism zones is also sought, as well as variation to the building height and native vegetation maps contained in the planning scheme.

The proposal also seeks to include a Master Plan definition of a 'food tourism or produce related use' to ensure that industrial uses proposed for food manufacturing activities, are appropriately tied to food production/agri-tourism uses, rather than stand alone industrial activities.

The application seeks to provide an assessment framework for the future development of the site by introducing a new Big Pineapple Master Plan (**Attachment 4**), being the Big Pineapple Master Plan and Tables of Assessment for the Master Plan area, which make development within the Master Plan area code assessable. The application does not seek to authorise any assessable development to take place, and future development permits would be required for all future uses on the site in accordance with the Master Plan.

The Big Pineapple Master Plan Area (Plan Area) subject to the proposed Variation Request is comprised of those lots shown below in Image 1.



Scale: 1:10,000

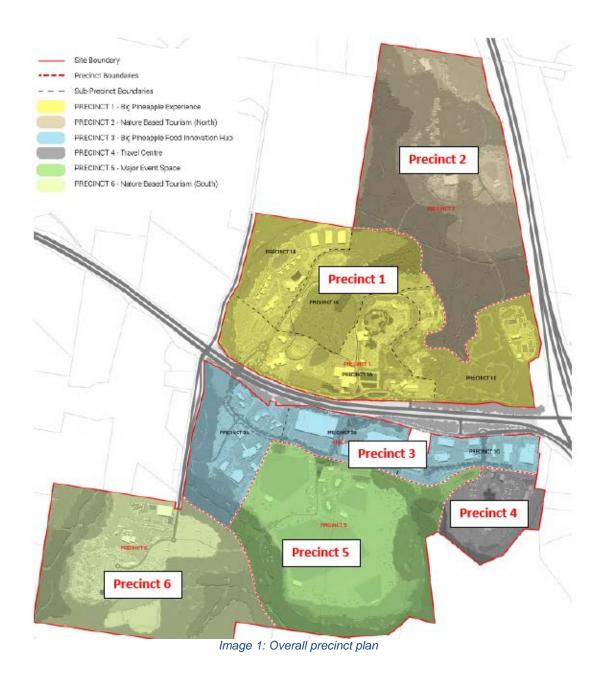
Image 1: Area subject to Variation Request

Master Plan Precincts

The overall development site has been broken into six (6) Precincts, each of which have a slightly different tourism or food production focus. The northern portion of the site includes Precincts 1 and 2 and is primarily focused around the Big Pineapple tourism experience within Precinct 1, and nature-based tourism uses within Precinct 2.

The southern portion of the site includes Precincts 3 to 6 and is primarily focused around food, tourism and produce related uses (which could include markets, food and beverage manufacturing, warehousing and retail sale of produce), the major event space and a variety of supporting tourist accommodation uses. A service station is also proposed in Precinct 3c.

An excerpt of the Overall Precinct Plan is shown below in Image 2.



KEY ASSESSMENT MATTERS

The application has been assessed against the *Sunshine Coast Planning Scheme 2014*. The pertinent issues arising out of this assessment are discussed below and in more detail in the attached Detailed Assessment Report (**Attachment 1**).

South East Queensland Regional Plan

The development is located outside the Urban Footprint, within the Regional Landscape and Rural Production area of the South East Queensland Regional Plan. The *Planning Regulation 2017* prohibits 'urban activities' within the Regional Landscape and Rural Production area, and this aspect of the proposal has therefore been assessed by the Department of State Development, Manufacturing, Infrastructure and Planning.

The Department have determined that the extent of the floor area proposed for 'urban activities' (40,300m² within Precinct 3) is consistent with the outcomes expressed and sought to be achieved by the South East Queensland Regional Plan, notwithstanding the location of the site outside the urban footprint.

Changes to Categories of Assessment (Master Plan Uses and Land Use Compatibility)

The variation request seeks to treat the subject site as though it is located in the Tourism zone (instead of the Rural zone). The applicant has also proposed the introduction of a number of additional uses that would ordinarily not be permitted or expected in either zone.

Most of the applicant's proposed uses are already identified in the planning scheme as consistent uses, or potentially consistent uses for the Rural zone. Those that are not included in the Rural zone (as either consistent, or potentially consistent uses), but proposed at the Big Pineapple site are listed below:

- Office (Precincts 1 and 3)
- Shop (Precincts 1 and 3)
- Low impact industry (Precincts 1 and 3)
- Medium impact industry (Precincts 1 and 3)
- Warehouse (Precincts 1 and 3)
- Bar (Precincts 3 and 5)
- Major sport, recreation and entertainment facility (Precincts 3 and 5).

The main assessment focus relating to the proposed land uses has been regarding the proposed office, shop and industrial uses. The applicant proposes that these uses would be 'secondary uses' that support the 'primary uses' within the Master Plan area. It has been critical to appropriately link these proposed uses to agri-tourism activities through the Master Plan provisions in order to avoid these uses operating alone, and potentially creating a situation that conflicts with the activity centres hierarchy of the planning scheme. A detailed discussion of these matters is provided in **Attachment 1** to this report.

Changes to Categories of Assessment (Overlays)

The application proposes to replace the below planning scheme maps with revised mapping provided by the applicant:

- Height of Buildings and Structures Overlay Map (within the Height of buildings and structures overlay code); and
- Native Vegetation Overlay Map (within the Biodiversity, waterways and wetlands overlay code).

Council's specialist technical staff have reviewed the revised building height and native vegetation mapping in detail and all relevant issues have been identified and discussed in **Attachment 1** to this report. The replacement mapping is site specific and has been considered suitable to replace the current planning scheme maps and be referenced within the Master Plan.

Scenic Amenity and View Protection

Preserving visual amenity, in particular views to the pineapple structure, as well as long range views from Nambour Connection Road to surrounding rural land and significant viewpoints has been a critical part of the assessment.

To protect significant views and manage scenic amenity, a multi-faceted approach has been utilised, using a combination of building height measures, building exclusion measures, building design measures, landscape buffering and screening and Master Plan provisions which provide high level protection for the retention of significant views. These matters are discussed in detail in **Attachment 1** to this report.

Heritage protection

The Big Pineapple structure, Plantation building and Macadamia Nut building are locally listed heritage items. The Big Pineapple structure and plantation buildings are also State listed items.

The State Government has issued a detailed concurrence agency response with conditions in relation to heritage protection. From a local perspective, the proposed Master Plan provisions contain sufficient regulating parameters to ensure the ongoing protection of heritage values on the site.

Landscaping and Ecology

The site contains State Government mapped vegetation, as well as significant stands of locally mapped native vegetation. Most of the significant vegetation is proposed to be protected through a vegetation protection covenant. Where clearing is proposed, it has been assessed by the relevant level of government and it has been agreed that vegetation offsets can be provided within the identified rehabilitation areas. The provision of vegetated buffers is also proposed, to assist with preserving scenic amenity and retaining the vegetated setting of the subject site and providing visual relief and screening buffers between uses. Overall, the proposed development results in a net environmental benefit.

Transport Infrastructure

The key components of the vehicle movement network are:

- Provision of a new four (4) way intersection with three (3) through lanes in either direction. The intersection is to be constructed in two stages:
 - Three (3) leg intersection with northern, eastern and western legs, prior to the commencement of any use north of Nambour Connection Road that exceeds 15% of the estimated visitation targets. The northern leg would flow into Schulz Road through the development site, and the existing Schulz Road intersection would be closed. This section of the road would be a public road.
 - Four (4) leg intersection (as above, plus inclusion of a southern leg to connect to Aird Lane which would be continued through the development site). This section of the road would also be a public road.
- The continuation of Aird Lane through the development site to connect to the new signalised intersection, and provision of internal access from this road to Precinct 6.
- A number of internal access roads (private roads) are also proposed.

The site would also contain a number of car parking facilities, the detailed locations of which are not known at this stage. As discussed above, one potential carpark location is in the location of the previous hydroponic growing structure along Nambour Connection Road. It is expected that other facilities will be interspersed around the site as the need arises.

Water Supply and Sewerage Management

The site has a reticulated water connection but is outside Unitywater's connections area for reticulated sewer connection.

ORDINARY MEETING AGENDA

In terms of sewage management, whilst the development represents an urban outcome, the site is located within the Regional Landscape and Rural Production Area under the South East Queensland Regional Plan and is included in the Tourism Zone/Rural Zone (and outside the Urban Growth Management Boundary) under the *Sunshine Coast Planning Scheme 2014*.

Despite the nature of the development, given the current strategic land use intent for this locality (to remain largely rural in nature), it is not recommended to require the development to connect to sewer.

Conditions are recommended to ensure all onsite treatment and disposal systems are proposed in accordance with best practice environmental standards. Each system would require separate plumbing and environmental licences from Council and the State Government respectively.

Legal

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. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

There is no previous Council resolutions relevant to this application.

Related Documentation

• Officers full and detailed assessment report (Attachment 1).

The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

- Concurrence agency response (Attachment 2)
- Proposed plans of the development (Attachment 3)
- Big Pineapple Master Plan document referred to in the recommended conditions of approval (Attachment 4).
- Recommended conditions of approval (Appendix A).

Critical Dates

Council's decision for the application was due on 29 October 2019. Given 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.

8.3 EXTENSION TO THE SCHEDULED ROAD RESEAL WORKS ON IMAGE FLAT ROAD, IMAGE FLAT

File No:	Council meetings
Author:	Manager Civil Asset Management Built Infrastructure Group
Attachments:	Att 1 - Location Map103

PURPOSE

This report responds to Councillor G Rogerson's Notice of Motion tabled at the Ordinary Meeting 14 November 2019, seeking Council endorsement for the extension of the currently scheduled road reseal work planned for Image Flat Road, Image Flat to include that part of the road reserve, previously sealed by Council, which acts as a driveway for a private property.

EXECUTIVE SUMMARY

Councillor G Rogerson sent a request to Group Executive Built Infrastructure, on behalf of Mr Lanham of 172 Image Flat Road requesting an upgrade to his driveway and access. Councillor G Rogerson stated, "In light of them being exceptionally good neighbours to Council, I believe their request should be given favourable consideration". Councillor G Rogerson raised a Notice of Motion after officers advised this request was not supported and not within the delegated authority of officers to approve.

Council will be undertaking asphalt overlay works of Image Flat Road in early 2020 directly in front of the property at 172 Image Flat Road. Undertaking the driveway works as part of this project would cost approximately \$8,000. This is unfunded in the current year's reseal program. If the works are not carried out in conjunction with the reseal program the cost will increase to \$16,000-\$19,000.

Council officers have considered this requests under the authority of the *Local Government Act*, specifically Section 92(2):

General rates are for services, facilities and activities that are supplied or undertaken for the benefit of the community in general (rather than a particular person).

It is recognised that the former Maroochy Shire Council (MSC) constructed the driveway when reconstructing Image Flat Road. It is recognised that there is no evidence to date that indicates that MSC entered into an agreement to continue to maintain the driveway or recognise the driveway as an asset.

There is a risk that if approved, future owners of this property will request the same. Further this is a risk that any driveways located on road reserve may also request Council undertaken maintenance works on their driveways.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Extension to the scheduled road reseal works on Image Flat Road, Image Flat"
- (b) undertake the renewal of the fence chainwire and
- (c) not undertake the requested asphalt overlay works of the driveway, located on road reserve at 172 Image Flat Road, Image Flat.

FINANCE AND RESOURCING

The proposed works are unplanned and not funded within the current year capital works program. However, asphalt reseal works are programmed on the connecting Image Flat Road within the current year's program. If the requested works are undertaken as an extension of the reseal works, there are savings in the form of reduced mobilisation cost and traffic control costs. The Image Flat Road overlay project is currently programmed for the first quarter of 2020.

Council officers have inspected the driveway and determined the scope of works. The cost of these works to be carried out at the same time as the Image Flat Road asphalt overlay project is estimated at \$8,000.

If these works are not carried out in conjunction with the reseal program the cost to undertake the full scope of works will increase to be between \$15,840 and \$19,000 due to the relatively low quantity of asphalt to be placed and the different methodology used.

The renewal of the fence chainwire has been quoted at approximately \$2,200 which would be funded from operational maintenance budget and the installation of a new guardrail is estimated at \$20,000, which would need to be a new capital budget request under the Road Safety sub-program. This request would then need to be assessed and prioritised against other projects in this program.

CORPORATE PLAN

Corporate Plan Goal:
Outcome:A strong community
We serve our community by providing this great service
S8 - Road network management - providing road transport
infrastructure planning, design and delivery, road safety and traffic
management, public education programs, streetscapes planning
and place making.

CONSULTATION

Councillor Consultation

Councillor G Rogerson is supportive of the proposal to reseal the driveway servicing a single property that is located on road reserve under the custodianship of Sunshine Coast Council. Councillor G Rogerson has stated that the property owners have been exemplary neighbours of the (Council) Image Flat Quarry for over 50 years and considers it justifiable for Council to favorably consider their request. Councillor G Rogerson has noted that the former Maroochy Shire Council undertook major roadworks in 1976 including a major road cutting, which resulted in the property access to 172 Image Flat Road being severed and a much longer and steeper driveway being subsequently constructed by Council.

Internal Consultation

Office Mayor and CEO

Executive Manager

Built Infrastructure

- Group Executive Built Infrastructure
- Manager Transport Infrastructure Management
- Quarry Manager

The above officers were requested to review the analysis, risk assessment and decision making undertaken by the Civil Asset Management Branch to the request from the property owner at 172 Image Flat Road, Image Flat for:

- Renewal of the existing fence located between the driveway on road reserve and the cutting face
- Installation of a new guardrail directly in front of fence and
- Reseal of the existing sealed driveway.

External Consultation

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

Community Engagement

Council officers have spoken with the property owner, who has expressed a desire for the driveway to be resealed by Council.

PROPOSAL

In August 2019, Councillor G Rogerson sent a request to Group Executive Built Infrastructure, on behalf of Mr Mal Lanham to undertake maintenance on the fence between the driveway and the weighbridge that runs along the top of the "cliff face" and upgrade to his driveway and access. A plan of the area has been included as an addendum to this report. Councillor G Rogerson stated, "In light of them being exceptionally good neighbours to Council, I believe their request should be given favourable consideration".

On initial investigation it was identified that the driveway and fence are located on a road reserve and a further investigation would be required to determine the ownership of the driveway. This investigation identified that while the driveway was located on road reserve, the driveway was not identified as a Council asset.

Given the fence separates the road reserve and another Council parcel of land where the quarry weighbridge is located, the fence was identified as a Council responsibility. The investigation of the fence noted the deteriorated state of the chainwire but the fence posts were in sound condition. Councillor G Rogerson was advised that officers would arrange for maintenance of the fence in the short term of any unsafe areas with the view of renewal of the fence chainwire as budget allows.

In relation to the driveway as it was not a Council asset to maintain and as such, remains the responsibility of the property owner. This is consistent with Council's practice of maintaining road access to the nearest boundary point and the property owner is then responsible to connect from there. Image Flat Road itself meets this commitment.

This position has been based on the Local Government Act 2009 S92(2)

General rates are for services, facilities and activities that are supplied or undertaken for the benefit of the community in general (rather than a particular person).

It is recognised that around 1976 Council undertook works to lower the road crest at Image Flat Road, which resulted in the original access to 172 Image Flat Road being severed and a new driveway was constructed along the road reserve. Council officers have not discovered any records that would indicate the Council of the day entered into a maintenance agreement with the owners of 172 Image Flat Road to continue to maintain the driveway into the future.

Council's Transportation Asset Management Plan outlines how the road reseal program list of works is determined. For the sealed road network a condition survey is undertaken to collect information on pavement roughness, surface texture, rutting and cracking. This information has been input into the Pavement Management System (PMS) and has been used to prioritise sections of road for treatment under the reseal and rehabilitation program. The PMS grades roads based on a variety of different defects and parameters and gives each segment a pavement condition index (PCI). The way the PCI operates is that it assumes a ranking of 10 for a road without defects (perfect) and deducts points from this ranking depending on the level and types of distresses present in the pavement.

It is highlighted that, whilst the PCI value for any particular road section can be calculated, this does not mean that road sections with low PCI values will automatically be treated first (i.e.; on a treat worst first basis). This is because the PMS utilises a "rule base" to assess which different treatment options should be analysed and compared for each different road section. The 'rule base' is a stored procedure which selects road sections and treatments based on a set of parameters or rules. When running a network analysis, it also depends on which optimisation methods is chosen.

This affects the way a works program is generated and hence which particular road segments may be triggered for treatment before others in any given year. Once a works program is generated from the PMS it is verified by field inspection. Roads listed on the PMS works program are then assessed and rated using the simple condition gradings. During the field inspection, detailed measurements of defects are recorded to enable accurate budget estimates to be calculated. Any roads that are identified as requiring a pavement rehabilitation treatment during field inspection are subjected to a detailed geotechnical investigation, detailed pavement design and construction estimate. These budget estimates, together with the simple condition gradings, are then used to generate the final Reseal Works Program.

If the driveway was put through the PMS, it would have a low PCI due to its deteriorated condition, however, as noted above this does not guarantee its inclusion into the reseal program.

A risk assessment of the driveway was undertaken. The primary users of the driveway are long term residents, so they are familiar with the condition of the driveway and the speed environment is low. The risk of vehicles losing traction on the existing driveway was assessed as low. The greatest hazard at this location is the drop from the top of the cutting, however, the existing chain wire fence reduces the risk of pedestrians from inadvertently falling over this drop. The risk of vehicles driving over this can be further reduced by installing guardrail. This has been preliminary estimated at \$20,000 and will be considered for funding in future year capital works programs.

Based on the low risk identified above, if the driveway was a Council owned asset, it would not likely be included in the reseal program.

The primary guiding principle considered when deliberating requests of this nature is the *Local Government Act 2009*, specifically Section 92(2) General rates are for services, facilities and activities that are supplied or undertaken for the benefit of the community in general (rather than a particular person). It is recognised that the former Maroochy Shire Council (MSC) constructed the driveway when reconstructing Image Flat Road. It is recognised that the driveway is located on a section of road reserve for Image Flat Road. It is recognised that there is no evidence to date that indicates that MSC entered into an agreement to continue to maintain the driveway or recognise the driveway as an asset. It is recognised that the request to resurface the driveway benefits only a single property.

Legal

The *Local Government Act 2009* s92(2) requires that General rates are for services, facilities an activities that are supplied or undertaken for the benefit of the community in general (rather than a particular person). It is understood that this road reserve is only used for access to the individual property.

Under the *Civil Liability Act 2003*, Council may be liable if it fails to take appropriate remediation action where it has knowledge of a specific risk. In the absence of any such risk, there is no particular obligation nor minimum standard to be delivered in relation to establishment, upgrade or repair of road reserves.

Policy

There is no policy that specifically addresses this issue.

Risk

Council officers have undertaken a risk assessment of the road reserve and the steep drop between the driveway and the quarry weighbridge and have determined that the old chain wire fence needs renewal and consideration should be given for a guardrail to be installed. The driveway was assessed as a low risk.

Previous Council Resolution

Ordinary Meeting 14 November 2019 (OM19/182)

That item 9.2 'Extension of scheduled road reseal works planned for Image Flat Road, Image Flat', lay on the table to allow the Chief Executive Officer to prepare a report to the December 2019 Ordinary Meeting.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

The asphalt overlay of Image Flat Road is programmed in the first quarter of 2020 and confirmation of if the proposed works is to be incorporated into this scope will be required prior to these works being approved for contractor delivery.

Implementation

As the recommendation is not supported. No works to undertake the driveway reseal are scheduled at this time.

8.4 BUSINESS PARKING PERMITS

File No:D2019/113741Authors:Parking and Transport Manager
Built Infrastructure Group
Coordinator Community Land Permits & Parking
Customer Engagement & Planning Services Group

PURPOSE

The purpose of this report is to address the Notion of Motion from the 14 November 2019 Ordinary Meeting which requested a report to Council regarding local business owners and staff permits being allowed unlimited timed car parking in Council's car park located on the corner of Howard and Sydney Streets in Nambour.

EXECUTIVE SUMMARY

This report is relation to a property located 64-66 Howard Street, Nambour. This office building was approved in 1973 by the previous Maroochy Shire Council (MSC) and a one off payment of \$3,000 was provided to MSC as a cash-in-lieu for the equivalent of 10 parking spaces. In turn, no car parking spaces were provided on-site for the building or its tenants. There were no conditions imposed on this parking arrangement.

Through raising the Notice of Motion in November 2019, Councillor G Rogerson is seeking to grant this property with parking permits which would allow employees of the building to park all day within 2 hour parking spaces.

To lawfully allow for the provision of a business employee parking permit scheme a Local Law amendment would be required to *Local Law No. 5 (Parking) 2011* and *Subordinate Local Law No. 5 (Parking) 2011*. Council officers are not are not able to issue permits (parking or otherwise) without a lawful head of power, which in this case is the Local Law.

As per the *Local Government Act 2009*, to make, amend or repeal a local law is now classified as a 'major policy decision'. Accordingly, this matter cannot be progressed until after the March 2020 election.

Furthermore, granting local business owner or their staff parking permits would be in contravention with Council's Local Laws, the endorsed principles of the Sunshine Coast Parking Management Plan (PMP) and the Community Land and Complementary Commercial Use Policy. Accordingly, the implementation of business 'employee' parking permits is not supported by officers.

The car park on the corner of Howard Street and Sydney Street experiences high parking demands with the timed restricted spaces in place to provide turnover for customers and visitors to the Nambour centre. Alternative parking options are available, with unrestricted parking located within a 400m to 600m walking distance of the building and parking is available at the C-Square car park for a fee.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Business Parking Permits" and
- (b) not progress the introduction of a Business Parking Permit scheme or other private arrangements for employee parking at 64-66 Howard Street, Nambour.

FINANCE AND RESOURCING

Based on the recommendation to not support the proposal there are no additional costs to Council or impacts on resourcing as the officer is not recommending a change to the current arrangements.

If Council were to pursue any allowance for business employee parking permits there would be additional costs incurred based on:

- required changes to signage to incorporate permits exemption wording at \$75 per sign
- an additional 1 full time equivalent resource (FTE) depending scale of the scheme and number of permit applications
- consideration would need to be given to the procurement and established electronic permitting system to allow for process efficiencies to reduce potential resourcing needs.

Currently the limited number of parking permits issued by Council are processed by the Supervisor Regulated Parking within the Customer Response Branch. Any increased workload with processing permits would impact the key duties of this officer or otherwise generate the need for additional resources.

A business 'employee' parking permit will take additional resource hours to that of a residential parking permit, based on the additional evidence and review time required to confirm eligibility.

The Supervisor Regulated Parking's key responsibility is to monitor the day to day activities of Council's Regulated Parking program and supervise, coach and mentor officers engaged in delivering Council's Regulated Parking program. Ultimately, additional workload for parking permit applications would detract from officer's ability to provide a high level of service that is expected by businesses in our local centres to ensure the turnover of parking and support public safety in deterring illegal and unsafe parking behaviour.

CORPORATE PLAN

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

CONSULTATION

Councillor Consultation

There has been no Councillor consultation in regards to this report.

Internal Consultation

- Coordinator, Community Land Permits & Parking
- Manager. Customer Response
- Manager, Transport and Infrastructure Planning

External Consultation

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

Community Engagement

No community engagement has been undertaken in relation to matter.

PROPOSAL

Background

The request for this report has been triggered in relation to a property at 64-66 Howard Street, Nambour as highlighted in Figure 1. The office building was approved in 1973 by the Maroochy Shire Council subject to the development achieving provision of alternative car space in lieu of providing off-street parking on-site through the following two options:

- 1) alternate accommodation of cars on nearby site; or
- 2) payment in lieu to Council.

Figure 1 – Map showing 64-66 Howard Street, Nambour



The owner (L & A Investments Pty Ltd) elected to make a one off payment of \$3,000 as a cash-in-lieu to Council for the equivalent of 10 parking spaces. In turn, no car parking spaces were provided on-site for the building or its tenants.

Based on available building records the building has a lettable floor spaces is 513sq.m Subsequent approved building records have been for Building and Plumbing Approval for fitouts. Accordingly, the land uses and density is understood to be as per the original approval.

The current tenants of the building (at the time of writing this report) are:

- Subdivisions (Queensland) Pty Ltd
- Dixon Insurance

Though 'payment-in-lieu' of parking was paid, there is no evidence of any agreement pertaining to the property having rights to parking at the Howard Street car park nor Council being obligated to provide a higher level of access to public parking spaces.

It is important to note, there has not been a lawful mechanism for Business Parking Permits (to overstay timed parking limits) being able to be granted since 2011 when Sunshine Coast adopted the *Local Law No. 5 (Parking) 2011* and *Subordinate Local Law No 5 (Parking) 2011*. The existing parking signage is non-compliant to allow vehicles to be exempt from time limits, by permit or otherwise.

The car park on the corner of Howard Street and Sydney Street experiences high parking demands with the timed restricted spaces in place to provide turnover for customers and visitors to the Nambour centre. Alternative parking options are available, with unrestricted parking located within a 400m to 600m walking distance of the building and parking is available at the C-Square car park for a fee. Early bird prices at this car park are \$6 per day,

monthly parking is available for around \$100 per month or pre-booked online parking for as low as \$3 per day, subject to availability.

Business Parking Permits

Historically, MSC implemented a Business Parking Permit scheme, however it was limited to a few select locations and purposes (i.e. Maroochydore CBD). In Nambour there is an arrangement on private land for the Nambour Plaza, however this forms part of the development approval whereby the permit supports a Council function of regulating parking on the private property on behalf of the shopping centre operators and are issued under the agreement, rather than the Local Law.

Following amalgamation, the Local Laws were amended and adopted in 2012 to incorporate the most current definition of permit use. The Sunshine Coast Council's defined purpose under the *Subordinate Local Law No 5 (Parking) 2011* is that a business parking permit refers to 'access to a designated parking space and adjacent footpath for commercial or fundraising purposes'.

During amalgamation application forms were updated, and it appears that references to the specific areas and criteria where permits applied was diluted with forms only referring to a generic 'Business Parking Permit'.

These changes appear to have led to some confusion where some Business Parking Permits were issued in error. In turn some applicants over time gained permits for purposes that were not in alignment with the Local Law and were not re-evaluated as part of yearly renewals. All Business Parking Permits which did not conform with the Local Law definitions have since been rescinded and the assessment process for Parking Permits has been reviewed to ensure decisions align with the current Local Law

This category of permit was not designed to allow for day to day staff/commuter parking to overstay a timed parking limit. Provision of parking permits to business or staff to exceed timed parking limits both generally and in this Howard Street situation conflicts with the basic principles of good parking management to support local centres. Parking time limits are in place to ensure the turnover and availability of parking to support visitation and customers of our local centres.

Parking Permits Schemes

No Queensland local government authority offers a business parking permit that grants an employee of a business or business owners to overstay signed time limits in public parking.

The only permits offered by Queensland local government authorities to overstay a timed parking limit are residential and residential visitor parking permits. These in practice are implemented in areas where a timed parking limit has been installed to reduce impacts from overflow parking into residential streets from local centres or special use precinct (i.e. stadium, major sporting events, airports, hospitals and/or university precincts). These time limits are entirely different to those installed in centres and commercial precincts whereby turnover of parking is required to support parking availability and business visitation.

Parking permits are charged based on a cost recovery fee of \$57 per permit. A permit fee is only for the cost of processing a permit application. It does not factor in all the cost of Council for the ongoing maintenance (signs, lines and surfacing) nor the value of a car parking space.

Payment/cash-in-lieu and encumbrances of property

The concept of a payment or cash-in-lieu contributions for car parking is based on a town planning mechanism where commercial developments had a shortfall of car parking, it was reasonable for the Council to assist by accepting money for this shortfall to provide car parking bays in an nearby existing or proposed public 'carpark'.

A payment in lieu is contributed to a fund set aside by Local Government for the purposes of providing public car parking areas. The policy is not seen as replacing the developer's

responsibility to provide on-site parking but rather as a means for Council to accommodate the parking demand created in a particular locality by the developer's shortfall. By electing to make the payment in lieu the property effectively forfeited any rights to the parking.

To be able to have ongoing entitlements over another parcel land (public or private) a license, lease and/or easement would need to be in place.

None of these mechanisms were established when the payment in-lieu to Council was made. In turn there is no obligation on Council to provide increased access to public parking.

If the owner had pursued the alternate option of car park accommodation to a payment inlieu, they could have met their car parking needs through establishing a long-term lease of another site for car parking purposes for example.

There are numerous examples in other parts of Australia whereby this has occurred through a 40 to 99-year leases being established. The lease then can only be surrendered through the encumbered property paying out the lease or in the case of redevelopment the parking supply being re-provided.

Legal

The provision of parking permits is defined in *Subordinate Local Law 5 (Parking) 2011* and *Subordinate Local Law 1 (Administration) 2011*, Schedule 16: Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

The defined purpose under the Local Law is that a business parking permit refers to 'access to a designated parking space and adjacent footpath for commercial or fundraising purposes'.

Schedule 16 of *Local Law 1 (Administration) 2011* outlines the additional criteria in which a person must include in their application to obtain a parking permit.

Council officers cannot issue permits under the current Local Law as there is no head of power to allow for the activity.

As per the *Local Government Act 2019* to make, amend or repeal a local law is now classified as a 'major policy decision'. Accordingly, this matter cannot be progressed until after the March 2020 election and when the new Council is established.

A proposed change to the Local Law which would allow for this activity would be contrary to Council's adopted Sunshine Coast Parking Management Plan and Community land and Complementary Commercial Use Policy.

Policy

Actions outlined in the adopted Sunshine Coast PMP provides the direction for the phase out of the provision of a Business Parking Permit. Council's policy direction under the PMP is that a 'permit will only be issued where an applicant can demonstrate a clear community benefit, no alternative parking solution is available, and a continuous high parking utilisation exists'.

Progression of this action effectively commenced with the 11 April 2019 Council workshop on parking permits whereby it was proposed to remove the Business Parking Permit category and replace with Health and Community Services Parking Permit.

A Council report for Local Law amendments was submitted in August 2019 and the Local Law changes publicly advertised. No objections to the removal of the existing Business Parking Permits were received nor was there feedback suggesting that a business employee permit should be provided.

The allowance of parking permits for business employees does not align with the six (6) guiding principles under Council's *Community Land and Complementary Commercial Use Policy* for the commercial use of Council-controlled land as:

- the decision does not align with Council's overall vision or strategies (Principle 2)
- the local community will be impacted by the decision, with no complementary community benefit (Principle 1, 3 and 4)
- there is no head of power for the approval of such a permit (Principle 5).

If Council were to consider any form of additional parking permits (beyond existing categories) or parking concessions in the region it should be incorporated as a broader process to be able to assess key considerations including lifecycle costs, resourcing implications and technology requirements.

Risk

There is limited to no risk in not proceeding with Business Parking Permits.

If a Business Parking Permit arrangement for 64-66 Howard Street, Nambour was to be allowed this would create precedents for wide ranging exceptions to timed parking areas across the region. This would have potentially significant impacts on the availability and turnover of timed public parking which are in place to support customers and visitation to businesses in local centres.

Previous Council Resolution

Ordinary Meeting 14 November 2019 (OM19/183)

That Council request the Chief Executive Officer to prepare a report to Council regarding local business owners and staff permits being allowed unlimited timed car parking in Council's car park located on the corner of Howard and Sydney Streets in Nambour, reflective of historical arrangements recently revoked.

Related Documentation

- Sunshine Coast Parking Management Plan
- Nambour Local Area Parking Plan
- Local Law No 5 (Parking) 2011 and Subordinate Local Law No 5 (Parking) 2011
- Subordinate Local Law 1 (Administration) 2011
- Sunshine Coast Planning Scheme
- Community Land and Complementary Commercial Use Policy

Critical Dates

There are no critical dates related to this report as Council officers are not recommending any change to the Local Law or Council's adopted policies and plans.

However it should be noted that, if the proposal to allow a Business Parking Permit was supported, the Local Law process requires a minimum of six months to complete. As per the *Local Government Act 2019* this would be classified as a 'major policy decision'. Accordingly, this matter cannot be progressed until after the March 2020 election and when the new Council is established.

Implementation

There is no implementation associated with this report if the recommendation is endorsed. If the recommendation is not endorsed, Council officers will provide an implementation plan to achieve the desired outcome.

8.5 REGIONAL ARTS DEVELOPMENT FUND ANNUAL REPORT - 2018/2019 PROGRAM

File No:	Council meetings
Author:	Coordinator Creative Arts & Events Economic & Community Development Group

PURPOSE

The purpose of this report is to provide a summary of the outcomes of Sunshine Coast Council's 2018/19 Regional Arts Development Fund (RADF) program.

EXECUTIVE SUMMARY

The Regional Arts Development Fund is an annual partnership between the Queensland Government, through Arts Queensland and Council. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions.

Sunshine Coast Council's RADF program consists of:

- a competitive arts grants program
- Council initiated projects including Horizon Festival and *fabric slow fashion, artful living* program
- professional and industry development initiatives, and
- an annual partnership with the region's peak creative industry body, Sunshine Coast Creative Alliance.

In the 2018/19 financial year, the RADF program:

- created paid employment opportunities for 438 artists
- provided meaningful arts engagement for 3,226 direct participants
- reached audiences exceeding 31,000
- provided 196 arts experiences for Sunshine Coast communities, and
- supported the development of over 200 new works.

The 2018/19 RADF Competitive Arts Grants Program awarded \$170,179 in funding to 55 applicants. The program created paid employment opportunities for 246 artists and reached audiences exceeding 18,540 community members.

Partnerships are integral to the delivery of the RADF program. Council partnered with over 30 Sunshine Coast based organisations in 2018/19 including Advance Queensland through SCRIPT, SunCentral Maroochydore, University of the Sunshine Coast, Sunshine Coast Environment Council, Experience Eumundi and Creative Enterprise Australia.

RADF has significantly supported the development of the Horizon Festival during its establishment over the last three years. In 2019, RADF designed and supported [In]Place for the Horizon Festival, engaging lead artist Helena Papageorgio to work with five local visual artists to form an augmented reality art trail and exhibition in Nambour along with a live performance art event and panel discussion about the role of technology in the arts. [In]Place attracted audiences and participants of over 1,670 people.

The 2019 RADF program also included the second year of *fabric* – Slow Fashion, Artful Living, highlighting the region's values in sustainability and celebrating the unique local textile industry and artists on the Sunshine Coast. *fabric* included 48 events, attracted meaningful

participation of more than 1,185 people and reached audiences of over 8,000 community members.

RADF supported the region's first creative industries incubator, The Refinery, in partnership with SunCentral Maroochydore and the region's peak industry body, Sunshine Coast Creative Alliance. In its inaugural year, The Refinery supported 15 creative businesses and delivered industry events for over 1,000 local creatives.

In partnership with Council's Creative Spaces program, RADF supported three artist residencies including LJ Projects Dance Development at The Events Centre and two First Nations residencies at the Arts and Ecology Centre.

Council's partnership with the Sunshine Coast Creative Alliance focuses on local creative and cultural leadership. This year, the Sunshine Coast Creative Alliance hosted eight regional industry networking events attended by approximately 800 people with 57 local, national and international guest speakers and showcased ten artists, as well as delivering a range of local advocacy events in partnership with other arts groups engaging approximately 1,100 people.

OFFICER RECOMMENDATION

That Council receive and note the report titled "Regional Arts Development Fund Annual Report - 2018/2019 Program".

FINANCE AND RESOURCING

The Regional Arts Development Fund budget is jointly funded by the Queensland Government (Arts Queensland) and Sunshine Coast Council on a 40:60 basis. In 2018/19, Arts Queensland contributed \$100,000 and Council contributed \$165,000.

The budget of \$265,000 supports a combination of the RADF Competitive Arts Grants Program and Council initiated projects that align with the Sunshine Coast Arts Plan 2018-2038.

The key initiatives for 2018/19 included:

- *fabric* Slow Fashion Artful Living program
- The Refinery creative incubator
- Creative Spaces artist residencies
- [In]Place for 2019 Horizon Festival
- Sunshine Coast Creative Alliance Creative and Cultural Industry Partnership

RADF 2018/19 Income	
RADF Budget 2018/19	\$265,000
fabric – workshop revenue	(\$15,700)
Returned grant funds RADF 2017/18	(\$7,050)
Total Income	\$287,750

RADF 2018/19 Expenditure	
RADF Competitive Arts Grants Program	
Arts Grants – Project & Individual	\$170,179
Council Initiated Projects	

Horizon Festival – [In]Place	\$49,236
Sunshine Coast Creative Alliance Partnership	\$20,000
fabric – slow fashion, artful living	\$23,578
Creative Spaces Residencies	\$7,030
The Refinery – Creative Incubator	\$15,000
RADF Committee Training & Development	\$2,727
Total Expenditure	\$287,750

Table 1. RADF 2018/19 Income and Expenditure

RADF 2018/19 Competitive Arts Grants Program Expenditure Breakdown	
November 2018	\$51,075
March 2019	\$73,513
July 2019	\$45,591
Total	\$170,179

Table 2. RADF 2018/19 Competitive Arts Grants Program Expenditure Breakdown

CORPORATE PLAN

Corporate Plan Goal:	A strong community
Outcome:	1.3 - A shared future that embraces culture, heritage, diversity
Operational Activity:	1.3.7 - Implement priority activities from the Sunshine Coast Arts
	Plan 2018-2038.

CONSULTATION

Portfolio Councillor Consultation

Councillor R Baberowski - Portfolio Councillor for Transport, the Arts and Heritage and Chair of RADF Committee.

Internal Consultation

- Manager Arts, Heritage and Libraries
- Creative Arts and Events Team, Economic and Community Development Group
- Creative Development and RADF Liaison Officer, Economic and Community Development Group
- Team Leader Community Connections, Economic and Community Development Group
- Team Leader Creative Development, Economic and Community Development Group
- Senior Management Accountant, Business Performance

External Consultation

- Industry Partners
- RADF Assessment Panel
- Sunshine Coast Creative Alliance

Community Engagement

Council has recently undertaken an extensive community engagement program to develop the Sunshine Coast Arts Plan 2018-2038 which informs the RADF program.

PROPOSAL

The Regional Arts Development Fund (RADF) is an annual partnership between the Queensland Government, through Arts Queensland and Sunshine Coast Council. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. RADF invests in local arts and cultural priorities, as determined by local communities, across Queensland.

Sunshine Coast Council's RADF program consists of a competitive arts grants program, Council initiated projects including strategic creation of content for Horizon Festival and *fabric* – *slow fashion, artful living* program; professional and industry development initiatives; and an annual partnership with peak creative industry body, Sunshine Coast Creative Alliance.

The Sunshine Coast RADF program is informed by the Sunshine Coast Arts Plan 2018-2038 supporting artists, projects and programs that contribute to the creative ecology of the region.

The four goals in the Sunshine Coast Arts Plan are:

- Local artists and artistic content are developed and celebrated
- Arts audiences and creative opportunities flourish through investment and development
- A dedicated network of places and spaces for artists to connect, create and collaborate
- Art and creativity is embedded in the identity and experience of the Sunshine Coast.

RADF Competitive Arts Grants Program

The RADF Competitive Arts Grants Program supports the development of emerging and established artists, creative practitioners and producers. RADF funding is awarded to creative projects that directly benefit the arts ecology in the Sunshine Coast local government area.

Applications are considered three times a year (March, July and November) by the RADF External Assessment Panel, an independent group of industry representatives that reflect the diverse creative sector in the region and are selected for their expertise in creative industries.

The 2018/19 panel included;

- Portfolio Councillor, Transport, the Arts and Heritage, Councillor R Baberowski (Chair)
- Mark Ferris (technology and the arts, theatre, music, multimedia)
- Nycole Prowse (theatre, writing, festivals, community cultural development)
- Kim Schoenberger (visual arts, craft, design, festivals)
- Jenai Hooke (textile artist, participatory)
- Miles Allen (visual arts, sculpture, environmental arts)
- Murray Power (screen, music, writing, festivals).

The RADF Competitive Arts Grants Program funds projects that:

- build the profile, recognition and capacity of local artists
- support artists to test, develop and realise ideas
- foster opportunities for the creation and promotion of first nations artistic endeavours
- support diverse arts experiences
- develop and engage audiences and participation

- identify new and expanded markets for creative content
- support a strong network of local artists to foster broader connection and collaboration both within the arts sector and across sectors and
- build on the reputation of the Sunshine Coast as a place where arts and culture flourish and inspire.

In 2018/19 the RADF Competitive Arts Grants Program received 74 applications for funding, and recommended funding for 58 of the 74, with a total value of \$180,779. Subsequently three applicants declined the funding offer, therefore a total of \$170,179 was awarded to 55 applicants.

Funding Program	Received	Recommended	% Recommended
Arts Grants	62	50	81%
Individual	12	8	67%
Total	74	58	78%

Table 3. RADF Competitive	Arts Grants Program Ar	nlications 2018/10
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The RADF Competitive Arts Grants Program for 2018/19 exceeded proposed performance indicators with the following key outcomes:

- An investment of \$170,179 enabled the realisation of creative projects to the value of \$1,549,508 for the region's artists and community, representing \$9 in value for every dollar invested
- 55 projects were delivered, with four increasing arts participation for people with disabilities
- 246 artists received paid opportunities
- 767 community members participated directly in programmed creative and cultural activities
- Audiences exceeding 18,540 attended RADF grant funded arts and creative activities
- 95% of survey respondents rated the RADF funded activity as good or excellent
- RADF Officer carried out 72 face-to-face and 324 phone consultations with artists across the region almost 65% with new applicants
- RADF Officer made 215 internal referrals and 308 external referrals connecting local creative practitioners with opportunities and resources.

Council Initiated Projects

The RADF 2018/19 program supported the following Council initiated projects:

- [In]Place for Horizon Festival
- *fabric* Slow Fashion Artful Living program
- The Refinery creative incubator
- Creative Spaces residencies
- Creative Industries partnership with Sunshine Coast Creative Alliance

Council initiated projects achieved the following key outcomes:

- An investment of \$94,821 enabled the realisation of projects and programs to the value of over \$386,321, representing \$4 in value for every dollar invested
- 141 arts experiences or activities delivered including 2 first nations residencies
- Strong partnerships with key local, state and national organisations

- 192 artists received paid opportunities
- 2459 community members directly participated in programmed activities
- 13,026 attendees
- 95% of survey respondents rated the RADF funded activity as good or excellent

Horizon Festival

Horizon Festival provides a platform for our regions artists to collaborate, develop content responsive to place and engage in contemporary practice.

RADF designed and funded the [In]Place project for the 2019 Horizon Festival. The [In]Place project invited visual artists working predominantly in 2D to explore how their practice could be extended and experienced through augmented reality. Five artists worked in collaboration with lead artist and experienced animator Helena Papageorgio. Final works of various scale were curated for presentation at the Old Ambulance Station gallery and urban street locations in Nambour, including two permanent large scale murals, a live performance art event, and a panel discussion about the role of technology in the arts hosted by Stu Campbell aka Sutu Eats Flies featuring leading local artists. This project collectively formed an augmented reality art trail. The project further strengthened partnerships with Sunshine Coast Arts Industry Precinct, C Square, Immerse Conference, and nationally and internationally recognised creative practitioners.

The ArtsCoast Industry Breakfast event in partnership with Horizon Festival and Sunshine Coast Creative Alliance also employed six artists and with 70 people in attendance.

Horizon Festival also presented projects that were funded through the RADF Competitive Arts Grants Program including;

- H2O, Kim Shoenberger's sculptural work, a key component of the Elements ephemeral sculpture exhibition at the Maroochy Regional Bushland Botanic Gardens
- Nocturne, classical music under the stars produced by Louise King of Cello Dreaming for Horizon Festival central, involving over 50 artists from the Sunshine Coast, and
- Words Collide by the Bunker, spoken word series including workshops and competition at multiple venues involving over 50 artists.

fabric - Slow Fashion Artful Living program

The *fabric* - Slow Fashion, Artful Living program was developed as an artisan and industry development program responding to the growing interest in textiles, clothing and fashion, and is presented in partnership with Sunshine Coast Council's Living Smart program. The 2018/19 program included:

- an eight month curated program offering 48 events including workshops, author talks, masterclasses, film and business related sessions attended by more than 1,185 participants
- 39 paid artist opportunities, with 15 local artists paid to deliver at least one event
- an audience reach of 8,018 community members
- ticketing revenue of \$15,700
- collaboration with Sunshine Coast Environment Council on World Environment Day to present an architectural play spaces work which showcased and employed two established artists, attracted 175 participants and audiences of 3,000.

The Refinery creative incubator

The Refinery creative incubator launched in February 2019 and was designed to transform ideas into sustainable businesses. The Refinery provided a testing ground and learning platform that joins the dots between creativity and business. It included an immersive 10 weeks of workshops, masterclasses and mentoring culminating in a public showcase.

ORDINARY MEETING AGENDA

The Refinery was initiated by Sunshine Coast Council and presented in partnership with SunCentral Maroochydore and Sunshine Coast Creative Alliance, with industry partners Sunshine Coast Innovation Centre, Innovate Noosa, Peregian Digital Hub, and CQU, and supported by Advance Queensland through SCRIPT and the Queensland Government through RADF, and delivered in collaboration with Creative Enterprise Australia. The benefits included:

- 93 applications were received via an EOI process
- 30 businesses were selected for The Refinery bootcamp
- 15 local businesses were invited to participate in the incubator program
- Three projects were selected for funding of \$4000 each to take the next steps in their business journey
- A series of industry events, featuring internationally recognised creative entrepreneurs, were also held throughout the program and attracted over 1000 attendees

The successful projects were Wildlings Forest School, Project Fort Awesome and Talk Revolution.

The Refinery was also selected as the feature case study in the SCRIPT research into regional innovation by the University of the Sunshine Coast.

Creative Spaces Residencies

In 2018 Council launched Creative Spaces, a program aimed at supporting places and spaces for making and experiencing the arts and creative activities. In 2018/19, RADF in partnership with the Creative Spaces program, supported three residencies

- A professional dance residency lead by L.J.Projects in partnership with The Events Centre, Caloundra which provided seven artists with space to develop a new work with a public showing and a regional forum into dance development.
- Two First Nations residencies at The Maroochy Arts and Ecology Centre. Artisan Kris Martin mentored local First Nations artists in the creation of a large Wedge-Tailed Eagle in flight, to be used as a significant cultural totem and shade structure for the Bunya Dreaming event in January 2020, and sculptor Melissa Stannard continued her research and exploration of the topography of the human spirit.

Partnerships

Partnerships and collaborations are integral to the delivery and success of the RADF program. In 2018/19 these included:

- Advance Queensland | SCRIPT
- Maroochy Arts and Ecology Centre, Maroochy Regional Bushland Botanic Gardens
- Australian Wearable Art Festival
- Caloundra Film Festival
- Caloundra Regional Gallery
- Central Queensland University
- Immerse Conference
- CWA, Eumundi
- Experience Eumundi
- Gurulife Café, Rosemount
- Homegrown Café, Palmwoods
- Innovate Noosa
- Innovation Centre Sunshine Coast
- Living Smart

- Majestic Cinema
- Peregian Digital Hub
- Q Music
- Creative Enterprise Australia
- Rosetta Books, Maleny
- Spicers Tamarind Retreat
- SunCentral Maroochydore
- Sunshine Coast Arts Industry Precinct
- Sunshine Coast Creative Alliance
- Sunshine Coast Environment Council
- Sunshine Coast Live
- Sunshine Coast Natural Dyers Interest Group
- University of the Sunshine Coast
- Venue 114
- The Event Centre, Caloundra
- C Square

Council's partnership with the Sunshine Coast Creative Alliance, the region's peak body for the creative sector, focuses on local creative and cultural leadership.

The 2018/19 partnership supported the delivery of over 17 projects in partnership with other organisations including;

- The Refinery Creative Incubator
- The development of the SubTropic Studio artist-run space (with Creative Spaces);
- QMusic's Industry Connect Program;
- 2019 Anywhere Theatre Festival;
- The Sunshine Coast Film Festivals;
- Local Artists Video Showcase (Artists and a Mic)
- Immerse Conference and Creative Jam Hack Days 2019;
- Literature Scoping Project;
- Turnup Music Industry Conference 2019;
- Floating Land 2019;
- Point showcase music event (as part of Horizon Festival); and
- The Bunker spoken word series.

Across the scope of Sunshine Coast Creative Alliance's collaborative partnership, some of the following outcomes were achieved:

- Written support, auspicing and collaboration for 16 organisations, individuals and events
- Hosted four Juice & Jam Arts Industry Breakfasts and four Pecha Kucha (storytelling format, where a presenter shows 20 slides for 20 seconds of commentary each) events with approximately 800 attendees, 57 local/national/international guest speakers and showcased 10 local artists

Entered into partnership agreements to deliver the following key projects:

- The Refinery creative incubator, and
- Sub Tropic Studio licensee to support the transformation of the formerly vacant Caloundra Transit Interchange into artist spaces.

Developed a supporting partnership with the Creative Arts Alliance to deliver a series of local projects proposed to have regional application through RASN (Regional Arts Services Networks) including;

- Identifying and supporting local First Nations artists to attend a SEQ First Nations Artist Weekend on Minjerribah
- ArtsCoast local artists commercial product range in partnership with The Refinery, Caloundra Regional Gallery and Horizon Festival
- Regional music and cultural venues gatherings as part of Horizon Festival and PAX/PAC conferences
- Delivered a series of arts advocacy events in collaboration with other local organisations to a total audience of over 1,100 attendees including:
 - Strategic arts and cultural advice to eight regional arts and community groups, and
 - A range of online content including five podcast episodes, ten newsletters to an audience of over 2000 and 3 x 3 minute local artist showcase videos.

Legal

There are no legal implications relevant to this report.

Policy

The Regional Arts Development Fund Competitive Arts Grants Program operates in accordance with the *Local Government Act 2009*, the *Local Government Regulation 2012* and adopted Community Grants Policy.

Risk

There are no identified risks relevant to this report.

Previous Council Resolution

Ordinary Meeting 8 November 2018 (OM18/187)

That Council receive and note the report titled "Regional Arts Development Fund Annual Report - 2017/2018 Program".

Ordinary Meeting 16 August 2018 (OM18/127)

That Council:

- (a) receive and note the report titled "Sunshine Coast Arts Plan 2018-2038" and
- (b) adopt the Sunshine Coast Arts Plan 2018-2038 (Appendix A).

Related Documentation

Sunshine Coast Arts Plan 2018–2038.

Critical Dates

There are no critical dates relevant to this report.

Implementation

Council has submitted an acquittal of funds to Arts Queensland for the 2018/19 Regional Arts Development Fund program.

8.6 SIGNIFICANT CONTRACTING PLAN - MATERIAL RECOVERY FACILITY, NAMBOUR

File No:	ITT1920
Author:	Coordinator Procurement and Contract Performance Business Performance Group
Attachments:	Att 1 - Significant Contracting Plan - Material Recovery Facility, Nambour125

PURPOSE

The purpose of this report is to present and have Council adopt the Significant Contracting Plan for a new Material Recovery Facility at Nambour.

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 adopt a Significant Contracting Plan for each Significant Contract Council will enter into during the course of the financial year.

The Significant Contracting Plan (Appendix A) for the Material Recovery Facility, Nambour complies 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 "Significant Contracting Plan Material Recovery Facility, Nambour" and
- (b) adopt the Significant Contracting Plan for the Material Recovery Facility, Nambour (Appendix A).

FINANCE AND RESOURCING

Funding for this project exists in the current 2019/20 Capital Works Budget. This will be a multi-year project and provision has been made in forward budget estimates.

CORPORATE PLAN

Corporate Plan Goal:	An outstanding organisation	
Outcome:	5.6 - Information, systems and process underpin quality decisions	
	and enhance customer relationships	
Operational Activity:	5.6.21 - Ensure Council's contracts are managed effectively and	
	meet performance levels.	

CONSULTATION

Councillor Consultation

Councillor consultation was undertaken on the Material Recovery Facility project in October 2019.

Internal Consultation

Internal consultation has been conducted with relevant personnel from:

- Waste and Resource Management
- Business and Innovation
- Project Delivery.

External Consultation

The process to obtain the necessary statutory approvals (e.g. Development and Environmental Approvals) will involve consultation with relevant external parties and agencies, which has commenced.

Community Engagement

No Community Engagement has been conducted in the preparation of this Significant Contracting Plan. Information sessions will be held during the tender processes.

PROPOSAL

The *Local Government Regulation 2012* requires a Significant Contracting Plan be prepared for each Significant Contract the Council will enter into during the course of the financial year. The Plan must be adopted before the Contract starts.

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 *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 2019/20 Contracting Plan.

Council owns the existing Material Recovery Facility which is located at the Nambour Waste and Resource Management Centre. The Material Recovery Facility processes materials collected from yellow top recycling bins. The facility is over 25 years old and the current volume of material being processed at the Material Recovery Facility now exceed the facility's maximum design capacity. It is producing poor quality commodities that do not meet the current quality standards (0.5% contamination) on commodity imports set by international markets, and as a result relies on secondary processing at a contractor's site in Brisbane.

The Material Recovery Facility is old technology, labour intensive, and the existing site does not have any additional space available for future modifications, or to install new technology to process the materials for alternative uses (e.g. glass crushing). Upgrading the existing Material Recovery Facility has been assessed and is not feasible.

A site has been selected for the new Material Recovery Facility at the Nambour Waste and Resource Management Centre.

The delivery of the new Material Recovery Facility will involve two projects, being the site development contract (including road network and weighbridge), and the Material Recovery Facility design and construct contract.

The contracts have been deemed Significant Contracts due to the anticipated value being over the \$5 million dollar threshold.

The Significant Contracting Plan (Appendix A) complies with the requirements of the *Local Government Regulation 2012*.

Legal

External legal advice has been sought to develop appropriate contractual terms and conditions.

Policy

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

Risk

Entering into a contract for the Design and Construction of a Material Recovery Facility prior to adopting this Significant Contracting Plan would risk breaching the *Local Government Regulation 2012*.

Previous Council Resolution

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

Strategic Contracting Procedures.

Critical Dates

The timing for the delivery of a new Material Recovery Facility has been brought forward due to:

- Impacts from significant changes to the recycling markets, and the need to improve the quality and type of commodities being produced and
- The current contract for operating and maintaining the Material Recovery Facility expires in July 2021. The contract has provision for a 12 month extension to the current expiry date, but enacting this provision may not be advantageous to Council. Therefore, the optimal timing for commissioning a new Material Recovery Facility is July 2021.

Achieving this timeframe will require the project to commence in the 2019/20 financial year.

Implementation

Chief Executive Officer to conduct tenders in a manner consistent with the approach outlined in the Strategic Contracting Plan for Design and Construction of a Material Recovery Facility.

8.7 EXCEPTIONS UNDER LOCAL GOVERNMENT REGULATION 2012 -TRUSTEE LEASE ON RESERVE LAND - CALOUNDRA

File No:	F15/00402	
Author:	Senior Property Officer Business Performance Group	
Attachments:	Att 1 - Property Proposal	Confidential 5/26

PURPOSE

The purpose of this report is to seek an exception from Council, in accordance with Section 236(1)(c)(iii) of the *Local Government Regulation 2012*, to enter into a new tenure arrangement situated at 9 George Street, Caloundra legally described as Lot 5 on C27621, to the existing tenant of the land, STEPS Group Australia Limited, other than via a tender or auction process.

EXECUTIVE SUMMARY

Section 224(6) of the *Local Government Regulation 2012* provides that the grant of a lease over land or buildings is a disposal of a valuable non-current asset, and Section 227 provides that this disposal must be by written tender or auction.

Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012*, an exception to the disposal of a valuable non-current asset by tender or auction, for the purpose of renewing the lease of land to the existing tenant of the land, may occur if Council resolves that the exception applies.

STEPS Group Australia Limited is the current Trustee Lessee of the land situated at 9 George Street, Caloundra, legally described as Lot 5 on C27621. STEPS Group Australia Limited is seeking a new tenure, for a term of thirty (30) years.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exceptions under Local Government Regulation 2012 - Trustee Lease on Reserve Land - Caloundra"
- (b) resolve pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 that an exception to dispose of an interest in land (lease) over Lot 5 on C27621, other than by tender or auction be applied, as the disposal is to the existing tenant of the lease of land as per Section 236(1)(c)(iii) and
- (c) resolve to enter into a lease arrangement, for a term of thirty (30) years, with the existing tenant, STEPS Group Australia Limited.

FINANCE AND RESOURCING

STEPS Group Australia Limited currently pays annual rent, on a commercial basis, in the amount of \$58,026.96, increased yearly by CPI review and Market Review every five (5) years.

STEPS Group Australia Limited will be responsible for lease preparation costs.

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
	Councils objectives.

CONSULTATION

Councillor Consultation

• Councillor T Dwyer – Divisional Councillor

Internal Consultation

Internal consultation has occurred with the following officers of Council:

- Strategic Planner, Strategic Planning Branch
- Environment Project Officer, Environment and Sustainability Policy Branch
- Manager, Transport & Infrastructure Planning Branch
- Coordinator, Technical Services Branch
- Coordinator, Stormwater Management Branch
- Coordinator, Recreation Project Branch
- Coordinator, Asset Strategy Branch
- Road Corridor Technical Officer, Asset Strategy Branch
- Technical Officer Open Space Planning, Parks and Gardens Branch
- Project Officer, Environmental Operations Branch
- Coordinator, Strategic Property Branch
- Manager, Community Response Branch
- Manager, Sport & Community Venues Branch
- Manager, Community Planning & Development Branch
- Coordinator, Sports Venues & Development Branch
- Team Leader, Sports Planning & Development Branch
- Coordinator, Waste Resource Management Branch
- Manager, Economic Development Branch
- Coordinator, Place Making Branch
- Coordinator, Community Land Permits & Parking Branch
- Manager, Major Urban Developments Branch

External Consultation

Due to the administrative nature of this report, no community engagement has been undertaken or is required. STEPS Group Australia Limited has been consulted on its proposal.

Community Engagement

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

PROPOSAL

The proposal is to seek a Council resolution to grant new tenure to the existing tenant over Lot 5 on C27621 and that pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012*, the existing tenant, STEPS Group Australia Limited, may be excepted from being offered a lease by tender or auction.

The *Local Government Regulation 2012,* Section 224(6) provides that 'the grant of a lease over land or buildings' is a disposal of a valuable non-current asset and Section 227 provides that this disposal must be by written tender or auction.

When renewing a lease, the existing tenant of the lease of land is excepted under Section 236(1)(c)(iii), 'if the local government has decided by resolution, that the exception may apply' under Section 236(2).

The request for lease for a thirty (30) year lease term is due to the current and future improvements on the land, which will form part of the conditions of the thirty (30) year lease irrespective that the improvements are subject to grant funding. The offer will be further subject to a process of review including membership, financial sustainability and overall service to the community.

STEPS Group Australia Limited's proposes to expand its assets to facilitate education and training programs that improve the quality of life of STEPS' customers, provide opportunities for greater independence in life for Sunshine Coast residents, support local social and economic outcomes, and lead positive change in the community.

Legal

Council's Legal Branch will manage the drafting and finalisation of the lease.

Policy

This request is in accordance with Council Procurement Policy.

Risk

Any identified risks to leasing Council properties are managed within the terms of the lease.

Previous Council Resolution

Ordinary Meeting 28 March 2013 (OM13/57)

That Council:

- (a) exempt the leased site situated at 60 George Street, Caloundra from public tender in accordance with section 236 of the Local Government Regulation 2012 and
- (b) authorise the Chief Executive Officer to offer STEPS GROUP Australia a twelve (12) year trustee lease agreement with consideration equal to market value as soon as possible after the existing lease is relinquished, with the lease expiring on the 31 July 2025.

Related Documentation

There is no related documentation to this matter.

Critical Dates

While there are no critical dates relevant to this report, the proposed lease will require a process of negotiation, preparation and land surveys (if any) in order to be established.

Implementation

Should Council resolve that exception to dispose of an interest in land under the provisions of *Local Government Regulation 2012* Section 236(1)(c)(iii) applies and the lease be granted to STEPS Group Australia Limited for a term of thirty (30) years, the Chief Executive Officer will be required to negotiate the terms and conditions of the new tenure arrangement.

8.8 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR DISPOSAL OF AN EASEMENT FOR WATER PURPOSES WITHIN LOT 9027 SP298743

File No:	F2019/32752
Author:	Senior Property Officer Business Performance Group
Attachments:	Att 1 - Site Plan for Proposed Easement

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 an easement in favour of Unitywater for water purposes over Council land located at 7 Allpass Court Baringa and legally described as Lot 9027 SP298743.

EXECUTIVE SUMMARY

There is a requirement for the registration of an easement for water purposes, in favour of Unitywater, over Council land held under a nomination of Trust legally described as Lot 9027 on SP298743. The purpose of this easement is to accommodate a water main as shown on **Attachment 1 – Site Plan for Proposed Easement.**

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 than an exception may apply.

This report seeks an exception for the purpose of granting an easement over the existing Unitywater water main. The area of the proposed easement is $72m^2$.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exception under Local Government Regulation 2012 for Disposal of an Easement for Water Purposes within Lot 9027 SP298743"
- (b) resolve, pursuant to section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land over Lot 9027 SP298743, 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

Property Management Branch commissioned a compensation assessment for the diminished value of the encumbered land.

Costs associated with facilitating the easement are expected to be approximately \$6,750 including GST. The preparation of an easement plan and documentation, valuation report, and registration fees are payable to the Titles Office to register the dealing, which will be met by the applicant, Unitywater.

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	
	Councils objectives.	

CONSULTATION

Councillor Consultation

- Council R Baberowski Divisional Councillor
- Councillor C Dickson Planning and Development Portfolio Councillor

Internal Consultation

- Environment Project Officer, Environment and Sustainability Policy
- Manager, Transport & Infrastructure Policy
- Coordinator, Technical Services
- Coordinator, Stormwater Management
- Technical Officer Open Space Planning, Parks & Gardens
- Project Officer, Environmental Operations
- Coordinator, Strategic Property
- Senior Property Officer, Land Management

External Consultation

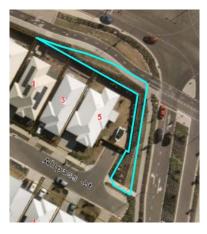
Council's Property Management Branch has liaised with the Survey Manager, Sunshine Coast of RPS Group who has been coordinating with Stockland and Unitywater.

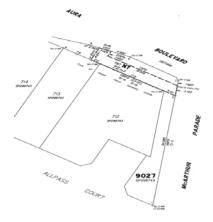
Community Engagement

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 an easement for water purposes, in favour of Unitywater, over Council land held under a nomination of Trust legally described as Lot 9027 on SP298743. The purpose of this easement is to accommodate a water main as shown below and on Attachment 1 – Site Plan for Proposed Easement.





Council land legally described as Lot 9027 SP298743 was developed as a linear park lot by Stockland as part of the Precinct 2 (Baringa) Aura Estate development. Subject to the associated Infrastructure Agreement for the development, the land transferred into Council's ownership under a nomination of Trust for Open Space or other Local Government Purposes as determined on 22 July 2017.

During the development of the precinct, a Unitywater water main was constructed within the boundary of Council's land. At that time, Stockland overlooked the requirement for an easement to accommodate Unitywater's infrastructure. As part of the 'on maintenance' process, Unitywater has reinforced its requirement that an easement must be registered over the existing water infrastructure.

Stockland is of the view that no compensation should be payable to Council, on the basis that had the easement been registered on title prior to the transfer of land, then no compensation would have been payable for the encumbrance.

Stockland did not take this opportunity, and it is the recommendation of Council's Property Management Branch that as the land is now under the ownership of Council compensation is payable. In accordance with Section 236(3) of the *Local Government Regulation 2012,* compensation would be equal to, or more than, the market value of the land including any improvement on the land and is payable by Stockland.

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 than an exception may apply.

This report seeks an exception for the purpose of granting an easement over Council freehold land, being approximately 72m².

Legal

Legal Services 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

The risks associated with this matter is that Council would not have a registered record of infrastructure within Lot 9027 SP298743. Further to this Unitywater would not have legal rights to access the infrastructure under the protection of the *South East Queensland Water (Restructuring) Act 2007.*

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

Council's standard terms document dealing number 714904857 for easements in favour of Unitywater on Council land will be registered on Title.

Critical Dates

There are no critical dates relevant to this report, however, Stockland and Unitywater have requested that the matter be finalised as soon as possible.

Implementation

If Council resolves that an exception to 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 in the Titles Office by Stockland.

8.9 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR DISPOSAL OF AN EASEMENT FOR SEWERAGE PURPOSES WITHIN LOT 71 ON RP138288

File No:	F2019/8934	
Author:	Senior Property Officer Business Performance Group	
Attachments:	Att 1 - Site Plan for Proposed Easement145Att 2 - Location Plan147Att 3 - Location Plan for Proposed Easement149	•

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 an easement in favour of Unitywater for sewerage purposes over Council freehold land located at Yarrawah Street, Coes Creek and legally described as Lot 71 on RP138288.

EXECUTIVE SUMMARY

There is a requirement for the registration of a sewerage easement, in favour of Unitywater, over Council freehold land legally described as Lot 71 on RP138288. The purpose of this easement is to accommodate a trunk sewer main as shown on Attachment 1 – Site Plan for Proposed Easement.

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 than an exception may apply.

This report seeks an exception for the purpose of granting an easement over Council freehold land, being approximately 276m².

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exception under Local Government Regulation 2012 for Disposal of an Easement for Sewerage Purposes within Lot 71 on RP138288"
- (b) resolve, pursuant to section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land over Lot 71 on RP138288, 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

Property Management Branch commissioned a compensation assessment for the diminished value of the encumbered land.

In addition to compensation, it is proposed that Unitywater is also required to offset the loss of vegetation cover and restore the gap in the vegetation corridor, in the amount of \$18,420 plus GST.

Costs associated with facilitating the easement are expected to be approximately \$6,750 including GST. The preparation of an easement plan and documentation, valuation report, and registration fees are payable to the Titles office to register the dealing, which will be met by the applicant, Unitywater.

CORPORATE PLAN

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

CONSULTATION

Councillor Consultation

Councillor S Robinson – Divisional Councillor

Councillor C Dickson - Planning and Development Portfolio Councillor

Internal Consultation

- Manager, Business and Innovation
- Project Officer, Environmental and Sustainability Policy
- Coordinator, Land Management
- Manager, Transport & Infrastructure Policy
- Senior Building Certifier, Development Services
- Senior Development Planner, Development Services
- Coordinator, Technical Services
- Coordinator, Stormwater Management
- Senior Capital Works Program Officer, Asset Management and Capital Plan
- Coordinator, Asset Strategy
- Coordinator, Strategic Property
- Strategic Planner, Strategic Planning
- Solicitor, Legal Services
- Technical Officer, Parks & Gardens
- Project Officer, Environmental Operations
- Senior Property Officer, Land Management

External Consultation

Council's Property Management Branch has liaised with the following external stakeholders on this matter:

- Unitywater
- Subdivisions (Qld) Pty Ltd.

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 a sewerage easement in favour of Unitywater over Council freehold land legally described as Lot 71 on RP138288. The purpose of this easement is to accommodate a trunk sewer main as shown below and in Attachment 1 – Site Plan for Proposed Easement.



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 than an exception may apply.

This report seeks an exception for the purpose of granting an easement over Council Freehold land, being approximately 276m².

The easement will be registered in accordance with Unitywater's standard terms document dealing number 714904857 for sewerage easements.

Legal

Legal Services have 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

The risk associated with this report is that if the easement is not registered over the Unitywater infrastructure then sewerage facilities will not be supplied to the emerging community designated areas to the northwest of Perwillowen Road.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

Council's standard terms document dealing number 714904857 for easements in favour of Unitywater on Council freehold land will be registered on Title.

Critical Dates

There are no critical dates relevant to this report, however, Unitywater have requested that the matter be finalised 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 in the Titles Office by Legal Services.

8.10 NOVEMBER 2019 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports

Author: Coordinator Financial Services Business Performance Group

Late report to be provided.

8.11 BUDGET REVIEW 2

File No:	Council Meetings
Author:	Coordinator Financial Services Business Performance Group

Late report to be provided.

8.12 SUNSHINE COAST CITY HALL - PROJECT UPDATE

File No: Council meetings

Author: Project Director (Workplace) Business Performance Group

Late report to be provided.

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

File No:	Council meetings
Author:	Manager Corporate Governance Office of the CEO
Appendices:	App A - Amendment Local Law No. 2 (Miscellaneous) 2019171 App B - Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019181
Attachments:	Att 1 - Summary of Submissions211 Att 2 - Public Interest Review Report233

PURPOSE

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

EXECUTIVE SUMMARY

Since the Sunshine Coast Council suite of local laws came into effect on 1 January 2012, a number of amendments have been presented to Council for consideration. As part of the five (5) year local law review, Corporate Governance have undertaken a series of stakeholder meetings to determine what further amendments were required to ensure the local laws remain current and responsive to community and environmental needs.

Following a series of workshops, information sessions, individual stakeholder meetings and a rigorous decision making process, several amendments to the local laws and subordinate local laws were presented to Council at the Ordinary Meeting on 22 August 2019 for consideration.

These amendments included:

- Inclusion of a new prescribed activity for making amplified music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme).
- The ability to allow building site delivery noise permits outside of normal business hours in clearly defined circumstances.
- The ability to allow building site noise permits outside of normal business hours in clearly defined circumstances.
- Removal of the dog off leash beach at beach access 245-247 and replace with a new timed dog off leash area between beach access 245-249 from 5pm 8am.
- Various animal management changes primarily around strengthening enforcement provisions.
- Inclusion of ability to utilise low voltage (Pingg) fencing adding additional capacity for the containment of cats within property boundaries.
- Clearer understanding around the ability for authorised persons (parking inspectors) to mark tyres using crayon, chalk or similar substance for enforcing parking regulation.
- The ability to regulate the temporary placement of shipping containers for storage.
- The ability to provide parking permits to health and community services workers.
- Flexibility with eligibility requirements for commercial vehicle parking permits.

Appendix A (amendment to local laws) and **Appendix B** (amendments to subordinate local laws) of this report contain the full details of the amendments that were presented to Council at the 22 August 2019 Ordinary Meeting for consideration.

In accordance with the requirements of the *Local Government Act 2009* and Council's endorsed Local Law Making Process, community consultation, State interest checks and a public interest review was undertaken between 23 August and 23 September 2019.

There were 67 submissions received as part of the community consultation process (6 did not relate to the current proposed amendments) and details of the submissions received are attached to this report (see **Attachment 1**). The only State department to provide comments on the local law amendments was the Department Transport and Main Roads (DTMR). DTMR comments are detailed in **Attachment 1** to this report and officer recommendations. No submissions were received from the Public Interest Review. The Public Interest Review Report is attached to this report (see **Attachment 2**).

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

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Making Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019"
- (b) resolves that Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019, have been reviewed in accordance with section 38 of the Local Government Act 2009 and resolves to implement the recommendations of the Public Interest Review Report (Attachment 2) that the anti-competitive provisions contained in the laws are in the public interest and should be retained
- (c) in accordance with Council's 'Process for Making Local Laws' adopted on 1 June 2010, pursuant to section 29 of the *Local Government Act 2009*, hereby resolve to make Amendment Local Law No.2 (Miscellaneous) 2019 (Appendix A) with the following amendment based on consideration of public submissions and the State interests check feedback:
 - i. add a new Part 4 to clarify that where building work noise permit is issued this replaces the prescribed noise standard for building work in the *Environmental Protection Act 1994.*
- (d) in accordance with Council's 'Process for Making Local Laws' adopted on 1 June 2010, pursuant to section 29 of the Local Government Act 2009, hereby resolve to make Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 (Appendix B) with the following amendments based on consideration of public submissions and the State interests check feedback:
 - i. in section 5 (Replacement of section 8 (State-controlled roads to which stated local laws apply), remove the redundant words "in operation at the commencement of this provision, remove the footnote and amend the definition of *prescribed advertising device* to update outdated references to the Roadside Advertising Manual
 - ii. in section 7 (Insertion of new schedule 5A and 5B), amend section 4 of both new schedules to include examples of the "extraordinary circumstances" and "environmental or public safety reasons" justifying why building work noise or building site delivery noise needs to occur outside normal prescribed hours
 - iii. in section 16 (Amendment of schedule 6 (Dog off-leash areas), amend

subsection (1) to include a time limitation (5pm to 8am) for the part of the existing dog off-leash area between beach accesses 245 and 249 at Bokarina and amend subsection (2) to substitute map 2.6.24 to reflect this change

- in section 21 (Amendment of schedule 2 (Restricted activities for local government controlled areas, facilities, infrastructure or roads), subsection (2), amend column 3 of the new table row to clarify that an activity in column 2 can only be permitted by the local government where it is not prohibited under State legislation
- (e) authorise the Chief Executive Officer to amend the 2019/20 Register of Cost-Recover Fees and Commercial Charges to include the cost-recovery fee for "Application for Health and Community Services Parking Permit":
 - i. Fee Description: Health and community services parking permit Application for permit to park contrary to an indication on an official traffic sign regulating parking by time or payment of fee
 - ii. Section in *Local Government Act 2009*: section 97(2)(a)
 - iii. Legislative Authority: *Local Law No. 1 (Administration) 2011*, section 8 & section 42.
 - iv. Fee including GST: \$51
- (f) authorise the Chief Executive Officer to amend the 2019/20 Register of Cost-Recover Fees and Commercial Charges to include the cost-recovery fee for the "Temporary Placement of a Shipping Container – Application":
 - i. Fee Description: Temporary placement of a shipping container -Application for a permit to carry out prescribed activity.
 - ii. Section in Local Government Act 2009: section 97(2)(a),
 - iii. Legislative Authority: LL1 (Administration) 2011, section 8 & section 42.
 - iv. Fee including GST: \$264
- (g) authorise the Chief Executive Officer to amend the 2019/20 Register of Cost-Recover Fees and Commercial Charges to include the cost-recovery fee for "Building work noise or building site delivery noise outside normal hours".
 - i. Fee Description: Building work noise/building site delivery noise outside normal hours Application for a permit to carry out prescribed activity.
 - ii. Section in Local Government Act 2009: section 97(2)(a),
 - iii. Legislative Authority: *Local Law No.1 (Administration) 2011*, section 8 & section 42.
 - iv. Fee including GST: \$346, and
- (h) authorise the Chief Executive Officer to amend the 2019/20 Register of Cost-Recover Fees and Commercial Charges to include the cost-recovery fee for the "Operation of an amplified music venue within a special entertainment precinct"
 - i. Fee Description: Operation of an amplified music venue within a special entertainment precinct Application for a permit to carry out prescribed activity.
 - ii. Section in Local Government Act 2009: section 97(2)(a),
 - iii. Legislative Authority: *Local Law No. 1 (Administration) 2011*, section 8 & section 42 and
 - iv. Fee including GST: \$346.

FINANCE AND RESOURCING

Local Law Drafting

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

Costs of the administration and regulation of the local law

Table 1 below outlines the finance and resourcing implications as a result of implementing the local law amendments. The fees and charges for the new prescribed activities are based on the estimated time and resources required to process and assess the new prescribed activities (detailed in **Table 1** below). As part of the relevant areas normal operating procedures, staff resourcing levels will be reassessed as part of the relevant areas annual review of their operating budgets.

Local Law	Proposed change	Finance and resourcing implications
Local Law No. 1 (Administration) 2011 and	Inclusion of a new prescribed activity for making amplified	Information provided by operational areas
Subordinate Local Law No. 1 (Administration) 2016	music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme)	At this stage it is not expected that there will be many businesses within the new Entertainment Precinct in Nambour that will apply for a making amplified music noise in a special entertainment precinct approval. It is anticipated in the early stages that the current resources within the Healthy Places Team, Customer Response will manage these applications. This activity will be reassessed over time as more businesses in the Nambour Entertainment Precinct apply for approvals.
		A new cost recovery application fee of \$346.00 has been based on the estimated time it will take to process and assess these types of applications.
		A recommendation to amend the fees and charges to include a new application fee of \$346.00 for the operation of an amplified music venue within a special entertainment precinct applications has been included in the officer recommendation of this report.
Local Law No. 1 (Administration) 2011 and	The ability to allow building noise permits for special circumstances outside business hours	Information provided by operational areas
Subordinate Local Law No. 1 (Administration) 2016		The amendments relating to exemptions for building noise (causing building noise and causing delivery building noise) will only apply in extraordinary circumstances and is a new prescribed activity.
		It is expected that in the early stages current resources within the Healthy

Local Law	Proposed change	Finance and resourcing implications
		Places Team, Customer Response will manage these applications and the regulation of building noise is already covered in existing resources allocations. If additional workloads are unable to be met by current resourcing and Council is receiving additional revenue for applications a request for additional % of an FTE resource will be forthcoming to Council for consideration.
		A new cost recovery application fee of \$346.00 has been calculated based on the estimated time to process and access these types of applications.
		A recommendation to amend the fees and charges to include a new application fee of \$346.00 for causing building noise and causing delivery building noise applications has been included in the officer recommendation of this report.
Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1 (Administration) 2016	Regulation of the placement of shipping containers	Information provided by operational areas
		A new cost recovery fee of \$264.00 has been calculated based on the estimated time to process and access these types of applications. All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.
		A recommendation to amend the fees and charges to include a new application fee of \$264.00 for shipping container applications has been included in the officer recommendation of this report.
Local Law No. 2 (Animal Management) 2011 and	Inclusion of compliance notice powers for unregistered dogs	Information provided by operational areas
Subordinate Local Law No. 2 (Animal Management) 2011		The compliance activity will be delivered within current operational resourcing and budgets.
		Council has addressed 780 reports of unregistered dogs in the last 12 months, of these 51 (6.5%) are not registered after an initial infringement or request from Response Services.
		Where a compliance notice is issued, the dog may be impounded and/or an infringement for failure to comply with a compliance notice may be issued the on-the-spot fine for this offence is 5 penalty units or \$667.

Local Law	Proposed change	Finance and resourcing implications
		Where an animal is impounded the normal cost-recovery fees apply.
Subordinate Local Law No. 5 (Parking)	New permit - Health and community services parking permits	Information provided by operational areas
		The current application fee for a parking permit is \$51.00. A new cost recovery fee of \$51.00 for these types of parking permits has been based on the current application fee for all parking permits. It is currently anticipated that all administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.
		A recommendation to amend the fees and charges to include a new application fee of \$51.00 for health and community services parking permit applications has been included in the officer recommendation of this report.
Subordinate Local Law No. 5 (Parking)	Flexibility with regards to who can apply for a commercial vehicle permit	Information provided by operational areas
		This proposal provides greater flexibility with who may apply for a commercial parking permit.
		The current application fee for a parking permit is \$51.00 and covers commercial parking permits.
		All administration costs associated with implementing this change will be delivered within existing operational resourcing and budgets.

CORPORATE PLAN

Corporate Plan Goal: Outcome: Operational Activity:

Service excellence

We serve our community by providing this great service S21 - Local amenity and local laws - maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Portfolio Councillor Consultation

Consultation has occurred with Councillor E Hungerford, Portfolio Councillor.

Councillor Consultation

Councillors have been consulted throughout the local law making process.

Internal Consultation

Consultation with all relevant internal stakeholders has been undertaken with regards to the new local law amendment including the below:

Office of the Mayor and CEO

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

Customer Engagement and Planning Services

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

Liveability and Natural Assets

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

External Consultation

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

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

Public Interest Review

To assist with the public interest review a consultation paper was written. The review sought to gain community feedback to allow Council to determine whether potentially anticompetitive provisions should be retained within the proposed local law (in the overall public interest).

The public interest review was undertaken with specific businesses that may have been impacted by the amendments from 23 August 2019 to 23 September 2019 (32 days). No submissions were received from the community or businesses on the public interest review paper during this period. The Public Interest Review Report is attached to this report (see **Attachment 2**).

State Interest Check

The following State departments were invited to review the proposed amendments local laws and provide comments.

- Department of Environment and Science
- Department Local Government, Racing and Multicultural Affairs

- Department Natural Resources, Mines and Energy
- Treasury
- Department State Development, Manufacturing, Infrastructure and Planning and
- Department Transport and Main Roads.

The Department Transport and Main Roads (DTMR) were the only State department to provide comments on the proposed amendments. Comments from DTMR are detailed in **Attachment 1** to this report. Only minor changes have been made to the local law amendments in response to the comments provided by DTMR. It is recommended that these minor amendments detailed in the officer recommendations are considered.

Community Engagement

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

The local law making process community consultation period for the amendments to the local laws occurred from 23 August 2019 to 23 September 2019 (32 days) and included the following:

- Media Release
- Website Information Pages "Have Your Say" for proposed changes
- Public Notice Sunshine Coast Daily
- Banners and Information Stands in Caloundra and Nambour Customer Service Centres
- Spotlight radio advertising
- Some Councillor columns print media
- Sunshine Coast Lightning activation stand
- Targeted email notices to Presidents and general contacts for Chamber of Commerce organisations
- Targeted email notices to 12 health and community service organisations that provide carers
- Targeted email notices to 15 businesses that provide dog walking and pet care services
- Targeted email notices to QBCC, Engineers Australia, Master Builders Association and the Housing Industry Association
- Targeted email notices to 9 businesses that provide shipping containers

Table 2 below is a brief overview of the results of the community consultation submissions. Council received 67 submissions on the local law amendments during the consultation period, 6 of those submissions did not relate to the current proposed amendments. These submissions have been referred to the relevant operational areas for consideration. Full details of all submissions on the local law amendments are contained in **Attachment 1** to this report.

Table 2 – Results of community consultation

Local Law	Subject	Agree	Disagree
Local Law No. 2 (Animal Management)	Meaning of effective management of an animal in a public place	0	1
Local Law No. 2 (Animal Management)	Control of animals in a public place	1	0
Local Law No. 5 (Parking)	Marking tyres for enforcement purposes	0	1

Subordinate Local Law No. 1 (Administration)	Causing Building Site Delivery Noise' and 'Causing Building Site Noise'	0	27
Subordinate Local Law No. 1 (Administration)	Operation of an amplified music venue within a special entertainment precinct	0	2
Subordinate Local Law No. 1 (Administration)	Temporary placement of shipping container	2	1
Subordinate Local Law No. 1 (Administration)	Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (inclusion of new health and community services permit)	0	1
Subordinate Local Law No. 1 (Administration)	Parking in a loading zone by displaying a commercial vehicle identification label	0	1
Subordinate Local Law No. 2 (Animal Management)	Dog off-leash areas – removal of dog off leash beach at Bokarina beach due to new bathing reserve	5	18
Subordinate Local Law No. 3 (Community Health and Environmental Management)	Pingg Fencing	0	1

Community Consultation – New Bokarina Beach Bathing Reserve

Council also undertook community consultation to seek comments on the proposed gazettal of a new bathing reserve at Bokarina Beach which will have the effect of extending the existing Wurtulla Bathing Reserve by approximately 700m. The new bathing reserve will permit the establishment of a lifeguard service and a patrolled beach at Bokarina.

Currently under the local laws, there is a declared dog off leash area between beach accesses 245-247 at all times. As dogs are not permitted in a bathing reserve (unless a sign permits the animal) it was proposed as part of the amendment to the local laws that the dog off leash area between beach accesses 245-247 be removed. It is proposed that dogs will be permitted by way of sign which allows them to traverse through the bathing area on a lead to access the 3.8 kilometers dog off leash area at beach access 226-245.

As part of this process, Council received a further 51 submissions which primarily related to the proposed removal of the dog off leash beach between beach access 245-247.

Of the 51 submissions received as part of this process, 20 agreed with the proposed gazettal of the new bathing reserve at Bokarina Beach and 31 disagreed with the proposal. In response to the submissions received, it is recommended that Council give consideration to a new timed dog off leash area between beach access 245-249 between 5pm-8am to accommodate dogs off leash outside of the patrolled hours.

PROPOSAL

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

At Council's Ordinary Meeting on 22 August 2019, a number of proposed amendments to the following local laws and subordinate local laws were presented to Council for consideration:

- Local Law No. 1 (Administration) 2011
- Subordinate Local Law No. 1 (Administration) 2016
- Local Law No. 2 (Animal Management) 2011
- Subordinate Local Law No. 2 (Animal Management) 2011

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

These amendments included:

- Inclusion of a new prescribed activity for making amplified music noise in a special entertainment precinct (allowing regulation ability for newly created Nambour Entertainment Precinct within the Planning Scheme).
- The ability to allow building site delivery noise permits outside of normal business hours in clearly defined circumstances.
- The ability to allow building site noise permits outside of normal business hours in clearly defined circumstances.
- Removal of the dog off leash beach at beach access 245-247 and replace with a new timed dog off leash area between beach access 245-249 from 5pm 8am.
- Various animal management changes primarily around strengthening enforcement provisions.
- Inclusion of ability to utilise low voltage (Pingg) fencing adding additional capacity for the containment of cats within property boundaries.
- Clearer understanding around the ability for authorised persons (parking inspectors) to mark tyres using crayon, chalk or similar substance for enforcing parking regulation.
- The ability to regulate the temporary placement of Shipping Containers for storage.
- The ability to provide parking permits to health and community services workers.
- Flexibility with eligibility requirements for commercial vehicle parking permits.

The amendments also included a number of minor administrative changes and updates of legislative references.

As part of Council's Local Law Making Process, public consultation was undertaken between 23 August and 23 September 2019 and has now been finalised. These included:

- Community Consultation
- Public Interest Review
- State Interest Check

Attachment 1 to this report provides the full details on the submissions received as part of the State Interest Check and Community consultation. **Attachment 2** to this report contains the Public Interest Review report resulting from the Public Interest Review paper that formed part of the public consultation process.

Appendix A (amendment local law) and **Appendix B** (amendment subordinate local law) contains the full details of the local law amendments.

Local Law Making Process

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

Table 3 – Local Law Making Process

Statutory Requirement	Action taken	Date	Status
Propose to make local law amendments	Report to Council to propose to make Amendment Local Law No. 2 (Miscellaneous) 2019 and Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019	22 August 2019	Complete
Community Consultation	 Undertake Community Consultation including but not limited to: Media Release Website Information Pages "Have Your Say" for proposed changes Public Notice Sunshine Coast Daily Banners and Information Stands in Caloundra and Nambour Customer Service Centres Spotlight radio advertising Some Councillor columns print media Sunshine Coast Lightning - activation stand general contacts for Chamber of Commerce organisations Targeted email notices to 12 health and community service organisations that provide carers Targeted email notices to 15 businesses that provide dog walking and pet care services Targeted email notices to QBCC, Engineers Australia, Master Builders Association and the Housing Industry Association Targeted email notices to 9 businesses that provide shipping containers 	23 August to 23 September 2019	Complete
State interest check	 Undertake a State interest check with the following State departments: Department of Environment and Science Department Local Government, Racing and Multicultural Affairs Department Natural Resources, Mines and Energy Treasury Department State Development, Manufacturing, Infrastructure and Planning and Department Transport and Main Roads. 	23 August to 23 September 2019	Complete
Public interest review	Undertake a public interest review with regards to identified anti-competitive provisions.	23 August to 23 September 2019	Complete
Council Website Updated	All relevant information and documentation placed on and available through Council's website on <i>"Have your say"</i> page.	23 August to 23 September 2019	Complete
Report to Council to make the amendment local laws	Prepare report to Council to make the local laws	12 December 2019	Current
Gazette Notice Publication	Preparation of Government Gazette notice for publication in the Government Gazette.	20 December 2019	To be prepared
Website Notice	Preparation of the website notice	20 December 2019	To be prepared

Notice to Minister	Preparation of notification to the Minister, Department of Local Government, Racing and Multicultural Affairs.	24 December 2019	To be prepared
Consolidation of Local	Preparation and adoption of the consolidated local laws.	30 January	To be
Laws		2020	prepared

Legal

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

- completing all statutory requirements required for the making of the local laws
- ensuring effective implementation of the amendment local law and
- utilising robust systems and processes to monitor the performance of the local laws.

Policy

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

Risk

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

- completing all statutory requirements required for the making of the local laws
- ensuring effective implementation of the amendment local law and
- utilising robust systems and processes to monitor the performance of the local laws.

Previous Council Resolution

Ordinary Meeting 22 August 2019 OM19/130

That Council:

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

Related Documentation

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

Critical Dates

It is beneficial for Council to make the local law amendments in order for the local law and subordinate local law amendments to take effect by the 20 December 2019.

Implementation

Following consideration of this report, actions relevant to the recommendation will be implemented and the final stages of the local law making process will be actioned which includes:

- Publication of the Gazette notice in the Government Gazette
- Ministerial Notification
- Consolidation of the amendments.

8.14 POLICY ALIGNMENT DELEGATION

File No:	Council meetings
Author:	Principal Policy Officer Office of the CEO

PURPOSE

The Office of Chief Executive Officer is undertaking a project to review all policies and procedures used by Council to ensure alignment with recent local government legislative change, including those arising from the Belcarra Report. It is proposed that Council delegate to the Chief Executive Officer authority to make minor administrative changes to existing policies where items of no materiality are identified.

EXECUTIVE SUMMARY

Sunshine Coast Council has a comprehensive framework for the good governance of the organisation, providing for both compliance with relevant legislation and ongoing enhancement of good practice and a positive workplace culture.

Recent legislative changes, including those arising as a result of Belcarra (Stages 1 and 2), have provided an opportunity for Council to review and update its full suite of policies, guidelines and procedures under that governance framework. The first phase of review has involved identifying revisions to policies and procedures required to ensure currency and compliance.

This report seeks to inform Council of the review process and proposes Council delegate authority to the CEO to make minor administrative updates to documentation, where no matters of material or significant change are identified.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Policy alignment delegation" and
- (b) delegate to the Chief Executive Officer the authority to make minor administrative amendments to policies to ensure currency and compliance with relevant legislation.

FINANCE AND RESOURCING

There are no financial implications as a result of these administrative changes.

CORPORATE PLAN

Corporate Plan Goal:	An outstanding organisation
Outcome:	5.3 - Strong and accountable leadership enabling Councillors,
	individuals and teams to be their best
Operational Activity:	5.3.1 - Implementation of strategic initiatives and key projects to
	support safety performance including the annual safety
	management plan and the safety management system.

CONSULTATION

Councillor Consultation

Portfolio Councillor T Hungerford, Mayor Mark Jamieson and Deputy Mayor Councillor T Dwyer.

Internal Consultation

- Manager Audit and Assurance
- Board of Management
- Relevant and appropriate Council officers have been consulted during this review process.

External Consultation

No external consultation was conducted for the review of policies.

Community Engagement

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

PROPOSAL

Sunshine Coast Council has a comprehensive framework for the good governance of the organisation, providing for both compliance with relevant legislation and ongoing enhancement of good practice and a positive workplace culture.

Recent changes to the *Local Government Act 2009* (the Act), including those arising as a result of Belcarra (Stages 1 and 2), have provided an opportunity for Council to review and update its full suite of policies, guidelines and procedures under that governance framework. Both strategic policies (those endorsed by Council) and operational policies (those endorsed by the CEO) are included in the review.

The first phase of review has involved identifying revisions to policies and procedures required to ensure currency and compliance.

In this regard, minor administrative revisions are being identified that include, but may not be limited to:

- Amending policy titles for clearer cross-referencing with legislation. For example, the "SCC Advertising Policy" to be retitled as the "SCC Advertising Spending Policy" and the "SCC Procurement Policy" to the "SCC Procurement Policy and Contracts Manual".
- Updating references to SCC operational groups or external agencies that may have changed since previous reviews.
- Updating signature blocks and application dates for existing policies.
- Considering those policies that may be better classified as "Procedures" that are applied at the operational level.

The recent passage of the Belcarra Stage 2 reforms and adoption by Parliament will necessarily require some policy revisions that will be of a more substantive nature. In particular, the "SCC Mayor and Councillor Discretionary Funds Policy" will require amendments regarding notifications and publication of allocations, and the restrictions that will now apply in the election year. Advisory communications regarding these changes have been previously circulated to Councillors.

Updates and decision making for Council in relation to policies requiring more substantive changes will be advised in early 2020.

Legal

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

Section 257(5) of the Act requires the local government to review all delegations to the Chief Executive Officer annually.

Policy

Any action taken would be done so in accordance with the Delegations Guiding Principles Policy.

Risk

This report and recommendation has been prepared to mitigate the risk that any minor policy amendment may currently require a Council resolution to correct.

Previous Council Resolution

There are no previous Council resolutions that relate to this report.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates relevant to this report.

Implementation

Should the recommendation be accepted by Council, the Chief Executive Officer will progress appropriate policy revisions, noting that any proposed changes of a material nature will be brought to Council for consideration and resolution.

9 NOTIFIED MOTIONS

10 TABLING OF PETITIONS

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION

11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LAND ACQUISITION, MAROOCHY RIVER

File No:F2019/8313Author:Manager Environment and Sustainability Policy
Liveability & Natural Assets Group

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with section 275 (e) *of the Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council (Land acquisitions are confidential due to contractual requirement of sale).

11.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY ACQUISITION OF LAND - KIAMBA

File No:F2019/12401Author:Senior Property Office

Author: Senior Property Officer Business Performance Group

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with section 275 (e) *of the Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council.

12 NEXT MEETING

The next Ordinary Meeting will be held on 30 January 2020 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE