

# Agenda

## **Ordinary Meeting**

**Thursday, 25 July 2013**

**commencing at 9.00am**

**Council Chambers, 1 Omrah Avenue, Caloundra**



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**1 DECLARATION OF OPENING**

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

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

That the Minutes of the following meetings be received and confirmed:

- Special Meeting (Commercial Use of Council Controlled Land) held on 4 June 2013
- Special Meeting (Festive Season Strategy and Tourism Development held on 5 June 2013
- Special Meeting (Organisational Review and Structure) held on 6 June 2013
- Ordinary Meeting held on 20 June 2013
- Special Meeting (Budget) held on 25 June 2013
- Special Meeting (Tourism and Investment Matters) held on 27 June 2013.

**4 OBLIGATIONS OF COUNCILLORS****4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 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.

**4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 173 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 and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

**5 MAYORAL MINUTE****6 PRESENTATIONS**

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**7 REPORTS DIRECT TO COUNCIL****7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ADDITIONAL TOURIST ATTRACTIONS, 157 WARRAN ROAD, YAROOMBA, QLD, 4573**

File No: MCU12/0190

Author: Senior Development Planner  
Regional Strategy & Planning Department

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<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Palmer Coolum Resort Pty Ltd
<b>Proposal:</b>	Development Permit for Material Change of Use of Premises (Additional Tourist Attractions)
<b>Properly Made Date:</b>	21/11/2012
<b>Information Request Date:</b>	12/12/2012
<b>Info Response Received Date:</b>	27/05/2013
<b>Decision Due Date:</b>	25/07/2013
<b>Number of Submissions:</b>	198 submissions, including 181 properly made and 17 not properly made
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	8
<b>Property Address:</b>	157 Warran Road, Yaroomba, Qld, 4573
<b>RP Description:</b>	Lot 13 SP 238215, Lot 10 SP 238215, Lot 27 SP 238215
<b>Land Area:</b>	92.5ha
<b>Existing Use of Land:</b>	Palmer Resort and Golf Course
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Urban
<b>Planning Scheme:</b>	Maroochy Plan 2000 (24 October 2011)
<b>Strategic Plan Designation:</b>	Urban, Recreation
<b>Planning Area / Locality:</b>	Planning Area No 10 (Mount Coolum)
<b>Planning Precinct / Zone</b>	Precinct 8 (Master Planned Community)
<b>Assessment Type:</b>	Impact

## PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for a Material Change of Use for new tourist attractions at the Palmer Resort at 157 Warran Road, Yaroomba. The application is before council because there is a significant level of public interest, with 181 properly made submissions having been received.

## EXECUTIVE SUMMARY

The proposal seeks approval for 2 new tourist attractions within the Palmer Resort, including a vintage car museum and a fenced dinosaur exhibit. The attractions would be internal to the resort, confined primarily to precinct 1A (resort) (**Refer Attachment 3 – Preliminary Approval Plan of Development**).

The 1.3 hectares of new development is of a minor nature within the 150 hectare resort, with minimal off site impacts. No vegetation is proposed to be removed and the site's environmentally sensitive areas (rainforest, parabolic dune, buffers and golf course) would remain protected. The balance of the resort, including the golf course, resort reception, conference facilities, village square, Spa, beach club, back of house facilities, special events, pedestrian/cycle networks and ancillary facilities would remain unaltered and operational.

Integrated tourist resorts anticipate '*facilities and activities which attract, accommodate and entertain tourists where some facilities are open to the public use.*' Both Maroochy Plan 2000 and the *Palmer Integrated Resort and Residential Community* preliminary approval anticipate future development within the resort. The applicant's traffic study concludes that the existing resort access and underutilized resort parking are adequate to accommodate the proposed new uses. The Department of Transport and Main Roads has no objections and has provided conditions.

The proposal is recommended for approval with conditions.

## OFFICER RECOMMENDATION

**That Council APPROVE WITH CONDITIONS Application No. MCU12/0190 and grant a Development Permit for Material Change of Use of Premises to establish 2 new tourist attractions, including a vintage car museum/exhibition area and a dinosaur park for the land situated at the Palmer Resort, 157 Warran Road, Yaroomba, subject to the conditions of approval as outlined in Appendix A.**

## FINANCE AND RESOURCING

Council's Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development (which excludes infrastructure charges to Unitywater):

Allocation of adopted infrastructure charge to trunk infrastructure networks	Offset/Rebate	
Transport	\$0.00	\$58,905
Public Parks & Land for Community Facilities	\$0.00	\$10,395
Stormwater (applicable to Residential development)	\$0.00	\$0
Stormwater (applicable to Non-Residential development)	\$0.00	\$23,800
<b>TOTAL =</b>	<b>\$0.00</b>	<b>\$93,100.00</b>



## PROPOSAL

On 21 November 2012, an application was lodged for a Development Permit for Material Change of Use to establish new tourist attractions at the Palmer Resort including:

- a vintage car museum/gallery/exhibition space, housed within 7 marquees (500m<sup>2</sup> each, total of 3,500m<sup>2</sup>) to be replaced with a permanent building if viable
- a mini dinosaur exhibit (up to 50 small animated statues)
- a tracked car ride (small vintage cars) for children
- a mini golf course (18 hole putt putt) and
- a relocated new technological advanced driving range.

On 27 May 2013, the applicant responded to council's Information Request, changing the application to a considerably scaled back version of the initial application to include:

- a vintage car museum/gallery/exhibition space (2,075m<sup>2</sup>) housed within 4 x 500m<sup>2</sup> marquees and a 150m<sup>2</sup> theatre and
- a dinosaur exhibit/park accommodating up to 160 dinosaur replicas strategically located amongst existing vegetation.

The revised vintage car museum would be located on the site of the closed putting green within precinct 1A (resort) between the resort car park and the resort reception. The dinosaur exhibit would be located just west of the existing village square primarily within precinct 1A (resort), and would be accessible by the existing path leading from the car park to the village square. A small portion of the dinosaur exhibit would be located within a non-playing area of precinct 2 (golf course), located between the 1<sup>st</sup> golf hole and the existing asphalt path leading to the tennis courts. The exhibits would be set amongst the existing vegetation to provide a scenic backdrop. The pedestrian path network would be enhanced to ensure adequate pedestrian access to all new facilities.

The proposed operating hours for the vintage car museum/gallery/exhibition are 10:00 am to 6:00 pm, 7 days per week, 365 days per year. The proposed operating hours for the dinosaur park are 10:00 am to 9:00 pm, 7 days per week, 365 days per year.

The existing driving range would remain unaltered. The applicant has determined not to proceed with the tracked care ride or the mini golf course at this stage.

## SITE DETAILS

### Background/History

A number of development approvals have existed over the subject land:

- On 14 May 1987, the initial *Special Facilities - Health Management Complex & Associated Accommodation and Ancillary Facilities Zone*, including 150 Presidents Club units, was gazetted pursuant to section 33 (6A) & 18 of the Local Government Act. This Special Facilities zone was linked to a series of conceptual Plans of Development referred to in red lettering on the gazetted zone map/s.
- On 29 October 1987, a second rezoning was gazetted pursuant to Section 18 & 33 (6A) of the Local Government Act for an expanded *Special Facilities - Health Management Complex*, with a 4 storey 300 room hotel, resort accommodation, golf course and ancillary facilities. This rezoning included additional land and new Plans of Development referred to in red lettering. The zone maps included the initial Plans of Development amended by *Master Plan 85018* dated 12 December 1986, *Drawing 7/85018 Beach Hotel* dated 23 November 1986 and *Drawing 8/85018 Villas* dated December 1986.

- On 16 May 1988, additional resort accommodation called the Ambassadors Club (now known as *Visage*) was approved west of the David Low Way.
- On 27 July 1988, council issued a Town Planning Permit 2542 File 20/0/239 for addition of staff accommodation adjacent to Warren Road.
- On 19 September 1989, council issued a Town Planning Permit 2736 for catering rooms (reception/banquet hall).
- On 12 January 1995, council issued a Town Planning Permit 3467 to allow special events to be held at the resort.
- On 14 August 1998, a third rezoning was gazetted creating a *Special Facilities - Recreation and Tourism Resort, Conference Centre, Ancillary Facilities and Special Events Zone* including:
  - a tourist resort, accommodation, 18 hole golf course, conference centre, ancillary facilities
  - a 300 room 4 storey hotel east of the David Low Way adjacent to the 4th fairway
  - 105 villas east of the David Low Way between the hotel and Tanah Street East
  - 46 additional units west of the David Low Way
  - an additional 9 golf holes west of the David Low Way
  - a child care centre west of the David Low Way and
  - a special events program allowing for special events such as rugby matches, classical music evenings, food & wine tasting, exhibition cricket matches, etc.
- On 6 August 2003, council resolved to allow the completion of the resort under the Superseded Planning Scheme (1985), including the 300 room hotel, 105 villas, 46 units, the additional 9 hole golf course, tennis courts, the child care centre and the outdoor entertainment/special events program in accordance with an approved Plan of Development.
- On 13 July 2005, council issued an operational works approval for bulk earthworks filling over the area designated for the 300 room hotel and 105 villas east of the David Low Way.
- On 12 September 2006, council issued a Reconfiguration of a Lot (REC05/0185) approval for 42 residential lots (Beachside Stage 1) to accommodate 42 of the 105 approved villas.

*Note: Resort facilities were built pursuant to the above rezoning approvals and permits and operate under existing use rights.*

*Note: The Presidents and Ambassadors community title schemes ('The Clubs'), including Visage, represent property owners for some of the accommodation approved under the initial rezoning approvals. While some units are privately owned, others have remained part of the resort letting pool.*
- On 28 February 2007, council issued a preliminary approval for a Material Change of Use (MCU05/0245) to override the planning scheme to establish the *Coolum Hyatt Integrated Resort and Residential Community*. The integrated tourist resort and residential community consists of 5 precincts, including a resort precinct (precinct 1), a relocated 18 hole golf course precinct (precinct 2) and 3 residential precincts

(Vantage, Central & Beachside) accommodating a maximum of 660 dwelling units within community title schemes. The preliminary approval was accompanied by a Development Permit for Reconfiguration of a Lot for Vantage Stage 2 (REC05/0190).

*Note: The above preliminary approval does not include land which accommodates 'The Clubs' community title schemes. The preliminary approval conditions do not apply to 'The Clubs' land or the subdivision known as 'Visage', although they retain access rights through the resort.*

- On 26 April 2007, council issued an operational works approval for bulk earthworks filling to permit the creation of 6 additional golf holes west of the David Low Way.
- On 26 July 2007, council issued a Negotiation Decision in respect to the preliminary approval.
- On 11 September 2007, the preliminary approval took effect. Subsequently, council issued Development Permits to permit development in the residential precincts.
- On 9 October 2012, council provided written permission to the current applicant to lodge the current development application, including over precinct 2 (golf course).
- On 21 November 2012, the applicant lodged the current application for additional tourist attractions over precinct 1 (resort) and precinct 2 (golf course) of the resort.

### **Site Description**

The subject site is part of the *Palmer Resort* located west of the David Low Way, south of Warran Road, north of Tanah Street West and east of Centenary Heights Road and Vantage (precinct 4). The site is comprised of the existing resort precinct 1A (resort) & 1B (resort parking), precincts 2 (golf course) and the precinct 5A & 5B (central).



## Surrounding Land Uses

The Palmer Resort is bordered by low density residential land to the north, west and south in the form of traditional residential lots accommodating detached dwellings. There is a mixed housing precinct comprising detached houses, dual occupancy and low-rise multi-units south of Tanah Street West at the southern extremity of the golf course. The Mount Coolum local centre is located at the intersection of the David Low Way and Suncoast Beach Drive. Mount Coolum National Park is located west of the resort and is the dominant landform in the locality. The parabolic dune and precinct 3 (Beachside) are located on the east side of the David Low Way.

## ASSESSMENT

### Framework for Assessment

#### Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- any Structure Plan or Master Plan in place for declared areas
- any Preliminary Approval Overriding the Planning Scheme for the land
- the Planning Scheme for the local government area and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

## **Statutory Instruments – State and Other**

### State Planning Policies

The following State Planning Policies are applicable to this application:

- SPP1/02 Development in the Vicinity of Certain Airports and Aviation Facilities
- SPP2/02 Planning and Managing Development Involving Acid Sulfate Soils and
- SPP1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Of these, SPP1/02, SPP2/02 and SPP1/03 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment. The SPPs were considered during the assessment of the parent preliminary approval (MCU05/0245) for the *Integrated Resort and Residential Community* and relevant conditions were imposed. The SPPs raise no further issues for this application.

### South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for additional tourist attractions within an existing resort within the Urban Footprint. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

### Preliminary Approval Overriding the Planning Scheme

#### *Overview*

In February 2007, council approved a preliminary approval (MCU05/0245) to establish the *Integrated Resort and Residential Community* (refer to Background section of this report) comprised of 5 precincts, including a resort precinct, a golf course precinct and 3 residential precincts.

Development within the preliminary approval area is controlled by a Master Plan Document and a Plan of Development. The current application has been lodged primarily over the resort precinct and golf course precinct, which are clearly identified on the proposal plan labeled *Resort Site Plan* prepared by AK Building dated 27/05/13 (Attachment 1 – Proposal Plans).

The Master Plan Document contains general statements of desired character for each precinct along with Supplementary Tables of Development Assessment, which establish uses rights, level of assessment, density, lot size, height limits, etc. It is important to note that the above guidelines were never intended to represent a static description of the resort or an exhaustive list of possible future uses. The evolution of the resort is anticipated by both the planning scheme and the preliminary approval through future approvals.

An *Infrastructure Agreement* secured, amongst other things, external works (now completed), vegetation buffers, contributions, the dedication of the sales centre as a future community centre, a covenant over the relocated golf course, vegetation covenants over the rainforest and parabolic dune and new beach accesses.

A *Resort Refurbishment Agreement* secured a \$7 million resort upgrade; now completed with exception of the new Beach Club facility east of the David Low Way.

Resort parking was consolidated in accordance with the Plan of Development in 2 locations, including staff parking adjacent to Warren Road and resort guest parking within precinct 1B (resort parking).

Most of the residential precinct 4 (Vantage) located at the west end of resort has been developed, with the exception of the multiple dwelling unit component. None of residential precinct 5 (Central) located at the Warren Road entrance has been developed. Stages 3A, 3B & 3E (southern end) of precinct 3 (Beachside) located east of the David Low Way have been developed. Stages 3C, 3D (northern end) & stage 3F (150 units) in Beachside have not been built.

The above residential precincts are physically integrated with the resort through access easements and pedestrian/ golf buggy circulation networks to allow residents access to the golf course and resort facilities. Integration is further achieved through a hierarchy of body corporates. The intention was to provide the community title scheme residents with access to the resort facilities and to inject additional cash flow into the resort to complement revenue from national and international tourists.

#### *Assessment against the Preliminary Approval*

The new tourist attractions are proposed to be primarily located within precinct 1 (resort), with a small area (1,300m<sup>2</sup>) of the dinosaur exhibit located within precinct 2 (golf course). The application is impact assessable because the proposed uses are not identified as either self-assessable or code assessable within the Supplementary Tables of Development Assessment for precinct 1 or precinct 2. The uses identified as self or code assessable in precinct 1 (resort) primarily represent previously approved uses not yet realised (i.e. child care) and/or extensions to existing resort facilities. It would be a misreading of the preliminary approval to conclude that all uses not listed in the Table conflict with the preliminary approval or are inconsistent with the resort. Unanticipated uses simply attract a different level of assessment (impact) to ensure that potential impacts can be mitigated.

The precinct intent for precinct 1 anticipates 'some consolidation and refurbishment of the central resort facilities may occur together with the provision of additional resort facilities ancillary to the resorts ongoing operation.' Uses which attract tourists could reasonably be considered to be ancillary to the resort operation in the same way as the existing resort activities such as archery and boating are. (Refer to Local Area Provisions section).

The inclusion of additional tourist attractions within the resort precinct are consistent with the preliminary approval (MCU05/0245) on the basis that tourist resorts '*are used primarily for facilities and activities which attract and entertain tourists*' (refer to use definition)'.

The vintage car museum buildings would be within the precinct height limit for precinct 1 (8.5m). The taller dinosaurs are proposed to be located within precinct 1 (resort). The dinosaur exhibits would be within the precinct height limit for both precinct 1 (8.5m) and precinct 2 (6m), except for a Ruyangosaurus (10m), which would exceed the height limit by 1.5m. Given the height of the existing vegetation (the backdrop), this is considered to be acceptable (refer to Attachment 1 - Proposal Plans - *Dinosaur Park Schedule*).

#### **Statutory Instruments – Planning Scheme**

The applicable planning scheme for the application is Maroochy Plan 2000 (24 October 2011). The following sections relate to the provisions of the Planning Scheme.

##### Strategic Provisions

The proposed new attractions are consistent with the tourism strategy and will promote visitation. *Tourism is the activity of promoting visitation to an area and accommodating and servicing the visitors en route and in the area* (section 8).

The Strategic Plan (Map 2.1) identifies the development site as *Recreation/Urban* consistent with its designation as an *Integrated Resort and Residential Community*, including a golf course.

The Strategic Plan recognises the Palmer Resort as a *Major Tourist Facility* and local employer.

The Major Tourist Facilities have a high capital outlay and have developed a high profile in the tourism market place. The attractiveness of the facility to the tourist will dwindle if it offers no new incentives to encourage a revisit by previous patrons. To maintain its attractiveness to tourists the facility needs to undergo change to continually strengthen its place in the market and this should be recognised in the planning system. Council will generally support applications for the upgrading of or modifications to the Major Tourist Facilities subject to their retention of sensitivity to surrounding land uses and the adequate functioning of the facility in respect of environmental and land use planning issues (section 8.4.6).

The above statements support upgrades and modifications to the Palmer Resort.

The vintage car museum and the dinosaur park would establish new tourist exhibits to attract patrons to the resort. The new attractions are internal to the resort and would, therefore, not impact on the character of the area. The environmental values of the resort (golf course, rainforest and parabolic dune) remain protected. The proposal is considered to be consistent with the provisions of the Strategic Plan.

#### Use Definition

Under the Planning Scheme, the Palmer Resort is an *Integrated Tourist Facility*.

Integrated tourist facility means premises which:

- (a) are used primarily for facilities and activities which attract, accommodate and entertain tourists where some facilities are open to the public use; and
- (b) are on a land extensive site and
- (c) include two or more building and
- (d) are developed in an integrated way and managed as one entity and
- (e) may include provision for conference facilities and for permanent residential accommodation.

*The term includes integrated tourists resorts, tourist theme parks and the like.*

The additional tourist attractions (dinosaur exhibit and vintage car museum) would constitute facilities and activities which would attract and entertain tourists and which would be open to the public consistent with the precinct intent and definition of *Integrated Tourist Facility*. The new attractions are consistent with the planning scheme use definition.

#### Local Area Provisions

The subject site is located in Planning Area No 10 (Mount Coolum), Precinct 8 (Coolum Hyatt Resort) and is identified as Master Planned Community.

The Precinct Intent states:

*This Precinct comprises the site of the Hyatt Regency resort. The resort's continued use is intended in accordance with past development approvals. Future approvals may provide for further development. Such development is intended to be carried out to be sustainable by respecting the environmental and landscape values of the area and ensuring the availability of development infrastructure with sufficient capacity to accommodate any additional demand.*

Proposed new attractions are considered to comply with the precinct intent, in as much as:

- existing resort facilities would continue to operate unaltered under existing use rights
- the precinct intent anticipates future approvals within the resort
- the new facilities are internal to the resort
- the new attractions comprise approximately 1.2 hectares of the 150 hectare resort;
- resort infrastructure has the capacity to accommodate the uses
- the vintage car museum would be located in an existing cleared area (ex-putting green)
- the dinosaur exhibits would be strategically located amongst existing vegetation (no clearing) as a complementary backdrop
- the resort’s environmental areas remain protected (rainforest, dune, buffers) and
- the golf course remains intact.

The new attractions are, therefore, considered to be anticipated by and consistent with the Local Area Provisions.

Land Use and Works Provisions

The following codes which regulate land use and design are applicable to this application:

- Design Code for Community Safety and Security
- Code for Landscaping Design
- Code for Transport, Traffic and Parking
- Code for Integrated Water Management
- Code for Waste Management in Commercial and Community Uses.

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

Code	Discussion
Transport, Traffic and Parking	<p>The applicant has provided a SKM Traffic Impact Assessment dated 20 April 2013, which assesses the traffic and parking requirements and impact of the proposed new attractions.</p> <p>The proposed vintage car museum is expected to generate approximately 36,500 persons per annum with an expected average visitation of 700 persons per week (based on visitation data observations from the temporary vintage car exhibition held at Palmer Cooloom Resort during the January 2013). The proposed dinosaur park is also expected to generate a similar number of patrons.</p> <p>The Traffic Impact Assessment indicates that the patrons of new facilities can be accommodated within the existing resort car park (249 bays) with 8 disabled bays. The occupancy survey indicated that there are approximately 142 bays available for visitors during the peak visitor occupancy period. The modal analysis indicates that most visitors will arrive by car.</p> <p>The report identified that public passenger transport facilities could be provided within the existing porte-cochere area (resort reception) including:</p> <ul style="list-style-type: none"> <li>· A bus/coach set down area</li> <li>· A taxi rank parking and set down area.</li> </ul>



Code	Discussion
	<p>The existing porte-cochere has sufficient capacity to accommodate up to 4 taxis while allowing for a bus to pick up/drop off passengers at a designated bus set down area.</p> <p>The report noted that up to 4 charter buses could be accommodated in the parking area located to the north of the resort (adjacent to Commissary building).</p> <p>Cycle provision for both developments is proposed to be provided adjacent to the existing visitor car park facility.</p> <p>The report noted that the site is serviced by public transport (Route 620) from the David Low Way every 30 minutes.</p> <p>A survey of the temporary vintage car museum found that:</p> <ul style="list-style-type: none"> <li>· Peak visitations occurred on Sunday (35% of weekly profile)</li> <li>· On average, 20 per cent of the visitation were children</li> <li>· The average time spent at the exhibits was 1.5 hours</li> <li>· The vehicle occupancy rate was 3.2 persons per vehicle</li> <li>· The arrival peak occurred between 11:00 am and 12:00 pm</li> <li>· The departure peak occurred between 12:00 pm and 1:00 pm</li> <li>· Most visitor arrived by car with 2-3 buses/coaches a week</li> <li>· There was some taxi traffic.</li> </ul> <p>The Traffic Impact Assessment concluded that the peak visitation day of Sunday would typically generate up to about 60 additional vehicle movements during the peak hour between midday and 1pm.</p> <p>Council's traffic specialist is satisfied that the report confirms the <i>'additional amount of traffic is not significant and no traffic upgrades external to the site are required as a result of the proposal.'</i></p>

### Overlay Provisions

The following overlays codes are applicable to this application:

- Acid Sulphate Soils
- Waterways and wetlands
- Steep and Unstable
- Bushfire
- Flood Prone land
- Nature Conservation and
- Airport.

The overlays were considered during the assessment of the parent preliminary approval, which established the *Coolum Hyatt (now Palmer) Integrated Resort and Residential Community* and relevant conditions were imposed. The application has been assessed against each of the applicable overlay codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

Code	Discussion
Nature Conservation	<p>A small non-playing area (approximately 1,300m<sup>2</sup>) of precinct 2 (golf course) located between the existing asphalt path and the 1st golf hole is proposed to accommodate some of the dinosaur exhibits within the fenced dinosaur park. The area does not form part of the existing 18 hole golf course playing area. Council's ecologist considers that the area constitutes a small isolated pocket of remnant vegetation, which has landscape but no ecological significance. The applicant proposes to strategically locate dinosaur exhibits amongst the existing vegetation. No vegetation is proposed to be removed.</p> <p>The area was previously identified by the applicant as a possible future off-set area (area 7) to be rehabilitated in lieu of vegetation to be removed within Beachside. The applicant has indicated that an alternative area will be identified elsewhere within the resort to compensate for possible future clearing of regional ecosystem within Beachside, if or when it occurs. The vegetation within Beachside has not been removed at this point in time in any event, so the area of off-set is not required. The <i>Environmental Areas Management &amp; Rehabilitation Plan</i> will be amended when an alternative off-set area is selected.</p>
Flood Prone land	<p>Council's hydrologist has assessed the proposal and considers its impact to be very limited. The proposed car museum has been moved to land which is not inundated in Q100 flood event, hence flood impacts are not an issue for this attraction. The proposed finished floor level for the museum is 6.5m AHD, which achieves the necessary 400mm freeboard flood immunity.</p> <p>Parts of the dinosaur exhibit may be inundated during flooding. However, because there will be no filling of these areas, flood impacts are not an issue.</p> <p>MP2000 flood management strategies aim to reduce economic loss associated with flooding. As a result, the dinosaurs should be designed or sited to minimise damage and potential loss associated with flood events, especially where they are animated and there is potential for electrical problems. The exhibits are designed for outdoor conditions. The electronics associated with the animatronics for each exhibit are incorporated into the upper area of the exhibits. In any event, the electronics for the whole area would be able to be isolated and shut down by a master switch located in a control panel situated above the Q100 flood level, allowing the attraction to continue to operate after a flood event has passed. Flooding and storm water quality conditions are recommended.</p>

## Other Considerations

### Golf Courses Covenant

The golf course is protected by a golf course covenant dated 13/10/2010. Section 3.4 of the covenant prevents the lodgment of development applications over the non-playing areas of the golf course for other than approved uses without the written consent of council.

Council provided the applicant with written permission to lodge the current application for additional tourist attractions on 9/10/2012 before the application was lodged on 21/11/2012.

Section 3.1 (c) of the covenant prevents the use of the non-playing areas of the golf course for purposes other than a golf course/ancillary uses, special events/parking, roads/paths or water recycling/reuse projects without written permission from council. Should council determine to approve the dinosaur park within the limited non-playing area of precinct 2, the approval itself would constitute the necessary written approval required by the covenant.

#### Acoustic considerations

Many of the dinosaurs would be animated exhibits triggered by motion sensors such that the exhibit would move and/or make sounds for a predetermined time period when approached. The sound level associated with each exhibit can be controlled by a master control such that the sound level would not disturb either resort guests or nearby residents. The following acoustic conditions would ensure that the dinosaur park would not have any negative impact on the surrounding residential area.

*During operating hours, noise emissions from the dinosaur exhibits must not exceed the background noise level plus 5dB(A) at any noise sensitive receptor (dwelling) external to the site. The background noise level must be assessed as the LA90, 15min (Fast Response) in the absence of the source noise.*

*Where complaints (other than frivolous or vexatious) are made to council about noise from the dinosaur exhibit, council may require the resort manager to:*

- a) Submit a Noise Impact Assessment prepared by a suitably qualified acoustic consultant in accordance with Maroochy Plan 2000 Planning Scheme Policy, and/or*
- b) Install volume limiting devices for the exhibits and/or shield mechanical plant and equipment as certified by a qualified acoustic consultant.*

Standard noise conditions are recommended to control noise emanating from air conditioning units associated with the vintage car museum.

#### Economic considerations

The application was forwarded to Economic Development Branch for comment. The following response was provided:

*The Economic Development Branch has examined the subject application in the context of council's Corporate Plan 2009-2014 and Council's Economic Development Strategy 2010-2014. Councils Corporate Plan (2009-2014) incorporates a clear objective to create a more robust economy. In a linked and similar manner the Economic Development Strategy (2010-2014) aims to build a mature, diversified economy which is more resilient to the fluctuations of economic cycles by enabling growth in a range of identified emerging sectors in concert with ensuring that the traditional pillars of the regional economy (including construction and tourism) continue to grow.*

*The proposal includes the addition of several tourism related activities as an extension to an existing tourist resort, with a projected increase in the number of visitors to the area. The applicant has identified a capital expenditure of around \$1.7m to improve tourism infrastructure, together with an increase in employment to run and operate the new facilities. Tourism is one of the three key sectors of the local economy and the new Draft Economic Development Strategy places an increased emphasis on enhancing the existing key sectors.*

*The Economic Development Branch recognizes the potential for the proposal to contribute to meeting localized needs, retaining capital and recurrent expenditure plus generating associated employment opportunities. The potential economic contribution of the proposed development would occur over both its construction and operational phases.*

Legal considerations

A number of submitters raised procedural issues relating to the current application both before and during public notification.

Issue 1: A number of submitters claimed that they have not had sufficient notice of the submission period. The applicant advised the body corporate about public notification of the application at the beginning of the public notification period and is '*satisfied that the public notification has satisfied all requirements of the Act.*'

Section 297 of the Sustainable Planning Act (SPA) specifies who has to be served; it is the Body Corporate and not the individual property owners (see extract below). While it is unfortunate that not all the individual owners have had adequate time, there are no legal reasons to extend the notification period.

*279 (4) In this section - owner, for land adjoining the land the subject of the application, means— (d) if the adjoining land is, under the Body Corporate and Community Management Act 1997, scheme land for a community titles scheme-(i) the body corporate for the scheme.*

Issue 2: A number of ¼ time share property owners of accommodation units within the adjacent Ambassador's and President's Clubs ('The Clubs') community title scheme(s) believe that the application should not be determined while a property dispute between the part owners and the resort over the ownership/management of the accommodation is before the courts.

Council does not have notice of the application by the property owners and is not a party to any action. That Court action is unrelated to council's obligations under SPA. If the residents believe that they have an entitlement to suspend council's assessment, then they should apply to that Court for the appropriate orders.

Issue 3: A significant number of submissions appear to be from ¼ share time owners of accommodation units which are located in the 'The Clubs' community title scheme(s). While 'The Clubs' were part of the original 1987 *Health Management Complex* rezoning approval, the community title scheme is located outside of the preliminary approval area and was not part of the approved *Integrated Resort and Residential Community* preliminary approval.

Council cannot comment about that other action. In any event, council must assess the current application on its merits. That will involve considering submissions, but not any other separate Court proceeding.

Issue 4: The Clubs maintain that the provisions of the *Integrated Resort Development Act 1987* mean that the resort must operate as a resort under the Act.

Council records indicate that none of the resort approvals were a scheme under the *Integrated Resort Development Act 1987*.

## CONSULTATION

### IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence*Department of Transport and Main Roads*

The department is a concurrence agency for *State Controlled Roads* (David Low Way) and *Public Passenger Transport and Railways*. The department responded by letter dated 17 June 2013 approving the application with concurrence agency conditions relating to the taxi and bus drop off area near the resort reception to ensure disability access.

## Other Referrals

### Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

### Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch
- Hydraulics & Water Quality Specialist, Engineering and Environment Assessment Branch
- Landscape Officer, Engineering and Environment Assessment Branch
- Environment Officer, Engineering and Environment Assessment Branch
- Ecology Specialist, Engineering and Environment Assessment Branch
- Urban Designer, Planning Assessment Branch
- Traffic Engineering, Engineering and Environment Assessment Branch and
- Plumbing Specialist, Plumbing Services Branch.

## Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the Sustainable Planning Act 2009. 181 'properly made' submissions and 17 'not properly made' submissions were received objecting to the application.

Many of the submissions were submitted on a 'pro forma' submission, which sets out 6 grounds of objection to the application. Development Watch provided the pro forma to interested submitters with the following advice: *This form is provided by Development Watch Inc. Submitters are not obligated to use this form. Council must receive your submission no later than 4:00pm on Wednesday 26 June 2013.*

The 'pro forma' identified the following grounds for objection to the proposed attractions.

Issues	Comments
The attractions are out of character with the nature of the resort and its landscape and environmental values.	Maroochy Plan 2000 precinct intent anticipates ' <i>further development carried out to be sustainable by respecting the environmental and landscape values.</i> ' The 2 new attractions are limited to a very small area of the 150 hectare resort. The 2,075m <sup>2</sup> vintage car museum is proposed to be located on the old putting green adjacent to the resort reception within an existing cleared area of precinct 1A (resort). The proposal would be landscaped in accordance with proposed landscape conditions. The 1ha dinosaur exhibits would be strategically located amongst existing resort vegetation to provide a scenic backdrop. No vegetation is proposed to be removed. Sensitive areas of the site such as the paper bark rainforest and the parabolic dune remain unaltered and protected. As such, the new attractions are considered to respect the resort's landscape and environmental values.
The attractions would devalue the 5 star resort.	This is not a material planning consideration. The definition of An <i>Integrated Tourist Facility</i> anticipates <i>facilities and activities that attract and entertain tourists.</i> The definition

Issues	Comments
	does not comment about the quality of the attractions. There is nothing in any of the existing approvals which specifies the star rating of the resort. Both the planning scheme and preliminary approval anticipate further approvals for the resort.
The car museum is in excess of what was planned for the resort and would degrade the landscape values of the area.	There is nothing in the resort master plan which limits or prohibits future development within the 150 ha resort. MP2000 anticipates future development. The preliminary approval (MCU05/0245) supplementary tables of development assessment simply identify different levels of assessment for future development. Uses not identified as either self or code assessable are impact so that potential impacts can be considered and mitigated during the assessment process. In response to council's information request, the applicant scaled back the original proposal for 7 x 500m <sup>2</sup> marquees located on the existing driving range to 4 x 500m <sup>2</sup> on the old putting green site. The proposals would not degrade the landscape values of the area in as much as the putting green was devoid of landscaping and the new attraction would be conditioned to be landscaped to buffer and soften the proposal.
The roaring noise and long operating hours of the dinosaur park will adversely affect guests and nearby residents.	The proposed operating hours for the mini dinosaur theme park are 10:00am to 9:00pm. The animated exhibits would be triggered by motion sensors with a predetermined response time. The sound level associated with each exhibit would be controlled by a master control such that the sound levels could be adjusted to ensure that they do not disturb either resort patrons or nearby residents (refer to Acoustic Considerations).
Object to inadequate parking, the driving range being used for overflow parking and cyclist being put 'at risk'.	The applicant submitted a Traffic Impact Assessment which identified that sufficient on-site parking exists to accommodate patrons the proposed new attractions (refer to Traffic considerations). Existing resort approvals and the golf course covenant allow for the use of the driving range for overflow parking. Cyclists using the approved pedestrian/cycle path network would not be negatively impacted by the new attractions.
Conflicts with MP2000 and resort master plan.	The proposal does not conflict with either MP2000 or the preliminary approval resort Master Plan Document for the <i>Integrated Resort and Residential Community</i> (refer to previous sections of this report).

Development Watch also submitted an individual detailed submission in respect to the resort, which objected to the new tourist attractions with a rider that '*Development Watch supports the ongoing development of the Resort to enhance the Resort's 5-star status and to act as a magnet for visitors to the Sunshine Coast.*' The following table summarises the submission.

Issues	Comments
Conflicts with MP2000 planning area guidelines that: <i>the resort's existing and potential future activities are to be recognised and protected where in keeping with the</i>	The proposed 2 new tourist attractions represent the resort's potential future activities. Additional tourist attractions are anticipated by the scheme and are generally in keeping with the environmental/community values in as much as: <ul style="list-style-type: none"> <li>· the resort's existing facilities, including the golf course, reception, conference centre, spa, beach club, village</li> </ul>

Issues	Comments
<p><i>environmental and community values of the area.</i></p>	<p>square, accommodation, etc. continue unaltered</p> <ul style="list-style-type: none"> <li>· integrated tourist resorts anticipate/encourage new activities/facilities to attract tourists</li> <li>· the landscaped museum would be wholly located within a cleared area within precinct 1A (resort);</li> <li>· the dinosaur exhibit would be located within existing vegetation, primarily within the precinct 1 (resort)</li> <li>· no vegetation is proposed to be removed</li> <li>· the dinosaur exhibits would not impact on the visual amenity of Mount Coolum</li> <li>· the paper bark rainforest and dune remain protected</li> <li>· the 1.3 ha new exhibits are internal to the resort with minimal impact on the community.</li> </ul>
<p>Conflicts with MP2000 Precinct Intent that: <i>the resort's continued use is intended in accordance with past development approvals. Future approvals may provide for further development. Such development is intended to be carried out to be sustainable by respecting the environmental and landscape values of the area.</i></p>	<p>Proposed new attractions are considered to comply with the precinct intent, in as much as:</p> <ul style="list-style-type: none"> <li>· existing resort facilities would continue unaltered</li> <li>· the precinct intent anticipates future approvals</li> <li>· the new facilities are internal to the resort</li> <li>· the new attractions comprise approximately 1.3ha</li> <li>· no clearing proposed</li> <li>· the resort's environmental areas remain protected;</li> <li>· the golf course remains intact.</li> </ul>
<p>Conflicts with the preliminary approval master plan precinct intent that: <i>some consolidation and refurbishment of the central resort facilities may occur together with the provision of additional resort facilities ancillary to the resorts ongoing operation.</i></p>	<p>The 2 new tourist attractions are primarily located within precinct 1A (resort). Integrated tourist resorts anticipate and facilitate activities and facilities which will attract and entertain tourists. It is incorrect to conclude that because the preliminary approval supplementary tables do not identify a new use as self or code assessable, that the use is inconsistent or prohibited within the precinct. It is assumed that new attractions will be developed over time to ensure that the resort remains viable.</p>
<p>There are insufficient grounds for approval.</p>	<p>Sufficient grounds for approval are only required where a proposal conflicts with the planning scheme. The planning scheme identifies the site as an <i>Integrated Tourist Facility</i>. New activities and facilities to attract tourists are anticipated by and consistent with the use definition (refer to previous sections of this report). The proposal does not conflict with the planning scheme.</p>
<p>The encroachment of the dinosaur park into golf course is prohibited.</p>	<p>Council provided the applicant with written permission to lodge the application as required by the golf course covenant. The slight encroachment (1,300m<sup>2</sup>) into a non-playing area of precinct 2 (golf course) is considered to be reasonable,</p>

Issues	Comments
	because the area is not utilized by the golf course, is not identified as significant regional ecosystem and no vegetation is proposed to be removed.
GFA of the museum exceeds that allowed by the master plan approval.	This interpretation represents a misunderstanding of the preliminary approval Supplementary Table of Assessment for precinct 1 (resort), which simply identifies a target GFA (1,250m <sup>2</sup> ) for code assessable applications. The current application is impact assessable. The maximum building area identified on the proposal plan for the museum buildings is limited to the area of the old putting green and is considered to be reasonable to house the museum.
Conflicts with the draft planning scheme which specifies that: <i>The Palmer Coolum Resort continues to be developed as an integrated tourist and residential development focused around an 18 hole championship golf course and large areas of open space.</i>	<p>The Palmer Resort would continue as an integrated resort and residential development. The existing resort would continue to operate under its existing use rights focused around the golf course and large protected open spaces, which would remain unaffected.</p> <p>The proposal is considered to comply with the draft planning scheme (refer to draft planning scheme section of this report).</p>
Conflicts with the Draft Sunshine Coast Economic Development Strategy, which is: <i>intended to strengthen and extend our traditional construction, retail and tourism industries.</i>	<p>The proposal to add new tourist attractions to the existing resort is not considered to conflict with the draft strategy in as much as the new attractions are intended to strengthen and extend tourism on the North Shore (i.e. attract more tourists).</p> <p>Refer to Economic Development section of this report.</p>
The dinosaur exhibit is too dense (160) and too high (1 exceeds 8.5m and other may be flying).	The area of the exhibit is limited to a fenced area of approximately 1ha, which is considered to be relatively minor within a 150 hectare resort. The exhibits would be generally within the precinct height limits, with 1 exhibit exceeding the height limit within a densely landscaped backdrop.
The dinosaurs roaring between 10am-9pm and the additional visitors to the park will create too much noise.	<p>Acoustic conditions limiting noise emissions would ensure that residential development near or adjacent to the resort would not be negatively impacted.</p> <p>Refer to Noise Considerations section of this report.</p>
Hessian over the dinosaur fence will result in loss of visual amenity.	Conditions have been included to ensure that the fence remain transparent.
The fenced dinosaur exhibit will result in loss of quiet enjoyment, over lighting and loss of access to the lake by guests.	The general operation of the resort is a matter for the resort owner. The lakes and golf course will remain accessible via the approved pedestrian and cycle network. The lighting of individual dinosaur exhibits would be initiated by motion sensors and controlled by hours of operation.
The marquees are not cyclone proof	All structures will require the necessary building approvals.



Issues	Comments
Over flow car parking on the driving range is prohibited by the golf course covenant.	Section 3.1 (b) (3) of the golf course covenant provides for the driving range to be used for special events and overflow parking.

The following table represents the balance of the submissions, many of which come from ¼ time share owners, who are part of adjacent community title schemes. Council received a number of emails and letters of complaint, both before and shortly after the application was lodged, regarding the current operation of the resort and general objections to any of Mr Palmer's applications. The following table summarizes the issues raised.

Issues	Comments
A number of ¼ time share owners within adjacent community title schemes, including 'The Clubs' state that since the Hyatt resort has become the Palmer Resort, time share property owners have been disenfranchised with little regard to property rights or compensation and that they object to any application over the resort while there is litigation.	<p>The ¼ time share villas land was not part of the <i>Hyatt Preliminary Approval Area</i>. The 2007 preliminary approval of the <i>Hyatt Integrated Resort and Residential Community</i> (MCU05/0245) did not include or apply to the adjacent community title schemes (Presidents, Ambassadors or Visage). The current application is over resort land, which does not include the ¼ time share owners accommodation and which is located within adjacent community title schemes.</p> <p>The ownership/management of the accommodation units within the adjacent community title schemes is a civil matter between the property owners and Mr. Palmer (also a part owner), which is currently before the courts. Civil matters relating to property rights or compensation are not matters for consideration under the current application (refer to Legal Advice). The operation of the resort is a matter for the resort owner unless it breaches existing approvals.</p> <p>Notwithstanding the above, it is considered reasonable that owners of the adjacent community title schemes (including 'The Clubs', 'Visage' and 'The Lakes'), as well as other surrounding residential dwellings, are not negatively impacted by the new attractions. Therefore, reasonable conditions are recommended to limit potential acoustic and visual impacts of the development on any adjacent or nearby residential properties, including the community title schemes (refer to conditions).</p>
Due to an oversight of the Body Corporate, it did not notify its member in a timely manner so as to allow adequate time to prepare a submission	The public notification has satisfied all requirements of the Act (refer to Legal Considerations section of this report).
Approval of the new attractions will destroy the reputation and standing of the resort and turn it into a theme park.	The additional attractions form a minor part (approximately 1.3 ha) of the 150 hectare resort. Existing facilities, including the golf course remain essentially unchanged. Resorts anticipate new exhibits to attract continued patronage.
Increased traffic	Council's traffic specialist is satisfied that the increased traffic forecast by the applicant's Traffic Impact Assessment is well within the design capacity of the road network.

Issues	Comments
Since taking over, the resort has been mismanaged by Mr. Palmer.	The operation of the resort is a matter for the resort owner unless it breaches existing approvals.
The chipping green golf course, which is protected by a covenant, has been leveled and filled to accommodate the vintage car museum.	The putting green is wholly contained within Precinct 1 A (resort) and has been leveled to accommodate the buildings proposed to house the vintage car collection. The ex-putting green is not part of precinct 2 (golf course) and is not protected by the golf course covenant.
Street lights and house lights pollute the night sky	The new facilities would be internal to the site and would only operate within normal operating hours.
Increase in traffic along Tanah Street East	Visitors to the new facilities would access the resort via the main entrance on Warren Road, primarily (80%) from the David Low Way (refer to Traffic section). There is no public access to the resort from Tanah Street.
Enormous increase in weeds along Tanah Street	Not relevant to this application. Maintenance of road reserve is a council responsibility.
Tranquility, natural beauty and ambience of the resort and surrounding area will be eroded/ destroyed.	The new attractions are internal to a small area of the site primarily located within precinct 1A (resort) with little visual impact on the surrounding residential area. Acoustic and landscape conditions would ensure minimal off-site impacts.
It is a resort not an amusement park	An Integrated Tourist Facility means <i>premises which are used primarily for facilities and activities which attract, accommodate and entertain tourists</i> . The definition includes tourist resorts and theme parks.

## DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Emerging Community Zone and located within the Coolum Local Plan Zone Map 30 of the draft Sunshine Coast Planning Scheme.

Table 6.2.17.2.1 (consistent uses) identifies consistent uses as those identified by the Preliminary Approval (MCU05/0245).

The Coolum Local Plan Code aims to maintain the function of the site as an integrated tourist resort and retain the golf course.

It states that the Palmer Coolum Resort should 'continue to be developed as an integrated tourist and residential development focused around an 18 hole championship golf course and large areas of open space. Development is configured in a series of beachside villages and other precincts that sit lightly in the landscape and that are separated by green corridors and lush subtropical landscaping. Development respects the scale and character of surrounding areas.'

An application for additional tourist attractions would trigger Impact Assessment under the draft planning scheme, and would be affected by the following Overlays:

- Airport overlays
- Waterways
- Riparian overlays
- Wetlands

- Water bodies overlay
- Native Vegetation overlay
- Biting mosquitoes overlay
- Flooding and Inundation overlay
- Landslide hazard overlay
- Steep land overlay and
- Maximum building height overlay.

The development is generally consistent with the draft planning scheme in as much as additional tourist attractions are consistent with existing integrated tourist resort use.

The following key matters are noted:

- It is noted that many of the overlays do not reflect the current preliminary approval (MCU05/0245), which assessed the site's natural attributes.

### **CONCLUSION**

The proposal for limited additional tourist attractions, including a vintage car museum and a fenced dinosaur exhibit within the existing Palmer Resort is consistent with an integrated tourist resort use. The proposal has the potential to attract new patronage and maintain the economic viability of the resort. The existing resort facilities, including the golf course, health spa, town square, pools, conference centre, resort accommodation and other services would remain essentially unchanged and available to both visitors to the resort and community title scheme residents. The proposal is recommended for approval, subject to conditions.

**7.2 COMMUNITY SERVICES****7.2.1 ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013 - 2028**

<b>File No:</b>	<b>Statutory Meetings</b>
<b>Authors:</b>	<b>Development Officer Community Sport &amp; Facilities Plan Community Services Department Development Officer Community Sport &amp; Facility Planning Community Services Department</b>
<b>Appendices:</b>	<b>App A - Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028 (Under Separate Cover) ..... Att Pg 5</b>

**PURPOSE**

The purpose of this report is to seek council's endorsement of the *Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028* for the purposes of public notification and consultation.

**EXECUTIVE SUMMARY**

The purpose of the *Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028* is to provide a long term vision for the complex, identifying what it should look like and how it should function into the future.

The previous Master Plan for the Elizabeth Daniels Sports Complex (the Complex) was completed in 2004. Since this time, a range of factors have influenced the need to update council's strategic vision for the Complex. These changes include:

- The potential impacts to the site of any works associated with the Department of Transport and Main Roads Multi Modal Transport Corridor and the Caloundra to Maroochydore Corridor Study;
- Adoption of the *Sunshine Coast Open Space Strategy 2011*. This document supported the development of a draft master plan for the Elizabeth Daniels Sports Complex;
- Adoption of the *Sunshine Coast Sport and Active Recreation Plan 2012 – 2026* recommendations including:
  - Where road/ rail corridor developments outside council's control are likely to impact on existing sporting facilities, ensure no net loss of capacity and, where relocation is required, provide good access and redevelopment to an equal or better standard; and
  - Liaise with stakeholder clubs and undertake a Master Plan for Elizabeth Daniels Sports Complex, incorporating the following elements:
    - § development of an additional cricket oval
    - § upgrading of facilities on the main cricket oval (spectator seating, sightscreen) in keeping with the venue's regional status
    - § upgrade signage from the Sunshine Motorway.

The Elizabeth Daniels Sports Complex is considered a regional level sporting facility with district level elements that provides sporting and recreational opportunities for the Buderim locality of interest and the Sunshine Coast community. The site is owned by the State with Sunshine Coast Council as Trustee and is tenured to not-for-profit sport and community organisations.

The Elizabeth Daniels Sports Complex includes a recreation park, a dog off leash area and is home to a number of user groups, including:

- Sunshine Coast Cricket
- Maroochydore Cricket Club
- Maroochydore Eagles Basketball Association
- Headland Bowls Club
- Headland Buderim Croquet Club
- St Johns Ambulance
- Maroochydore SES
- Sunshine Coast Gem & Fossicking Club
- Sunshine Coast Art Group
- Sunshine Coast Contract Bridge Club.

The process in developing the draft Master Plan has been sensitive to ensuring alignment with other key council strategies, community needs, population projections, statutory policies and regulations. Of note are recommendations contained within the adopted *Sunshine Coast Open Space Strategy 2011* and *Sunshine Coast Sport and Active Recreation Plan 2011-2026* which committed to liaise with stakeholder clubs and prepare a Master Plan for Elizabeth Daniels Sports Complex.

## OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled “Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028”**
- (b) endorse the “Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028” (Appendix A) for public exhibition and comment**
- (c) note that major portions of the site are impacted by significant future transport planning and infrastructure**
- (d) authorise the Chief Executive Officer to seek further detailed responses from the Department of Transport and Main Roads as part of the consultation process and**
- (e) request the Chief Executive Officer collate and consider all feedback received as part of the public consultation and present final master plan for consideration by council.**

## FINANCE AND RESOURCING

Project funding was allocated for the development of the draft Master Plan in the 2012/2013 capital works budget. Future allocations towards the implementation of the draft Master Plan will be made through council's Ten-Year Capital Works Program. Council's capital works program (2013/2014 – 2021/2022) in relation to *Elizabeth Daniels Sports Complex Draft Master Plan* recommendations includes:

- \$300,000 in 2013/2014 (adopted by Council)
- \$350,000 in 2014/2015 (indicative budget pending council approval) for staged construction of Master Plan initiatives and
- \$300,000 in 2015/2016 (indicative budget pending council approval) for staged construction of Master Plan initiatives.

## CORPORATE PLAN

**Corporate Plan Theme:** *Health & Wellbeing*

**Emerging Priority:** 4.2 - Active lifestyles

**Strategies:**

- 4.2.2 - Encourage healthy and balanced lifestyles
- 4.2.3 - Promote physical activity and recreation
- 4.2.4 - Support community-based sport and recreation organisations and programs

**Corporate Plan Theme:** *Social Cohesion*

**Emerging Priority:** 5.3 - A sense of identity and belonging

**Strategy:** 5.3.1 - Support community programs and infrastructure that encourage interaction, contribute to place making and a sense of community

## CONSULTATION

### Internal Consultation

Consultation has been conducted with the following relevant stakeholders:

- Division 6 Councillor
- Community Facilities Branch
- Parks and Gardens Branch
- Buildings and Facilities Services Branch
- Transport and Engineering Services Branch
- Business and Major Projects Services Branch
- Infrastructure Policy Branch
- Property and Business Branch
- Strategic Planning Branch
- Social Policy Branch
- Community Development Branch
- Community Response Branch
- Engineering and Environment Assessment Branch
- Legal Services Branch
- Economic Development Branch
- Planning Assessment Branch
- Environment Policy Branch
- Environmental Operations Branch
- Disaster Management Branch
- Waste and Resource Management Branch.

**External Consultation**

Consultation has been undertaken with the following external stakeholders:

- Maroochydore Cricket Club
- Sunshine Coast Cricket Association
- Maroochydore Eagles Basketball Association
- Headland Bowls Club
- Headland Buderim Croquet Club
- St Johns Ambulance
- Maroochydore SES
- Sunshine Coast Gem and Fossicking Club
- Sunshine Coast Art Group
- Sunshine Coast Contract Bridge Club
- Buderim Men's Shed
- Mooloolaba Lions Club
- Buderim Billiards and Snooker Club
- Local schools
- Department of Transport and Main Roads.

**Community Engagement**

External consultation was conducted with existing users of Elizabeth Daniels Sports Complex by way of meetings and surveys. At these meetings a range of issues, ideas and options were discussed. A summary of priorities were outlined:

- improved signage, parking and traffic flow and
- improved drainage, water and sewerage infrastructure.

Interviews were also held with three (3) community organisations who had previously expressed interest to council in accessing the complex for their future facility needs.

A community survey was made available on council's website and advertised through local media. In addition, a survey was sent to local schools within the Buderim catchment, however whilst noting no new infrastructure was proposed via either survey, responses were deemed statistically insignificant to be valid.

Should council endorse the draft Master Plan to go to wider community consultation the proposed methodology includes:

- display of copies of the draft Master Plan on council's website and at other council venues
- a "Meet us at the Complex" public display of the draft Master Plan at Elizabeth Daniels Sports Complex to facilitate a broad community engagement opportunity and
- provision of a single page feedback form (online and hard copy format) to assist the collection of feedback.

A public notification and review period of 20 business days will be available for the community to provide comments/feedback on the *Elizabeth Daniels Sports Complex Draft Master Plan 2013 – 2028*. Feedback received by council within the specified consultation period will be collated, reviewed and provided to relevant stakeholders for consideration prior to the development of the final Master Plan.

**PROPOSAL**

The *Sunshine Coast Open Space Strategy 2011* guides the planning, development and management of council's controlled open space. This document supported the development of this draft master plan for the Elizabeth Daniels Sports Complex. Other key considerations within this strategy in relation to the *Elizabeth Daniels Sports Complex Draft Master Plan 2013 – 2028* development include:

- sports ground policy direction including improving long-term financial viability through shared support infrastructure such as club houses, car parks and water re-use, planning for effective links to community by public transport, cycle and pedestrian paths, considering accessibility to the community for unstructured recreational activities and advocating for appropriate investment in land, construction and maintenance to increase capacity of existing open space and minimise need for additional open space
- maintain recreation park facilities within the Elizabeth Daniels Sports Complex
- protect and develop the existing district sports grounds across the Sunshine Coast and
- relevant landscape development principles including: character reflective of local identity, designed to positively contribute to the amenity of the surrounding areas, shade trees dividing precincts, shaded car parking, boundary areas substantially planted with locally native/shrub species, planting to provide diversity of layers and qualities for wildlife needs – food sources, connection, protection and breeding, emergency vehicle access, playing surfaces are well drained.

The *Sunshine Coast Sport and Active Recreation Plan 2011-2026* guides the planning, development and management of sport and active recreation across the Sunshine Coast region. A recommendation contained within this strategy is to *liaise with stakeholder clubs and undertake a master plan for Elizabeth Daniels Sports Complex*.

The *Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028* has undertaken an extensive process to ensure alignment with other key council strategies, community needs, population projections, statutory policies and regulations.

The draft Master Plan focuses on this venue as a district sports facility with regional elements and considers the functional requirements of current user groups including:

- Maroochydore Cricket Club
- Sunshine Coast Cricket Association
- Maroochydore Eagles Basketball Association
- Headland Bowls Club
- Headland Buderim Croquet Club
- St Johns Ambulance
- Maroochydore SES
- Sunshine Coast Gem and Fossicking Club
- Sunshine Coast Art Group.



The draft Master Plan considers:

- functionality, configuration, usage and capacity of the sites, including with local schools
- current character and functionality of the landscape
- needs across various sports and recreation uses, including current and future tenants
- emerging trends and issues
- priorities, levels of service and resources
- catchment area and current and future population demographic demands
- events and sport and recreation delivery
- car parking and traffic movement/management requirements
- community expectations and needs
- current and known future economic, social, environmental and legislative context
- council's sport and active recreation plan and open space strategy
- relevant planning constraints and opportunities, including environmental, flood immunity, land zonings, development approval requirements, proposed infrastructure improvements, surrounding site, etc. and
- current and proposed tenure arrangements.

Key recommendations of the draft Master Plan include:

- no new infrastructure along the eastern and north-eastern boundaries of the Complex considering the potential impacts of any future works adjacent to the Sunshine Motorway as part of any Caloundra and Maroochydore Corridor Options Study (CAMCOS) development
- alternate use of currently under-utilised recreation park for exercise stations and relocation of the playground to adjacent to the dog off leash enclosure
- undertake geotechnical, embankment, environmental, leachate investigations across the site to ensure there is a clear understanding of the subsurface integrity, considering the site is a former landfill and has been subject to subsidence and leachate issues
- investigate any potential future community and/or sport development zone at south-west corner of recreation park and
- improved directional signage and pedestrian and traffic flow throughout the Complex.

The *Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028* does not suggest that all elements of the design should proceed, nor should council be responsible for all capital costs in respect of these items that are progressed.

It is important to note that the intent of the Master Plan is to inform the future development of Elizabeth Daniels Sports Complex over an extended time period (up to 15 years), so that ad-hoc improvements are avoided and community use and long term viability are maximised. It is inevitable that opportunities will arise or circumstances will change such that some

elements of the design will assume a higher priority than others. As such master planning considerations are not essentially locked in, and the final outcome may differ from what was originally intended or endorsed by council.

### **Legal**

There are no legal implications to this report, however upgrades will need to be considered in line with current and future clauses in tenure arrangements.

### **Policy**

The *Sunshine Coast Open Space Strategy 2011* and *Sunshine Coast Sport and Active Recreation Plan 2011- 2026* forms council's policy on sport and active recreation for the region and provides a direction for the future. These documents have been reviewed and used to guide the recommendations within the *Elizabeth Daniels Sports Complex Draft Master Plan 2013 – 2028*.

### **Risk**

Failure to maintain an adequate level of service for sport and active recreation facilities may result in increased future costs and community dissatisfaction.

Raising community expectations without adequate funding options available to implement recommendations contained within the Master Plan.

Master Planning also reduces the risk of short term, ad-hoc development, which may be to the detriment of future service provision and uses.

### **Previous Council Resolution**

#### **Open Space Strategy Council Resolution (SM11/11)**

*That Council:*

- (a) *receive and note the report titled "Sunshine Coast Open Space Strategy 2011";*
- (b) *adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) *request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils' long term financial model and other revenue sources, for future consideration by Council; and*
- (d) *thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

#### **Sport and Active Recreation Plan - 7 March 2011 Council Resolution (SM11/9)**

*That Council:*

- (a) *receive and note the report titled "Sunshine Coast Sport and Active Recreation Plan 2011-2026";*
- (b) *discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) *adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) *develop a detailed and prioritised multi-year implementation plan based on councils' long term financial model and other revenue sources; and*
- (e) *delegate to the Chief Executive Officer to make appropriate amendments to the "Sunshine Coast Sport and Active Recreation Plan 2011-2026" in consultation with*

- divisional councillors in accord with established criteria and upgraded input information;*
- (f) *acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) *acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

### **Related Documentation**

- Sunshine Coast Council Corporate Plan 2009 – 2014
- Sunshine Coast Open Space Strategy 2011
- Sunshine Coast Sport and Active Recreation Plan 2011 – 2026
- Sunshine Coast Council - Capital Works Program Listing 2011/2012 - 2020/2021
- Sunshine Coast Cemetery Plan 2012 – 2027
- Sunshine Coast Sustainable Transport Strategy/Active Transport Plan 2011-2031
- Sunshine Coast Youth Strategy 2010 – 2015
- Sunshine Coast Access and Inclusion Plan 2011 - 2016
- Sunshine Coast Recreation Trail Plan 2011
- Sunshine Coast Social Infrastructure Strategy 2011
- Sunshine Coast Public Art Policy
- Sunshine Coast Biodiversity Strategy 2011
- Sunshine Coast Place Making Charter: People, Place and Partnerships
- Sunshine Coast Wellbeing Charter 2010
- Sunshine Coast Positive Ageing Strategy 2011-2016
- Sunshine Coast Affordable Living Strategy 2010
- Sunshine Coast Reconciliation Action Plan 2011
- Sports Field Maintenance Program
- Elizabeth Daniels Sport and Recreation Reserve Master Plan 2004
- Ballinger Park Sports Complex Master Plan 2012
- Draft Feasibility Study for the Maroochydore Indoor Sports Centre, May 2013
- Sunshine Coast Council Sports Field Maintenance Funding Program

### **Critical Dates**

It is imperative that council has a policy framework and direction which has the capacity to respond to the needs of sport and active recreation facilities and services across the region. Sports grounds are experiencing increasing demand, which will continue to grow into the future due to population growth, expansion pressures and the need to support active and healthy lifestyles within our community.

The public notification of the draft Master Plan is a vital step towards ensuring that council has a master plan for this Complex and identified actions that can direct future staged works.

### **Implementation**

Public review and feedback will occur after the endorsement of the draft Master Plan at Council's Ordinary Meeting. A communication plan will be prepared and implemented for the intended public notification period of 20 business days.

The following community engagement approach is intended for this consultation:

- Media Releases
- Project webpage including feedback form
- 'Meet at the Complex' session. Draft Master Plan will be displayed on site for community review and feedback with hard copy feedback forms available

- Inclusion of consultation period in local councillors column with advice on how to respond
- Corporate website and
- Continued engagement with targeted stakeholders, sport and community groups on site and with those who expressed an interest to be located at the Complex.

Feedback received by council within the specified consultation period, will be collated, reviewed and provided to relevant stakeholders for consideration prior to the development of the final Master Plan.

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**7.2.2 NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013 - 2023**

<b>File No:</b>	<b>ECM 25 July 2013</b>
<b>Authors:</b>	<b>Aquatic and Leisure Facilities Manager Community Services Department Community Planning and Strategy Manager Community Services Department</b>
<b>Appendices:</b>	<b>App A - Nambour Showgrounds Draft Master Plan 2013 - 2023 (Under Separate Cover) ..... Att Pg 87</b>

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**PURPOSE**

The purpose of this report is to seek council's endorsement of the Nambour Showgrounds Draft Master Plan 2013-2023 for the purposes of public exhibition and comment.

**EXECUTIVE SUMMARY**

The Nambour Showgrounds is a significant regional facility for the Sunshine Coast and serves four major functions: an event space; tenured facilities for community groups; provision of community assets/social infrastructure; and a public open space for the wider community.

The Nambour Showgrounds makes a significant economic contribution to the region. It is estimated that the Showgrounds contributes \$38.8 million to the region's economy. Of this, events account for \$34.2 million while regular user groups account for \$4.6 million.

There are four signature events held annually at the Nambour Showgrounds attracting over 75,000 visitors. These events include the Sunshine Coast Agricultural Show, the Queensland Home Garden Expo, the Sunshine Coast Home, Caravan, Camping and Boating Expo and the Sunshine Coast Antique Car Club swap meet. An additional 32,100 visitors attend other major and significant events. The Showgrounds are also heavily utilised by a range of community groups on a weekly basis. The total estimated attendance at all activities occurring within the Nambour Showgrounds is approximately 179,000 visits per annum.

The Nambour Showgrounds provide important social infrastructure for the Nambour and Sunshine Coast communities. Through its various functions, the Showgrounds meet the needs of its different interest groups, encourages community health and social wellbeing, and contributes to the development of the social fabric, identity and values of the Sunshine Coast community. The facilities at the Showgrounds are utilised on average, by 28 community and user groups who use the sportsgrounds, meeting rooms and pavilions on a regular basis. These user groups form ongoing and regular visitation to the Showgrounds.

Other users of the facilities include the local community, schools and training organisations who utilise the ovals and internal road for sport, recreation and training, for pedestrian shortcuts and access to public open space.

To help respond to growing demands and to avoid further ad-hoc development at the Nambour Showgrounds, a draft Master Plan has been developed. The aim of the draft Master Plan is to seek community opinion in relation to recommendations surrounding the revitalisation of the Showgrounds which aims to maximise its economic development potential and value as a community hub within the Nambour and greater Sunshine Coast community.

Following the receipt of community feedback and amendments to the draft Master Plan, a final document will be presented to council seeking adoption.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Nambour Showgrounds Draft Master Plan 2013 - 2023”
- (b) endorse the Nambour Showgrounds Draft Master Plan 2013 - 2023 (Appendix A) for public exhibition and comment and
- (c) request the Chief Executive Officer collate and consider all feedback received as part of the public consultation and present the final Master Plan for adoption to council.

## FINANCE AND RESOURCING

Allocations towards the implementation of the Master Plan will be made through council’s Ten-Year Capital Works Program.

Council’s capital works program (2013/2014 – 2021/2022) includes the following allocations:

- \$200,000 in 2013/2014 (adopted by Council) for staged construction of Master Plan initiatives
- \$250,000 in 2014/2015 (indicative budget pending council approval) for staged construction of Master Plan initiatives
- \$610,000 in 2015/2016 (indicative budget pending council approval) for staged construction of Master Plan initiatives
- \$434,500 in 2016/2017 (indicative budget pending council approval) for staged construction of Master Plan initiatives.

It is also important to note that the Nambour Showgrounds Master Plan 2013-2023 does not suggest that all elements of the design should proceed, nor should council be responsible for all capital costs. Rather the strategy establishes the vision for the Showgrounds, assists in the attraction of external funding to support development, and prevents ad-hoc development which is inconsistent with the Showgrounds vision.

## CORPORATE PLAN

**Corporate Plan Theme:** *Health & Wellbeing*

**Emerging Priority:** 4.2 - Active lifestyles

**Strategy:** 4.2.3 - Promote physical activity and recreation

**Corporate Plan Theme:** *Health & Wellbeing*

**Emerging Priority:** 4.2 - Active lifestyles

**Strategy:** 4.2.4 - Support community-based sport and recreation organisations and programs

**Corporate Plan Theme:** *Social Cohesion*

**Emerging Priority:** 5.3 - A sense of identity and belonging

**Strategy:** 5.3.1 - Support community programs and infrastructure that encourage interaction, contribute to placemaking and a sense of community

## CONSULTATION

### Internal Consultation

Consultation has been conducted with the following relevant internal stakeholders:

- . Division 5, 8 and 10 Councillors
- . Community Facilities Branch
- . Parks and Gardens Branch
- . Buildings and Facilities Services Branch
- . Transport and Engineering Services Branch
- . Business and Major Projects Services Branch
- . Infrastructure Policy Branch
- . Property and Business Branch
- . Strategic Planning Branch
- . Social Policy Branch
- . Community Development Branch
- . Legal Services Branch
- . Economic Development Branch
- . Planning Assessment Branch
- . Environment Policy Branch
- . Environmental Operations Branch
- . Disaster Management Branch.

### External Consultation

Consultation has been undertaken with the following external stakeholders:

- . Nambour Showgrounds Advisory Group
- . Nambour Alliance
- . Sunshine Coast Agricultural Show Society
- . Australian Events
- . Nambour Cricket Club
- . Zone 6 Pony Club
- . Northcoast Active Riders Group
- . Sunshine Coast Showjumping and Equestrian Club
- . Gunalda and District Western Performance Club
- . Queensland Garden Expo
- . Sunshine Coast Darts Association
- . Nambas Tennis Club
- . Nambour Lapidary Club
- . Maroochy Pony Club
- . Nambour APEX Club
- . Rotary Club of Nambour
- . Nambour Community Garden Club
- . Sunshine Coast Antique Car Club
- . Nambour Poultry Club
- . Craft Creations
- . Landrover Owners Club
- . Suncoast Hotrod and Custom Cars
- . Historic Motorcycle Club
- . Woombye Rotary Club
- . Collectorama Antiques
- . Local schools
- . Department of Natural Resources and Mines.



The information obtained from these consultation activities has informed the draft Master Plan development.

### **Community Engagement**

Additional engagement was conducted using an appreciative enquiry approach to gain a perspective about what the community values about Nambour Showgrounds. The consultation was undertaken over a 30 day period during January and February of 2013. It was promoted by way of media releases, launch of a council webpage, radio appearance by the Divisional Councillor, promotion via the Nambour Alliance, and a letter box drop of approximately 220 surrounding residences and businesses. The community was able to provide input via an online discussion forum on council's 'Have Your Say' website, email or by contacting council by phone.

Should council endorse the draft Master Plan to go to wider community consultation, the proposed community engagement methodology includes:

- Further engagement and feedback opportunities with user groups and key community stakeholders
- Display of copies of the draft Master Plan on council's website and at other council venues
- A "Meet us at the Complex" public display of the draft Master Plan at the Nambour Showgrounds to facilitate a broad community engagement opportunity
- Provision of a single page feedback form (online and hard copy format) to assist the collection of feedback
- Utilisation of council's Community Engagement Register (comprises approx. 700 registered engagees) to request input from regional community or target residents.

A public notification and review period of 20 business days will be available for the community to provide comments/feedback on the Nambour Showgrounds Draft Master Plan 2013-2023. Feedback received by council within the specified consultation period will be collated, reviewed and provided to relevant stakeholders for consideration prior to the development of the final master plan.

## **PROPOSAL**

### *Overview of Showgrounds*

The Nambour Showgrounds is a significant regional facility for the Sunshine Coast and serves four major functions:

- an event space
- tenured facilities for community groups
- accommodation of community assets
- a public open space for the wider community.

It has been estimated that the Showgrounds host an average of 179,000 visits per annum. The two primary types of activities that generate the most attendances within the Showgrounds are the major events that occur there and the tenure and use by local community groups.

There are four major events in the calendar year attracting visitors from within and outside the Sunshine Coast region. The largest event, in terms of visitation numbers, is the Queensland Home Garden Expo, which is held over three days in July attracting around 30,500 visitors. The Sunshine Coast Agricultural Show is held annually over three days in June and attracts around 25,000 attendees (based on 2012 Situational Analysis Report). Other major events at the showgrounds include the Sunshine Coast Home, Caravan, Camping and Boating Expo with approximately 14,000 visitors (Australian Events Website)

and the Sunshine Coast Antique Car Club swap meet attracting around 7,500 visitors (Development Levy Data).

An additional 32,100 visitors attend other major and significant events at the Nambour Showgrounds including the Annual Pet Expo, Annual Rodeo, Collectorama (four events held quarterly each year), Gemfest, International Rally of Qld Shakedown / Shootout and Media Event, Relay for Life, Nambour Christmas Carols, Annual Junior Development cricket carnival, Antique Car Club display days, Gunalda and District Western Performance Club Inc. events, Sunshine Coast Showjumping and Equestrian Club Events and larger Darts Club events. All attendance to major and significant events within the Nambour Showgrounds represents an estimated 109,000 visits per annum.

Nambour Showgrounds also makes a significant economic contribution to the region. It is estimated that the Showgrounds contributes \$38.8 million to the region's economy from direct and indirect expenditure. Of this, events account for \$34.2 million while regular user group activity accounts for \$4.6 million. The total direct expenditure at the Nambour Showgrounds is estimated at just over \$15.1 million per annum.

The Nambour Showgrounds also provides important social infrastructure for the Nambour and Sunshine Coast communities. Through its various functions, the Showgrounds meets the needs of its different interest groups, encourages community health and social connectedness and wellbeing, and contributes to the development of the social fabric, identity and values of the Sunshine Coast community. The facilities at the Showgrounds are utilised on average, by 28 community and user groups who use the sportsgrounds, meeting rooms and pavilions on a regular basis. User groups form ongoing and regular visitation to the Showgrounds.

Other users of the facilities include the local community, schools and training organisations who utilise the ovals and internal road for sport, recreation and training, for pedestrian shortcuts and access to public open space.

#### Overview of Social and Economic Benefit of Agricultural Shows

To understand the social and economic benefits of agricultural shows, the "Economic and Social Impact Study of Australian Agricultural Shows", compiled by the Queensland Chamber of Agricultural Societies Inc was reviewed. The document provides an overview of previous work undertaken as well as a summary of findings from consultation with around 1,900 people.

Despite show benefits, Australian agricultural shows could be in decline. Recent statistics have shown fewer shows are operating and fewer people attending the operational shows. Since 2000 attendance to shows throughout Australia has experienced a rapid decline with an estimated 5.9 million people visiting a show in 2011, compared with 10.7 million in 2000.

Interestingly however, Queensland is bucking this trend with recent figures showing growth in attendance numbers of 13.7% per annum during the 2009-2011 period.

The study estimates that Australian shows currently contribute around \$631 million of direct expenditure and a further \$334 million in indirect economic benefits. This estimate does not factor in the contribution that volunteerism has on the economy. The three most prevalent social benefits of agricultural shows identified in the report were family fun and wellbeing, promotion of local produce, and community participation in local community events.

Master Plan Proposal

The Nambour Showgrounds Draft Master Plan 2013-2023 has undertaken an extensive process to ensure alignment with other key council strategies, community needs, population projections, statutory policies and regulations.

The draft Master Plan considers:

- Functionality, configuration, usage and capacity of the sites, including with local schools
- Current character and functionality of the landscape
- Needs across various sports and recreation uses, including current and future tenants
- Emerging trends and issues
- Priorities, levels of service and resources
- Catchment area and current and future population demographic demands
- Events and sport and recreation delivery
- Car parking and traffic movement/management requirements
- Community expectations and needs
- Current and known future economic, social, environmental and legislative context
- Council's draft major events strategy, sport and active recreation plan and open space strategy
- Relevant planning constraints and opportunities, including environmental, flood immunity, land zonings, development approval requirements, proposed infrastructure improvements, surrounding site, etc.
- Current and proposed tenure arrangements.

Taking into account the above considerations, a draft vision statement for the Master Plan has been developed as follows:

*The Nambour Showgrounds will be revitalised to enhance its economic development potential and value as a community hub within the Nambour and greater Sunshine Coast community. The facility is seen as a significant asset to the community, which contributes to the sustainability of the region – economic, environmental and social. It is a great place to visit, recreate, and celebrate the local community and contributes to the vibrancy of Nambour.*

*The residents of Nambour are proud of the facility, due to the activities it accommodates and its contribution to the local sense of place. The Nambour Showgrounds will continue to accommodate major community events such as the Queensland Home Garden Expo, Sunshine Coast Agricultural Show, and other events. Opportunities to secure or create new events which do not compete with private sector interests and will contribute to the revitalisation of Nambour will be sought.*

*This will be balanced against the important day to day function of the venue as a destination for a range of community and recreational uses. The functionality of the Nambour Showgrounds is increased through improvements, renewal, expansion or replacement of existing features such as roads, infrastructure, buildings, and facilities.*

This vision is guided by five guiding principles which are reflected in the Master Plan elements and initiatives identified. These five principles are:

- Financial and Environmental Sustainability
- Access and Circulation
- Centralise Function and Activity
- Sense of Place
- Consideration of Neighbouring Uses.

The Master Plan envisages that in the medium to long term, cricket will be relocated subject to a suitable location being sourced in close proximity to Nambour (subject to funding being available). This design approach enables the Showgrounds to cater for expanded event opportunities (e.g. equestrian or other events) in summer months and reduced implications on events during the winter months. Flexible and level spaces would become a priority for open space, making the site more desirable for more regional events as well as expanding events currently held on the site. Spaces could be used as passive recreational areas, open green spaces, display stall spaces and various other event-themed activities.

However, in the short to medium term a “Base Strategy” approach would be implemented. This retains and enhances uses and features that are common across existing user groups of the facility. Key elements of the “Base Strategy” comprise:

- Retention of community, sporting and event uses in a manner that improves the overall functionality of the site
- Improved site access, entry, internal movement and parking
- Improved connectivity to Crusher Park and CBD
- Demolition of the existing Main Pavilion and conversion to a green plaza space
- New multi-use facility developed for a range of events, functions and meetings
- Improvements to equestrian areas
- Additional outdoor display space through the creation of terraced areas that could double as RV sites outside event times.

The Nambour Showgrounds Draft Master Plan 2013-2023 does not suggest that all elements of the design should proceed, nor should council be responsible for all capital costs in respect of these items that are progressed.

It is important to note that the intent of the Master Plan is to inform the future development of Nambour Showgrounds over an extended time period (up to 10 years or beyond), so that ad-hoc improvements are avoided and community use and long term viability are maximised. It is inevitable that opportunities will arise or circumstances will change such that some elements of the design will assume a higher priority than others.

### **Legal**

Prospective upgrades and access will need to be considered in line with current and future clauses in tenure arrangements. The majority of user groups hold licenses extending through to 30 June 2014.

### **Policy**

The Sunshine Coast Open Space Strategy and Sunshine Coast Sport and Active Recreation Plan 2011-2026 forms council's policy on sport and active recreation for the region, and provides a direction for the future. These documents have been reviewed and used to guide the recommendations within the Nambour Showgrounds Draft Master Plan 2013-2023.

The Master Plan also aligns with council's Draft Major Events Strategy which seeks to retain and grow existing major events and protect them from being lost to the region, as well as securing new events.

### **Risk**

There is a risk that without progression of the draft Master Plan, council could fail to maintain an adequate level of service for sport and active recreation facilities, which may result in increased future costs and community dissatisfaction.

Strategic planning also reduces the risk of short term, ad-hoc development, ensuring future improvements align with the longer term vision for the facility.

By endorsing the draft Master Plan for public comment, there is the risk of raising community expectations without adequate funding options available to implement recommendations. Clear communication will need to ensue with user groups and community stakeholders to ensure they are aware of the longer term nature of the draft Master Plan and the financial capabilities of council and other funding streams.

### **Previous Council Resolution**

#### Open Space Strategy

Council Resolution, 7 March 2011 (SM11/11)

*That Council:*

- (a) receive and note the report titled "Sunshine Coast Open Space Strategy 2011";*
- (b) adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils' long term financial model and other revenue sources, for future consideration by Council; and*
- (d) thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

#### Sport and Active Recreation Plan

Council Resolution, 7 March 2011 (SM11/9)

*That Council:*

- (a) receive and note the report titled "Sunshine Coast Sport and Active Recreation Plan 2011-2026";*
- (b) discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) develop a detailed and prioritised multi-year implementation plan based on councils' long term financial model and other revenue sources;*
- (e) delegate to the Chief Executive Officer to make appropriate amendments to the "Sunshine Coast Sport and Active Recreation Plan 2011-2026" in consultation with divisional councillors in accord with established criteria and upgraded input information;*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the "Sunshine Coast Sport and Active Recreation Plan 2011-2026".*

### **Related Documentation**

- Sunshine Coast Council Corporate Plan 2009–2014
- Sunshine Coast Open Space Strategy 2011
- Sunshine Coast Sport and Active Recreation Plan 2011–2026
- Sunshine Coast Draft Major Events Strategy 2013
- Sunshine Coast Affordable Living Strategy 2010
- Sunshine Coast Council - Capital Works Program Listing 2011/2012-2020/2021
- Sunshine Coast Sustainable Transport Strategy/Active Transport Plan 2011-2031
- Sunshine Coast Youth Strategy 2010–2015
- Sunshine Coast Access and Inclusion Plan 2011-2016

- Sunshine Coast Recreation Trail Plan 2011
- Sunshine Coast Social Infrastructure Strategy 2011
- Sunshine Coast Public Art Policy
- Sunshine Coast Biodiversity Strategy 2011
- Sunshine Coast Place Making Charter: People, Place and Partnerships
- Sunshine Coast Wellbeing Charter, 2010
- Sunshine Coast Positive Ageing Strategy 2011-2016
- Sunshine Coast Affordable Living Strategy 2010
- Sunshine Coast Reconciliation Action Plan 2011
- Sunshine Coast Entertainment, Convention and Exhibition Centre Feasibility Report 2011
- Sunshine Coast Entertainment, Convention and Exhibition Centre Implementation Strategy October 2011
- Sunshine Coast Council Sports Field Maintenance Funding Program
- Nambour Showgrounds Situational Analysis Report
- Nambour Alliance – Town Vision 2012
- Draft Land Management Plan Nambour Showgrounds 2012
- Maroochy Plan 2000
- Nambour Central Park, Petrie Creek – Open Space Master Plan draft report 2012.

### **Critical Dates**

It is imperative that council has a strategic framework and direction which has the capacity to respond to the needs of valuable community assets such as the Nambour Showgrounds. Showgrounds are experiencing increasing demand which will continue to grow into the future due to population growth, expansion pressures and the need to meet a range of community uses and demands within our community.

The public notification of the draft Master Plan is a vital step towards ensuring that council has a strategy for the Nambour Showgrounds and identified actions that can direct future staged works.

### **Implementation**

Public review and feedback will occur after the endorsement of the draft Master Plan at council's Ordinary Meeting. A communication plan will be prepared and implemented for the intended public notification period of 20 business days.

The following community engagement approach is intended for this consultation:

- Media Releases
- Project webpage including feedback form
- 'Meet us at the Complex' session. Draft Master Plan will be displayed on site for community review and feedback with hard copy feedback forms available
- Inclusion of consultation period in local Councillors column with advice on how to respond
- Corporate website
- Continued engagement with targeted stakeholders, user groups on site, major event holders and those who expressed interest during earlier community consultation involved with this project.

Feedback received by council within the specified consultation period, will be collated, reviewed and provided to relevant stakeholders for consideration prior to the development of the final Master Plan.

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### 7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14

<b>File No:</b>	<b>ECM 25 July 2013</b>
<b>Author:</b>	<b>Team Leader Community Connections Community Services Department</b>
<b>Appendices:</b>	<b>App A - 2013/14 Community Partnership Funding Program (CPFP) Environment Category Recommendations .....85 App B - CPFP (Environment Category) Allocations Previously Endorsed .....87</b>
<b>Attachments:</b>	<b>Att 1 - CPFP Guidelines - Environment Category 2013-14 .....89 Att 2 - Additional Information (<i>Under Separate Cover</i>) - <i>Confidential</i> ..... <i>Conf Att Pg 5</i></b>

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#### PURPOSE

The purpose of this report is for council to consider and endorse funding recommendations for the 2013 Community Partnership Funding Program - Environment Category.

#### EXECUTIVE SUMMARY

The Community Partnership Funding Program (CPFP) is a three (3) year funding program endorsed by Council that funds operational expenses for incorporated community organisations. The three year nature of the program is intended to create an environment of funding certainty and the opportunity for community organisations to engage in longer term planning.

In the preparation of the 2013/2014 budget, council agreed to review the Community Partnership Funding Program (CPFP) three (3) year funding program. A three year funding program was deemed problematic in terms of committing the new Noosa Council to long term funding agreements and as such council made a commitment for one (1) year funding under the Program. It is intended that the Sunshine Coast Council will undertake a full review of the Levy Program in the 12 month period.

In this funding application round a total of 17 applications from 14 organisations were received requesting \$841,109.

The assessment panel is recommending funding for the 17 applications to an amount of \$647,029. Appendix A outlines the recommended approvals and identifies the funding for the Sunshine Coast Council and the new Noosa Council. Approval to proceed with the commitment of funding in the area of the future Noosa Council requires the agreement of the Transfer Manager.

This report also notes for council's information the second and third year funding for organisations who were previously awarded a three year CPFP funding agreement in the Environment Category. Therefore, recipients of CPFP (Environment Category) in 2011 will be receiving their third (and final) year of funding; while applicants from 2012 will receive their second year of funding in the 2013/14 Financial Year (see Appendix B). Appendix B details the appropriate funding source for the Sunshine Coast Council and the new Noosa Council.



**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Community Partnership Funding Program (Environment) Recommendations”
- (b) endorse the Community Partnership Funding Program (Environment Category) Recommendations for a single year of funding for 2013/2014 (Appendix A) subject to Transfer Manager approval where relevant for Noosa based applications and
- (c) note the ongoing previously endorsed commitment to organisations listed in Appendix B through to 2014/2015 and request the Chief Executive Officer to notify the Transfer Manager in relation to Noosa based organisations whose funding must be met by a future Noosa Council from 1 January 2014 to 30 June 2015.

**FINANCE AND RESOURCING**

The Environment Category of the Community Partnership Funding Program (CPFP) is funded from council’s Environment Levy.

\$870,000 of 2013/14 Environment Levy budget has been allocated to CPFP. It is anticipated that this funding allocation will be fully expended in the 2013/14 financial year to fund the proposed 17 new partnerships (\$647,029) for twelve months and nine (9) existing partnerships which were endorsed in 2011 and 2012 (\$222,553).

Five (5) applications for 2013/14 programs and/or services in the new Noosa Council area are recommended for funding to the value of \$223,656. The budget (\$111,828 - 50% of the proposed funding) from 1 January 2014 to 30 June 2014 of the 2013/14 CPFP (Environment) in Divisions 11 and 12 will need to be accommodated by the new Noosa Council in the creation of their budget. This approach will need formal agreement of the Transfer Manager.

The third and final year of 2012/13 CPFP (Environment) agreements (\$80,100) will be reviewed in the 2014/15 budget processes for the Sunshine Coast Council and the new Noosa Council. Budget implications are detailed in Table 1.

The previous endorsement of second and third year funding for 2012/13 recipients delivering services in the new Noosa Council area will also need to be considered by the new Noosa Council in budget preparation for the period 1 January 2014 to 30 June 2014. The total financial implications recommended in this report for the new Noosa Council for the period 1 January 2014 – 30 June 2014 equates to \$124,595, comprising \$12,767 (funding for previous successful applicants) and \$111,828 (50% of the total of funding for successful applicants for a single year of funding in 2013/14). Estimated budget implications for the new Noosa Council are detailed in Table 1.

**Table 1: Budget Implications – Community Partnership Funding Program  
(Environment Category)**

	TOTAL	July - December	January - June		TOTAL	July - December	January - June
Environment Levy	Budget 13/14	SCC 13/14	New Noosa Council 13/14		Proposed Budget 14/15	SCC 14/15	New Noosa Council 14/15
2011/2012 round 3 <sup>rd</sup> /final year	\$142,453	\$139,953	\$2,500		Nil	Nil	Nil
2012/2013 round 2 <sup>nd</sup> year	\$80,100	\$69,833	\$10,267		Nil	Nil	Nil
2012/2013 round 3 <sup>rd</sup> /final year	Nil	Nil	Nil		\$80,100	\$59,566	\$20,534
2013/2014 round 1 year funding	\$647,029	\$535,201	\$111,828		Nil	Nil	Nil
<b>Total budget commitments</b>	<b>\$869,582</b>	<b>\$744,987</b>	<b>\$124,595 (1)</b>		<b>\$80,100</b>	<b>\$59,566</b>	<b>\$20,534 (2)</b>

- (1) Subject to agreement of the Transfer Manager  
(2) For noting by Transfer Manager (part of 3 year program, already committed)

## CORPORATE PLAN

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.2 - Our natural environment preserved for the future

**Strategy:** 2.2.1 - Engage with the community to assist with the protection of our environment through sustainable practices and resource minimisation

**Corporate Plan Theme:** *Social Cohesion*

**Emerging Priority:** 5.2 – Strong community groups and networks

**Strategy:** 5.2.1 – Value and support community organisations and volunteers across the region

**Corporate Plan Theme:** *Social Cohesion*

**Emerging Priority:** 5.2 – Strong community groups and networks

**Strategy:** 5.2.3 – Support community initiatives through appropriate provision of information, expertise and resources

## CONSULTATION

### Internal Consultation

Stage one assessment (pre-assessment of applicant and proposal) was undertaken by Community Services staff.

The panel for stage two assessment comprised the following council staff:

- Coordinator, Biosphere and Partnerships, Regional Strategy and Planning
- Coordinator, Water Coast and Catchment, Regional Strategy and Planning
- Team Leader, Community Conservation Partnerships, Infrastructure Services
- Senior Project Officer (Grants), Community Connections, Community Services (Chair).

### **External Consultation**

External consultation is not applicable to the Community Partnership Funding Program.

### **Community Engagement**

Council staff involved in environmental services and programs and community funding programs liaised with community organisations across the region, providing assistance with proposal development, preparation of the application content and the application process.

### **PROPOSAL**

In the preparation of the 2013/2014 budget council agreed to review the Community Partnership Funding Program (CPFP) three (3) year funding program. A three year funding program was deemed problematic in terms of committing the new Noosa Council to long term funding agreements and as such council made a commitment for one (1) year funding under the Program. A full review of the Environment Levy Program will be undertaken by the Sunshine Coast Council during the next 12 months to consider Council's preferred direction.

Council agreed in principle to extend funding to recipients of CPFP funds (all categories other than those funded by the Environment Levy) who are in their third year of funding for an additional year, based on satisfactory acquittal of previous funding received. Staff are in the process of contacting these recipients and informing them of the extension to their funding.

With regard to the Community Partnership Funding Program Environmental Category. funded under the Environment Levy, applications for the 2013 round of CPFP opened on 1 May and closed on 27 May, 2013.

The framework of the program ensures an equitable, accountable and transparent process for the creation of funding partnerships between council and community organisations. It enables distribution and acquittal of financial assistance to community groups in accordance with government guidelines and standards.

Council staff manage the funding program including promotion, support, assessment and distribution of funding. Internal partnerships between Community Services, Regional Strategy and Planning and Infrastructure Services are well established both for promotion of the program and for assessment of applications for the CPFP (Environment Category).

To reflect the changes due to de-amalgamation, applicants were asked to prepare a funding application for one year rather than the previous time frame of three years. In addition, applicants were asked to indicate which geographical area the proposed programs and/or services will be provided:

- Sunshine Coast Council (Divisions 1 to 10), the local government area; or
- Sunshine Coast Council (Divisions 11 and 12), the new local government area for Noosa Council.

Organisations which proposed to deliver programs and/or services in both local government areas were asked to submit two separate funding applications.

### Promotion and support

Detailed information about the CPFPP (Environment Category) was posted on Council's website and a fact sheet was prepared and distributed through Council customer service centres and libraries.

Environmental services and programs officers promoted the funding round directly to those organisations which had:

- been funded through CPFPP (Environment Category) and would reach the end of their three year funding period on 30 June 2013; or
- enquired and indicated interest in the program and were eligible for funding.

### Applications

A total of 17 applications from 14 organisations were received requesting \$841,109 in funding. Three organisations submitted two separate funding applications detailing proposals to deliver programs and/or services in both the Sunshine Coast Council and the Noosa Council local government areas.

### Assessment

Both general and category specific assessment criteria were endorsed by council before the initial launch of the Community Partnership Funding Program in 2010. Assessment of applications was based on these criteria (see Attachment 1).

A two-stage assessment process was established to determine recommendations to council:

- pre-assessment by council staff to determine applicant and proposal eligibility.
- proposals assessed by a panel of four members representing the Regional Strategy and Planning; Infrastructure Services and Community Services Departments.

The assessment process resulted in a priority list of applications aligned to the assessment criteria and a recommended funding amount within the context of the available budget.

Funding recommendations and panel comments for each application are provided in Appendix A. Additional information in relation to intent of funding, panel comments and history of funding (refer Attachment 2). Summary of application and assessment outcomes are listed in Table 2.

**Table 2: 2013/14 Community Partnership Funding Program (Environment Category) Funding Round Summary**

Environment Category	Proposals received	Funding requested	Proposals recommended	Recommended funding amounts
Divisions 1- 10	12	\$563,123	12	\$423,373
Divisions 11 - 12	5	\$277,986	5	\$223,656
<b>Total</b>	<b>17</b>	<b>\$841,109</b>	<b>17</b>	<b>\$647,029</b>

The nine organisations which were awarded three years funding in the 2011 or 2012 CPFPP (Environment Category) round are provided for council's information in Appendix B.

**Legal**

Successful applicants will be required to fulfil their Conditions of Agreement that outlines the relationship between parties and obligates them to be incorporated bodies with adequate risk management plans, appropriate level of insurance, training, reporting and financial controls.

The report if endorsed commits the new Noosa Council to an expenditure of \$146,629. This aspect is covered by the funding being agreed by the Transfer Manager.

**Policy**

The recommendations are in accordance with the Local Government Finance Standards, and are in accordance with the adopted Community Grants Policy and the Community Partnership Funding Program Guidelines.

**Risk**

Given the twelve (12) month funding provisions, there is no clearly identifiable risk in the allocation of funding to applicant organisations through the Environment category of the Community Partnership Funding Program.

As this timing is in line with previous years' time frames, it will ensure minimum disruption to operations of the previously funded environment groups, which had reached the end of their three year CFPF funding agreement.

**Previous Council Resolution**

(SCD) ITEM 5.2.2 TRANSITION FUNDING RECOMMENDATIONS AND COMMUNITY PARTNERSHIPS FUNDING POLICY AND PROGRAM GUIDELINES

**Council Resolution (OM09/365)**

*That Council:*

- (a) *receive the report titled "Transition Funding Recommendations and Community Partnership Funding Policy and Program Guidelines";*
- (b) *endorse the transition funding amounts proposed (Appendix A), including the requirement that recipient organisations be advised funding processes and amounts will be subject to review for 2010/11 year and beyond*
- (c) *endorse the Community Partnerships Funding Policy (Appendix B)*
- (d) *endorse the Community Partnerships Funding Program guidelines for 2010/2011 and beyond (Appendix C).*

**Related Documentation**

- Community Grants Policy
- Community Partnership Funding Program Guidelines (Environment Category)

**Critical Dates**

It is important to distribute the funds as soon as possible in the 2013/14 financial year to enable groups to continue / commence implementation of programs and services.

**Implementation**

Upon Council endorsement of this report, successful applicants will be contacted and offered partnership funding for a twelve (12) month period. Partner community organisations will have a clear and on-going line of communication with Council's environmental services and programs staff.

Conditions of Agreement will be determined, and these will include reporting and acquittal requirements, payment schedule (if applicable) and any conditions to be met prior to funding being awarded. Arrangements will include the funding for new Noosa Council to ensure a continued service delivery.

A list of successful partner organisations in the CFPF (Environment Category) will be posted on Council's website.

As well as the provision of funding, council officers will work with successful partner organisations to develop strong relationships to build capacity towards good governance and sustainable practices. Interaction with successful community organisations will include monitoring partnership agreements and ensuring reporting requirements are met.

Funding will be distributed throughout August - September 2013, following receipt of invoice and signed Conditions of Agreement from successful applicants.

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**Appendix A:**

**2013/14 Community Partnership Funding Program (CPFP)  
 Environment Category Recommendations**

Total applications: 17  
 Total amount requested: \$841,109

**RECOMMENDED FOR FUNDING**

Total applications recommended: 17  
 Total amount recommended (GST exc.): \$647,029

**NOT RECOMMENDED FOR FUNDING**

Total applications per category: 0  
 Total amount requested: \$0

**Sunshine Coast Council Local Government Area**

ID	Applicant	Amount Requested	Amount Recommended	Sunshine Coast Council	New Noosa Council
CPEV13002	Mary River Catchment Coordinating Committee	\$83,699	\$65,903	\$65,903	Nil
CPEV13003	Wildlife Rehabilitation Centre	\$15,000	\$11,250	\$11,250	Nil
CPEV13004	Maroochy Waterwatch Inc	\$116,402	\$100,402	\$100,402	Nil
CPEV13005	Coolum District Coast Care Group Inc.	\$24,000	\$24,000	\$24,000	Nil
CPEV13006	Surfrider Foundation	\$6,024	\$2,339	\$2,339	Nil
CPEV13009	Centre for Growing Sustainability Inc	\$35,000	\$10,000	\$10,000	Nil
CPEV13010	Mooloolah River Waterwatch & Landcare Inc.	\$75,500	\$65,250	\$65,250	Nil
CPEV13012	Barung Landcare Association Inc	\$112,000	\$82,000	\$82,000	Nil
CPEV13014	Twinnies Pelican and Seabird Rescue Inc	\$63,000	\$10,000	\$10,000	Nil
CPEV13015	Currimundi Catchment Care Group Inc	\$21,709	\$21,709	\$21,709	Nil
CPEV13017	Maroochy Wetlands Sanctuary Support Group Inc	\$1,560	\$1,520	\$1,520	Nil
CPEV13018	WPSQ Sunshine Coast & Hinterland Inc	\$33,229	\$29,000	\$29,000	Nil
<b>Total</b>			<b>\$423,373</b>	<b>\$423,373</b>	



**New Noosa Council Local Government Area**

ID	Applicant	Amount Requested	Amount Recommended	Sunshine Coast Council	New Noosa Council
CPEV13001	Noosa Integrated Catchment Assoc Inc	\$111,560	\$89,060	\$44,530	\$44,530
CPEV13007	Wildlife Rehabilitation Centre	\$10,000	\$7,500	\$3,750	\$3,750
CPEV13011	Noosa & District Landcare Group Inc	\$83,567	\$83,567	\$41,783.50	\$41,783.50
CPEV13016	Mary River Catchment Coordinating Committee	\$23,529	\$23,529	\$11,764.50	\$11,764.50
CPEV13019	WPSQ Sunshine Coast & Hinterland	\$25,330	\$20,000	\$10,000	\$10,000
<b>Total</b>			<b>\$223,656</b>	<b>\$111,828</b>	<b>\$111,828</b>

## Appendix B

### CFPF (Environment category)

#### Allocations previously endorsed for 2013/14 funding

2011 Allocations - Third and final year of funding					
Application ID	Organisation Name	Amount funded 2013/14	1 July – 31 December 2013 Current Sunshine Coast Council	1 January – 30 June 2014	
				Sunshine Coast Council	New Noosa Council
CPEV11002	Sunshine Coast Environment Council	\$30,000	\$15,000	\$15,000	Nil
CPEV11003	Night Eyes Association Inc	\$18,663	\$9,331.50	\$9,331.50	Nil
CPEV11004	Maroochy Community Permaculture Group Inc	\$18,790	\$9,395	\$9,395	Nil
CPEV11008	Reef Check Foundation Ltd	\$25,000	\$12,500	\$10,000	*20% work \$2,500
CPEV11009	Australia Zoo Wildlife Warriors Worldwide Ltd	\$50,000	\$25,000	\$25,000	Nil
<b>TOTAL</b>		<b>\$142,453</b>	<b>\$71,226.50</b>	<b>\$68,726.50</b>	<b>\$2,500</b>

2012 Allocations - Second year of funding					
Note: Third year of funding due in 2014/15					
Application ID	Organisation Name	Amount funded 2013/14	1 July – 31 December 2013	1 January – 30 June 2014	
				Sunshine Coast Council	Noosa Council
CPEV12003	Lake Baroon Catchment Care Group Inc	\$50,000	\$25,000	\$25,000	Nil
CPEV12005	Australian Macadamia Society	\$5,000	\$2,500	\$2,500	Nil
CPEV12006	Flying-fox Rescue Release Noosa Inc	\$20,534	\$10,267	Nil	*100% work \$10,267
CPEV12009	Friends of the Maroochy Regional Bushland Botanic Gardens Inc.	\$4,566	\$2,283	\$2,283	Nil
<b>TOTAL</b>		<b>\$80,100</b>	<b>\$40,050</b>	<b>\$29,783</b>	<b>\$10,267</b>

\*Note: Percentage breakdown provided by Coordinator Biosphere & Partnerships, Regional Strategy & Planning

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## 7.2.4 COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY

<b>File No:</b>	<b>ECM 25 July 2013</b>
<b>Author:</b>	<b>Community Leasing and Assets Manager Community Services Department</b>
<b>Appendices:</b>	<b>App A - Draft Community Purpose Land and Infrastructure Tenure Policy .....103</b>

### PURPOSE

The purpose of this report is to present a Community Purpose Land and Infrastructure Tenure Policy (Appendix A) to Council for consideration and adoption.

### EXECUTIVE SUMMARY

Council is governed by the *Land Act 1994* and the *Land Regulation 2009* to administer community tenure on community purpose land and infrastructure that is owned by the State of Queensland under the control of Council as Trustee. Although Council Freehold land is not subject to the provisions of the *Land Act 1994* and the *Land Regulation 2009*, it is proposed to be governed by the principles of the draft Community Purpose Land and Infrastructure Tenure Policy to ensure transparency and consistency.

In the past, Council's role in the administration of community tenure on council owned and controlled community purpose land and infrastructure varied considerably due to different approaches taken prior to amalgamation by the three (3) former councils. To assist in a more consistent treatment of tenure arrangements Council adopted an Interim Tenure Policy in 2009.

The draft Community Purpose Land and Infrastructure Tenure Policy seeks to replace the abovementioned Interim Tenure Policy. This policy details the roles and responsibilities of council departments to ensure that community tenure is administered effectively and complies with the relevant statutory requirements. It also ensures that council can sustain its role as the administrator of community tenure, noting all rental charges, maintenance and expenses will be the responsibility of tenure holders.

The draft policy proposes that community tenure arrangements will be for a maximum of 10 years and will only be applied to new lease, licence or trustee permit arrangements with eligible community organisations. In exceptional circumstances other tenure arrangements may be considered. It is not proposed to be retrospective.

Council will work closely with community organisations seeking tenure to identify the most appropriate range of community activities and services to ensure:

- the highest and best use of community purpose land and infrastructure is identified
- multipurpose and shared use of land and infrastructure is achieved where possible and
- the benefit to the community is optimised.

This approach provides consistency and equity across the region and allows council the flexibility to support not-for-profit community organisations outside of tenure arrangements.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Community Purpose Land and Infrastructure Tenure Policy” and
- (b) endorse the Community Purpose Land and Infrastructure Tenure Policy (Appendix A).

**FINANCE AND RESOURCING**

The costs that will be incurred in the administration of this proposed policy are accommodated in the Community Leasing and Assets Team operational budget. This report does not seek any additional funds to implement the proposed policy.

It is also noted that a unit of rent for the financial year 2013/14 will be \$250 and this is adjusted annually in council’s Schedule of Fees and Charges as part of the budget process.

**CORPORATE PLAN**

**Corporate Plan Theme:** *Social Cohesion*

**Emerging Priority:** 5.2 - Strong community groups and networks

**Strategy:** 5.2.1 - Value and support community organisations and volunteers across the region

**Corporate Plan Theme:** *Managing growth*

**Emerging Priority:** 7.5 - Council’s services and assets meet the needs of our growing community

**Strategy:** 7.5.1 - Determine the types and levels of services provided by council

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council’s reputation

**CONSULTATION**

- Executive Director, Community Services
- Manager, Community Facilities
- Community Leasing and Assets Manager
- Community Leasing Officer
- Manager, Property and Business
- Community Sports and Facility Manager
- Corporate Planning and Reporting Manager
- Manager Building and Facility Services
- Manager, Community Development and Library and Gallery Services
- Governance Policy Officer

**Internal Consultation**

## Community Services

- Community Development
- Community Facilities
- Community Leasing and Assets

## Infrastructure Services

- Parks and Gardens
- Building and Facility Services

## Finance and Business

- Corporate Governance
- Property and Business

## Executive Office

- Legal Services

**External Consultation**

Consultation was undertaken with the following local governments to ascertain their processes and policies regarding community tenure arrangements:

- Gold Coast City Council
- Brisbane City Council
- Mackay Regional Council
- Logan City Council
- Toowoomba Regional Council
- Moreton Bay Regional Council.

**Community Engagement**

There has not been a formal process for community engagement; however over the past 12 months, in dealings with existing tenure holders and new enquiries, a consistent message has been relayed that there will be a new policy for the Sunshine Coast Region and that, in the interests of equity and consistency, the conditions will place more responsibility on tenure holders for the costs associated with maintenance.

**PROPOSAL**

The Sunshine Coast Council provides and administers a range of community purpose land and infrastructure that supports not-for-profit community organisations to deliver services, programs and activities that benefit local communities.

Currently the Community Leasing and Assets Team administer 269 tenured sites. Of these sites, 143 (53%) are Trustee land/State owned, 123 (46%) are Freehold/Council owned and 3 (1%) are a combination of Freehold and Trustee Land.

On 10 December 2009, Sunshine Coast Council adopted an Interim Tenure Policy for the community use of council owned and managed land and infrastructure. The purpose of the policy was to provide a consistent approach for the administration of new and continuing tenure arrangements and to maximise the use of community purpose land and infrastructure. The duration of tenure agreements formed under this policy was three years with an annual rental charge of one unit.

The tenure arrangements across the portfolio include permits to occupy, licences, leases and management agreements. Currently 60 tenure agreements have expired and continue on a month-by-month basis and a further 24 tenure agreements are due to expire in the next financial year.

The terms and conditions that govern tenure arrangements vary considerably due to the different approaches taken prior to amalgamation by the three (3) former councils. Duration of tenure ranges from 5 years, 10 years, 20 years and in some cases has no expiry. Costs and maintenance arrangements are also varied and include full costs to tenure holders, shared costs between council and tenure holders, and full cost to council.

Annual rental for tenured sites is equally diverse and includes calculations based on land values or market values, percentage of alcohol sales for liquor licence holders and a number of units of rental based on the type of organisation. Many charitable and service organisations are charged a peppercorn rental of \$1 per annum.

The purpose of the draft Community Purpose Land and Infrastructure Tenure Policy is to provide a transparent, accountable and efficient process for allocating tenure over community purpose land and infrastructure. The policy also clearly outlines the roles and responsibilities for each department with respect to its implementation.

The draft Community Purpose Land and Infrastructure Tenure Policy will only be applied to new lease, licence and trustee permits arrangements with eligible not-for-profit incorporated community organisations utilising or occupying council owned and controlled community purpose land and infrastructure. It is not proposed to be retrospective.

The draft policy proposes tenure arrangements up to a maximum of 10 years duration. This term generally satisfies the needs of the not-for-profit sector and allows council to more regularly respond to community demand and need. This differs from the maximum suggested in the *Land Act 1994* (a maximum of 20 years), but as Trustee council has the authority to impose a maximum period that allows tenure arrangements on reserve land to correspond to arrangements on council freehold land. The associated guidelines will allow other tenure arrangements to be considered in exceptional circumstances on a case-by-case basis, e.g. a 20 year lease may be considered where a community group has invested significant funds into a building refurbishment. Annual rentals will be based on a number of rental units per annum according to the type of organisation as follows:

- Community organisations without liquor and gaming licences – one unit per annum;
- Community organisations with a club liquor licence only – five units per annum; and
- Community organisations with a club liquor and gaming licence – ten units per annum.

A unit of rent for the financial year 2013/14 will be \$250 and this is adjusted annually in council's Schedule of Fees and Charges as part of the budget process.

To ensure that council can sustain its role in the administration of tenure for community purposes, it is further proposed that tenure holders would be responsible for all costs associated with the tenured site including:

- Maintenance of all structures and surrounds included in the tenure agreement. This includes keeping the site in good and substantial repair, including structural repair;
- Rates, utilities and any levies that may be raised by council from time to time; and
- Building insurance where applicable or covering council's excess where facilities are insured by council.



This approach provides a consistent process that applies equally to all community organisations seeking tenure over council owned or controlled community purpose land or infrastructure.

The proposed tenure arrangements allow council the flexibility to adjust the amount it contributes to not-for-profit organisations in accordance with its own budgetary considerations and corporate priorities. For example, grants funding (e.g. Sports Field Maintenance, Water and Sewerage Funding and Mayoral and Councillor Discretionary Funding) and rates concessions can be applied from time to time to assist community organisations in the management and maintenance of their tenure holdings.

Community tenure over council owned and controlled community purpose land and infrastructure will be awarded following one of two application processes:

- a) The Registration of Interest process is council's primary process for awarding or renewing community tenure. This process provides eligible community organisations with an opportunity to fully explore the terms and conditions of the proposed community tenure arrangements and submit a formal application.
- b) The Direct Application process is utilised for renewing or awarding site specific community tenure arrangements. Under this process existing site specific community organisations are given a closed merit opportunity to consider council's proposed community tenure terms and conditions and submit an application for renewed community tenure.

The policy aims to identify the most appropriate range of community activities and services to ensure the highest and best use of community purpose land and infrastructure, to encourage multipurpose and shared use and optimize the community benefit derived from community tenure.

### **Legal**

Council is governed by the *Land Act 1994* and the *Land Regulation 2009* to administer community tenure on community purpose land and infrastructure that is owned by the State of Queensland under the control of Council as Trustee.

Although Council Freehold land is not subject to the provisions of the *Land Act 1994* and the *Land Regulation 2009*, it is proposed to be governed by the principles of the draft Community Purpose Land and Infrastructure Tenure Policy to ensure transparency and consistency.

Council's Legal Services are satisfied that the draft Community Purpose Land and Infrastructure Tenure Policy complies with the above statutory requirements.

### **Policy**

The draft Community Purpose Land and Infrastructure Tenure Policy aligns with relevant legislation and regulations.

### **Risk**

The Interim Tenure Policy prevented council from entering into new lease arrangements or extending existing leases. The risk of continuing without endorsing this policy is that increasing numbers of tenure agreements will expire, heightening community group concern in relation to security of tenure and additionally may jeopardise their funding opportunities. Adopting the policy would provide certainty for all parties and alleviate the concerns of not-for-profit community organisations.

There is a risk that some not-for-profit organisations may not have the financial resources to meet the additional maintenance conditions. Over the last two years however considerable work has been undertaken with clubs and groups to educate and clarify obligations on parties necessary for satisfactory lease operation. Risks here are further mitigated via funding programs, including external to council when available; and by encouraging and providing assistance for groups to increase revenue through multiuse of facilities.

### **Previous Council Resolution**

#### **Council Resolution** (OM09/366)

*That Council:*

- (a) *note the report titled "Interim Policy for Tenure Arrangements for the Community Use of Council Owned or Managed Land and Infrastructure";*
- (b) *defer entering into any new lease arrangements with the Not-For-Profit sector, except where a lessee has a right to an option to renew or in an exceptional circumstance; and*
- (c) *adopt the Interim Policy For The Community Use Of Council Owned Or Managed Land And Infrastructure (Appendix A); and*
- (d) *request the Chief Executive Officer report back to Council by June 2010 for adoption of the Tenure Arrangements for the Community Use of Council Owned or Managed Land and Infrastructure Policy.*

The report back to council has been substantially delayed and reprioritised by virtue of the significant impact of water and sewerage charges on sporting clubs and community groups and also the matter of sports field maintenance funding support and the need to address these matters before finalising the tenure policy arrangements.

The interim policy previously endorsed by Council has been used over the intervening period.

### **Related Documentation**

#### **Council Strategies and Policies**

- *Sunshine Coast Corporate Plan 2009-2014*
- *Sunshine Coast Access and Inclusion Plan 2011-2016*
- *Sunshine Coast Reconciliation Action Plan 2011-2016*
- *Sunshine Coast Sport and Active Recreation Plan 2011-2026*
- *Sunshine Coast Open Space Strategy 2011*
- *Sunshine Coast Social Infrastructure Strategy 2011*
- *Sunshine Coast Community Grants Policy 2013*
- *Sunshine Coast Mayoral and Councillor Discretionary Funding Policy 2013*
- *Community Land and Complementary Commercial Activity Policy 2011*
- *Sunshine Coast Revenue Policy 2012*
- *Sunshine Coast Community Gardens Policy 2012*

#### **Legislation and regulations**

- *Land Valuation Act 2010*
- *Local Government Act 2009*
- *Building Fire Safety Regulation 2008*
- *Civil Liability Act 2003*
- *Civil Liability Regulation 2003*
- *Property Law Regulation 2013*
- *Electrical Safety Act 2002*

- *Electrical Safety Regulation 2002*
- *Land Regulation 2009*
- *Land Act 1994*
- *Land Titles Act 1994*
- *Fire and Rescue Service Act 1990*
- *Insurance Contracts Act 1984 (Cth.)*
- *Property Law Act 1974*

**Critical Dates**

It is critical to remedy the outstanding tenure agreements as soon as possible to provide certainty and clarity for not-for-profit community organisations.

**Implementation**

Community Services is the primary administrator of tenure arrangements. The Community Leasing and Asset Unit, with the assistance of Legal Services, negotiate tenure conditions and prepare and execute tenure agreements. Community and Sports Development officers are the first point of contact for not-for-profit community organisations and provide assistance and advice on tenure opportunities and applications.

Should Council adopt the draft Community Purpose Land and Infrastructure Tenure Policy, relevant information will be made publically available and the operational requirements for the implementation will be provided by Community Services to ensure compliance with the adopted Policy and relevant legislative requirements.

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**7.2.5 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND - REGION WIDE PERMITS**

**File No:** ECM  
**Author:** Community Land Permits Project Manager  
Community Services Department  
**Appendices:** App A - Proposed changes to Region Wide Permit Locations 117

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**PURPOSE**

The purpose of this report to seek council endorsement of the proposed changes to the approved locations for region wide permits, as per council's resolution at its Special Meeting on 4 June 2013.

**EXECUTIVE SUMMARY**

At its Special Meeting on 4 June 2013, council resolved not to award Region Wide permits until such time as a further report is brought back to council outlining the implications of de-amalgamation in relation to this matter; and not award permits in Divisions 11 and 12 given the pending de-amalgamation.

The council approved locations for Region Wide permits included locations across the Sunshine Coast region, providing potential permit holders with the ability to operate from multiple locations should weather and or other conditions prevent the business operating from a home base location.

As a result of council's decision not to award permits in Divisions 11 and 12 and the need to refer council's *Community Land and Complementary Commercial Activity Strategic Policy*, applications and supporting material to the Noosa Council Transfer Manager for consideration by the Noosa Council, Sunshine Coast Council has indicated a need to reconsider the approved locations for Region Wide permits.

In an effort to continue to provide potential permit holders with the flexibility that was originally sought when the extensive community engagement process was conducted in 2012, a number of options are now proposed with reference to the guiding principles of council's *Community Land and Complementary Commercial Activity Strategic Policy* and those locations previously endorsed by council at its Special Meeting on 5 February 2013. Appendix A outlines the proposed new locations for Region Wide permits. It should be noted, that due to the region being a smaller area as a result of de-amalgamation, the number of permits available for Region Wide activities has been reduced.

Following council endorsing the proposed changes to the Region Wide permit locations, it is recommended that all prospective business operators interested in obtaining a Region Wide permit, submit an application (consistent with the application process conducted in March 2013). It will also be necessary for those prospective business operators who submitted an application in March 2013, to re-submit their application based on the changes made to locations. These applicants will be exempt from paying a further application fee.

The application process will be open for one month, for the period 1 to 31 August 2013. Applications will be assessed by a panel of industry experts in September 2013, with assessment panel recommendations being presented to council in late September 2013. Permits will be valid for the period 1 October 2013 to 30 June 2016.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Commercial Use of Council-Controlled Land - Region Wide Permits”
- (b) endorse the proposed changes to the Region Wide permit locations (Appendix A) and
- (c) endorse the proposed application process for Region Wide permits.

## FINANCE AND RESOURCING

All costs associated with reviewing the locations for Region Wide permits has been financed from the Community Services Department core budget 2012/2013.

For more detailed finance and resourcing information regarding the 2013 High-use / High-impact Commercial Use of Community Land application process, please refer to council's Special Meeting Agenda on 4 June 2013.

## CORPORATE PLAN

**Corporate Plan Theme:** *Robust Economy*

**Emerging Priority:** 1.2 - Support for local businesses

**Strategy:** 1.2.3 - Ensure a council regulatory environment which is business friendly and considerate of business needs

**Corporate Plan Theme:** *Innovation & Creativity*

**Emerging Priority:** 3.1 - Partnerships and alliances that drive innovation

**Strategy:** 3.1.1 - Foster partnerships with governments, business and the community to encourage innovation and sustainability

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation  
8.1.2 - Ensure legislative compliance and awareness

## CONSULTATION

The following information relates to the internal and external consultation associated with this report. For additional background, and other consultation that has taken place as a result of the 2013 High-use / High-impact Commercial Use of Community Land application process, please refer to council's Special Meeting Agenda on 4 June 2013.

### Internal Consultation

The internal consultation has occurred with the following stakeholders in relation to Region Wide permits:

- Community Services Department (Community Response)
- Divisional Councillors

### External Consultation

No external consultation has taken place in relation to this report.

**Community Engagement**

No community engagement has taken place in relation to this report.

**PROPOSAL**

As a result of council's decision not to award Region Wide permits at its Special Meeting on 4 June 2013, until such time as a further report is brought back to council outlining the implications of de-amalgamation; along with resolving not to award permits in Divisions 11 and 12 given the upcoming de-amalgamation, the below recommends a proposed way forward in relation to Region Wide permits.

The inclusion of Region Wide permits was at the request of prospective business operators seeking the ability to operate from more than one location. This option allows a prospective business operator to select a home base location, and utilise an alternative location should weather or beach conditions prevent the activity occurring from that home base location.

In an effort to capture the desires of prospective business operators, while also taking into consideration the locations approved by council at its Special Meeting on 5 February 2013 and the guiding principles of council's *Community Land and Complementary Commercial Activity Policy*, council officers have identified additional locations within Divisions 1 to 10 for Region Wide permits.

While additional locations have been identified, it should be noted that the number of permits available for Region Wide activities has been reduced. This is based on the Sunshine Coast council area being smaller from 1 January 2014, and to ensure limited impact on both the community and new permit holders.

The proposed new locations for Region Wide permits are outlined in Appendix A.

**Proposed Application Process for Region Wide Permits**

Following council endorsing the changes to Region Wide permit locations, it is proposed that Region Wide permits be advertised for one month, for the period 1 to 31 August 2013. The application process will be consistent with the application process advertised in March 2013, where prospective business operators will be required to complete an application form, and respond to Selection Criteria, including Professionalism, Quality of Equipment, Safety and Community.

For those prospective business operators that have already submitted an application for a Region Wide permit (when the application process was advertised in March 2013), they will be required to re-submit their application and outline their preferred home base location, given the changes to permit locations. These prospective operators will be exempt from application fees.

Once the application process closes, the assessment of applications will be conducted by a panel of industry experts, similar to the panel that conducted the assessment of applications in April and May 2013.

Following the assessment process being completed, final recommendations of the panel will be presented to council, with permits to be awarded in September 2013, allowing successful permit holders to commence trading on public land from the 1 October 2013 to 30 June 2016. This will bring the expiry of these permits into line with the recently awarded permits at council's Special Meeting on 4 June 2013. Annual fees for awarded permits will be pro-rata for the first year.



Further information regarding the 2013 High-use / High-impact Commercial Use of Community Land application process is outlined in council's Special Meeting agenda papers on 5 February 2013, and 4 June 2013.

### Legal

Council manages land that falls into four categories:

1. Freehold land owned by Council
2. Reserves under the control or management of council as Trustee under the *Land Act 1994*
3. Roadways (formed and unformed) other than State controlled roads (*Local Government Act 2009* and the *Transport Operations (Road Use Management) Act 1995*)
4. Pathways, footpaths, bathing reserves and foreshores (Local Laws).

The holding of the land determines the legal framework that applies. Local laws can apply to council freehold and roads, foreshores and bathing reserves and the *Land Act 1994* applies to reserves under that Act that council holds as trustee.

For activities approved to take place on freehold land, pathways, footpaths, bathing reserves, foreshores and roads, the provisions set out in council's local laws will apply. Applicable local laws include:

- Local Law 1 (Administration) 2011 and Subordinate Local Law 1, Schedule 6 Commercial use of local government controlled areas and roads;
- Local Law 4 (Local government controlled Areas, Facilities, Infrastructure and Roads) 2011 and Subordinate Local Law 4;
- Local Law 5 (Parking) 2011 and Subordinate Local Law 5; and
- Local Law 6 (Bathing Reserves) 2011 and Subordinate Local Law 6.

As Trustee, council is required to adhere to the provisions set out in the *Land Act 1994* regarding Trustee Permits, and therefore must comply with the following conditions:  
Section 60 Trustee Permits

1. A trustee may issue a trustee permit for the use of all or part of trust land.
2. A trustee permit must not be inconsistent with the community purpose of the trust land and the requirements prescribed under a regulation.
3. If a trustee is for more than 1 year, the trustee must lodge a copy of the permit for registration in the appropriate register.
4. A trustee permit must not be for more than 3 years.
5. If there is a registered mandatory standard terms document that applies generally to trustee permits –
  - a. A trustee must not issue a trustee permit under this section unless the standard terms document forms part of the trustee permit; and
  - b. The trustee permit is of no effect if the document does not form part of the trustee permit.
6. Subsection (5) applies to a trustee permit whether or not it is required to be registered.

In addition, the *Land Regulation 2009* states the following requirements in relation to Trustee Permits:

Part 2 Reserves and deeds of grant in trust

Division 2 Trustee permits and trustee leases

Subdivision 1 Requirements for trustee permits

Section 13 Requirements for trustee permits – Act, s 60

1. This sections prescribes, for section 60 (2) of the Act, the requirements with which a trustee permit must not be inconsistent.
2. A trustee permit for the use of all or part of trust land –
  - a. must state that the Minister or the trustee must give the permittee 28 days notice of the Minister's or the trustee's intention to cancel the permit; and
  - b. may not be issued for a part of the trust land that is subject to a trustee lease; and
  - c. must not allow the construction of structural improvements; and
  - d. may allow the modification or use of structural improvements existing when the permit is issued; and
  - e. if there is a management plan for the trust land under section 48 of the Act – must be consistent with the management plan; and
  - f. must state that it is a condition of the permit that the permittee holds the permit so that the trust land may be used for the community purpose for which it was reserved or granted in trust without under interruption or obstruction; and
  - g. must state the permittee's permitted use of the trust land; and
  - h. must not give a right
    - i. to renew the permit; or
    - ii. to be given a more secure tenure over the trust land; and
  - i. must not allow the permittee to transfer, sublet or mortgage the permittee's right to use the trustee land.

Given trustee land has been included in the approved locations and activities, council as trustee has an obligation to ensure that these requirements are adhered to. These requirements will be detailed on permits issued to successful applicants.

### **Policy**

The *Community Land and Complementary Commercial Activity Policy* articulates council's position on community land and commercial activity by balancing the needs of the community with the demand for commercial activity. The policy is consistent with the themes and objectives of the Corporate Plan 2009 – 2014 and is in line with appropriate legislation.

The policy has also been drafted so that it is consistent with council's endorsed policy framework, as it is divided into strategic level policy and associated operational procedures. The implementation of these procedures is the primary responsibility of the Community Services Department.

### **Risk**

Possible risks associated with the implementation of the Region Wide permit application process and mitigation strategies include the following:

Risk	Mitigation
Key stakeholders miss important communication and key messages regarding the project and the application process, resulting in significant media attention.	Detailed communication plan was developed, taking into consideration the multiple and diverse ways of communicating and ensuring key messages were delivered to appropriate audiences.
Assessment of applications results in incorrect recommendations being put forward.	Assessment criteria was clearly documented and adequate training provided to the assessment panel.
Existing permit holders dissatisfied with the process and implementation of the policy.	Ensure open and transparent communication is provided to key stakeholders to alleviate concerns.
Permits are not awarded prior to 30 September 2013.	Ensure commitment to proposed timeline and relevant stakeholders are advised of key dates, leading to permits being awarded prior to the project deadline.
Applicants are not successful in obtaining a permit.	Ensure unsuccessful applicants are provided with feedback in relation to why their application was not successful.

### Previous Council Resolution

#### Special Meeting, 5 February 2013 (SM13/1)

##### *That Council:*

- (a) *receive and note the report title "Commercial Use of Council-Controlled Land";*
- (b) *endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities), as amended, excluding Proposed Locations and Activities – Regional Wide table;*
- (c) *endorse the proposed locations and activities to be included in the 2013 High-use / High impact Commercial Use of Community Land application process, as outlined in the Region Wide Table as amended in Appendix A;*
- (d) *endorse the proposed fees and charges, including the non-refundable applications fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges), with the proposed permit fee to be amended to \$95.00 per square metre in all localities;*
- (e) *endorse in principle the use of the Noosa North Shore second cutting for a single commercial horse riding and/or camel riding activities subject to:*
  - (i) *advice from the CEO indicating compliance with Council Policy, Planning and Local Laws and any associated issues; and*
  - (ii) *any candidate business having appropriate approvals to utilise the beach and access;*
- (f) *endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;*
- (g) *endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and*
- (h) *support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.*

**Special Meeting, 4 June 2013 (SM13/7)**

*That Council:*

- (a) endorse the award of permits to the applicants as listed in Appendix A amended for Division's 1 - 10, for approved locations and activities;*
- (b) not award Region Wide commercial use of council controlled land permits until such time as a further report is brought back to council outlining the implications of de-amalgamation on this matter;*
- (c) approve the location of Marcoola Beach (between beach access 104 and 105) for the activity of Tandem Sky Diving and Parachute Landing and request the Chief Executive Officer to arrange for the calling of applications for permits for this activity and location;*
- (d) not award permits for Division's 11 and 12 and refer the High – use / High –Impact Commercial Use of Community Land Strategic Policy, applications and supporting material to the Noosa Council Transfer Manager for consideration by the Noosa Council; and*
- (e) advise all current operators and applicants who have submitted an application for the commercial use of council controlled land in Division 11 and 12 that because of the Strategic Policy outcomes of assessing and implementing the submitted applications that these will need to be considered in context by a Noosa Council and that existing operators will have permits issued for their current activities until 31 December 2013 based on the fees and charges adopted by Council on 5 February 2013.*

**Related Documentation**

Related documentation to this report is as follows:

- Corporate Plan 2009 – 2014
- Council's Local Laws
- *Land Act 1994*
- *Land Regulation 2009*
- *Local Government Act 2009*
- Sunshine Coast Community Plan
- Sunshine Coast Economic Development Strategy 2010 – 2014
- Sunshine Coast Open Space Strategy 2011
- Sunshine Coast Social Infrastructure Strategy 2011
- *Transport Infrastructure (Waterways Management) Regulation 2012*

In addition, Attachment 1 includes location assessments for each of the proposed Region Wide permit activities.

**Critical Dates**

- Council resolution (SM13/1) requires ongoing implementation of the 2013 High-use / High-impact Commercial Use of Community Land application process.
- Permits to be awarded to successful applicants in by 30 September 2013, allowing permit holders to commence trading from 1 October 2013.

## Implementation

In order to implement the recommendations as outlined in this report, it is proposed that the following stages be implemented over the coming weeks and months:

Timeline	Stage
July - August 2013	<p><u>Stage 1: Advertise the Application Process</u> The application process will be advertised through a variety of methods, these being:</p> <ul style="list-style-type: none"> <li>· Online Communication tools (intranet, website, e-news, social media)</li> <li>· Print Media (media releases, advertising in local papers)</li> <li>· Spotlight Radio</li> </ul>
September 2013	<p><u>Stage 2: Assessment of Applications</u> A panel (Assessment Panel) of industry experts will be formed to carry out the assessment of the applications received. The panel will consist of professionals from diverse industries. Applications will be assessed based on the criteria approved by council at its Special Meeting on 5 February 2013.</p>
	<p><u>Stage 3: Notification to All Applicants (Successful and Unsuccessful), including Awarding of Permits to Successful Applicants</u> Following final recommendations made by the Assessment Panel being endorsed by council, council officers will notify all applicants of the application process outcomes. Where successful applicants choose not to accept council's offer to conduct a business on council controlled land, council will make an offer based on the results of the assessment of applications, and make an offer to the next best ranked applicant, if appropriate. Given some permit approvals are subject to applicants providing council with the appropriate documentation, in accordance with the relevant legislation requirements (local and state) permits will be issued to successful applicants until 30 June 2016, as per the current High-use / High-impact permit period - 1 July 2013 to 30 June 2016. Successful applicants for those areas that fall under the legal framework where the <i>Land Act 1994</i> applies will be registered with relevant external agencies.</p>
July 2013 to June 2016	<p><u>Stage 4: Vacant Permit Locations and Activities</u> Should council not receive an application for an advertised activity, this will be treated as an available commercial permit location and will remain vacant. However, if at any time during the permit period (1 July 2013 to 30 June 2016) council receives any interest in a vacant commercial permit location, the interested operator will be required to submit an application for council's consideration and pay applicable fees. Upon receipt of the application, all relevant stakeholders will be notified, including the Divisional Councillor and the application will be assessed based on the criteria outlined in council's policy. The Assessment Panel's recommendations will be presented to council for their consideration. Any permits awarded for vacant locations and activities will be valid for the duration of the remaining permit period.</p>

## 7.3 FINANCE AND BUSINESS

### 7.3.1 MAY 2013 FINANCIAL PERFORMANCE REPORT

<b>File No:</b>	<b>Financial Reports</b>
<b>Author:</b>	<b>Acting Financial Services Manager Finance &amp; Business Department</b>
<b>Attachments:</b>	<b>Att 1 - May 2013 Financial Performance Report ..... 125</b>

#### PURPOSE

To meet council's legislative obligations, a monthly report is to be presented to council on its financial performance.

#### EXECUTIVE SUMMARY

The monthly financial performance report provides council with a summary of performance against budget at the end of each month. The key items reported on are the performance against budget in relation to the operating result and in terms of delivering the capital program.

The operational results at 31 May 2013 show a positive variance of \$5.1 million compared to the forecast position. This operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 May 2013 operating surplus variation is made up of higher than expected revenue of \$6.1 million (1.5%) and higher than anticipated operating expenses of \$952,000 (0.3%). Further detail is provided in the proposal section of this report.

As at 31 May 2013, \$112 million (57%) of council's \$195.3 million 2012/13 Capital Works Program was financially expended.

#### OFFICER RECOMMENDATION

**That Council receive and note the report titled "May 2013 Financial Performance Report".**

#### FINANCE AND RESOURCING

There are no financing and resourcing implications as this is an information only report.

#### CORPORATE PLAN

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.2 - Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.3 - Strong financial management

**Strategy:** 8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities

**Corporate Plan Theme:** *Great governance*  
**Emerging Priority:** 8.3 - Strong financial management  
**Strategy:** 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

## CONSULTATION

### Internal Consultation

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

### External Consultation

No external consultation is required for this report.

### Community Engagement

No community engagement is required for this report.

## PROPOSAL

Council's financial results at 31 May 2013 show the organisation with a \$5.1 million higher than forecasted operating position against the year to date budget.

The 31 May 2013 operating surplus variation is made up of higher than expected revenue of \$6.1 million and higher than anticipated operating expenses of \$952,000.

The operating revenue favourable variance of \$6.1 million is largely the result of a number of items being higher than the year to date budget. These include Fees & Charges of \$2 million, Other Revenue of \$1.9 million, Interest Received from Investments of \$1.4 million and Net Rates & Utility Charges of \$1.2 million.

Within the Fees and Charges category, items running higher than forecast include Development Applications, Material Change of Use and Search fees. Volumes still remain below last year to date although there was some improvement in Quarter 3 application numbers. Other favourable variances exist in Aquatic and Leisure Centres (including Quad Park), Cemeteries, Response Services, and Health Licences. These are offset by lower than forecast Airline Service Fees.

The favourable variance in Other Revenue mainly sits with Infrastructure Services Department (favourable variance of \$1.5 million) with the majority relating to Road Maintenance Performance Contract revenue being higher than budget along with increased sale of recyclables at Waste & Resource Management retail facilities.

Interest Received from Investments is higher than budget partly due to slightly higher than forecast cash balances along with higher than forecast investment rates for the first half of the year. The average investment rate is expected to be lower in the second half of the year. This item will continue to be monitored but there is no change to the year end forecast at this point.

The January 2013 rate run had 153,443 rateable properties compared to 151,818 this time last year. Growth in that time was 1.1% which is less than the budgeted 1.5%. Although General Rates has an unfavourable variance of \$3.0 million, this is compensated by Prepaid Rates of \$4.4 million, resulting in the favourable variance in Net Rates and Utility Charges of \$1.2 million.

History shows Prepaid Rates can be expected to continue to increase and maintain this positive variance in Net Rates and Utility Charges through to the end of the financial year.

The unfavourable variance in operating expenses of \$952,000 is due to Employee Costs and Other Expenses being higher than the year to date budget by \$2.2 million and \$1 million respectively, offset by Materials & Services being lower than the year to date budget by \$2.7 million.

The unfavourable variance in Employee Costs mainly relates to less than expected labour spend on capital works and Value & Success Targets yet to be achieved.

The Other Expenses variance mainly relates to vehicle leases and software maintenance being higher than the year to date budget.

The favourable variance in Materials & Services mainly relates to less than planned spend on levy and economic development projects, legal expenses associated with development appeals and an underspend in Civil Works Services. Quarry expenses are over budget however this is offset by internal sales.

Value & Success Target status is as follows:

\$4.5 million Original Target

\$4.0 million Achieved to Date (90%)

\$438,000 Balance to Achieve (10%)

Of the \$4.0 million savings achieved to date, \$2.8 million are permanent savings.

Of the \$2.8 million permanent savings, \$612,000 relates to employee costs.

At 31 May 2013, \$112 million (57%) of council's \$195.3 million 2012/13 Capital Works Program was financially expended. On a year to date basis, capital expenditure is \$180,000 (0.2%) ahead of budget. Further detail by department and capital program is outlined below:

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
<b>Infrastructure Structure Services Department</b>				
Buildings and Facilities	9,684	9,192	7,132	77.6%
Fleet	2,000	2,700	423	15.7%
Parks and Gardens	9,859	11,305	8,440	74.7%
Stormwater	4,526	4,576	3,148	68.8%
Transportation	54,025	65,229	49,164	75.4%
Waste	15,186	18,382	9,738	53.0%
Coast and Canals	1,073	2,543	1,628	64.0%
Environmental Assets	290	431	323	74.9%
Divisional Allocations	3,032	3,525	1,658	47.0%
<b>Department Total</b>	<b>99,675</b>	<b>117,883</b>	<b>81,654</b>	<b>69.3%</b>

Infrastructure Services Department has advised that completion will be at 90% by year end.



Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
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**Business Review Department**

Aerodromes	0	154	46	30.1%
Strategic Land and Commercial Properties	31,614	52,967	14,288	27.0%
Sunshine Coast Airport	7,705	12,298	8,139	66.2%
<b>Department Total</b>	<b>39,319</b>	<b>65,419</b>	<b>22,473</b>	<b>34.4%</b>

Expenditure relating to the Maroochydore Principal Activity Centre is less than current budgets. The timing of future payments is the subject of a future report to council.

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
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**Finance and Business Department**

Holiday Parks	1,555	2,862	1,144	40.0%
Information Technology	4,566	7,155	5,365	75.0%
Quarries	655	2,004	1,490	74.3%
<b>Department Total</b>	<b>6,776</b>	<b>12,021</b>	<b>7,999</b>	<b>66.6%</b>

Holiday Parks will only complete \$1.336 million of their \$2.89 million program due to construction delays. ICTS and Quarries capital expenditure is expected to be finalised before year end.

<b>TOTAL CAPITAL WORKS PROGRAM</b>	<b>145,770</b>	<b>195,323</b>	<b>112,126</b>	<b>57.4%</b>
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**Legal**

On preparation and content of budget, this report ensures that council complies with its legislative obligations under Section 169 and 170 of the *Local Government Regulation 2012*, along with council's legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

**Policy**

No policy implications are associated with this report.

**Risk**

The following risks remain current:

1. Value and Success Target (VAST) - 90% or \$4.062 million of the original \$4.5 million target has been achieved. There are a number of reviews and initiatives that are underway to achieve the balance of this target.
2. Repair costs in relation to extreme weather events to date are as follows:-

Ex Tropical Cyclone Oswald \$2.68 million (\$952,000 is labour costs) of which only \$1.4 million maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA).

East Coast Low \$127,000 (\$51,000 is labour costs) of which only \$65,000 maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA).

East Coast Trough \$177,000 (\$96,000 is labour costs) of which only \$69,000 maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA).

In summary, operating costs total approximately \$3.0 million with approximately \$1.5 million expected to be recouped.

3. Capital (Developer) Contributions - budget is \$12.9 million with actuals to May 2013 being \$6.6 million. This is due to a downturn in development.

### **Previous Council Resolution**

On 27 June 2012, council adopted the 2012/2013 budget.

On 20 September 2012, council amended the 2012/2013 budget as a result of July 2012 Financial Performance Report and Budget Review 1 relating to 2011/2012 carryover requests.

On 13 December 2012, council amended the 2012/2013 budget as a result of October 2012 Financial Performance Report and Budget Review 2.

On 24 April 2013, council amended the 2012/2013 budget as a result of the February 2013 Financial Performance Report and Budget Review 3.

On 21 May 2013, council amended the 2012/2013 budget as a result of the March 2013 Financial Performance Report.

### **Related Documentation**

There is no related documentation for this report.

### **Critical Dates**

There are no critical dates that relate to this report.

### **Implementation**

There are no implementation details to include in this report.

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## 7.3.2 PROCUREMENT POLICY

<b>File No:</b>	<b>Contracts</b>	
<b>Authors:</b>	<b>Procurement and Contracts Performance Manager Finance &amp; Business Department Manager Commercial &amp; Procurement Finance &amp; Business Department</b>	
<b>Appendices:</b>	<b>App A - Procurement Policy .....</b>	<b>139</b>
<b>Attachments:</b>	<b>Att 1 - Current Procurement Policy .....</b>	<b>153</b>

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### PURPOSE

The purpose of this report is to present the Procurement Policy included in Appendix A to council for adoption.

### EXECUTIVE SUMMARY

Council's procurement policy outlines the framework for conducting procurement and contracting activities, which includes procurement of goods and services and the disposal of valuable non-current assets.

The *Local Government Regulation 2012* requires council to prepare, adopt and review annually a procurement policy. The current procurement policy adopted on 14 May 2009 has been reviewed and updated to reflect recent changes in legislation.

The Procurement Policy complies with all legislative obligations and provides the necessary framework for conducting effective and efficient procurement and contracting activities.

### OFFICER RECOMMENDATION

That Council:

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

### FINANCE AND RESOURCING

The Procurement Policy will ensure compliance with the *Local Government Act 2009* and *Local Government Regulation 2012* with regards to procurement and contracting activities, including disposal of valuable non-current assets.

The Policy is administered by the Commercial and Procurement Branch within the Finance and Business Department. No additional funding is required to implement or administer the Policy.

### CORPORATE PLAN

**Corporate Plan Theme:** *Robust Economy*  
**Emerging Priority:** 1.2 - Support for local businesses  
**Strategy:** 1.2.4 - Ensure council's procurement policies support local businesses and help generate local employment

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.2 - Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.3 - Strong financial management

**Strategy:** 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

## CONSULTATION

The following have been consulted with:

### Internal Consultation

The Procurement Policy was prepared in a manner consistent with external legal advice recommending it meet, without being more onerous than the legislation. The following internal stakeholders were consulted on that basis:

- Chief Legal Officer
- Manager Business & Major Project Services
- Manager Fleet Management
- Manager Parks & Gardens
- Manager Commercial & Procurement
- Major Projects & Contracts Manager
- Project Delivery & Design Manager (Transport & Engineering Services)
- Governance, Strategy and Policy Coordinator (Corporate Governance Branch) and
- Contracts Governance Committee.

### External Consultation

External Legal Advisor

### Community Engagement

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

## PROPOSAL

Council's Procurement Policy outlines the framework for conducting procurement and contracting activities, which includes procurement of goods and services and the disposal of valuable non-current assets.

The *Local Government Regulation 2012* requires council to incorporate the sound contracting principles outlined in the *Local Government Act 2009* into its Procurement Policy.

Those principles are:

- (a) value for money
- (b) open and effective competition
- (c) the development of competitive local business and industry
- (d) environmental protection
- (e) ethical behaviour and fair dealing.

Policy goals for undertaking procurement and contracting activities are to:

- (a) comply with the applicable laws including the *Local Government Act 2009* and *Local Government Regulation 2012*
- (b) provide a framework for conducting Procurement and Contracting Activities, within a sound governance and probity environment
- (c) encourage strategic decision-making and sustainable procurement practices
- (d) facilitate efficient and timely delivery of council's capital works, operational and service delivery programs
- (e) deliver value for money
- (f) encourage an open, efficient and competitive market place
- (g) encourage development of competitive local business and industry and
- (h) manage council's risk exposure.

Council sought external legal advice on the most effective way of producing a legislatively compliant policy that retained efficient practical application. The policy is consistent with that legal advice. Internal legal advice was sought from Legal Services regarding the drafted policy. That advice supported the policy in its current form.

The attached Procurement Policy complies with all legislative obligations and provides an appropriate framework for conducting efficient procurement and contracting activities.

### **Legal**

External legal advice has been sought regarding the format and content of the Procurement Policy. The policy was completed in line with that advice. The draft policy has been reviewed by Legal Services and is supported in its current form.

### **Policy**

The policy will ensure compliance with the relevant legislation and provide a structured framework for council's procurement and contracting activities, including the disposal of valuable non-current assets.

### **Risk**

The Procurement Policy is intended to mitigate risks associated with undertaking procurement and contracting activities identified under the *Local Government Act 2009* and *Local Government Regulation 2012*.

### **Previous Council Resolution**

Ordinary Meeting 14 May 2009 - OM09/147

*That Council:*

- (a) *adopt the Procurement Policy in Appendix A to the report;*
- (b) *refer the Procurement Policy (Appendix A) to the Sustainability Advisory Panel for review;*  
*and*
- (c) *invite the Sustainability Advisory Panel to submit any modifications to Council for its consideration.*

### **Related Documentation**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Critical Dates**

The *Local Government Regulation 2012* requires council review its Procurement Policy annually. Other than annual review, there are no critical dates associated with the Procurement Policy.

**Implementation**

The Procurement Policy will be implemented from the date of council's resolution.

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### 7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS

<b>File No:</b>	<b>Contracts</b>	
<b>Authors:</b>	<b>Procurement and Contracts Performance Manager Finance &amp; Business Department Manager Commercial &amp; Procurement Finance &amp; Business Department</b>	
<b>Appendices:</b>	<b>App A - Sole Supplier List .....</b>	<b>167</b>
	<b>App B - Specialised Supplier List .....</b>	<b>185</b>

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#### PURPOSE

The purpose of this report is to present a list of sole and specialised suppliers to council for adoption as exceptions to the general contracting provisions contained in the *Local Government Regulation 2012*.

#### EXECUTIVE SUMMARY

The *Local Government Regulation 2012* ("LGR 2012") provides different processes for council to establish medium and large-sized contractual arrangements for the provision of goods and services, including works.

For medium-sized contractual arrangements, which have a value of \$15,000, but less than \$200,000, three written quotes must be invited. For large-sized contractual arrangements, which are those with a value \$200,000 or more, written tenders must be invited.

The *Local Government Regulation 2012* also provides a number of exceptions to those general provisions. The sole and specialised supplier listings are two of those exceptions.

Council may resolve to create a sole supplier listing where it is satisfied that only one supplier is reasonably available for the good or service.

Council may also resolve to create a specialised supplier listing, where because of the specialised or confidential nature of a service it would be impractical or disadvantageous to invite quotes or tenders.

Applications have been sought from council officers who engage with suppliers that may satisfy either of those categories. Those applications have been assessed to determine if the suppliers meet the requirements for the proposed category.

Resolution creating these lists will allow council to engage with these sole or specialised suppliers in a more timely and effective manner, ultimately providing for a better and more responsive service to the region.

#### OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Sole and Specialised Supplier Listings" and**
- (b) adopt the Sole Supplier Listing (Appendix A) and**
- (c) adopt the Specialised Supplier Listing (Appendix B).**

## FINANCE AND RESOURCING

Each department that utilises suppliers off the Sole and Specialised Lists will do so from their individual budgets.

### CORPORATE PLAN

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.2 - Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.2 - Effective business management

**Strategy:** 8.2.4 - Consolidate data, information and knowledge to improve council operations

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.3 - Strong financial management

**Strategy:** 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

### CONSULTATION

The following have been consulted with:

#### Internal Consultation

Extensive internal consultation occurred between February and December 2012 with:

- Executive Director, Infrastructure Services
- Executive Director, Finance and Business
- Manager Customer Relations
- Manager Library and Gallery Services
- Manager Waste and Resource Management
- Manager Strategic Planning
- All level 4 council managers, via email and
- Contracts Governance Committee
- Council officers from each department who submitted an application to have a supplier included on one of the lists from the following:

#### **Community Services**

- Community Development
- Community Facilities
- Community Response
- Library and Gallery Services

#### **Executive Office**

- Branch Management
- Legals

#### **Finance and Business**

- Airport
- Commercial and Procurement
- Finance
- Information Communication Technology Services

#### **Infrastructure Services**

- Building and Facility Services
- Environmental Operations
- Parks & Gardens

- Transport & Engineering Services
- Waste and Resource Management

**Regional Strategy and Planning**

- Departmental Management
- Environment Policy
- Infrastructure Policy
- Transportation Strategy.

Follow-up consultation, with all council officers who submitted an application, was conducted in June 2013 to ensure that applications are valid, current and necessary for future business.

**External Consultation**

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

**Community Engagement**

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

**PROPOSAL**

The *Local Government Regulation 2012* (“LGR 2012”) provides different processes for council to establish medium and large-sized contractual arrangements for the provision of goods and services, including works.

For medium-sized contractual arrangements, which have a value of \$15,000, but less than \$200,000, three written quotes must be invited. For large-sized contractual arrangements, which are those with a value \$200,000 or more, written tenders must be invited.

The *Local Government Regulation 2012* also provides a number of exceptions to those general provisions. The sole and specialised supplier listings are two of those exceptions.

Section 235 of the *Local Government Regulation 2012* states:

- A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—
- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
  - (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders

With regards to the sole supplier listing, council must be satisfied that the supplier is the only one reasonably available. The proposed listing includes suppliers such as Australia Post, which is the only nationwide postal service reasonably available to council. Another example occurs when council contracts for larger information technology goods and services, such as with Technology One Ltd, who provide our property and financial computing systems. After taking the considered decision to commit to such systems, any future updates and upgrades of those services can only reasonably be obtained from the company that installed the original system. In this case, council may be satisfied that there is only one provider reasonably available.

Council may create a specialised supplier listing, where because of the specialised or confidential nature of the services sought, it would be impractical or disadvantageous to invite quotes or tenders. An example of this occurs with many of our outsourced legal services. These services are engaged because of council’s need for specialised and experienced legal services, and/or because of the confidential nature of the service being

sought. In these cases it would be impractical or disadvantageous to invite quotes or tenders.

Internal applications have been sought from council officers who engage with suppliers that may satisfy either of those categories. Those applications have been assessed to determine if the suppliers meet the requirements of the relevant subsection that the application relates to.

Both the proposed Sole Supplier list – Appendix A, and Specialised Supplier List – Appendix B, provide for council's needs, and meet the requirements of section 235 of the *Local Government Regulation 2012*.

### **Legal**

There may be legal implications if council was to contract with sole or specialised suppliers without either completing the normal contracting process, or resolving to create the proposed listings.

### **Policy**

The following policy has been complied with:

- Procurement Policy

### **Risk**

There is a risk associated with legislative compliance, should council not resolve to create the listings or fails to undertake the quote or tender process.

### **Previous Council Resolution**

Councils prior to amalgamation had various sole and specialised provider lists that have continued. It is appropriate that the current council now resolves to update the sole and specialised provider listings to reflect the current *Local Government Regulation 2012*.

### **Related Documentation**

- Individual applications for Sole or Specialised Suppliers from council officers; and
- Council's Procurement Policy.

### **Critical Dates**

The lists will be effective from the date of the resolution.

### **Implementation**

Implementation will immediately follow council resolution.

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### 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013

<b>File No:</b>	<b>22.12.1</b>
<b>Author:</b>	<b>Manager Corporate Governance Finance &amp; Business Department</b>
<b>Appendices:</b>	<b>App A - Amendment Local Law No. 1 (Miscellaneous) 2013.....217</b> <b>App B - Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 .....223</b> <b>App C - Amendment Subordinate Local Law No. 3 (Administration) 2013 .....245</b> <b>App D - Public Interest Test Report .....253</b> <b>App E - Summary of Submissions Received .....261</b> <b>App F - Strategic Policy - Installation of an Election Advertising Device .....265</b>
<b>Attachments:</b>	<b>Att 1 - State Interest Check Report .....269</b>

## PURPOSE

The purpose of this report is to seek a Council resolution to make the following amendment local laws:

- *Amendment Local Law No. 1 (Miscellaneous) 2013*
- *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and*
- *Amendment Subordinate Local Law No. 3 (Administration) 2013*

which are attached to this report.

## EXECUTIVE SUMMARY

Council's current suite of local laws have been in operation since January 2012. At its Ordinary Meeting of 24 April 2013, council considered a number of residual issues arising from the making of the local laws in December 2011 and agreed to propose to make *Amendment Local Law No. 1 (Miscellaneous) 2013* and *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013* (miscellaneous amendments).

Following on from this decision council further agreed at its Ordinary Meeting on 20 June 2013, to propose to make *Amendment Local Law No. 2 (Administration) 2013* and *Amendment Subordinate Local Law No. 3 (Administration) 2013* in relation to the management of election signage across the Sunshine Coast region.

In proposing to make the amendment local laws and amendment subordinate local laws, council agreed to undertake arrangements to fulfill a number of statutory and other requirements including:

- advertising the proposed amending local and subordinate local laws in a newspaper generally circulating in the area
- indirect community consultation on the proposed local laws
- completing state checks with state government agencies
- public interest tests where anti-competitive provisions were identified and



- publishing the documents and information on Council's website for viewing and access by the community.

The above requirements have now been met and accordingly this report now proposes that Council make *Amendment Local Law No. 1 (Miscellaneous) 2013, Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration)*.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2013” and
- (b) hereby resolves to implement the recommendations of the Public Interest Test Report for *Amendment Subordinate Local Law No.2 (Miscellaneous) 2013* and note that the anti-competitive provisions contained in the law are in the public interest and should be retained and
- (c) hereby resolves that proposed
  - *Amendment Local Law No.1 (Miscellaneous) 2013*
  - *Amendment Local Law No.2 (Administration) 2013* and
  - *Amendment Subordinate Local Law No.3 (Administration) 2013*have been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the laws do not contain any possible anti-competitive provisions and
- (d) hereby resolves to consolidate the amendments contained in *Amendment Local Law No.2 (Administration) 2013* (concerning election signs) into Part 2 of *Amendment Local Law No.2 (Miscellaneous) 2013*, enabling the Council to make a single consolidated local law containing all the publicly advertised amendments and
- (e) accordingly, hereby resolve to make
  - (i) *Amendment Local Law No.1 (Miscellaneous) 2013*, which has been amended since advertisement to:
    - (1) consolidate the provisions of the advertised draft *Amendment Local Law No.2 (Administration) 2013* and
    - (2) include a new section 4(1) to clarify an ambiguity in the definition of ‘information notices’ and
    - (3) include amendments to take account of public submissions as detailed in Appendix E attached to the report titled “Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2013” presented to council dated 25 July 2013 and
  - (ii) *Amendment Subordinate Local Law No.2 (Miscellaneous) 2013*, which has been amended since advertisement to:
    - (1) incorporate minor formatting and drafting changes and

- (2) include amendments to take account of public submissions as detailed in Appendix E attached to the report titled “Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2013” presented to council dated 25 July 2013 and
- (iii) *Amendment Subordinate Local Law No.3 (Administration) 2013* as advertised but incorporating minor formatting and drafting changes and
- (f) subject to the amendments referred to in resolution (e) above, the Chief Executive Officer be authorised to make any necessary administrative and formatting amendments to the documents as part of the final proof reading and cross referencing and
- (g) resolve to delete the strategic policy titled “Installation of an election advertising device” from council’s policy register detailed in Appendix F.

## FINANCE AND RESOURCING

The processes and actions associated with the making of the proposed amendment local laws have been funded through project funds contained within the Corporate Governance Branch budget. The project has been delivered within budget.

## CORPORATE PLAN

**Corporate Plan Theme:** *Health & Wellbeing*

**Emerging Priority:** 4.1 - Safe and healthy communities

**Strategy:** 4.1.2 - Provide community safety and regulatory programs that ensure the well-being of residents and visitors

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.2 - Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.3 - Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

## CONSULTATION

Key internal and external stakeholders were consulted through a series of consultation processes, workshops, information sessions and individual stakeholder meetings.

### Internal Consultation

Key internal stakeholders were consulted through a series of consultation processes, workshops, information sessions and individual stakeholder meetings throughout the entire local law making process.

The initial internal consultation process identified 182 issues for review. These issues were subsequently categorised and referred to a number of focus group workshops where the issues were evaluated and researched to reach final recommendation points for council.

The issue of election signage, due to its complexity, was referred to a councillor workshop on 20 May 2013 and an agreement was reached on how election signage would be managed across the region. The considerations at the workshop formed the base for the proposed new Schedule 8A dealing with election signage.

### External Consultation

As required by the *Local Government Act 2009*, state interest checks were undertaken with relevant state government agencies during the period 1 May to 31 May 2013 and then again from 21 June until 28 June 2013 with respect to the amendments concerning election signs. The state government agencies acknowledged receipt of the amending local laws and subordinate local laws and have offered no objections to the amendment local law proposals (refer Attachment 1).

The following state agencies provided comments on the proposed amendments in relation to election signs:

SUMMARY OF OVERALL SUBMISSIONS RECEIVED (STATE AGENCIES)				
Local Law	Activity / Topic	State Agency	Summary	Recommendation
Local Law No. 1 (Administration)	Definition of an election sign	Department of Natural Resources and Mines	Consider the review to ensure that "public place" means "all or part of trust land" within the meaning and provisions of the <i>Land Act 1994</i> .	No change recommended by the State. Definition of 'public place' in the local laws is as defined under the <i>Local Government Act 2009</i> .
Local Law No. 1 (Administration)	Regulation of election signs	Department of Local Government	Council must ensure it does not prohibit the display of election signs in its area.  Any provision contained in a local law or a subordinate local law, to the extent that is contrary to section 36 of the Act is also invalid and of no effect.  While the Act does allow a local governments discretion with regard to regulating the placement of an election sign, Council must ensure a regulation under a subordinate local law is not inconsistent with the implied constitutional guarantee of freedom of political communication.	No change recommended by the State

A public interest test was also undertaken as part of the National Competition Policy guidelines on possible anti-competitive provisions identified in proposed *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013*. The testing focused on possible anti-competitive provisions associated with the placement of movable advertising devices. During the consultation period there were no submissions received in response to the public interest test plan. Accordingly, a public interest test report has been prepared (refer Appendix D). The report does not recommend any amendments to the amending subordinate local law.

### Community Engagement

Community consultation was undertaken during the period 1 May to 31 May 2013 and then again during the period 21 June until 28 June 2013 for amendments concerning election signage.

During the first consultation period for *Amendment Local Law No. 1 (Miscellaneous) 2013* and *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013*, 12 submissions were received. Each of the submissions were assessed and, as a result, one change in relation to guinea fowl has been recommended for incorporation into the proposed amendment local law (refer to Appendix E). All submissions have been acknowledged and submitters will receive further correspondence once a resolution has been made in relation to the making of the proposed amendment local law and subordinate local law.

No community consultation submissions were received in relation to the proposed amendment local law or subordinate local law concerning election signs.

<b>SUMMARY OF OVERALL SUBMISSIONS RECEIVED (COMMUNITY CONSULTATION)</b>				
<b>Local Law</b>	<b>Activity / Topic</b>	<b>Number of Submissions</b>	<b>Summary</b>	<b>Recommendation</b>
Local Law No. 1 (Administration)	Moveable Advertising Devices	2	Submissions in support of amendment local law: <ul style="list-style-type: none"> <li>· Agree in principle relaxing law may create a new set of challenges; and</li> <li>· Sensible and appropriate</li> </ul>	No change proposed
Local Law No. 2 (Animal Management)	Dogs	3	Submissions raised issues in relation to: <ul style="list-style-type: none"> <li>· Dog tags; and</li> <li>· Penalty Amounts</li> <li>· Owners of barking dogs should be penalised</li> </ul>	No change proposed
Local Law No. 2 (Animal Management)	Roosters	7	Submissions raised issues in relation to: <ul style="list-style-type: none"> <li>· Pheasants should not be included with Roosters and Peafowl;</li> <li>· Poultry should not be allowed to be kept on blocks smaller than ¼ acre;</li> <li>· Object to making the standards less restrictive; and</li> <li>· Object to removing the requirement for roosters to be a minimum of 100m from the nearest residence.</li> </ul>	Replace Pheasant with Guinea Fowl in schedule. Community Response supported the recommendations outlined in the submission.

## PROPOSAL

This report seeks a resolution from council to make a number of proposed local law amendments.

At its Ordinary Meeting held on 24 April 2013, council considered a number of residual issues arising from the making of the original local laws in December 2011 and agreed to propose to make *Amendment Local Law No. 1 (Miscellaneous) 2013* and *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013* (miscellaneous amendments).

Following on from this decision, council further agreed at its Ordinary Meeting on 20 June 2013, to propose to make *Amendment Local Law No. 2 (Administration) 2013* and *Amendment Subordinate Local Law No. 3 (Administration) 2013* in relation to the management of election signage across the Sunshine Coast region. Given the complexity of the issues associated with election advertising devices, further consideration needed to be given to this issue and as such the matter is contained within a separate amendment subordinate local law (*Amendment Subordinate Local Law No. 3 (Administration) 2013*).

### Consolidation of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Local Law No. 2 (Administration) 2013

Advice recently received from barrister Dr Michael Limerick recommended the consolidation of the two proposed amendment local laws into one consolidated amendment local law. This will ensure that correct procedure occurs with the making and gazettal of the laws.

In summary, council proposed to make *Amendment Local Law No. 1 (Miscellaneous) 2013* on 24 April 2013 and then proposed to make *Amendment Local Law No. 2 (Administration) 2013* on 20 June 2013. In proposing to make the amendment local laws, council proposed to make a number of amending local law provisions rather than a local law as a whole. The proposed amendment local laws have individually been through the correct consultation processes with regard to their contents (i.e. the provisions) and can therefore proceed as consolidated into one amendment local law.

Accordingly proposed *Amendment Local Law No. 1 (Miscellaneous) 2013* is recommended to council for adoption (refer to Appendix A). This amendment local law consolidates the provisions from the proposed *Amending Local Law No. 2 (Administration) 2013* into *Part 2 of Amendment Local Law No. 1 (Miscellaneous) 2013*.

### Local Law Making Process

Before the amendment local law and subordinate local laws can be made, a number of statutory and other requirements needed to be fulfilled. The following table outlines these requirements:

Statutory Requirement	Action taken	Date	Status
Newspaper Advertisement	<ul style="list-style-type: none"> <li>advertisement placed in the Sunshine Coast Daily (Public Notice)</li> </ul>	1 May 2013	Completed
Community Consultation	<ul style="list-style-type: none"> <li>media release</li> <li>council spotlight column notifications</li> <li>inclusion in councillor columns</li> <li>council spotlight radio notifications</li> <li>notification on council social media sites</li> <li>inclusion Business E-News</li> <li>attendance at community forums (e.g. BWMCCA)</li> </ul>	May 2013 & June 2013  (as applicable)	Completed

Statutory Requirement	Action taken	Date	Status
	<ul style="list-style-type: none"> <li>correspondence to current permit holders</li> <li>poster/documents placed in customer contact centres and libraries</li> <li>council messages on hold</li> </ul>		
State/Public Interest Checks	<ul style="list-style-type: none"> <li>email correspondence to state government agencies</li> <li>public interest documents placed on council website</li> </ul>	May 2013 & June 2013	Completed
Council Website	All relevant information and documentation placed on council's website including front page news notification.	May 2013 & June 2013	Completed
Review Submissions	All submissions received have been consolidated and are attached to this report.	June 2013	Completed

Amendment Local Law No. 1 (Miscellaneous) 2013

Following is a summary of the proposed local law amendments (refer to Appendix A for full details of proposed changes):

Local Law	Issues
Local Law No. 1 – Schedule 8 (Placement of Movable Advertising Devices) & Schedule 8A (Display of Election Signs)	<ul style="list-style-type: none"> <li>replacement of current Schedule 8 (Installation of Advertising Devices) of Subordinate Local Law No. 1 (Administration) 2011 with a new schedule that rectifies operational issues and concerns</li> <li>introduction of a new Schedule 8A (Election Signs)</li> </ul>
Local Law No. 2 - Animal Management	<ul style="list-style-type: none"> <li>leash length (3m) not working</li> <li>animal enclosures (needs to be more prescriptive)</li> <li>need to address "nuisance" laws where animals are continually causing nuisance</li> <li>minimum standards - new species "domestic cat or dog"</li> <li>rooster, pheasant and peacock (less restrictive)</li> </ul>
Local Law No. 3 - Community Health and Environmental Management	<ul style="list-style-type: none"> <li>definition of works requires amendment to allow council to act on complaints concerning water spilling onto other properties as a result of a person's failure to keep property maintained therefore allowing water to escape naturally</li> </ul>
Local Law No. 4 - Local Government Controlled Areas, Facilities, Infrastructure and Roads	<ul style="list-style-type: none"> <li>naming a place currently requires a council resolution despite there being a policy in place</li> <li>allow residents under an approval to make minor changes to a footpath (i.e. remove or plant vegetation)</li> </ul>

Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013

The primary objective of this proposed amendment subordinate local law is to insert a new 'Schedule 8 Placement of moveable advertising devices' into the *Subordinate Local Law No. 1 (Administration) 2013* as well as make some minor amendments in relation to the keeping of animals.

In relation to the placement of moveable advertising devices it is important to note that a review was undertaken on the current *Schedule 8 (Installation of Advertising Devices)* of *Subordinate Local Law No. 1 (Administration) 2011* to rectify operational issues and concerns. After extensive internal consultation, it was determined that a replacement schedule 8 be created and retitled as “Schedule 8 (Placement of Movable Advertising Devices)” which better reflects the temporary nature of those advertising devices regulated under council’s local laws.

The approach taken in the new Schedule 8 (Placement of Movable Advertising Devices) is that the majority of advertising devices are self-assessable and do not require an approval (provided they operate within the parameters set). This schedule creates a framework which reduces administrative burden for the organisation and allows ease of use by the community and business.

*Amendment Subordinate Local Law No. 3 (Administration) 2013*

The primary objective of this proposed amendment subordinate local law is to insert a new ‘Schedule 8A Display of election signs’ into *Subordinate Local Law No. 1 (Administration) 2013*. The proposed amendment provides the administrative framework for the management of election signage across the Sunshine Coast region, including for the forthcoming Noosa Shire Council election.

In summary, the proposed new Schedule 8A (Display of election signs) is consistent with the principles of –

- high standards of community health and safety;
- prevention of environmental harm;
- prevention of property damage and loss of amenity;
- minimisation of risk;
- elimination of unnecessary administrative burden; and
- a consistent approach across the region.

The approach recommended is that signage is only allowed on private land, is self-assessable on the proviso that candidates operate within the prescribed set of parameters.

The following is a brief summary of the proposed schedule:

<b>Column 1 Type of device</b>	<b>Column 2 Prescribed parameters</b>
Election sign for a local government election for the Sunshine Coast Regional Council	<p>The prescribed parameters for display of election signs for a local government election for the Sunshine Coast Regional Council are—</p> <ul style="list-style-type: none"> <li>(a) for a mayoral candidate<sup>¾</sup> a maximum of 20 signs per electoral division; and</li> <li>(b) for a candidate other than a mayoral candidate<sup>¾</sup> a maximum of 20 signs in the division where the candidate is standing for election; and</li> <li>(c) no more than 2 election signs may be installed on any one site; and</li> <li>(d) each sign must not exceed a face area of 2 square metres; and</li> <li>(e) if the candidate is not the owner of the premises on which the proposed election sign is to be placed and displayed, the candidate must obtain the consent of the owner of the premises.</li> </ul>

<b>Column 1 Type of device</b>	<b>Column 2 Prescribed parameters</b>
Election sign for a local government election for the Noosa Shire Council	<p>The prescribed parameters for display of election signs for a local government election for the Noosa Shire Council are—</p> <ul style="list-style-type: none"> <li>(a) for a mayoral candidate¼ a maximum of 8 signs; and</li> <li>(b) for a candidate other than a mayoral candidate¼ a maximum of 8 signs; and</li> <li>(c) no more than 2 election signs may be installed on any one site; and</li> <li>(d) each sign must not exceed a face area of 2 square metres; and</li> <li>(e) if the candidate is not the owner of the premises on which the proposed election sign is to be placed and displayed, the candidate must obtain the consent of the owner of the premises.</li> </ul>
Election sign for a State government election	<p>The prescribed parameters for display of election signs for a State government election are—</p> <ul style="list-style-type: none"> <li>(a) for a candidate in a State government election¼ a maximum of 40 signs within the candidate's electorate; and</li> <li>(b) no more than 2 signs may be installed on any one site; and</li> <li>(c) each sign must not exceed a face area of 2 square metres; and</li> <li>(d) if the candidate is not the owner of the premises on which the proposed election sign is to be placed and displayed, the candidate must obtain the consent of the owner of the premises</li> </ul>
Election sign for a Commonwealth government election	<p>The prescribed parameters for display of election signs for a Commonwealth government election are—</p> <ul style="list-style-type: none"> <li>(a) for a candidate in a Commonwealth government election¼ a maximum of 80 signs within the candidate's electorate; and</li> <li>(b) no more than 2 signs may be installed on any one site; and</li> <li>(c) each sign must not exceed a face area of 2 square metres; and</li> <li>(d) if the candidate is not the owner of the premises on which the proposed election sign is to be placed and displayed, the candidate must obtain the consent of the owner of the premises</li> </ul>
Election sign for an election other than a local, State or Commonwealth government election	<p>The prescribed parameters for display of election signs for an election other than a local, State or Commonwealth government election are—</p> <ul style="list-style-type: none"> <li>(a) for a candidate in an election other than a government election - a maximum of 20 signs within the local government area; and</li> <li>(b) no more than 2 signs may be installed on any one site; and</li> <li>(c) each sign must not exceed a face area of 2 square metres; and</li> <li>(d) if the candidate is not the owner of the premises on which the proposed election sign is to be placed and displayed, the candidate must obtain the consent of the owner of the premises</li> </ul>



**Strategic Policy – Installation of an election advertising device**

On 22 February 2012, council endorsed a strategic policy titled 'Installation of an election advertising device'. This policy was developed to provide some interim parameters for election signage, and particularly to assist in the 2012 local government elections. It was always intended that this issue would be covered in a local law, which is the appropriate mechanism to regulate advertising devices. The policy will no longer be required once the proposed local law amendments are gazetted. It is therefore recommended that this policy be deleted from council's policy register.

**Legal**

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

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

The proposed amendment local law and amendment subordinate local laws have been drafted by barrister, Dr Michael Limerick.

**Policy**

This report recommends the deletion of strategic policy 'Installation of an election advertising device' from council's policy register as the policy will be obsolete following the gazettal of the local law amendments.

**Risk**

There are no risks in adopting the recommendation. The local law amendments introduce improvements and efficiencies for both council and the community.

**Previous Council Resolution**

- Council Resolution (OM11/294) 7 December 2011 – Adoption of Sunshine Coast Regional Council Local Laws and Subordinate Local Laws; and
- Council Resolution (OM13/70) 24 April 2013 – Proposal to Amend Local Law.

**Related Documentation**

- *Local Government Act 2009* and Regulations;
- Sunshine Coast Regional Council Local Laws and Subordinate Local Laws 2011;
- State Government Guidelines for Making Local Laws and Subordinate Local Laws;
- Corporate Plan 2009-2014; and
- Operational Plan 2012-2013.

**Critical Dates**

It is beneficial for council to proceed to make *Amendment Local Law No. 1 (Miscellaneous) 2013*, *Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013* and *Amendment Subordinate Local Law No. 3 (Administration) 2013* as soon as possible in order for the local law amendments to take effect by 1 August 2013 and therefore be in place prior to the 2014 Commonwealth elections planned for September.

**Implementation**

Following consideration of this report by council, public notification of the newly made amending local law and subordinate local law will occur which will include a notice being published in local newspaper, the Government Gazette and on council's website.

Media releases are also being developed to ensure the community is aware of the amended local laws and subordinate local laws. The marketing and communication plan outlines a number of other strategies including website information to build awareness and ensure users understand any new requirements applicable.

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### 7.3.5 COUNCILLORS' EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY

<b>File No:</b>	<b>ECM</b>
<b>Author:</b>	<b>Team Leader Councillor Governance Finance &amp; Business Department</b>
<b>Appendices:</b>	<b>App A - Councillors' Expenses Reimbursement and Provision of Facilities Policy - Proposed.....281</b>
<b>Attachments:</b>	<b>Att 1 - Councillors' Expenses Reimbursement and Provision of Facilities Policy - Tracked Changes .....289</b>

#### PURPOSE

The purpose of this report is for council to consider amendments to the *Councillors' Expenses Reimbursement and Provision of Facilities* policy (the Policy). In accordance with section 249 of the *Local Government Regulation 2012* (the Regulation), the Policy should provide for the:

- payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors; and
- provision of facilities to councillors for that purpose.

#### EXECUTIVE SUMMARY

Pursuant to section 250 of the Regulation, council must adopt, by resolution, an expenses reimbursement policy. Any amendment to that Policy must also be endorsed by council resolution.

The purpose of the Policy is to set the parameters to authorise the payment of reasonable expenses incurred, or to be incurred, by councillors and provide facilities to support councillors in discharging their duties and responsibilities.

Councillor expense reimbursement entitlements under the current policy are categorised into professional development and hospitality (as defined within the Policy) with allocations of \$4,400 and \$1,000 respectively per councillor per financial year.

It is proposed that these two entitlements be combined to form one 'general entitlement' for councillors of \$5,400 to provide for the variability in the nature of councillor expenses.

To assist councillors in their decision making, information is also provided under the expenses reimbursement policies of other local governments in Queensland.

Council's existing policy was adopted on 28 June 2012. A review of the Policy was undertaken principally to improve its flexibility and to remove ambiguity around emergent issues experienced since its implementation.

Under section 186(b) of the Regulation, council's annual report must include information about the expenses incurred by councillors under the expenses reimbursement policy.

A copy of the Policy is attached to this report as **Appendix A**. A copy of the Policy, with recommended amendments tracked, is attached to this report as **Attachment 1**.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Councillors' Expenses Reimbursement and Provision of Facilities Policy”
- (b) endorse the amended *Councillors' Expenses Reimbursement and Provision of Facilities* policy (Appendix A) pursuant to section 250 of the *Local Government Regulation 2012*
- (c) request the Chief Executive Officer to publish the amended Policy on Sunshine Coast Council's website and ensure a copy of the policy may be inspected and purchased at Sunshine Coast Council's public office in accordance with section 251 of the *Local Government Regulation 2012* and
- (d) determine entitlements annually as part of the budget adoption process.

## FINANCE AND RESOURCING

Councillors currently receive an entitlement of \$5,400 per councillor per financial year broken up into two categories: professional development and hospitality with allocations of \$4,400 and \$1,000 respectively per councillor per financial year. This currently equates to a total budgetary allocation for all councillors (including the mayor) of \$70,200 per annum.

It is proposed that the upper limit of councillor entitlements be determined annually as part of council's budget adoption process. For the 2013/2014 financial year, it is recommended that councillors receive a general entitlement of \$5,400 for professional development, hospitality and other reasonable expenses as may be incurred from time to time by councillors in discharging their duties.

The total budget allocation for the 2013/2014 financial year for mayor and councillors is \$70,200.

## CORPORATE PLAN

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:**

**Strategy:**

8.1 - Ethical, accountable and transparent decision-making

8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

**Strategy:**

8.1.2 - Ensure legislative compliance and awareness

**Strategy:**

8.1.3 - Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

## CONSULTATION

### Internal Consultation

- Executive Office
- Finance & Business
- Governance



**External Consultation**

No external consultation has occurred at this stage. However, research has been conducted to compare councillor entitlements under the expenses reimbursement policies of other councils in South East Queensland.

**Community Engagement**

No community consultation has occurred at this time. However, the Regulation requires that a copy of the Policy be published on council's website and be available for purchase by the public at council's public office. Details of actual councillor expenditure must also be published in council's annual report.

**PROPOSAL**

A review of the Councillors' Expenses Reimbursements and Provision of Facilities policy has been conducted. This review has been undertaken to improve flexibility to allow councillor expenses to align with the ebb and flow of community expectations, councillor needs and emergent issues.

The intent of the new policy remains to reimburse councillors for reasonable expenses incurred. "Reasonable" is defined as the application of sound judgment and consideration for what is prudent, responsible and acceptable to the community in determining expenditure and the provision of facilities.

Councillor expense reimbursement entitlements under the current policy are categorised into professional development and hospitality (as defined within the Policy) with allocations of \$4,400 and \$1,000 respectively per councillor per financial year.

It is proposed that these two entitlements be combined to form one 'general entitlement' for councillors and the Mayor of \$5,400 to provide for the variability in the nature of councillor expenses.

It is recommended that entitlements be determined annually as part of the budget adoption process.

In comparison, other local governments in Queensland make the following provisions with regard to councillor expenditure:

*Gold Coast City Council*

- Expenses related to "Council Business" – including expenses incurred in attending meetings and functions when acting in official capacity as well as for events for the purpose of addressing council's advocacy strategy and to provide support for community social and economic development activities. Council Business also includes professional development.
  - *Entitlement - no upper limit expressed in the policy – Council to meet costs*
- Expenses described as "Incidentals" – including motor vehicle expenses (parking etc), community representation (the equivalent of Sunshine Coast Council's "hospitality") as well as reference/information gathering (books, newspapers, memberships).
  - *Entitlement:*
    - § *Mayor - \$23,000 pa*
    - § *Deputy Mayor - \$8,000 pa*
    - § *Councillors - \$5,000 pa*

*Moreton Bay Regional Council*

- Expenses related to “Council Business” – reasonable expenses relating to official business conducted on behalf of council.
  - *Entitlement - no upper limit expressed in the policy – council to meet costs*
- Professional Development – activities divided into mandatory and discretionary training.
  - *Entitlement:*
    - § *Mandatory training – no upper limit expressed in the policy – council to meet costs*
    - § *Discretionary training - \$5,800 per councillor per annum*
- Hospitality – similar to Sunshine Coast Council’s hospitality entitlement.
  - *Entitlement:*
    - § *Mayor - \$6,500 per annum*
    - § *Councillors - \$550 per councillor per annum*

*Ipswich City Council*

- Expenses related to “Council Business” – expenses incurred in carrying out the role of Councillor (including Mayor).
  - *Entitlement - no upper limit expressed in the policy – council to meet costs*
- Professional Development
  - *Entitlement - no upper limit expressed in the policy – council to meet costs*
- Entertainment – similar to Sunshine Coast Council’s hospitality entitlement.
  - *Entitlement - \$500 per occasion or \$3,000 per annum per councillor*

Other councils represented above have not specified an upper limit on expenditure related to “council business”. In the current economic climate and to ensure responsible financial management, this report recommends budgetary limits be adopted for all expenses incurred under Sunshine Coast Council’s expenses reimbursement policy.

A copy of the amended policy is attached to this report as **Appendix A**.

**Legal**

Under section 250 of the *Local Government Regulation 2012*, council must adopt by resolution an expenses reimbursement policy. Any amendment to that policy must also be made by resolution.

In accordance with section 186(b) of the Regulation, the expenses incurred by each councillor under the Policy during the financial year must be published in council’s annual report.

**Policy**

If adopted, this policy replaces the *Councillors’ Expenses Reimbursement and Provision of Facilities* policy dated 28 June 2012. It will become effective from the date of adoption.

**Risk**

Council will be at risk of breaching the *Local Government Regulation 2012* if amendments to the Policy are not endorsed by council by resolution.

**Previous Council Resolution****Council Resolution** (OM 12/77)

*That Council:*

- (a) *note the report titled "Councillors' Expenses Reimbursement and Provision of Facilities Policy";*
- (b) *endorse the amended Councillors' Expenses Reimbursement and Provision of Facilities strategic policy (Appendix A) pursuant to section 45 of the Local Government (Operations) Regulation 2010; and*
- (c) *request the Chief Executive Officer to issue public notice of the amended policy in the Sunshine Coast Daily and on Sunshine Coast Council's website in accordance with section 46(2) of the Local Government (Operations) Regulation 2010.*

**Related Documentation**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Integrity Act 2009*
- *Public Sector Ethics Act 1994*
- *The Councillor Conduct Guide (CMC – May 2012)*
- *Civic Functions Guidelines (14 May 2009)*
- *Councillor Code of Conduct (23 August 2012)*
- *Entertainment and Hospitality Policy (16 July 2009)*
- *IT Acceptable Use Policy (20 October 2010)*
- *Mobile Device Policy (14 November 2009)*
- *Procurement Policy (14 May 2009)*

**Critical Dates**

There are no critical dates associated with the recommendation.

**Implementation**

Should council accept the recommendation of this report, the required publication of this policy will be undertaken as soon as practicable. The necessary budget allocation will be reflected in the Sunshine Coast Council 2013/2014 Budget.

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**7.4 EXECUTIVE OFFICE****7.4.1 CONTRACT EXTENSION FOR INDEPENDENT MEMBERS OF THE AUDIT COMMITTEE****File No:** ECM**Author:** Manager Audit and Assurance  
Executive Office**Attachments:** Att 1 - Audit Committee Charter ..... 301  
Att 2 - CV Overview of External Members (*Under Separate Cover*)  
- *Confidential* .....*Conf Att Pg 25*

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**PURPOSE**

The purpose of this report is to seek Council's approval to appoint the existing Independent Members of the Audit Committee for a further three years to 30 June 2016.

**EXECUTIVE SUMMARY**

The *Local Government Regulation 2012* has specific requirements in regard to the operations and the composition of Audit Committees. These requirements are reflected in the Audit Committee Charter which is reviewed annually and subsequently endorsed by Council.

The Audit Committee is an Advisory Committee and is comprised of two Councillors and two independent members. Independent member contracts expire 30 June 2013 and it is proposed to appoint existing independent members to the Audit Committee for a further three years to 30 June 2016.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled "Contract Extension for Independent Members of the Audit Committee" and
- (b) appoint Mr Peter Dowling as Audit Committee Chair and Mr Len Scanlan as an Independent Audit Committee Member by extending their existing individual contracts to 30 June 2016.

**FINANCE AND RESOURCING**

The total annual independent member costs are currently \$14,500 GST excl which are increased in accordance with the annual staff pay increases. These costs are contained within the Audit and Assurance budget.

## CORPORATE PLAN

**Corporate Plan Theme:** *Great governance*

**Emerging Priority:** 8.1 - Ethical, accountable and transparent decision-making

**Strategy:** 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

## CONSULTATION

### Internal Consultation

Councillor C Thompson, Councillor C Dickson and the Chief Executive Officer support the proposed three year contract extensions.

### External Consultation

Mr Peter Dowling and Mr Len Scanlan have confirmed their acceptance of the proposed three year contract extensions.

### Community Engagement

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

## PROPOSAL

The Audit Committee is an advisory Committee of Council which is established in accordance with the *Local Government Regulation 2012*. The Audit Committee Charter is reviewed and endorsed annually. The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties in particular:

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

The Audit Committee is comprised of four members:

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

Given that Council is fortunate to have highly skilled independent members in Mr Peter Dowling AM (former Ernst & Young Tax and Business Advisory Partner and holds positions on many Audit Committees and Boards) and Mr Len Scanlan (ex Queensland Auditor General and holds positions on many Audit Committees and Boards), it would be prudent to secure their services over the longer term by extending existing contracts to 30 June 2016. (Refer Attachment 2 - CV Overview of External Members).

**Legal**

*Local Government Act 2009*  
*Local Government Regulation 2012*

**Policy**

Audit Committee Charter endorsed annually by Council.

**Risk**

Legislative non-compliance.

**Previous Council Resolution**

Independent member contracts were last extended by Council 4 August, 2010.

**Related Documentation**

Audit Committee Charter

**Critical Dates**

Next Audit Committee Meeting 9 September, 2013.

**Implementation**

No implementation plan associated with this report.



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**8 NOTIFIED MOTIONS****9 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

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**10 CONFIDENTIAL SESSION****10.1 COMMUNITY SERVICES****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SPONSORSHIP PROPOSAL**

**File No:** ECM  
**Author:** Manager Community Facilities  
Community Services Department

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This report is confidential in accordance with section 275 (e) (h) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2 FINANCE AND BUSINESS****10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY ACQUISITION OF LAND - BEERWAH**

**File No:** ECM PropertyLandCommercial  
**Author:** Manager Property  
Finance & Business Department

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This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LEASE AMENDMENT**

**File No:** ECM  
**Authors:** Acting Manager, Property and Business  
Finance & Business Department  
Business Technical Support Officer  
Finance & Business Department

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This report is 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 it.

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**10.3 EXECUTIVE OFFICE**

**10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST  
AIRPORT LEASE OF TERMINAL OFFICE**

**File No:** ECM

**Author:** Commercial Property Coordinator  
Executive Office

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This report is 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 it.

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**11 NEXT MEETING**

The next Ordinary Meeting will be held on 22 August 2013 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

**12 MEETING CLOSURE**