

Agenda

Ordinary Meeting

Thursday, 23 June 2022

commencing at 11:00am

Council Chambers, 1 Omrah Avenue, Caloundra

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ORDINARY MEETING

NOTICE

10 June 2022

Dear Councillors, Group Executives and relevant staff,

In accordance with Section 254C(2) of the *Local Government Regulation 2012*, I wish to advise that an Ordinary Meeting has been convened for

23 June 2022

commencing at 11.00am.

A handwritten signature in black ink, appearing to read "Emma Thomas", is positioned above the printed name.

Emma Thomas | Chief Executive Officer

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 26 May 2022 be received and confirmed.

5 MAYORAL MINUTE**6 INFORMING OF CONFLICTS OF INTEREST****6.1 PRESCRIBED CONFLICTS OF INTEREST**

Pursuant to section 150EL of the *Local Government Act 2009* (the Act), a Councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of the local government must –

- (a) immediately inform the meeting of the prescribed conflict of interest including the particulars stated in section 150EL(4) of the Act and
- (b) pursuant to section 150EM(2) of the Act must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is being discussed and voted on.

6.2 DECLARABLE CONFLICTS OF INTEREST

Pursuant to section 150EQ of the *Local Government Act 2009*, a Councillor who has a declarable conflict of interest in a matter to be considered at a meeting of the local government, must stop participating in the meeting and immediately inform the meeting of the declarable conflict of interest including the particulars stated in section 150EQ(4) of the Act.


















If the Councillor with a declarable conflict of interest does not voluntarily decide not to participate in the decision, pursuant to section 150ES(3)(a) of the Act the eligible Councillors must, by resolution, decide

- (a) whether the Councillor may participate in the decision despite the Councillors conflict of interest or
- (b) that the Councillor must not participate in the decision and must leave the place at which the meeting is being held, including any area set aside for the public and stay away while the eligible Councillors discuss and vote on the matter.

The Councillor with the declarable conflict of interest must comply with any conditions the eligible Councillors impose per section 150ES(4) and (5) of the Act.

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 2022/23 PROCUREMENT POLICY AND PROCUREMENT AND DISPOSAL FRAMEWORK****File No:** Council meetings**Author:** Manager Business and Innovation
Business Performance Group

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PURPOSE

The purpose of this report is to present for the consideration of Council the 2022/23 Procurement Policy and related documents forming Council's procurement and disposal framework.

EXECUTIVE SUMMARY

The *Local Government Act 2009* (the Act) and the *Local Government Regulation 2012* (the Regulation) outline the procurement and disposal frameworks through which Council must conduct procurement of goods and services and disposal of non-current assets.

The Regulations requires the Procurement Policy and the procurement and disposal framework to be reviewed and adopted on an annual basis. The framework consists of:

- Procurement Policy
- Contract Manual
- Contracting Plan

- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline
- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s

The proposed procurement and disposal framework complies with all legislative obligations. It provides an appropriate framework for conducting effective and efficient contracting activities.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “2022/23 Procurement Policy and Procurement and Disposal Framework”**
- (b) adopt the proposed procurement and disposal framework as follows:**
 - (i) Procurement Policy (Appendix A)**
 - (ii) Contract Manual (Appendix B)**
 - (iii) Contracting Plan (Appendix C)**
 - (iv) Local Preference in Procurement Guideline (Appendix D)**
 - (v) Social Benefit Procurement Guideline (Appendix E)**
 - (vi) First Nations Procurement Guideline (Appendix F)**
 - (vii) Innovation and Market-Led Engagement Guideline (Appendix G)**
 - (viii) Environment and Sustainability in Procurement Guideline (Appendix H) and**
- (c) adopt Significant Contracting Plans for the following:**
 - (i) Caloundra Centre Activation - Library (Appendix I)**
 - (ii) First Avenue Streetscape (Appendix J)**
 - (iii) Road Surfacing, Rehabilitation and Construction Asphalt Program (Appendix K)**
 - (iv) Stringybark Road Footbridge Pathway (Appendix L)**
 - (v) Organic Waste Processing Service (Appendix M)**
 - (vi) Street Sweeping Services (Appendix N)**
 - (vii) Tree Maintenance Services (Appendix O)**
 - (viii) Resource Recovery Centre Operations (Appendix P)**
 - (ix) Landfill Services (Appendix Q)**

FINANCE AND RESOURCING

The Procurement Policy and procurement and disposal framework will be administered by the Business and Innovation Branch of Business Performance Group. Resourcing is within the branch and no additional funding is required to implement or administer the framework.

Budget for each of the projects to which a Significant Contracting Plan relates, will be secured upon adoption of the Sunshine Coast Council 2022/23 budget.

CORPORATE PLAN

Corporate Plan Goal: ***Our outstanding organisation***

Outcome: We serve our community by providing this great service

Operational Activity: S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

- Councillor T Landsberg - Economy Portfolio Councillor
- Councillor J O'Pray - Economy Portfolio Councillor

Internal Consultation

During the operation of the current procurement and disposal framework and development of this framework, engagement has occurred with various officers for all levels of the organisation. Specific engagement has occurred with:

- Group Executive, Business Performance
- Group Executive, Economic & Community Development
- Group Executive, Community Engagement & Planning Services
- Chief Strategy Officer
- Chief Financial Officer
- Manager, Digital & Information Services
- Manager, Audit and Assurance
- Manager, Project Delivery
- Head of Property, Property Management
- Manager, Parks and Gardens
- Head of Economic Development, Economic Development
- Manager, Community Planning & Development
- Manager, Sport & Community Venues
- Manager, Civil Asset Management
- Manager, Asset Management
- Manager, Environment and Sustainability Policy
- Sunshine Coast Program Lead – Brisbane 2032
- Coordinator, Contracts and Supply Services
- Coordinator, Strategic Procurement and Commercial Opportunities

- Coordinator, Procurement and Contract Performance
- Coordinator, Smart City
- Coordinator, Commercial Analysis
- Senior Advisor, First Nations Partnerships

A Communications Plan will be developed to inform internal stakeholders.

External Consultation

External Legal Advice was sought when Council first adopted the Strategic Contracting Procedures. The Procurement Policy and procurement and disposal framework remains consistent with that external legal advice.

A Communications Plan will be developed to inform the local community of the adoption of the policy and framework. This includes presentation at Supplier Briefings and other business and community engagement opportunities.

Community Engagement

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

PROPOSAL

The *Local Government Act 2009* (the Act) and the *Local Government Regulation 2012* (the Regulation) outline the procurement and disposal frameworks through which Councils may conduct procurement of goods and services, and disposal of non-current assets.

Strategic Contracting Procedures

The Regulation provides two frameworks through which Council may conduct procurement of goods and services and the disposal of surplus assets. The two frameworks are:

- Strategic Contracting Procedures
- Default Contracting Procedures

Council is bound to use the Default Contracting Procedures unless it adopts the Strategic Contracting Procedures.

At the Ordinary Meeting of May 2018, Council resolved to adopt the Strategic Contracting Procedures to empower Council to pursue improved contracting outcomes. The Strategic Contracting Procedures have been reviewed and adopted each year since.

Council's Procurement and Disposal Framework

The Regulations require Council's Procurement Policy and the procurement and disposal framework to be reviewed and adopted on an annual basis. The documents forming part of this framework are:

Procurement Policy

The Procurement Policy (Appendix A) is the central document in establishing a procurement and disposal framework. The Regulation requires any Procurement Policy to outline the principles the Council will apply in its procurement activities, including stating how it will meet the Sound Contracting Principles provided in the Act.

Contract Manual

The Contract Manual (Appendix B) outlines how Council will conduct procurement and disposal activities for both the procurement of goods and services and the disposal of non-current assets in a manner consistent with the Regulation.

Whether contracting for the supply of goods and services, or when disposing of non-current assets, Council will generally engage a competitive process designed to realise value to Council.

The Regulation prohibits the Strategic Contracting Procedures from being applied to disposal activities relating to land. Disposal of land, or an interest in land, whether by sale, lease, or other form of disposal, will still be conducted under the provisions of the Regulations.

Contracting Plan

The Contracting Plan (Appendix C) is a document which outlines the types of contracts that Council proposes to enter into during the financial year, including principles and strategies for performing those contracts within the various markets being approached. The Contracting Plan must be consistent with, and support achievement of the strategic directions outlined in the Corporate Plan.

Supporting Guidelines

The procurement and disposal framework is supported by four guidelines. Details of the guidelines are as follows:

Local Preference in Procurement Guideline

The Local Preference in Procurement Guideline (Appendix D) was developed to support Council's Regional Economic Development Strategy 2013-2033.

The current Local Preference in Procurement Guideline has guided Council's preference for engaging with local suppliers. This has resulted in Council spending more than \$196 million with local suppliers for the current financial year (to 30 April 2022), which represents 73% of the available procurement spend.

Social Benefit Procurement Guideline

The Social Benefit Procurement Guideline (Appendix E) was developed to support Council's Sunshine Coast Community Strategy 2019 - 2041.

Social Benefit Suppliers have social missions centered on benefitting a group of people who are considered disadvantaged in the local community. The guideline seeks to support Social Benefit Suppliers through strategies that:

- Direct procurement processes with Social Benefit Supplier's
- Encourage principle contractors to engage/sub-contract to Social Benefit Suppliers
- Drive employment of Social Benefit groups

First Nations Procurement Guideline

The First Nations Procurement Guideline (Appendix F) supports pursuit of Council's recently adopted Reconciliation Action Plan 2021-22. The guideline seeks to support First Nation People through strategies that:

- Direct procurement processes targeted at First Nation Businesses
- Encourage principle contractors to engage/sub-contract with First Nation Businesses
- Drive employment of First Nation People
- Address business development opportunities

Innovation and Market-Led Engagement Guideline

The Innovation and Market-Led Guideline (Appendix G) is unique to our Council. The guideline will create a pathway for specialised engagements of contractors:

- Providing innovative solutions
- Market Led Proposals (similar to the State Government Framework)

The guideline contains appropriate checks and balances to ensure compliance with legislation and community expectations.

Environment and Sustainability in Procurement Guideline

The new Environment and Sustainability in Procurement Guideline (Appendix H) outlines Council's framework for, and approach to, conducting Contracting Activities in an environmentally considerate and sustainable manner.

Significant Contracting Plan/s

The Regulation requires Council to identify all Significant Contracts, then prepare and adopt a Significant Contracting Plan for each.

Significant Contracts are contracts that:

- have an anticipated value of \$5 million or more and/or
- are deemed Significant Contracts following assessment under the Procurement Profiling Matrix, and Risk Assessment Calculator.

The following projects/services have been identified as Significant Contracts and therefore require a Significant Contracting Plan:

- Caloundra Centre Activation - Library (Appendix I)
- First Avenue Streetscape (Appendix J)
- Road Surfacing, Rehabilitation and Construction Asphalt Program (Appendix K)
- Stringybark Road Footbridge Pathway (Appendix L)
- Organic Waste Processing Service (Appendix M)
- Street Sweeping Services (Appendix N)
- Tree Maintenance Services (Appendix O)
- Resource Recovery Centre Operations (Appendix P)
- Landfill Services (Appendix Q)

Please note that adoption of these significant contracting plans does not endorse or pre-empt endorsement of the entire project. Approval and endorsement of projects, where necessary will be sought through standard engagements within Council.

Amendments from 2021/22 Procurement Policy and Framework

Council seeks to continually improve and refine its procurement services and capability. Amendments and additions from the previously adopted Procurement Policy and Framework include:

- **Environment and Sustainability in Procurement Guideline** - This has been prepared in consultation with Environment & Sustainability Policy Branch, in consideration of the Zero Net Emissions Plan.

This Guideline will inform and influence decision making throughout the entire procurement activity, from consideration in the development of specifications and scoping documents, to respondent submissions, evaluation, award and delivery of the resulting contract. Central to this Guideline is greater consideration and understanding of the whole of life costings associated with the projects and activities being contracted.

- **Category Procurement** – Continuing progression to procurement by category model, consistent with 2022/23 Contracting Plan.

- **General Exception** - Implementation of a single and consistent process for the creation of an Exception (other than Supplier Arrangements) in order to facilitate a more efficient approach.
- **Social and Economic Factors** - Greater flexibility as to how weightings can be applied for the sub-criteria relating to Local, First Nations and Social Benefits engagements, whilst still ensuring each are considered. This will be achieved by apportioning a minimum 20% weighting across the three potential criterion, having regard to the procurement and industry rather than strictly 20% to local and 5% to the other criteria;
- **High Value Request for Quotes** - Removal of 5 quote procurement processes for contracts with a value between \$250,000 and \$1 million. These will return to Public Tender, EOI or utilisation of an available Exception.
- **Assets Threshold** - Increase to the threshold for Valuable Non-Current Assets and Surplus Assets from \$5,000 for plant and equipment and \$10,000 for other assets to \$25,000 for all surplus assets (not including land).

Further development during 2022/23

Council will continue to develop and progress several initiatives during the coming financial year. These include:

- **Work Health and Safety**

Council continues to progress and develop its approach to work health and safety. As reviews and other activities are finalised during the coming year, Council Officers will develop and implement appropriate changes to the procurement and disposal framework and contract management activities to pursue improved work health and safety outcomes with and from suppliers/contractors to Council.

- **Disposal Plan/s**

As Council moves from current administration buildings to Sunshine Coast City Hall, a higher than usual amount of administration furniture and equipment will be considered for disposal. At appropriate times, Council Officers will develop disposal plans that manage appropriate disposal. These plans will consider the amount and value of the furniture and equipment on hand and the markets/groups which may be interests. This will include fair and equitable disposal to social benefit providers and community groups.

Supporting Strategies and Programs

Council continues to deliver support programs, including:

- **Suppliers Briefings** - Council has conducted in person Supplier Briefings in the past year. The Supplier Briefing outlines Council plans for the coming year with regards to contracting for capital works delivery and goods and services generally. The Supplier Briefings also provide information to business on Council's safety requirements, procurement processes and communication plans.

Future Supplier Briefings will be conducted online and incorporate further valuable information from a variety of branches within Council.

- **Doing Business with Council workshops** - The workshops assist mostly local attendees in explaining how to best reply to Invitations to Tender and Request for Quotes from Council.

These workshops will be incorporated into the new supplier briefing format.

- **Communication and Procurement Platforms** – Council will continue to communicate and conduct procurement with business and community through various platforms and

methods. These include the Q-Tender and Open Windows platforms through which we advertise and receive tenders and quotes. Other relevant platforms include the Council Tender Alert Service, Sunshine Coast Business Gateway and Information Sessions.

Legal

External legal advice has previously been sought regarding the format and content of proposed the Procurement Policy and the procurement and disposal framework. This advice supports the policy and framework as being compliant and appropriate for Council.

Policy

The Procurement Policy and procurement and disposal framework will provide a structured framework for Council's procurement and disposal contracting activities and ensure compliance with the relevant legislation.

Risk

The Procurement Policy and procurement and disposal framework mitigates the risks associated with undertaking contracting activities for the procurement of goods and services and disposal of assets.

Previous Council Resolution

Ordinary Meeting 24 June 2021 (OM21/50)

That Council:

- (a) *receive and note the report titled “**2021/2022 Procurement Policy and Procurement and Disposal Framework**”*
- (b) *adopt the proposed procurement and contracting as the procurement and disposal framework:*
 - (i) *Procurement Policy (Appendix A)*
 - (ii) *Contract Manual (Appendix B)*
 - (iii) *Contracting Plan (Appendix C)*
 - (iv) *Local Preference in Procurement Guideline (Appendix D)*
 - (v) *Social Benefit Procurement Guideline (Appendix E)*
 - (vi) *First Nations Procurement Guideline (Appendix F)*
 - (vii) *Innovation and Market-Led Engagement Guideline (Appendix G) and*
- (c) *adopt Significant Contracting Plans for the following:*
 - (i) *Design and Construct – Sunshine Coast City Hall Fitout (Appendix H)*
 - (ii) *Microsoft Enterprise Licences (Appendix I)*
 - (iii) *Pavement Marking Services (Appendix J)*
 - (iv) *Lifeguard Services (Appendix K)*
 - (v) *Kawana Waters Regional Aquatic Centre (Appendix L) and*
 - (vi) *Nambour Landfill Expansion (Appendix M).*

Ordinary Meeting 23 July 2020 (OM20/79)

That Council:

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

Special Meeting 11 June 2020 (SM20/13)

That Council:

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

Ordinary Meeting 20 June 2019 (OM19/93)

That Council:

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

Ordinary Meeting 21 June 2018 (SM18/9)

That Council:

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

Ordinary Meeting 14 June 2018 (OM18/95)

That Council:

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

Ordinary Meeting 14 June 2018 (OM18/94)

That Council:

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

Ordinary Meeting 17 May 2018 (OM18/62)

That Council:

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

Related Documentation

Local Government Act 2009

Local Government Regulation 2012

Internal and External Audit Reports conducted on procurement and contracting activities.

Critical Dates

The *Local Government Regulation 2012* requires Council review its Procurement Policy annually and adopt a Contracting Plan for each financial year.

The Contracting Plan and Significant Contracting Plans may only be adopted after the budget for the year is adopted.

Implementation

The Procurement Policy and documents comprising the procurement and disposal framework will commence on 1 July 2022 and will continue use of the Strategic Contracting Procedures for Council.

Chief Executive Officer will ensure that:

- Council conducts its procurement and contracting activities in a manner consistent with the Procurement Policy and the procurement and disposal framework
- Each contracting activity, which has a Significant Contracting Plan, is undertaken in a manner consistent with the plan.



Strategic policy

2022/23 Procurement Policy

Corporate Plan reference	Our Outstanding Organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Branch Manager, Business and Innovation, Business Performance	

Policy statement

This Procurement Policy will outline the principles and procurement and disposal framework that Council will adopt and apply when conducting Contracting Activities, which include contracts for goods and services (including works) and the disposal of assets.

Council adopts the *LGR 2012*, Chapter 6 Contracting, Part 2 Strategic Contracting Procedures for entering into contracts for the:

- a) supply of goods and services (including carrying out work); and
- b) disposal of non-current assets (other than land).

Council will comply with these procedures when conducting Contracting Activities, other than those applying to disposal of land or an interest in land.

Council will deal with the disposal of land under the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures.

Requirements of Strategic Contracting Procedures

The Strategic Contracting Procedures, comprise of:

- a) Contract Manual;
- b) Contracting Plan and associated guidelines, which include:
 - Local Preference in Procurement Guideline;
 - Social Benefit Procurement Guideline;
 - First Nations Procurement Guideline; and
 - Innovation and Market-Led Engagement Guideline; and
 - Environment and Sustainability in Procurement Guideline.
- c) Significant Contracting Plan/s.

This policy must be read and complied with in accordance with the associated guidelines.

Policy scope

This policy applies to all Council employees (including contingent workers and volunteers) and relates to anyone who undertakes any part of a Contracting Activity on behalf of Council.

Principles

Council will ensure it is financially sustainable by establishing a financial management system that ensures regard is had for the Sound Contracting Principles when contracting for the supply of goods or services (including the carrying out of works) and the disposal of assets.

Council will continue to apply the Sound Contracting Principles throughout the financial year along with other adopted principles in relation to Contracting Activities.

Sound Contracting Principles

The Sound Contracting Principles are:

- value for money; and
- open and effective competition; and
- the development of competitive local business and industry; and
- environmental protection; and
- ethical behaviour and fair dealing.

Regard will be had for each principle, although each principle may not receive equal consideration.

Policy details

This policy details how Council will conduct Procurement Activities. Procurement Activities will occur in the following manner:

Table 1: Procurement Contract thresholds

Contract Threshold	Procurement Routes
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none"> A Significant Contracting Plan is required for any Contract that is: <ul style="list-style-type: none"> expected to reach the Contract Threshold; or of a high risk; or of a complex nature. <p>A Significant Contracting Plan must be made before the Contract starts. Each Significant Contracting Plan will identify the chosen procurement strategy.</p> <p>All Significant Contracting Plans must be adopted by Council and may only be modified by resolution of Council.</p>
\$250,000 up to \$5,000,000	<ul style="list-style-type: none"> Expression of Interest (EOI) Invite Tenders Available Exception
\$25,000 up to \$250,000	<ul style="list-style-type: none"> EOI Invite Tenders Request for Quote issued to at least three (3) suitably capable suppliers Available Exception
Up to \$25,000	<ul style="list-style-type: none"> Request for Quote issued to at least one (1) suitably capable supplier

Exceptions relating to Procurement Processes

Council has created alternative procurement routes to the primary procurement routes (of EOI, Tender and Request for Quote) by establishing the following Exceptions:

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council can create Supplier Arrangements to undertake procurement processes from to form contracts for goods, services and/or works that are required frequently, in high volume or where it is important to understand the capability of the Suppliers.</p> <p>Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to</p>

	<p>create a Supplier Arrangement, however an RFQ may be used to manage or refresh an existing Supplier Arrangement.</p> <p>The Supplier Arrangement may be priced or non-priced.</p> <p>Utilising Supplier Arrangement with price provided</p> <p>Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.</p> <p>Utilising Supplier Arrangement without price provided</p> <p>Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.</p> <p>Note: In exceptional circumstances, a contract valued over \$25,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.</p>
Governmental Contracts and Arrangements	<p>The Contract is made with, or under an arrangement with, another Government, including Local, State or Commonwealth, and includes any Government Entity or Agency and Utility Providers.</p> <p>This exception is intended to include Local Government Association Arrangements and Utility Providers including water, electricity, gas and telecommunications.</p> <p>Note: In exceptional circumstances, a contract valued over \$25,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.</p>
Genuine Emergency	<p>A Genuine Emergency exists.</p> <p>If the money spent in response to the Genuine Emergency is not provided for in the annual budget, Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent.</p>
Innovation and Market-Led Engagement Guideline	<p>Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.</p>
General Exceptions	<p>A General Exception may be used to form a contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <ul style="list-style-type: none"> • Sole or Specialised Supplier/s <p>Council determines that:</p> <ul style="list-style-type: none"> ○ there is only one supplier who is reasonably available; or ○ because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders. • Auction Purchase <p>The Contract is for the purchase of goods and is made by auction.</p> <ul style="list-style-type: none"> • Second-hand Goods <p>The Contract is for the purchase of second-hand goods.</p> <ul style="list-style-type: none"> • Tender/Quote Consideration Plan/s <p>If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan.</p> <p>A Procurement Plan must be developed prior to contract award for Procurement Activities involving a General Exception. A Procurement Plan for a General Exception must also explain the reasoning for using this Exception, including why a standard Procurement Process/es or other Exception/s were not available.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the contract will be managed and administered, or with the sole approval of the CEO.</p>

NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

Application to Disposal Processes

Council will conduct Disposal Contracting Activities having regard to the adopted Thresholds for Valuable Non-Current Assets.

Thresholds for Valuable Non-Current Assets (VNCA)

The *LGR 2012* provides that a VNCA is:

- land; or
- another non-current asset that has an apparent value that is equal to or more than a limit set by Council.

Council sets the value for VNCAs, other than land at:

- for plant or equipment - \$25,000;
- for another type of non-current asset - \$25,000.

For clarity, items with a greater value than the above figures are VNCAs. Those items with an estimated value below the identified thresholds are Surplus Assets.

Table 3: Disposal Contract thresholds

Contract Value	Disposal Routes
Plant, Equipment and any other VNCA worth more than \$25,000 (other than land)	<ul style="list-style-type: none">• Public Tender• EOI• Available Exception
Surplus Assets worth less than \$25,000	<ul style="list-style-type: none">• EOI• Public Tender• Public Auction• Recycle• Waste/dumping• Trade in• Donating to Government Agency or Community Organisation

Council will consider and apply the most appropriate disposal process to realise the best value for Council from the disposal.

Requirement for the Disposal of Land and Exceptions

Council will continue to dispose of land, or any interest in land in a manner consistent with the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures. These procedures require that, unless an exception applies, Council will dispose of land, or an interest in land by:

- EOI
- Tender
- Auction

There are a number of exceptions detailed in the *LGR* which may be exercised instead of undertaking a EOI, Tender or Auction and these are detailed in section 236(1). Exercise of the exceptions is subject to the following qualifications:

- a) For exceptions mentioned in subsections 236(1)(a) to (e), before the disposal, Council decides by resolution that the exception may apply to that particular disposal.
- b) For exceptions relating to disposal of land or an interest in land, the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in land including the market value of any improvements. A written report about the market value from a valuer registered under the *Valuers Registration Act 1992* (not an employee of Council) will be sufficient evidence of the market value.
- c) Point (b) immediately above does not apply to disposal of land or an interest in land which is disposed of under sections 236(1)(b), (1)(c)(ii) or (1)(f).

Applying the Sound Contracting Principles in Procurement and Disposal Processes

Council will apply, and have regard for, the Sound Contracting Principles in the following manner:

Value for money

The concept of value for money is not restricted to the price of the goods, services or works.

Council will consider a number of factors when assessing value for money, including:

- a) whole-of-life costs including acquisition, use, maintenance and disposal costs;
- b) contribution to the achievement of Council's policies and priorities;
- c) fitness for purpose, quality, service and support;
- d) internal administration costs;
- e) technical compliance costs;
- f) risk exposure; and
- g) the value of any associated environmental benefits.

Open and effective competition

Contracting Activities will be conducted by Council using an open and competitive process unless a specific exception applies. Open and effective competition will be achieved by ensuring that:

- a) procedures and processes for contracting are visible to Council, suppliers and the community;
- b) prospective suppliers are given fair and reasonable consideration; and
- c) evaluation of offers is undertaken pursuant to the legislation, procedures and evaluation criteria applicable to the Contracting Activity.

The development of competitive local business and industry

Council encourages the development of competitive local businesses and will endeavour to promote and support competitive local industry while conducting Contracting Activities.

In addition to standard evaluation criteria, Council may also consider the following factors when conducting Contracting Activities:

- a) creation of local employment opportunities;
- b) economic growth within the local area including economic growth that aligns with the implementation of the *Regional Economic Development Strategy 2013-2033*;
- c) readily available servicing support and supply chain capability; and
- d) the benefit to Council of contracting with local suppliers and the associated local commercial transactions that flow from these engagements.

Environmental protection

Council will seek to complement its broader environmental commitments and initiatives when conducting Contracting Activities. While conducting those activities, Council will have regard to the *Environment and Liveability Strategy 2017*, and a range of environment and sustainability factors including:

- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - reducing waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;

- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- f) persuading, leading and building a circular economy.

Ethical behaviour and fair dealing

Council will conduct Contracting Activities with impartiality, fairness, independence, openness, and integrity to ensure probity, transparency and accountability for the outcomes. Council will promote ethical behaviour and fair dealing by:

- a) ensuring legislative and policy compliance in Contracting Activities;
- b) ensuring compliance with Employee and Councillor Codes of Conduct;
- c) creating and maintaining a robust and effective procurement process that operates in a mature probity environment;
- d) identifying and managing possible, real or perceived conflicts of interest between Council, Council Officers, Councillors and prospective or existing contractors;
- e) Ensuring equal and impartial treatment of all prospective and existing suppliers.

Other obligations

Outlined below is a series of further obligations that must be met or maintained. They are:

Powers to delegate (*LGA 2009*, ss 257, 259 & *LGR 2012*, s 238)

Council may delegate by resolution, a power under the *LGA 2009* or another Act to the Chief Executive Officer (CEO). Any delegation to the CEO will be reviewed annually. The Council must not delegate a power that an Act states must be exercised by resolution. Council may delegate a power with conditions.

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Local Government Employees and/or Council Officers. These delegations are recorded in the delegations register maintained by the CEO.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given a Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a procurement process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Requirement to keep record of particular matters (*LGR 2012*, s 164)

Council will keep a written record stating the risks Council's operations are exposed to, to the extent they are relevant to financial management and the control measures adopted to manage the risks. Council will keep a copy of the Procurement Policy with that record.

Unauthorised spending (*LGR 2012*, s 173)

Council will only spend money in a financial year if it is adopted in the budget for the financial year; or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Council may spend money, not authorised in its budget, for genuine emergency or hardship. In this instance Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent. The resolution will state how the spending is to be funded.

Other contents - Annual Report – changes to tenders (*LGR 2012*, s 190)

Council will include the number of invitations to change tenders under the *LGR 2012*, Section 228(7) during that financial year in its annual report for the financial year.

Procurement Policy – annual review (*LGR 2012*, s 198)

Council will prepare and adopt a Procurement Policy that will be reviewed annually. The Procurement Policy will include details of the principles, including the Sound Contracting Principles that Council will apply to purchasing goods and services.

Public access to relevant financial and planning documents (*LGR 2012*, s 199)

Council will allow the public to inspect this Procurement Policy by making it available:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) at Council's public offices.

Council will also make a copy of the Procurement Policy available for purchase at a cost of no more than it costs Council to make it available.

Publishing details of contractual arrangements worth \$200,000 or more (*LGR 2012*, s 237)

Council will, as soon as practicable after entering into a contractual arrangement worth \$200,000 or more (GST exclusive), publish the relevant details of the contractual arrangement:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) in a conspicuous place in a public office.

Relevant details of a Contract means:

- a) the person with whom Council has entered into the contractual arrangement;
- b) the value of the contractual arrangement; and
- c) the purpose of the contractual arrangement.

For the purposes of this section a reference to Contractual Arrangement means a single Contract.

Councillor requests for information

The *LGA 2009* provides the circumstances under which Councillors may request information or assistance from Local Government Employees. A framework for this process has been established by the Councillors Acceptable Request Guidelines. This guideline outlines the processes for Councillors requesting, and Local Government Employees providing, information.

Councillors and Local Government Employees should comply with the legislation, the relevant Guideline and the respective Codes of Conduct when dealing with matters relating to Contracting Activities.

Councillors should direct any issues regarding Contracting Activities to the CEO. They should not attempt to influence any Contracting Activity. Attempts to do so may constitute a breach of legislation and/or the Councillor Code of Conduct. Further, attempts may cause the favoured industry participant to be disqualified from consideration under Council's probity conditions established under its procurement process and general conditions of offer.

Prohibition on splitting of Orders or Contracting Activities

Splitting orders or splitting Contracting Activities to attempt to avoid thresholds is not permitted.

Measurements of success

Success of this Procurement Policy will be measured by:

- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Local suppliers** compared with non-local suppliers;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **First Nation suppliers**, and consideration of sub-contracting and employment opportunities;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Social Benefit suppliers**, and consideration of sub-contracting and employment opportunities;

- Number and percentage of Contracting Activities with an **Environmental and Sustainability** criterion;
- Number and percentage of Contracting Activities with a **Work health and safety** criterion
- Identify and review each invitation to change tenders under *LGR 2012*, s 228 (7) during the financial year.

Definitions

The following definitions apply to this policy and any associated document:

Community Organisation means:

- a) an entity that carries on activities for a public purpose; or
- b) another entity whose primary object is not directed at making a profit.

Contract means a contract (including purchase orders and purchase card transactions) for:

- a) the supply of goods or services; or
- b) the carrying out of work; or
- c) the disposal of non-current assets.

In this policy, this term does not include a contract of employment between Council and a Local Government Employee (as defined in the *LGA 2009*).

Contracting Activity means Procurement Processes and/or Disposal Processes.

Contract Manual means the Contract Manual prepared and adopted by Council for the financial year, as required under the provisions of the *LGR 2012*, s 222.

Contracting Plan means the Contracting Plan prepared and adopted by Council for the financial year, as required under the provisions of the *LGR 2012*, s 220.

Contract for Service means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.

Council Employee - Means the CEO, senior contract employees, contract employees, award employees, casual employees, part-time employees, contractors, contingent workers, agency casual and volunteers.

Council Officer means a Local Government Employee (as that term is defined in the *LGA 2009*) of the Sunshine Coast Regional Council, but does not include a person engaged on a Contract for Service for a defined time or designated project.

Disposal Contract means a Contract for the disposal of Valuable Non-Current Assets and/or Surplus Assets.

Disposal Process means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.

EOI means an Expression of Interest.

Expression of Interest means an Expression of Interest process conducted by the Council.

Government Agency is:

- a) the State, a government entity, a corporatised business entity or another local government; or
- b) another Australian government or an entity of another Australian government; or
- c) a local government of another State.

Invitation to Tender means a document released to the public titled "Invitation to Tender".

LGA Arrangement means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ Ltd is the only shareholder.

Procurement Contract means a Contract to purchase goods and/or for the provision of services or works.

Procurement Process means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.

Prospective Respondent means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.

Quote means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.

Respondent/s means a person or entity that has submitted an offer in response to an Invitation to Tender or Request for Quote.

Request for Quote/s means a document released by Council to Prospective Respondents titled "Request for Quote".

Request for Quote Response Form means the response form set out in the Request for Quote.

Significant Contracting Plan means a Significant Contracting Plan prepared and adopted by Council, as required under the provisions of the *LGR 2012*, s 221.

Sound Contracting Principles means the principles provided in the *LGA 2009*, s 104.

Supplier Arrangement means a list of suppliers established by Council or other appropriate entity to facilitate the procurement of goods or services required frequently, in high volume and/or where the capability of the suppliers has been determined.

Surplus Asset means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council in this policy.

Tender/s means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.

Tender Response Form means the response form set out in the Invitation to Tender.

Valuable Non-Current Asset means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed in this policy.

Policy commitment

Council Employees and Councillors covered in the scope of this policy consistently demonstrate and uphold the intent, objectives and principles of this policy. Nothing in this policy requires or authorises an employee of Council or Councillor to act in any way that is contrary to law. Any instances of non-compliance will be managed in accordance with any relevant codes of conduct, policies and legislation dealing with conduct and/or disciplinary action.

Related legislation, policies, strategies and documents

All individuals engaged in dealings within the scope of this policy are required to fulfil the ethical and behavioural obligations as defined in legislation. In the event of an inconsistency between any provision of this policy and any provision of the following related legislation, policies, strategies and documents, the provisions of the related legislation, policies, strategies and documents shall prevail, unless the CEO or Council expressly waive a provision of this policy by prior agreement.

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
- 2022/23 Contract Manual
- 2022/23 Contracting Plan
- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline

- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s
- Sunshine Coast Council's Corporate Plan 2021-2025
- SCC Environment and Liveability Strategy 2017
- Zero Net Emissions Plan 2021-2031 (Draft)
- Regional Economic Development Strategy 2013-2033
- Community Strategy 2019-2041
- Reconciliation Action Plan 2021-2022
- Employee Code of Conduct
- Code of Conduct for Councillors
- Councillors Acceptable Request Guidelines
- Council's current delegations
- Purchase Cards Guideline

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	e.g. Create new			DD/MM/YYYY
	e.g. Review			

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Organisational Guideline

2022/23 Contract Manual

Corporate Plan reference	An Outstanding Organisation	
Endorsed by Chief Executive Officer	<Insert signature>	<Insert date>
Manager responsible for policy	Branch Manager, Business and Innovation, Business Performance	

Introduction

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of valuable non-current assets or surplus assets.

The Procurement Policy, Contracting Plan and this Contract Manual, provide the framework for Contracting Activities.

The purpose of this Manual is to outline how Council will carry out Contracting Activities:

- (a) In an effective and efficient framework that delivers sound contracting outcomes;
- (b) In a manner that complies with the Procurement Policy; and
- (c) In accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

This Manual applies to Council Employees and elected members of Council who undertake Contracting Activities on behalf of Council.

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1 Elements of Council's Strategic Contracting Procedures

The LGA 2009 and LGR 2012 impose specific obligations upon Local Governments when conducting Contracting Activities. Contracting Activities are the processes by which Council forms Contracts with suppliers for the provision of goods, services and/or works, and through which it disposes of valuable non-current assets or surplus assets.

Pursuant to Chapter 6, Part 2 of the LGR 2012, Council resolved to apply the Strategic Contracting Procedures to its Contracting Activities and as a result, Council's Procurement and Disposal Framework comprises:

- Procurement Policy;
- Contracting Plan and any Significant Contracting Plan/s;
- Contract Manual;
- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline

This organisational guideline must be complied with and read in conjunction with the requirements of the Procurement Policy and Contracting Plan.

2 Limitations on Contractors conducting Contracting Activities

Council Officers and/or Councillors are the only persons authorised to initiate any procurement process, or to contract on behalf of Council.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given a Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a procurement process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Any conflicts of interests of the person must be managed appropriately before they are to be involved in any Contracting Activities. A Council Officer must remain the accountable person in relation to all aspects of the Contracting Activity if a person engaged in Contracts for Service is undertaking or being involved in any part of a procurement or disposal process.

3 Sound Contracting Principles

Council will have regard to the Sound Contracting Principles when entering Contracts for the supply of goods, services and/or works and the disposal of assets.

The **Sound Contracting Principles** are:

- (a) value for money;
- (b) open and effective competition;

- (c) the development of competitive local business and industry;
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

Regard must be had for these principles whenever a Contract is formed, irrespective of the value. This includes Contracts for even the smallest amounts, or those formed under Exceptions that are established in this Manual. There is never an exception to having regard to the Sound Contracting Principles. Council must only form a Contract with a supplier who provides the most advantageous offer, having regard to the Sound Contracting Principles.

4 Governance and Probity

To ensure that Council is accountable, effective, efficient, and sustainable, anyone performing a function under the LGA 2009 must do so in a manner that is consistent with the Local Government Principles. To meet these obligations the following Governance and Probity Framework sets out the governance and probity requirements for Contracting Activities.

4.1 Probity Requirements

A sound probity environment must be maintained during any Contracting Activity of any value. Promoting probity and having a framework to embed probity in Council's Contracting Activities is an integral element in ensuring that regard has been had for the Sound Contracting Principles, as well as ensuring our conduct reflects the ethical principles and local government principles. The ethical principles are those outlined in the *Public Sector Ethics Act 1994* (Qld) and are:

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

It is the responsibility of all Council officers and Councillors associated with a Contracting Activity to ensure probity is achieved as outlined in the Procurement Policy.

Probity is underpinned by the ethical principles, the local government principles, and the fifth Sound Contracting Principle: ethical behaviour and fair dealing. The broad objectives of probity in Contracting Activities are to:

- ensure conformity to Council's Procurement Policy, principles, and processes that are designed to achieve the most advantageous outcome for Council;
- improve accountability;
- encourage commercial competition on the basis that all offers will be assessed against the same criteria;
- preserve public and Respondent confidence in Council processes;
- improve defensibility of decisions to potential administrative and legal challenge;
- underpin a transparent and competitive process; and
- identify and resolve any conflicts of interest.

The framework for probity in Council's Contracting Activities includes:

- Developing a Probity Plan for Contracting Activities of a certain value;
- Setting evaluation criteria where applicable;
- Declaring and managing conflicts of interests;
- Ensuring security and confidentiality in the process;
- Having effective and appropriate communication including during the course of the process;

- Consistent processes for how Tenders, EOIs and Quotes are received and opened;
- Undertaking evaluations;
- Identifying critical issues and risks;
- Engaging with probity advisors where applicable; and
- Dealing with breaches of probity.

4.2 Probity Plan and Probity Checklist

A Probity Plan must be completed and it signed by each evaluation panel member, the Branch Manager, and/or the Contract Sponsor for a Contracting Activity with value of \$25,000 or greater where submissions (Tenders, Quotes, and any other submission or offer) will be received from Prospective Respondent/s. The Probity Plan should be signed during the procurement planning and reflect the Procurement Plan where one is required. The Probity Plan also requires the evaluation panel members to declare that they have read and understood Council's probity requirements. Submissions (Tenders, Quotes, and any other submission or offer) cannot be released to evaluation panel members prior to signing the Probity Plan.

Evaluation criteria weightings in the Probity Plan must be set prior to the Probity Plan being signed to ensure that these are pre-determined well prior to submissions being viewed and evaluated.

A Probity Checklist is provided for guidance on probity related matters for a Contracting Activity of any value.

4.3 Conflict of Interest

Members of the evaluation panel need to declare any relationships or connections they currently have, or previously had, with any of the Respondents or their employees. Throughout any Contracting Activity, members of the evaluation panel or advisors to the panel cannot accept offers of gifts, meals, or any other benefit from any interested party and/or Prospective Respondent. Furthermore, members of the evaluation panel and advisors will be expected to declare in writing to the chair of the evaluation panel the existence of any actual, perceived, or potential conflict of interest as soon as they become aware of it.

In the case where a member of the evaluation panel has declared a conflict of interest with a Prospective Respondent, and due to the nature of the conflict, either the member or the evaluation panel feel that the person could not continue their involvement without potentially compromising the procurement process, that member should be replaced on the evaluation panel and not take further part in the evaluation.

4.4 Confidentiality

It is essential for the integrity of the Contracting Activity that confidentiality is maintained. Respondents have a right to expect that commercial information will be treated in confidence. Lapses on the part of any evaluation panel member may seriously jeopardise the Contracting Activity. Similarly, the evaluation panel must maintain the confidentiality of all documentation relating to the evaluation including evaluation reports and other information generated during the evaluation process.

At the end of the procurement process all documents received from Respondents and records created throughout the Contracting Activity are to be captured into Council's Electronic Document Management System in a secure manner.

While it is understood that requests under the *Right to Information Act 2009* or related legislation could ultimately lead to the disclosure of confidential information, this does not diminish the need for the evaluation process to be conducted in a secure and confidential manner. Confidential information is to be shared only within the evaluation panel environment, unless otherwise authorised by the Chair of the Procurement Contracts Committee.

4.5 Probity Advisor or Auditor

Advice in relation to probity matters can be obtained internally from the Business and Innovation Branch or Legal Services, however there will be instances where an Independent Probity Advisor and/or Auditor may be required. Consideration should be given to engaging an Independent Probity Advisor for Contracting Activities that are high value, high risk, or complex; this should be identified in the procurement planning phase. This should be monitored throughout the Contracting Activity and if circumstances arise that a procurement becomes complex, protracted, probity risks are identified, the risks of the activity increases, or the value increases, then engagement of an external probity advisor or auditor may be required.

Engagement of Independent Probity Advisor and/or Auditor will be undertaken by the chair of the Procurement Contracts Committee. An Independent Probity Advisor and/or Auditor may also be appointed at the direction of the CEO, Group Executive, or Manager Business and Innovation.

4.6 Probity Check-in Points

During a Contracting Activity, probity is revisited whenever required but is specifically considered at the following key points:

1. At the commencement of developing the procurement strategy
2. Prior to approaching the market
3. Prior to and upon the close of a tender box or receipt of submissions
4. Prior to releasing submissions to evaluation panel members
5. During the evaluation
6. Prior to the award of the Contract
7. When providing submission feedback to Respondents.

4.7 Breach of Probity

Should any breach or suspected breaches of probity processes occur at any time, Council Officers are required to report the breach in writing to the Manager Business and Innovation and/or the chair of the Procurement Contracts Committee.

5 Responsibilities, Delegations and Authorities

Before a Contracting Activity can be undertaken it is necessary to know and understand who has responsibility for the Contract/project, who has the necessary authority to approve the process and expend Council funds, and who has the necessary delegated authority to bind the Council in a lawful Contract with a supplier.

The following roles have responsibilities for various components of Contracting Activities as detailed in the "How to Guides" relevant to the process being undertaken:

- Contract Sponsor (Group Executive/Branch Manager/other Council Officer as required)
- Contract Administrator
- Procurement Specialist
- Chair of the Evaluation Panel (the Contract Administrator or Procurement Specialist)
- Evaluation Panel Members
- Financially Delegated Officer

5.1 Procurement Contracts Committee (PCC)

The purpose of the PCC is to provide a consolidated and consistent approach to Council's Contracting Activities for high value Contracts, including the formation of Supplier Arrangements. It

also provides a key governance mechanism in Council's [Governance and Probity](#) framework. PCC is primarily responsible for:

- approving release of Public Tenders, EOIs, and high value RFQs;
- considering the recommendations of evaluation panels for advertised Public Tenders, EOIs, and high value RFQs;
- making Contracts with Respondents who provide the most advantageous offers to Council;
- considering and approving the establishment and the exercise of exceptions to the general Public Tender or RFQ obligations where necessary;
- considering and approving Contract variations and adjustments, Contract extensions and discharge of Contracts, for Public Tenders and high value RFQs.

The Procurement Contracts Committee is governed by its Terms of Reference.

The Manager, Business and Innovation Branch is the Chair of PCC and has the necessary delegated authority to invite Public Tenders, high value RFQs, and EOIs.

Minutes of PCC meetings are recorded and retained. They provide a clear explanation and justification of the recommendations made by the committee and the exercise of the powers of the delegated officer.

5.2 Contracting and Financial Delegations

There are two types of delegated authorities relating to a Contracting Activity. They are:

- Authority to make, amend or discharge a Contract, and
- Expenditure authority (sometimes referred to as a Financial Delegation).

It should be noted that there is a significant difference between a delegated authority to make, amend and discharge Contracts (Contracting Delegation), and the authority to expend Council money.

The relevant power in relation to conducting a Contracting Activity is a power to make, amend and discharge Contracts. However, the expenditure authority (Financial Delegation), is given by the CEO to specific positions or officers within the organisational structure authorising them to make commit or expend money and make or approve payments, including expenditure relating to Contracts, up to a designated threshold. The expenditure authority is an internal departmental management process whereby the CEO permits persons to expend money, up to a certain limit, for already established Contracts.

It is a combination of the delegated authority to make, amend or discharge a Contract and the delegated authority to expend money that operate in concert to provide a structured process for binding Council in Contract, and approving payments once Council has an existing Contract.

Where a Council Officer has both a delegated authority to make, amend and discharge contracts, and an authority to expend Council money, that Council Officer may bind Council in Contract. However the maximum value of that contract that Council Officer may bind Council to is limited to the threshold of the expenditure authority.

Where a Council Officer only has an authority to expend money, they are only permitted to approve payments on established Contracts up to the limit of their expenditure authority.

The Contracting Delegation and Financial Delegation have been combined into the one delegation document. A copy of Delegation No. 2 – Delegation of Authority to conduct Procurement and Contracting Activities and Payments from CEO to Council Officers may be found on the Council's [Procurement Intranet Site](#).

5.3 Budget - Unauthorised spending

Council may only spend money in a financial year if the money for that expenditure is adopted in the budget for the financial year, or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Contract Administrators must therefore ensure sufficient budget is available for and committed to the contract being sought before it is formed. It is the responsibility of the Branch Manager from the branch seeking to make a contract to confirm that sufficient budget is available and committed to a contract before it is formed. Evidence of this budgetary commitment will be required during the Contracting Activity.

The only exception to this requirement is where Council expends money for a genuine emergency or hardship. In this instance, Council must make a resolution about spending the money, either before, or as soon as practicable after the money is spent. The resolution must state how the spending is to be funded.

5.4 Publishing details of Contracts

Section 237 of the LGR 2012 requires that a local government will, as soon as practicable after entering into a Contracts worth \$200,000 or more, publish the relevant details of the contractual arrangement. These details must be published on the local government's website and displayed in a conspicuous place in the local government's public office.

5.5 Training

Training is provided by Council to relevant Council Officers in relation to procurement, contracting, and purchasing.

6 Contracting Activities and Procedures

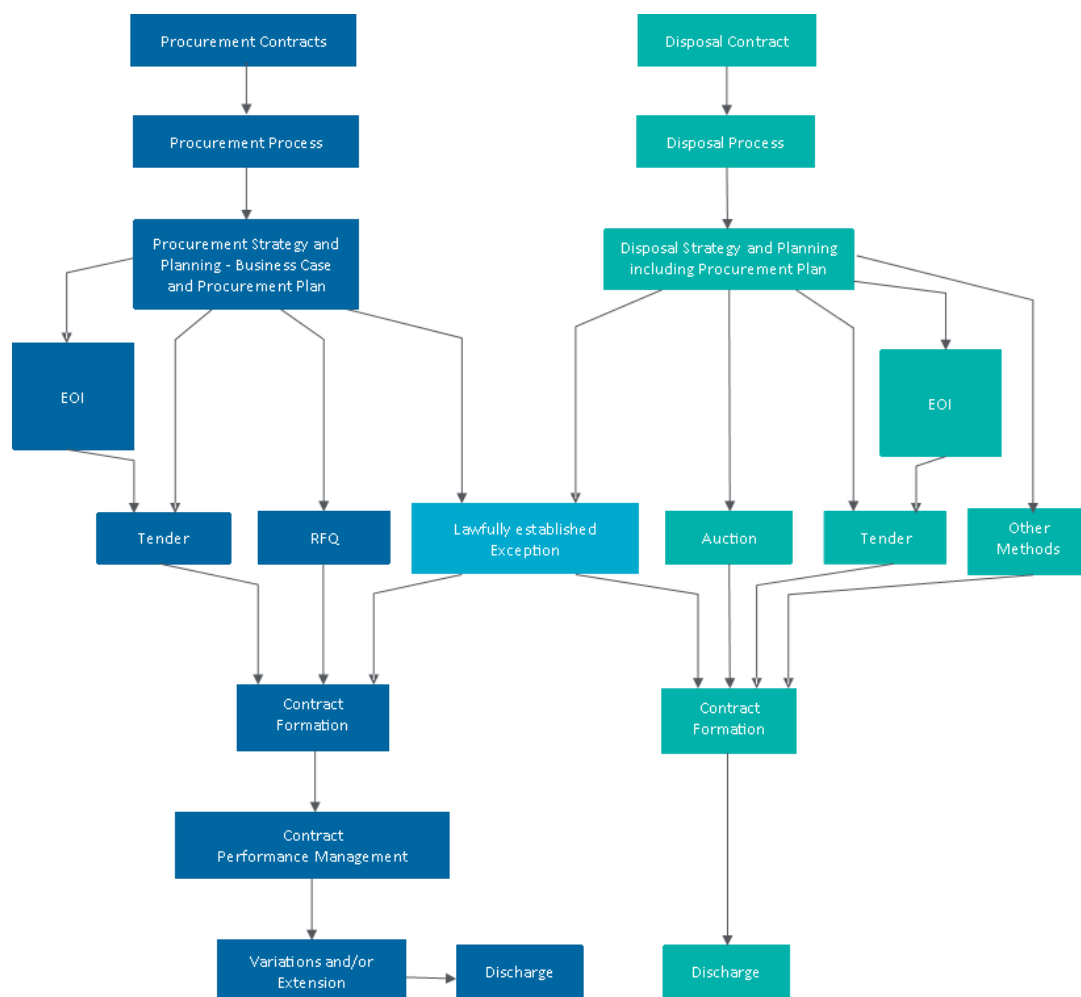
The types of Contracts which may be formed under the Strategic Contracting Procedures are outlined in Table 1.

Table 1: Types of contracts

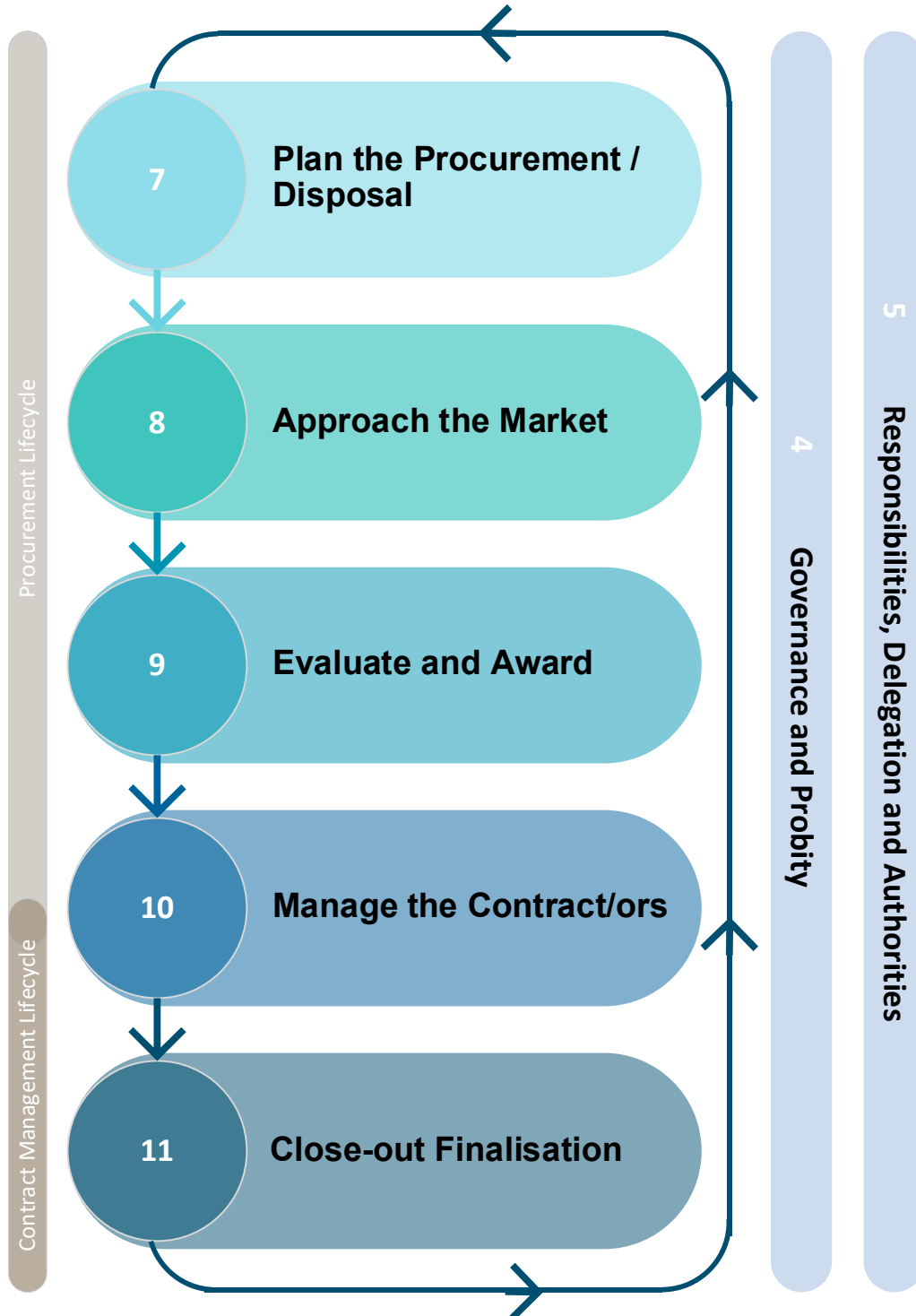
Contract type:	Contract for:
Procurement Contracts	Contracts to purchase goods and services, including the provision of works.
Disposal Contracts	Contracts for the disposal of Valuable Non-Current Assets (excluding Land*) and Surplus Assets.

* Other Contracts that Council may form under the LGR 2012 include Contracts for the Disposal of Land (selling and leasing of Council land). Council Officers are to refer to Council's Procurement Policy and the "How to Dispose of Land Guide (including disposal by Leasing the land)".

A diagrammatic explanation of the procedure for procurement Contracts and disposal Contracts are as follows:



A diagrammatic explanation of the procurement steps are as follows:



7 Plan the Procurement / Disposal

7.1 Planning & Development

One of the primary steps in procurement and disposal processes is the planning phase to determine which approach to market should be adopted to lawfully procure the goods, services and/or works or dispose of the assets.

Council will conduct its Contracting Activities using an appropriate process having regard to relevant value thresholds. Therefore, it is necessary to determine the anticipated value of the Contract and relevant Council Officers should consider what other need there may be across Council for the same goods, services and/or works for aggregation into one Contract. This may achieve better value and reduce the administrative and contract management effort and avoid conducting multiple procurement or disposal processes.

The values thresholds and corresponding processes are as follows:

Table 2: Procurement Contract value and related procurement routes to market

Contract Value	Procurement Routes	Council requirements
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>A Significant Contracting Plan is required for any Contract that is:</p> <ul style="list-style-type: none"> expected to reach this Contract Threshold; or of a high risk; or of a complex nature. <p>A Significant Contracting Plan must:</p> <ul style="list-style-type: none"> be made before the Contract starts identify the chosen procurement strategy be adopted by a resolution of Council and may only be modified by resolution of Council.
\$1,000,000 up to \$5,000,000	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
\$25,000 up to \$250,000	<ul style="list-style-type: none"> Public Tender EOI Request for Quote issued to at least three suitably capable suppliers Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) RFQ (How to Request Quotes Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
Up to \$25,000	<ul style="list-style-type: none"> For services (including works) obtain one written Quote minimum from at least one suitably capable supplier For goods obtain one verbal Quote minimum from at least one suitably capable supplier 	<p>See the "How to undertake Low Value Procurements Guide"</p>

Table 3: Disposal Contract value and related disposal routes to market (excluding Land)

Contract Value	Disposal Routes	Council requirements
Plant, Equipment and any other VNCA worth more than \$25,000 (other than land)	<ul style="list-style-type: none"> Public Tender EOI Public Auction Available Exception 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
Surplus Assets worth less than \$25,000	<ul style="list-style-type: none"> EOI Public Tender Public Auction Other methods <ul style="list-style-type: none"> Recycle Waste/dumping Trade in Donating to Government Agency or Community Organisation 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) All other disposal methods, see the "How to Dispose of Assets (excluding Land) Guide"
Sale or Lease of Land	See Table 1: Types of Contracts above – Disposal of Land is not covered by the Strategic Contracting Procedures	Refer to the LGR, Procurement Policy and the "How to Dispose of Council Land Guide"

Order splitting, whereby the required goods, services and/or works are divided into smaller order values for the purpose of circumventing the procedures and delegation levels of upper thresholds, is not permitted.

Planning for the procurement or disposal process and development of the strategy for the process need to be undertaken to ensure Council's objectives are understood and can be achieved. Consideration during this planning and development phase should be given to:

- applying sustainable procurement practices;
- encouraging strategic procurement decision making;
- establishing innovative Contracts;
- structuring the procurement to deliver value for money;
- promoting an open and competitive market place;
- developing competitive local business and industry;
- managing exposure to risk.

7.2 Sustainable procurement

Council has an Environment and Sustainability in Procurement Guideline, which explains, in detail, the approach to matters of environment and sustainability during the procurement process.

The social and economic components of sustainable procurement are addressed in the respective guidelines (Local Preference in Procurement Guideline and Social Benefit Procurement Guideline), which include the following considerations:

- **Support social procurement** by engaging social enterprises and suppliers that provide community benefits.
- **Support suppliers that have fair and ethical sourcing practices** that improve the conditions of their employees (e.g. Fairtrade).
- **Support local businesses and industry** by contracting with local suppliers.

7.3 Market Research

To develop effective procurement strategies, Council must have an understanding of the market in which it seeks to engage with. Operating effectively within a marketplace helps to;

- Build procurement capability by analysing demand and supply pressures, tracking extent of competition, and guarding against public sector organisations competing against one another and bidding up prices due to market scarcity;
- Avoid over-reliance on a small number of industry participants;
- Encourage deeper markets by developing industry capacity and capability;
- Maintain a fair market by preventing bias in favour of particular industry participants.

There is no prescribed method for market research; it typically involves researching and identifying capable suppliers within the relevant market/industry. Contacting Prospective Respondents prior to release of a Public Tender or RFQ to assess their capacity and interest in responding to the proposed procurement is acceptable as is forwarding Tender Alerts to Prospective Respondents. However, it is important to remain transparent and treat suppliers fairly to maintain a level playing field.

When researching the market in which the Contract is to happen, Council Officers should consider whether a closed or restricted process could be warranted, whereby submissions will only be accepted from Respondents who are Social Benefit Suppliers and/or First Nations Businesses. Refer to the Social Benefit Procurement Guideline and the First Nations Procurement Guideline for further information and guidance.

7.4 Planning and Strategy Documentation

Contract Administrators and any other person undertaking Contracting Activities should be guided by and/or prepare the following:

7.4.1 Business Case

A business case should have been completed to identify Council's need to procure any goods, services and/or works. If the project is a capital works project, this will be the project brief delivered to the Investment Steering Committee. This document should be used to assist with the planning phase of the process as it will have already given consideration to some aspects relevant to the planning phase such as the relevant need, the intended scope and the cost vs benefits.

7.4.2 Procurement Plan

A Procurement Plan must be prepared for a Public Tender or EOI and covers the following aspects:

- procurement and operational objectives;
- an analysis of internal demand;
- an analysis and summary of the supply market;
- an assessment of procurement strategies;
- procurement implementation plan including performance management; and
- an assessment of potential risks and mitigation strategies.

Sound planning is essential to achieving a successful outcome. Sufficient time should be allocated to the planning process to allow assessment of the market, and development and implementation of the procurement strategy, before approaching the market to establish a Contract.

7.4.3 Significant Contracting Plan

Contracts that have been identified as Significant Contracts due to their value, risk, or complexity, require a Significant Contracting Plan in addition to a Procurement Plan. Significant Contracting

Plans must be prepared prior to commencement of the Significant Contract and require resolution of Council. They will state:

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

7.5 How to undertake Procurement and Disposal Processes

Conducting procurement and disposal processes have a number of legislative and policy influences that necessitate them being conducted by following particular procedures. To assist, Council has a number of "How to Guides" to support Council Officers through the detailed procedures and systems Council utilises. In relation to the Strategic Contracting Procedures these guides are as follows:

- How to Invite Tenders
- How to Request Quotes
- How to request Expressions of Interest
- How to undertake Low Value Procurements
- How to Dispose of Assets (excluding Land)
- How to utilise Supplier Arrangements and other Exceptions Guide
- How to Manage Contracts

This Manual will detail the overarching procedure for how Council will conduct these procurement and disposal processes.

7.6 Documentation

All documents required for conducting procurement and disposal processes are detailed in the "How to Guide" relevant to that procurement or disposal process as identified in Table 2 and 3 above.

8 Approach the Market

8.1 Processes to Approach the Market

8.1.1 Public Tender and EOI

All approved Public Tenders and EOIs are advertised via Council's Tender Alert Service and on the Queensland Government electronic tender system, QTenders. This platform provides for Prospective Respondents to download the documentation and upload their submissions.

Public Tenders and EOIs are to remain open for a period of no less than fourteen days after the advertisement has been released. Consideration should be given to the complexity of the project, and how long it would reasonably take to appropriately complete their submission. Public holidays that fall within this advertising period are also to be considered.

8.1.2 Request for Quote

The primary platform for requesting quotes from suppliers is through [Council's Contract Management System eTenderbox](#). The invitation should be sent to those from whom a Quote is

being requested, outlining the project, referring to a scope and/or specification, and stating a clear submission (closing) date.

The time for which quotes must be returned should be determined having regard to the complexity of the project and the time it would reasonably take a supplier to prepare a useful and competitive offer.

8.1.3 Auctions and other disposal methods

Engage a licenced auctioneer, auction house or other platform to approach the market for an auction. The market will be approached for the other disposal methods in the most appropriate manner having regard to realising value.

8.2 Exceptions

How the market is approached will depend on the exception being utilised and Council Officers will be guided by the "How to utilise Supplier Arrangements and other Exceptions Guide" for the relevant exception being sought to the standard procurement and disposal routes being EOI, Public Tender and Request for Quote.

The procurement processes (Public Tender, EOI, and RFQ) outlined above are processes to be adopted for conducting Contracting Activities, unless an Exception exists. The following Exceptions may be exercised where the relevant pre-requisites for use have been met.

It is important to note that Exceptions are alternatives to the standard procurement and disposal processes and routes to market but are not exceptions to the Sound Contracting Principles or any other sections or obligations imposed by the LGA 2009 or LGR 2012.

Exceptions and the circumstances under which they may be exercised are outlined in below.

8.2.1 Exceptions – Procurement Processes

Council has a number of Exceptions available to the Public Tender, EOI and RFQ processes for entering into Procurement Contracts.

Table 7: Exceptions for Procurement Contracts

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council Supplier Arrangements</p> <p>Council can create Supplier Arrangements to undertake procurement processes from to form Contracts for goods, services and/or works that are required frequently, in high volume or where it is important to understand the capability of the Suppliers.</p> <p>Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to create a Supplier Arrangement, however an RFQ may be used to manage or refresh an existing Supplier Arrangement.</p> <p>The Supplier Arrangement may be priced or non-priced.</p> <p>Utilising Supplier Arrangement with price provided</p> <p>Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.</p> <p>Utilising Supplier Arrangement without price provided</p> <p>Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.</p> <p>Note: In exceptional circumstances, a Contract valued over \$25,000 may be formed following a Request for Quote process with just one Supplier on a Supplier</p>

	<p>Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a Contract if this exception is required.</p> <p>Government Arrangements and Local Government Arrangements</p> <p>The Contract is made under an arrangement with, another Government, This exception is intended to include State Government, Federal Government and Local Government Association Arrangements (such as LocalBuy Arrangements in Queensland) and other relevant Government Arrangements.</p> <p>Council will frequently utilise Supplier Arrangements created by either another Government Agency, another Local Government or LocalBuy (wholly owned by LGAQ). These supplier arrangements will include priced and non-priced arrangements. Council will utilise these arrangements in accordance with the requirements of the Supplier Arrangement that is being utilised and where the arrangement identifies that we use our own thresholds or request for quote requirements, then Council will conduct the request for quote from that arrangement in a manner that ensures sufficient quotes are obtained to meet the Sound Contracting Principles including value for money.</p> <p>Note: In exceptional circumstances, a Contract valued over \$25,000 may be formed following a Request for Quote process with just one Supplier on these Arrangements. Please contact the Coordinator Procurement and Contract Performance prior to entering into a Contract if this exception is required.</p> <p>Government Contracts</p> <p>The Contract is made with, or under an arrangement with, a Government Agency including Local, State or Commonwealth, and includes any Government Entity or agency and utility providers such as water, electricity and telecommunications.</p>
Genuine Emergency	<p>A Genuine Emergency exists.</p> <p>If the money spent in response to the Genuine Emergency is not provided for in the annual budget, Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent.</p>
Innovation and Market-Led Engagement Guideline	<p>Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.</p>
General Exceptions	<p>A General Exception may be used to form a Contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <ul style="list-style-type: none"> • Sole or Specialised Supplier/s <p>Council determines that:</p> <ul style="list-style-type: none"> ○ there is only one supplier who is reasonably available; or ○ because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders. <ul style="list-style-type: none"> • Auction Purchase <p>The Contract is for the purchase of goods and is made by auction.</p> <ul style="list-style-type: none"> • Second-hand Goods <p>The Contract is for the purchase of second-hand goods.</p> <ul style="list-style-type: none"> • Tender/Quote Consideration Plan/s <p>If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan.</p> <p>Quote or Tender Consideration Plans can be created for types of contracting activities where competitive quotes cannot always be sought (e.g. public art and entertainment).</p> <p>Establishing the Exceptions above</p> <p>When a General Exception is considered, a standard Procurement Plan must be developed prior to Contract award. A Procurement Plan for a General Exception must also explain the reasoning for using this Exception, including why a standard Procurement Process/es or other Exception/s were not available.</p>

	<p>The Coordinator Procurement and Contract Performance Team will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>
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NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

8.2.2 Exceptions – Disposal Processes (excluding Land)

General Exceptions to the Public Tender, EOI and Public Auction processes for entering into Disposal Contracts for Valuable Non-Current Asset (excluding Land) are outlined below:

Table 8: Exceptions for Disposal Contracts

Exception	Process for establishing and/or exercising an Exception
General Exceptions	<p>A General Exception may be used to form a Contract when a standard Disposal Process or other Exception is not available or appropriate under the circumstances:</p> <ul style="list-style-type: none"> • Previous offer for Sale or Auction • Government Agency or Community Organisation (using the definitions of these as set out in the Local Government Act and Regulation) <p>Establishing the Exceptions above</p> <p>When an Exception is considered, a standard Procurement Plan must be developed prior to Contract award. A Procurement Plan for an Exception must also explain the reasoning for using this Exception, including why a standard Procurement Process/es or other Exception/s were not available.</p> <p>The Coordinator Procurement and Contract Performance Team will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>

8.3 Communication with Prospective Respondents

The chair of the evaluation panel is the only panel member authorised to deal with Prospective Respondents. Should any other panel member receive an enquiry relating to a Contracting Activity, that officer must direct them to the chair. Any questions or requests from Prospective Respondents are to be put in writing and submitted via proper channels (e.g. Tender Enquiries Mailbox). Should telephone or personal contact be unavoidable, the officer will make file notes of all discussions and forward to the chair for record keeping.

Regardless of the format in which engagement with a Prospective Respondent occurs, all must be treated equally and fairly. This will ensure the same information is provided to all Prospective Respondents in a timely manner, providing the same starting point and an equal opportunity.

8.3.1 Notice to Respondents

NTRs are issued to all Prospective Respondents in response to specific queries received, or where the need arises to convey information to Prospective Respondents. NTRs should be issued through the mechanism in which the Invitation was issued in the first instance (e.g. QTender or eTendering).

8.3.2 Information Session

Information sessions and/or site inspections are often held for Public Tenders and some EOIs and Requests for Quote. The Contract Administrator and Procurement Specialist run the sessions jointly where a Procurement Specialist is involved in the process.

At an information session or site inspection, Council emphasises the critical elements that Prospective Respondents need to address in their submission, and Respondents can seek clarification of requirements.

Minutes of the information session, including questions raised and responses provided, are distributed via Notice to Respondents as soon as possible after the session, to all parties that have downloaded the documents via the relevant electronic tender box.

8.4 Receiving submissions and tender box close

Following tender box close submissions received into an electronic tender box (i.e. QTenders or eTendering) are downloaded and made available to the evaluation panel. A copy of the submissions is to be filed in Council's electronic document management system.

9 Evaluate and Award

9.1 Evaluation of submissions

The evaluation of submissions will be undertaken by the evaluation panel who are the appointed evaluation panel detailed in the Probity Plan. The evaluation will be undertaken using the evaluation methodologies contained in Council's Evaluation Workbooks or [Council's Contract Management System](#) and will detail the scoring of each Respondent's submission against the Evaluation Criteria and commentary relating to the evaluation.

In the first instance, each panel member conducts their own individual evaluation and allocates a score out of 10 against each predetermined evaluation criteria or sub-criteria. The evaluation panel then meets to undertake an evaluation moderation, where they discuss their individual findings and scores, and arrive at a consensus score for each of the criteria or sub-criteria (moderated scores).

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached.

9.1.1 Evaluation Panel

An appropriate evaluation panel must be formed to evaluate the submissions against the pre-determined evaluation criteria. A two-tiered evaluation panel structure can be utilised with the first-tier members to conduct a full evaluation, while the second-tier members provide subject matter advice on relevant parts of the submissions. The second-tier members do not directly participate in all the evaluation.

Each member of the panel must sign the Probity Plan acknowledging they have read, understood, and accept the probity requirements. This has the effect of binding the member to undertaking the evaluation in a manner consistent with the Employee Code of Conduct and Council's governance and probity framework.

It is preferable that panel members from outside the branch seeking the Contract (or Unit/Team for RFQ processes under \$250,000) outnumber members from the branch (or Unit/Team for RFQ processes under \$250,000). This is to provide a level of independence of the Branch/Team or project and provides a useful governance mechanism to encourage transparency and fair dealing.

The Probity Plan must be fully signed by all relevant persons listed on the Probity Plan and retained in the relevant document management system prior to the release of submissions to evaluation panel members.

An outline of the standard Evaluation Criteria, Mandatory Criteria, and recommended evaluation weightings is as follows:

9.1.2 Evaluation Criteria

Table 4: Table of standard Evaluation Criteria for procurement processes over \$100,000

Criteria	Percentage (%)
1. Price	Recommended range 30-45%. Weighting should be within identified range, unless there are justifiable reasons for it not to be.
2. Capability and Experience	Guide range of 15-20%. Weighting should be within identified range, unless there are justifiable reasons for it not to be.
3. Methodology. This includes: <ul style="list-style-type: none"> Methodology for delivery, including resources. Health and Safety Environment and Sustainability Innovation 	Guide range of 15-25%. Weighting should be within identified range, unless there are justifiable reasons for it not to be.
5. Social and economic factors <ul style="list-style-type: none"> Contribution to Local Economy First Nation Engagement Social Benefit Engagement 	Recommended minimum 20% to be apportioned from the three criteria. Weighting should be as recommended unless there are justifiable reasons for it not to be.

Table 5: Table of standard Evaluation Criteria for procurement processes over \$25,000 and up to \$100,000 (Short-Form RFQ)

Criteria	Percentage (%)
1. Price	Recommended 35-40%. Weighting should be as recommended unless there are justifiable reasons for it not to be.
2. Capability and/or Methodology	Guide range of 35 - 40%. Weighting should be recommended unless there are justifiable reasons for it not to be.
3. Social and economic factors <ul style="list-style-type: none"> Contribution to Local Economy First Nation Engagement Social Benefit Engagement 	Recommended minimum 20%. Weighting should be as recommended unless there are justifiable reasons for it not to be. Not required for Request for Quotes sought from Supplier Arrangements.

The Evaluation Criteria for a disposal process will be dependent on the type of asset being disposed on and may include some of the evaluation criteria in Table 4: Table of standard Evaluation Criteria for procurement processes over \$100,000 and Table 5: Table of standard Evaluation Criteria for procurement processes over \$25,000 and up to \$100,000 (Short-Form RFQ) above.

9.1.3 Mandatory Criteria

The chair of the evaluation panel (in conjunction with the evaluation panel where necessary) will assess the Mandatory Criteria. This criterion is outlined below and includes financial capacity:

1. Financial Capacity (where relevant)
2. Relevant Insurances for the Contract
3. Acceptance of the General Terms and Conditions of Contract
4. Relevant Licences, Certifications and Qualification
5. Risk Assessment

In instances where any of the above mandatory criteria is not provided as part of a Respondents submission, consideration should be given to whether the submission is a non-conforming submission. In some cases the submission may be disqualified.

9.2 Contract award

Following any procurement or disposal process, if Council seeks to proceed with an engagement, then the Contract needs to be awarded to the Respondent who provides the most advantageous offer to Council. This step will form the Contract with the Contractor and may be done slightly differently for each type of process. Some Contracts will only be awarded by both parties (Council and the Contractor) signing a Contract that has been specifically drafted for that process. For detailed information on awarding Contracts, see the relevant "How to Guide" for the process being undertake (see Table 2: Procurement Contract value and related procurement routes to market and Table 3: Disposal Contract value and related disposal routes to market (excluding Land)).

If the Contract is of the value and type that it is required to go to PCC, then the Contract Administrator and Procurement Specialist draft a PCC Award Report recommending the most advantageous offer based on the outcome of the evaluation, and attach appropriate supporting documents. PCC will make the recommendation for award in this instance.

Contract formation is the point where both Council and the Contractor becomes bound to fulfil its obligations under the Contract. This can result in Council becoming bound to significant expenditure to those contracts. As such, only those with the appropriate delegated authority may form a Contract and only where there is an approved budget for the expenditure (see Part 8.2 for more information on the appropriately delegated officer).

10 Manage the Contract/ors

10.1 Contract Management

Regardless of the process used to form a Contract, once formed it becomes necessary to manage its performance. Contract Management is a central element for ensuring that Council obtains from a supplier what they promised or were contracted to provide. During a procurement process for Contracts valued over \$1,000,000, the Contract Administrator must prepare a Contract Management Plan (CMP) which details the critical aspects of a contract and assesses key areas of risk that must be managed through the life of the contract.

A short form CMP must be prepared for Contracts with an anticipated value of \$1,000,000 or more, and a long form CMP must be prepared for contracts valued over \$5,000,000. If the Contract is being awarded at a PCC meeting, the CMP should be presented to the PCC at award.

10.2 Managing the Contract

It is the responsibility of the Contract Administrator to manage performance of the contract. The "How to Manage Contracts Guide" will provide detailed guidance on Contract Management to assist Council Officers in managing Contracts. Some key components in Council's Contract Management framework are:

1. Obtaining key deliverables under a Contract;
2. Measuring Key Performance Indicators;
3. Managing risk;
4. Managing variations and contract extensions;
5. Finalising Contracts and managing transition to new Contracts or Suppliers.

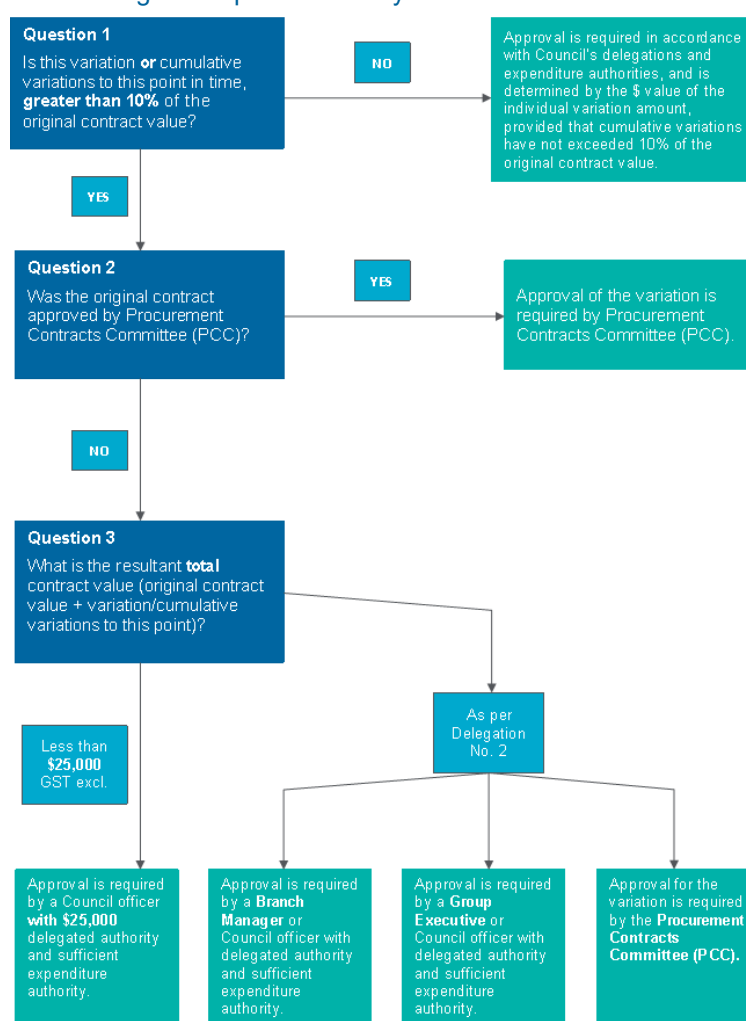
10.3 Variations

Contract variations are any material change to the specification and scope or any change that alters the price paid for completing the Contract.

For price related variations, if a variation (or cumulative variations) exceeds 10% of the original contract value, the resultant value of the total Contract (original price and variation/s) will dictate the process to be adopted for seeking approval for the variation. Contract variations are to be approved in accordance with Council's delegation and expenditure authorities (see 8.2).

The following diagram provides an explanation for approval of variations.

10.3.1 Determining the required authority for contract variations



10.4 Extensions

Contracts will generally contain a term regarding their discharge or end date. Council may include another clause providing a right to extend the Contract for a fixed period, or a number of specific periods of time (Example – a one year extension or options of two by/times one year extensions).

Exercise of the extension periods must be carefully considered, taking into account various factors. Considerations include:

- contractor performance over the term;
- whether the Contract, if extended, will provide value for money to Council over the life of the extension; and
- present market forces, including whether the market has grown, improved, or diminished during the term, thereby placing Council in a better or vulnerable position if a new Public Tender was conducted.

10.5 Discharge

Discharge is the point at which a Contract comes to an end. The common law provides that Contracts may only be discharged by:

- performance (the Contract is completed);
- termination for breach (following a breach of an essential term or serious breach of an intermediate term);
- frustration (due to some event, not the fault of either party, the Contract cannot be performed as intended); or
- agreement (the parties agree that the Contract is discharged).

The vast majority of Contracts will be discharged by performance, with the time or method of discharge (e.g. following delivery of the goods purchased, or on a certain date) being included in the Contract at the time of formation. When the Contract is performed as required, it will discharge at its end, with nothing further required from the person with appropriate delegated authority.

However, in some circumstances it may be necessary to discharge a Contract by one of the other means in which case, advice needs to be sought from the Business and Innovation Branch and/or the Chief Legal Officer, Legal Services.

10.6 Managing Supplier Arrangements

As with Contracts, Supplier Arrangements must also be managed appropriately. Arrangement Administrators are responsible for managing Supplier Arrangements. The usage and performance of Supplier Arrangements must be reviewed at intervals, including prior to seeking to exercise an available extension.

If a Supplier on a Supplier Arrangement is performing poorly, and/or no longer meeting the requirements of the Supplier Arrangement, they may be removed in accordance with the General Terms and Conditions of the Supplier Arrangement. This may include temporarily suspending the Supplier from the Supplier Arrangement while affording them the opportunity to remedy the existing issues.

If a Supplier Arrangement is not functioning to Council's expectations (e.g. Suppliers on the Supplier Arrangement are not responding to RFQs when invited, or some Suppliers have been removed from the Supplier Arrangement), or there has been significant change in the market since formation of the Supplier Arrangement, this may warrant refreshing the Supplier Arrangement (by conducting a Public Tender) to allow additional suppliers the opportunity to become pre-qualified. Incumbent Suppliers need not re-apply during a refresh, but if the Supplier Arrangement is priced/ranked, they must be afforded the opportunity to re-submit rates.

10.7 Purchasing and Contracting Systems

Council has two systems to manage procurement and disposal processes, purchasing generally and contract management. These are Council's Financials System (T1 Financials) and [Council's Contract Management System](#) (Open Windows):

10.8 Council's Financials System

T1 Financials is Council's financial system where the accounting aspects of the Contracting Activities are to be managed through a Purchase Order and approved in accordance with Financial Delegations. Each "How to Guide" provides the guiding principles and processes for Purchase Orders in T1 Financials relevant to that procurement or disposal process.

10.9 Council's Contract Management System

Council's Contract Management System is a system from a software vendor called Open Windows and it is the Council wide system to be used to manage the operational aspects of a Contracting Activity as well as being Council's eTenderbox for some procurement and disposal processes.

11 Learn and Review

11.1 Close Out/Lessons Learnt

At the conclusion of a contracting period, it is necessary to determine the appropriate way to either close it out, vary it, extend it, renew it or transition to a new contractor. While each of these outcomes are different in nature, the key activities performed are basically the same. The number and type of tasks will vary depending on the nature and value of the Contract. Typical Contract finalisation activities are similar to implementation tasks and will include the following:

- Close-out meetings and briefings.
- Finalising or extending schedule of contract performance review meetings.
- Site visits, risk and issues register reviews, or safety update briefings.
- Review benefits targets realisation against total costs including variations or extensions.
- Milestone or Key Performance Indicator review and final reporting.
- Incumbent and Council handover/handback, including records and relevant data or files.
- Facilitation of a lessons learnt workshop or review process.
- Review and re-assignment of administrative roles.
- Collection or release and filing of updated or final contractually required documentation, such as insurance certificates of currency, licenses, bank/director guarantees, etc.
- Conclusion of a purchase order.

Finalisation or update and review of Contract Management Plan.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

Apparent Value means the current depreciated value or written down value for the plant or equipment.

Attractive Item means an item that is valuable, portable and considered 'attractive' for use privately or for re-sale.

Branch Manager means an L3 manager within Council's organisation structure who has responsibility for a branch of that structure.

Community Organisation means:

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary object is not directed at making a profit.

Contract means a contract (including purchase orders and purchase card transactions) for:

- (a) the supply of goods or services;
- (b) the carrying out of work; or
- (c) the disposal of non-current assets.

In this instance, the term does not include a contract of employment between Council and a Local Government Employee (as defined in the *LGA 2009*).

Contract Administrator is a Council Officer responsible for a Contracting Activity as set out in relevant "How to Guide" and also means Project Manager (if the Project Manager is a Council Officer)

Contract for Service means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.

Contract Management System means the electronic software/system implemented by Council to manage Council's Contracting Activities.

Contracting Activity means Procurement Processes and/or Disposal Processes.

Council Officer means a Local Government Employee (as that term is defined in the *LGA 2009*) of the Sunshine Coast Regional Council but does not include a person engaged on a Contract for Service for a defined time or designated project.

Disposal Process means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.

Exception Contract means a contract formed from exercise of the exceptions to Public Tender or RFQ processes.

EOI means an Expression of Interest.

Expression of Interest means an Expression of Interest process conducted by the Council.

Genuine Emergency includes:

- (a) Any time that the Local Disaster Coordinator is performing a function under the *Disaster Management Act 2003*; or
- (b) Any time an event occurs resulting in actual or likely loss of life or serious injury to person/s and where action from Council may prevent or reduce the actual or likely loss of life or serious injury to person/s, or aid and assist in response to the event; or
- (c) Any time an event occurs resulting in actual or likely serious damage to property and where action from Council may prevent or reduce the actual or likely serious damage, or aid and assist in response to the event.

Government Agency is:

- (a) the State, a government entity, a corporatised business entity or another local government; or
- (b) another Australian government or an entity of another Australian government; or
- (c) a local government of another State.

LGA Arrangement means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ Ltd is the only shareholder.

Net Disposal Return means the revenue from a Disposal Contract, less all costs associated with the disposal.

Notice to Respondents means a written notice sent by Council to either:

- (a) in situations where the tender box has not closed, all Prospective Respondents to a Public Tender, who have downloaded the tender information, or
- (b) in situations where the tender box has closed, all Respondents who submitted an offer in response to a Public Tender.

NTR means the definition provided under Notice to Respondents.

PCC means the definition provided under Procurement Contracts Committee.

Procurement Process means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.

Procurement Contracts Committee means the committee established and governed by the [Procurement Contract Committee Terms of Reference](#).

Project Manager (if a Council Officer) see Contract Administrator.

Prospective Respondent means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.

Public Tender means the process of Council inviting public tenders, the preparation and submission of Tenders by Respondents, the communications and negotiations between Council and Respondents in relation to the process and Tenders, evaluation of Tenders by Council and the negotiation of and entering into a contract.

Quote means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.

Respondent means a person or entity that has submitted an offer in response to an EOI, Invitation to Tender or Request for Quote.

Request for Quote means the process of Council requesting quotes, the preparation and submission of quotes by Respondents, the communications and negotiations between Council and

Respondents in relation to the process and quotes, evaluation of quotes by Council and the negotiation of and entering into a contract.

RFQ means Request for Quote.

Significant Contracting Plan means a Significant Contracting Plan prepared and adopted by Council, as required under the provisions of the *LGR 2012*, s. 221.

Sound Contracting Principles means the principles provided in the *LGA 2009*, s. 104 and as described in this Manual.

Submission means Tenders, Quotes, or any other response or offer received following Council issuing an invitation.

Supplier Arrangement means a list of suppliers established by Council to facilitate the procurement of goods, services and/or works required frequently, in high volume and/or where the capability of the suppliers has been determined.

Surplus Asset means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council.

Tender/s means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.

Tender Response Form means the response form set out in the Invitation to Tender.

Valuable Non-Current Asset (VNCA) means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed by Council. The threshold prescribed by Council is:

- Plant or equipment worth more than \$5,000; and
- Any other type of Valuable Non-Current Asset worth more than \$10,000.

Verbal Quote means a verbal quote from a person or entity offering to supply goods to Council.

Written Quote means a completed written quote from an entity offering to supply goods, services and/or works to Council, which includes the price and methodology for supply of the goods, services and/or works.

Related legislation, policies, strategies and documents

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
- 2022/23 Contract Manual
- 2022/23 Contracting Plan
- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline
- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s
- Sunshine Coast Council's Corporate Plan 2021-2025
- Employee Code of Conduct

- Code of Conduct for Councillors
- Councillors Acceptable Request Guidelines
- Council's current delegations
- Purchase Cards Guideline.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new		Council	14 June 2018
2.0	Annual Endorsement	Y	Council	20 June 2019
3.0	Annual Endorsement	Y	Council	11 June 2020
4.0	Annual Endorsement	Y	Council	June 2021
5.0	Annual Endorsement	Y	Council	June 2022

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Organisational Guideline

2022/23 Contracting Plan

Corporate Plan reference	An Outstanding Organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Branch Manager, Business and Innovation, Business Performance	

Introduction

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of Valuable Non-Current Assets or Surplus Assets.

The Procurement Policy, Contract Manual, and this Contracting Plan, provide the framework for Council to carry out Contracting Activities in:

- (a) An effective and efficient framework that delivers sound contracting outcomes;
- (b) A manner that complies with the Procurement Policy; and
- (c) Accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

Council Contracting Activities, including this Contracting Plan, must be performed in a manner consistent with the following guidelines:

- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline.

Application of Contracting Plan

This Contracting Plan identifies:

- a) the types of Contracts Council proposes to make in the 2022/23 financial year;
- b) the principles and strategies for performing the Contracts;
- c) a policy about proposed delegations for the Contracts;
- d) a market assessment for each type of Contract;
- e) the Contracts that Council considers will be significant having regard to the market assessment; and
- f) a policy about the making of a Significant Contracting Plan.

Types of Contracts

To service these categories, Council maintain a suite of template Contracts including:

- Design and Construction
- Construction
- Supply and Installation
- Services (including professional and consulting services)
- Supply of Goods
- Queensland Information Technology Framework Contracts

To undertake Contracting Activities, Council has engaged a category procurement model.

Procurement Categories

For the 2021/22 financial year to February 2022, Council spent \$280m across the six Procurement Categories as follows:

Categories	Approximate Total Spend
Engineering and Works	\$80m
Facilities	\$89.8m
Services	\$52.3m
Waste Services	\$26.6m
Fleet and Plant	\$17.4m
ICTS	\$14.6m

For the 2022/23 financial year, Council anticipates spending \$370m across the below categories:

Categories	Anticipated Total Spend
Engineering and Works	\$160m
Facilities	\$31m
Services	\$51m
Waste Services	\$95m
ICTS	\$11m

Other (incl Fleet and Plant and Planning)	\$16m
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Principles and Strategies

Council will have regard to the Sound Contracting Principles when undertaking Contracting Activities.

The Sound Contracting Principles are:

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

Strategies and Plans for Procurement Categories and individual procurements will be developed as per the Procurement Policy and Contract Manual.

Delegation

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Council Officers. These delegations are recorded in the Delegation of Authority No. 2 – Procurement and Contracting Activities and Payments maintained by the CEO.

The procurement process used to enter into Contracts differs depending on the type of Contract. The type of Contract is determined by considering the complexity of the Contract, the associated risks, the anticipated value, and by the category in which it falls.

Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2022/23 financial year can be found in Annexure A of this attachment.

Significant Contracts and making Significant Contracting Plans

Significant Contracts are Contracts that:

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

Significant Contracting Plans will be prepared for all Significant Contracts prior to commencement, and require resolution of Council. They will state:

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

A list of identified Significant Contracts for the 2022/23 financial year are as follows:

Contract	Reason for Significant Contract	Anticipated Market Release	Proposed Procurement Strategy
Caloundra Centre Activation - Library	>\$5M	Q1	Public Tender
First Avenue Streetscape	>\$5M	Q1	Public Tender
Road Surfacing, Rehabilitation and Construction Asphalt Program	>\$5M	Q1	Public Tender
Stringybark Road Footbridge Pathway	>\$5M	Q1	Public Tender
Organic Waste Processing Service	>\$5M	Q1	Public Tender
Street Sweeping Services	>\$5M	Q3	Public Tender
Tree Maintenance Services	>\$5M	Q3	Public Tender
Resource Recovery Centre Operations	>\$5M	Q3	Public Tender
Landfill Services	>\$5M	Q1	Public Tender

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this Contracting Plan.

Related legislation, policies, strategies and documents

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
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Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council	23/06/2022

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Annexure A - Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2021/22 financial year to 28 February 2022, is as follows:

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
Engineering and Works	3,467	500	\$80M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>Council's Engineering and Works category of expenditure broadly covers products and services related to roads and construction and includes subcategories such as concrete, bitumen, emulsions & asphalt materials and services, technical and engineering consulting services, playground, open space and recreational infrastructure and traffic management services.</p> <p>In contrast with construction in the housing sector, growth in this category has not seen a 'boom' and increasingly rely on the public purse, not private investors. According to ABS, the value of work done for the private sector at end of 2021 is on a downward trend. In the public sector, despite infrastructure announcements from various levels of government, the low rate of growth continued in FY22. Growth in this category is expected to pick-up in the future as recently announced public infrastructure commitments commence.</p> <p>Competition is expected to intensify as larger firms are anticipated to undertake mergers and acquisitions. The difficulty of security supply within this category is considered medium as the majority of products and services can be procured via existing panel arrangements and registers of pre-qualified suppliers available both regionally and locally.</p> <p>Costs within this category tend to increase over time due to increases in labour and manufacturer costs, commodity prices (for example for concrete and bitumen) and various indexes such as the Consumer Price Index (CPI). Information on these costs is provided below:</p> <ul style="list-style-type: none"> - Australian CPI: according to the Australian Bureau of Statistics (ABS), the Australian CPI increased by 3.5% over the twelve months to December 2021, driven by rising new dwelling purchases and fuel prices. Price variations due to for example CPI, are generally covered in Council's contracts with supplier [SCC to confirm and remove if preferred]. - Manufacturing: as of February 2022, The Australian Industry Group Australian Performance of Manufacturing Index (Australian PMI) rose by 4.8 points to 53.2 points in February 2022 (seasonally adjusted), indicating expanding conditions. The result largely reflects mild improvements and a rebound into positive territory after a sharp decline recorded in December 2021-January 2022. This indicates that Australian manufacturing is recovering from the temporary disruptions in output, sales and activity during the summer

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>holiday months due to widespread COVID-19 infections, labour shortages and supply chain disruptions. Results above 50 points indicate expansion, with higher results indicating a faster rate of expansion.</p> <p>- Labour: suppliers in the Engineering and Works category are expected to continue facing challenges in securing and retaining personnel as the economy recovers from lockdowns and due to the increase in infrastructure projects. The ABS Job Vacancies index showed a significant increase of 18.5% in November 2021 compared to August 2021. Within the industry, 21.5% of businesses reported job vacancies in November 2021, higher than the combined industries average. The ABS Wage Price Index rose 2.3% over the year to December 2021. As a result, this may result in increases in Council costs in this category.</p> <p>- Input costs: input costs relating to concrete, bitumen and asphalt materials which represent a significant expenditure area within this category are impacted by commodity prices such as oil and coal. Petroleum, petroleum products, and related materials saw 8.7% increase through the year to December 2021, driven by strong global oil demand outpacing growth in global supply. Coal saw 51.9% increase driven by surging global demands for thermal and coking coal.</p> <p>Council will continue to seek to procure the majority of products and services within this category via Council's adopted Procurement processes and panel arrangements.</p>
Facilities	1,999	349	\$89.8M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Facilities category covers expenditure related to the construction, maintenance and operations of Council facilities excluding technical and engineering professional services. Supply within this category is expected to continue to have a relatively low difficulty of being secured by Council due to sufficient availability of capable suppliers both regionally and locally and the relatively high level of market competition. Indeed, although the Facilities industry has benefited from the private and public sectors' increasing willingness to outsource facilities services, the industry is highly competitive. The industry is also quite diverse and composed of large firms operating across the country but also of smaller providers who can provide multiples services in a limited area in some subcategories such as cleaning; the industry is indeed highly fragmented.</p> <p>Costs within the Facilities category will tend to stabilise as competition from infrastructure, construction and property management firms is anticipated to intensify over the next few years and will therefore keep the prices down. Specifically related to construction, the Australian Industry Group and HIA Australian Performance of Construction Index (Australian PCI®) improved by 7.5 points to 53.4 points in February 2022, indicating a recovery in activity across the construction sector after a sharp fall over the summer holiday period (seasonally adjusted). Results above 50 points indicate expansion in the sector, with</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>higher results indicating a stronger expansion. The new wave of infections caused by the Omicron variant partly inhibited activity levels at the start of the new year but impacts seemed to have eased in February.</p> <p>In the construction subcategory, costs are currently impacted by an increase in commodity prices such as steel price. The London Metal Exchange (LME) index increased by 13.51% over the year 2022. Commodities such as copper, silver and aluminium are experiencing similar increases.</p> <p>In this category, Council has been over the past few years, and will continue to seek to consolidate its expenditure for facilities management services such as building maintenance, cleaning, security, electrical etc. by offering the market the opportunity to tender for larger scope of work when going out to market to seek competitive offers and achieve value for money outcomes. Construction projects are also competitively tendered on a consistent basis and various procurement methods are available to Council in order to achieve value for money outcomes.</p>
Services	3,155	1,138	\$52.3M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Australian Industry Group Australian Performance of Services Index (Australian PSI) rose by 3.8 points to 60.0 points (seasonally adjusted) in February 2022 indicating expansion and an improvement compared to the December 2021–January 2022 summer period. Results above 50 points indicate expansion in the Australian PSI, with higher numbers indicating a stronger rate of growth. All services sectors available in the Australian PSI showed robust expansion in February (seasonally adjusted).</p> <p>Whilst indices for the Services sector are positive, assessing financial sustainability of services suppliers and their ability to meet supply requirements remain important matters for Council. There are capable suppliers in the region and the relatively high level of market competition within most subcategories of procurement under this category such as professional consulting services which remains the largest spend area within this category for Council (which excludes technical consulting services and facilities/asset related services).</p> <p>According to NAB's February 2022 Business Survey, business conditions and confidence strengthened in February as the Omicron virus wave eased and the late 2021 momentum was regained. After a fall in January, the conditions index rebounded to be above its long-run average. The rebound came on the back of a strong rise in the employment index – reflecting fewer health-related employment disruptions and strong labour demand – as well as improvements in trading and profitability. Businesses continued to report elevated costs growth, although purchase cost growth eased slightly from the record levels reached in January. Final product price inflation also remained elevated with retail prices strengthening</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>to over 2% in quarterly terms, suggesting that cost pressures are increasingly being passed on to consumers.</p> <p>Council will continue to seek to procure services competitively and leverage existing preferred supplier arrangements, register of pre-qualified supplier arrangements and panel arrangements when possible to secure various types of services and achieve value for money outcomes.</p>
Waste Services	142	27	\$26.6M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Waste Services industry has seen growth driven by increased household, construction and commercial waste generation over recent years.</p> <p>However, revenue in the waste treatment and disposal industry is expected to decrease at an annualised 1.3% over the three years through 2021-22. This decline is largely due to an anticipated reduction in waste from the construction and hospitality sectors. Medical waste volumes are anticipated to have grown over the past five years. This trend is primarily attributable to testing and personal protective equipment used to contain the COVID-19 virus. Consequently, demand for the treatment and disposal of hazardous materials is anticipated to rise as a share of revenue. Demand from the households' market is expected to rise. This trend is largely due to social distancing measures and work from home requirements, which have increased the waste people produce at home.</p> <p>Pricing within this category have generally increased in the market due to new regulations and a rising volume of waste diversion to recycling and materials recovery facilities. Also, a technology change in the industry with treatment facilities automations and an increasing need for technical staff have had a negative impact on costs. However, Waste Services is a spend area that remains highly competitive with a number of capable and experienced suppliers which enables Council to procure services competitively.</p> <p>Waste collection represents the majority of Council's expenditure within this category and due to the nature of the supply market, the requirements and the significant contract values, Council secures long term arrangements with suppliers for waste collection which supports achievement of value for money for taxpayers. Recycling and Waste Disposal form part of the Waste Services category and Council will continue to work with a consolidated number of suppliers to meet its requirements in terms of waste management.</p>
Fleet and Plant	1,102	156	\$17.4M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Fleet & Plant category covers the purchase, hire and lease of various types of fleet, maintenance of fleet and plant and the purchase of fuel, gas and lubricants. Supply within the Fleet and Plant category is expected to have a medium difficulty of being secured by Council despite the availability of capable suppliers in the region and the competitive market within the fleet category such as dry and wet hire. Indeed, vehicle prices in Australia have continued to rise throughout 2021 driven by a shortage of global supply of vehicle</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>components such as electronic semiconductors. The demand has remained strong as a result of economic recovery. Prices may remain elevated for in the near term as the supply of vehicles return and the market stabilises.</p> <p>The fuel, gas and lubricants subcategory is heavily impacted by crude oil price which has increased by 179% between March 2021 and March 2022.</p> <p>Council will continue to seek to procure services competitively and leverage existing preferred supplier arrangements, register of pre-qualified supplier arrangements and panel arrangements when possible, to secure various types of services and achieve value for money outcomes.</p> <p>Council will continue to seek to procure services competitively and leverage existing preferred supplier arrangements, register of pre-qualified supplier arrangements and panel arrangements when possible, to secure various types of services and achieve value for money outcomes.</p>
ICT	378	129	\$14.6M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>Technology innovation and progress from the past few years have considerably impacted the ICT market; organisations are transitioning from self-managed hardware solutions to cloud computing as-a-service solutions.</p> <p>There is a growing number of niche software solution providers who compete directly with larger providers which increases the level of competition in all markets. Although the ICT category has a high level of market competition (both locally and internationally), ICT costs remain high, driven by global supply chain issues of computer chips and high demand for skilled labour required for navigating the transition to as-a-service solutions. Whilst the location of Council has little impact when it comes to securing software and hardware solutions, securing ICT technical services from ICT services providers with local resources remain challenging. Organisations' spend related to ICT has continued to increase as they anticipate changing software, hardware, infrastructure and security requirements to enable employees to work remotely.</p> <p>Council will continue to seek to procure ICT services by going out to market; leveraging existing preferred supplier arrangements; registering pre-qualified supplier arrangements and panel arrangements to secure various types of services and achieving value for money outcomes.</p>

Organisational Guideline		
Local Preference in Procurement Guideline		
Corporate Plan reference	<i>Our resilient economy</i> <i>Our outstanding organisation</i>	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Manager Business & Innovation	

Introduction

Sunshine Coast Council's Corporate Plan 2021 – 2025 provides the goal that “Our resilient high value economy of choice drives business performance, investment and enduring employment”.

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$250 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Council recognises the inherent benefits in contracting with local suppliers for the provision of goods and services.

These benefits include:

- Developing a competitive local business and industry;
- Local goods are more readily available reducing lead time to fulfil orders or provide parts required for maintenance;
- Service providers are in closer proximity and can provide faster service and faster support;
- Ability to provide more environmentally sustainable outcomes through conserving the use of energy and resources such as reducing fuel consumption in travel and transport;
- Create new local employment opportunities and maintain the existing local employment base;
- Create new business and commercial opportunities, and continue to support the existing business and commercial base;
- Supporting local supply chains by encouraging all Council suppliers to sub-contract with, or seek goods and services from, local suppliers;
- Council investing in the community it serves to provide benefits to the local community; and
- Economic growth contributing to community prosperity.

Guideline details

Council will encourage the development of a competitive local business and industry by facilitating a preference for local suppliers in its Contracting Activities. The preference for local engagement to be applied to a Procurement Process as follows:

Inviting Locals to Respond to Procurement Processes

When undertaking a Request for Quote procurement process, the following table is to be followed:

Table 1:

Procurement Process	Contract Value	Local preference
ONE quote required	\$0 - \$25,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers.
Request for Quote (minimum THREE quotes)	\$25,000 - \$250,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers, unless a genuine reason not to applies (see below).

Contribution to the Local Economy Criteria

In any invited only Procurement Process (such as a Request for Quote), if non-locals are invited to respond, the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

If the Social and Economic factors for First Nation and/or Social Benefits are not incorporated into the Procurement Process, the Contribution to Local Economy criterion must receive the full 20% weighting.

Supplier Arrangements

When conducting a Procurement Process to create a Supplier Arrangement, Council must, at a minimum, include the evaluation criterion for the contribution made by the Respondent to the local economy. These factors must receive no less than 20% weighting. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater local engagement.

Council has priced and non-priced Supplier Arrangements. Generally, priced Supplier Arrangements include suppliers in a ranked order, and in most cases will directly approach the highest ranked supplier for the provision of the goods and services. If the highest ranked provider cannot supply those goods or services, Council will approach the next highest ranked supplier.

When forming Contracts from a non-priced Supplier Arrangement, Council will invite Quotes from some, or all, of the suppliers on the Supplier Arrangement with a view to undertaking a short evaluation to identify the most advantageous supplier. Evaluation Criteria for contribution to the local economy does not need to be included when seeking Quotes from a Supplier Arrangement as this has already been evaluated when forming the arrangement above.

Genuine reason not to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed. A genuine reason not to comply with the guideline will exist where:

- it is not possible to meet the requirements because, for example, there is not a local supplier, or sufficient local suppliers to enable the requirements of this guideline to be met; or
- there is sufficient local supplier availability, but because of the size, complexity or timing of the goods and/or services required, there are not sufficient local suppliers capable of meeting Council's requirements; or

- The supplier invited is invited in accordance with Council's First Nations Procurement Guideline and that supplier may not be local.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it (except in the instance of complying with Council's First Nations Procurement Guideline, no approval is required).

A Council Officer at the level of Manager (L3 or equivalent position) may approve departure from this guideline when a genuine reason exists and the Contract value is within that Council Officer's delegated authority for creating the Contract. All other departures from this guideline must be approved by a Group Executive (L2).

Where a gap in the local business or industry is identified such that a capable local supplier is not, and will not, be available in the foreseeable future, or it is believed that the most advantageous outcome cannot be achieved by engaging with a local supplier, a Group Executive (L2) may give a blanket exemption from complying with this guideline. Any blanket exemption must be for an identified type of Contract and timeframe.

Further where a gap is identified, it is imperative the Economic Development Branch be advised to ensure appropriate measures and opportunities are explored with industry to address the gap.

All departures from this guideline are to be reported to the Manager, Business & Innovation

Contracts formed from External Supplier Arrangements

An externally created supplier arrangement is one that Council did not form, but Council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State or other local Governments.

Where a Contract is sought to be formed using an externally created supplier arrangement, Council Officers should seek to identify if there are any suppliers on that supplier arrangement that would be considered local suppliers by this guideline. If there are, appropriate consideration should be given to inviting quote/s from those local supplier/s.

Tender and Request for Quote - Evaluation of the Contribution made to the local economy

Council will invite Public Tenders via QTenders and receive Tenders from any Respondent, regardless of their location. Also, some procurements conducted by Request for Quote will invite Local, Deemed Local and Non-local Suppliers.

In these instances, the evaluation criterion of the contribution made to the local economy must be included in the evaluation of these procurements.

The criterion will be evaluated having regard to the local presence of the Respondent and the Respondent's explanation of the contribution already being made to the local economy, the contribution that will be made should they be awarded the Contract, or both. Explanation of that contribution may include:

- Local Supplier with primary office and primary ongoing business within Sunshine Coast.
- Local presence of ongoing business within Sunshine Coast:
 - Number of employees;
 - Location of property and/or offices;
 - Plant and equipment used to deliver business, sourcing of those and maintenance costs;
 - Consumables and sourcing;
 - Opportunities for further local engagement, for example sub-contracting;
 - Contributions made to local Community Organisations;
 - Contributions, support, sponsorship and volunteering for local community events.

- Benefits to the local government area from the Successful Respondent:
 - How the Contract might contribute to the business maintaining its local presence;
 - New employment opportunities or requirements;
 - New or expansion of property, office space, vehicles or plant and equipment;
 - Opportunities for local sub-contracting;
 - Evidence of support for local Community Organisations;
 - Contributions, support, sponsorship and volunteering for local community events.

Evaluation of each Submission will consider the above information and scoring will be applied as follows:

Table 3:

Local presence	Scoring:	% Score	Overall weighting
Local Supplier	10-20 / 20	50-100%	20% unless other Social and Economic Factors are incorporated into the Procurement
Supplier deemed local	5-15 / 20	25-75%	
Non-Local Supplier	0-10 / 20	0-50%	

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy and Contract Manual apply to this guideline.

The definitions applicable to this guideline are:

Excluded supplier means a government body or utility service provider who Council has little or no choice but to Contract with. For example, Government Agencies such as telecommunication providers, fuel suppliers or Australia Post.

Local Supplier means a supplier who:

- was established in and maintains their primary office or business premises within the Sunshine Coast Council Local Government Area;
- has an office or business premises, but not the primary premises, within the Sunshine Coast Council Local Government Area (Sunshine Coast LGA).

Non-local Supplier means a supplier who is not from within the Sunshine Coast LGA, or is not a Deemed Local Supplier.

Deemed Local Supplier means a supplier who does not have a primary office or business premises within the Sunshine Coast Council LGA, but has a significant business or primary service area in the Sunshine Coast LGA and/or a significant employee base that undertake work within the Sunshine Coast LGA (this employee base may include staff who work remotely on a regular basis from the local government area).

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2022/23 Procurement Policy

2022/23 Contact Manual

2022/23 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2021-2025

Regional Economic Development Strategy 2013-2033 (REDS)

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	N	Council	21/04/2016
2.0	Annual Endorsement	Y	Council	18/05/2017
3.0	Annual Endorsement	Y	Council	21/06/2018
4.0	Annual Endorsement	Y	Council	11/06/2019
5.0	Annual Endorsement	Y	Council (SM20/13)	11/06/2020
6.0	Annual Endorsement	Y	Council	



Organisational Guideline

Social Benefit Procurement Guideline

Corporate Plan references and Strategic Pathways	Our strong community Our resilient economy Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business & Innovation	

Introduction

Council's Corporate Plan 2021-2025 provides the goal "Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all".

The Sunshine Coast Community Strategy 2019-2041 has an outcome measure for "more than 20% growth in social enterprises operating in the Sunshine Coast Local Government Area."

Social benefit procurement uses procurement processes and purchasing power to generate positive social and economic outcomes in addition to the efficient delivery of goods, services and works. Council recognises the value of engaging in social procurement.

Council's support of social benefit procurement can enable local enterprise growth and responses to social issues that improve the quality of life for local residents.

The purpose of this guideline is to outline a framework for council to conduct social benefit procurement in its contracting activities.

Guideline details

This guideline applies to any contracting activities undertaken by Council.

Social Benefit Suppliers are organisations whose social mission is centred on benefitting a group of people who are considered disadvantaged in their local community. Such organisations channel economic and social resources into a community in response to an underlying social need/issue.

Social Benefit Suppliers may include:

- Community Organisations, including not-for-profit entities
- Australian disability enterprises
- Charitable business ventures
- Community development finance institutions
- Worker or community owned co-operatives

- Fair trade social enterprises
- Intermediate labour market companies
- Social enterprises

Application to Procurement Processes

Council will incentivise the engagement of Social Benefit Suppliers by facilitating a preference for Social Benefit Suppliers in its contracting activities as follows:

1. Conducting a restricted procurement process where capable Social Benefit Suppliers have been identified; or
2. Identifying contracting activities where the contract will require a supplier to reach a specific target relating to the engagement of local Social Benefit Suppliers in the delivery of the services under the contract; or
3. Inviting and assessing Tenders and Quotes from suppliers.

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a public tender.

When conducting a public tender to create a Supplier Arrangement, council will, at a minimum, include the evaluation criterion for Social and Economic Factors which must receive a combined total weighting of no less than 20%. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater Social Benefit Supplier engagement.

Contracts formed from External Supplier Arrangements

An externally created Supplier Arrangement is one that council did not form, but council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State, or other Local Governments.

Where a contract is sought to be formed using an externally created Supplier Arrangement, Council Officers should seek to identify if there are any Social Benefit Suppliers on that Supplier Arrangement. If there are, appropriate consideration should be given to inviting quote/s from those supplier/s.

Evaluation of Social Benefit Suppliers

When council undertakes a contracting activity where responses are to be evaluated against pre-determined evaluation criteria, then the evaluation criterion of Social Benefit Engagement must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of their Social Benefit Engagement.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Supplier	Scoring:	% Score	Overall weighting
A Supplier that is a Social Benefit Supplier	5/5	100%	Up to 20%
A Supplier that is not a Social Benefit Supplier but demonstrates that they are engaging Social Benefit Suppliers in their supply chain	0-5/5	0-100%	
Not a Social Benefit Supplier and not engaging Social Benefit Suppliers in their supply chain	0/5	0%	

Drafting of specifications

When drafting specifications, the author should consider whether the goods or services sought can be delivered by a Social Benefit Supplier or whether a commercial supplier could engage members from a disadvantaged group.

If drafting of the specification is outsourced to a consultant, this should be conveyed to the consultant for consideration/inclusion in the specification.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this guideline.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2022/23 Procurement Policy

2022/23 Contract Manual

2022/23 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2021-2025

Sunshine Coast Council Community Strategy 2019-2041

Regional Economic Development Strategy 2013-2033 (REDS)

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council	21 June 2018
2.0	Annual Endorsement	N	Council	20 June 2019
3.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020
4.0	Annual Endorsement	Y	Council	



Organisational Guideline

First Nations Procurement Guideline

Corporate Plan reference	Our Strong Community Our Resilient Economy Our Outstanding Organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Manager Business and Innovation	

Introduction

Council's Corporate Plan 2021-2025 provides the goal that "Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all".

The Sunshine Coast Community Strategy 2019-2041 identifies that we are committed to reconciliation and social and economic opportunities for the Aboriginal and Torres Strait Islander community as demonstrated through our Reconciliation Action Plan.

Council's Reconciliation Action Plan 2021-2022 (RAP) commits to work in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development. In addition, the RAP commits to increase First Nations supplier diversity to support improved economic and social outcomes.

Further, the Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential – with a confident future and as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council recognises the inherent benefits in contracting with First Nations suppliers or supply chains for the provision of goods and services.

The purpose of this First Nations (Aboriginal and Torres Strait Islander) Procurement Guideline ("First Nations Procurement Guideline") is to outline Council's framework to increase procurement from First Nations suppliers and supply chains.

Guideline details

This guideline applies to any Contracting Activities for the provision of goods and services undertaken by Council. Applying this guideline will:

- Develop a competitive First Nations business and industry both locally and regionally;
- Create new business and commercial opportunities for First Nations suppliers, and supporting the existing First Nations business and commercial base;
- Maintain the existing First Nations local employment base while creating new local employment opportunities;
- Support First Nations supply chains by incentivising all Council suppliers to sub-contract with, or procure goods and services from, First Nations suppliers; and
- Diversify economic growth contributing to community prosperity.

Application to Procurement Processes

Council will incentivise the development of a competitive First Nations business and industry by facilitating a preference for First Nations businesses and supply chains in its Contracting Activities.

The preference for First Nations business and industry engagement to be applied to Contracting Activities is as follows:

1. Conducting a restricted procurement process where capable First Nations businesses have been identified; or
2. Identifying Contracting Activities where the Contract will require a supplier to reach a specific target relating to the employment and/or training of local First Nations people in the delivery of the services under the Contract; or
3. Inviting and assessing Tenders and Quotes from suppliers as set out in the Table 1 below.

Table 1:

Contract Value	Procurement process	First Nations Businesses to be invited
\$0 - \$25,000	One quote required	If a First Nations Supplier with a local presence is identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote.
\$25,000 - \$250,000	Request for Quote processes for inviting three quotes	If any First Nations Businesses is able to be identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote. Evaluation criterion for First Nations business contracting will receive a weighting up to 20%
\$250,000 and above	Public Tender	Evaluation criterion for First Nations business contracting will receive a weighting up to 20%

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a Public Tender.

When conducting a Public Tender to create a Supplier Arrangement, Council will, at a minimum, consider the Social and Economic Factors including the evaluation criterion for First Nations engagement in contracting. Council may, in appropriate circumstances, consider and apply other strategies in those Tenders to support or drive greater First Nations engagement.

Tender and Request for Quote - Evaluation of contracting opportunities

When Council undertakes a Contracting Activity where responses are to be evaluated against pre-determined evaluation criteria then the evaluation criterion of First Nations engagement in contracting must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of the contribution to First Nations engagement in contracting. When considering that contribution the following must be evaluated:

- Whether the Supplier is a First Nations Business;
- Whether the Supplier's First Nations people employment rate exceeds 25%;
- Whether the Supplier is engaging in its supply chain, a First Nations Business.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Evaluation information	Scoring:	% Score	Overall weighting
Supplier that is a First Nations Business	5/5	100%	Up to 20%
Supplier that is not a First Nations Business that demonstrates that they are engaging First Nations Business/es in their supply chain, employ more than 25% First Nations people or are employing at least one additional First Nations person in the delivery of the contract	5/5	100%	
Non-First Nations Business that is not engaging First Nations Business in their supply chain	0/5	0%	

Genuine reason *not* to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed, either because it is not possible to comply due to the nature of the procurement, or it is not in the best interests for achieving the most advantageous outcome.

A genuine reason not to comply with the guideline will exist where there is a First Nations Business availability, but because of the size, complexity or timing of the goods and/or services required, it is not in the interests of achieving the most advantageous outcome to invite the First Nations Business/es.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it.

A Council Officer at the level of Co-ordinator (L4 or equivalent position) may approve departure from this guideline when a genuine reason exists and the contract value is within that Council Officer's delegated authority for creating the contract. All other departures from this guideline must be approved by a Manager (L3).

All departures from this guideline are to be reported to the Manager Business and Innovation with reporting available to the Executive Leadership Team (ELT) and/or members of ELT.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager Business and Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Procurement and Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy and Contract Manual apply to this guideline.

The definitions applicable to this guideline are:

First Nations Business means a supplier or respondent who:

1. is majority owned by Aboriginal or Torres Strait Islander people;
2. is 50% owned by Aboriginal or Torres Strait Islander people;
3. is a non-First Nations business that employs at least 75% of Aboriginal or Torres Strait Islander workers;
4. is an equal Joint Venture agreement with a majority owned Aboriginal or Torres Strait Islander business entity; or
5. Is registered as a First Nations Business with the Black Business Finder or with Supply Nation.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2022/23 Procurement Policy

2022/23 Contract Manual

2022/23 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2021-2025

Regional Economic Development Strategy 2013-2033 (REDS)

Sunshine Coast Council Community Strategy 2019-2041

Sunshine Coast Council Reconciliation Action Plan 2021-2022

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	N	Council	21 June 2018
2.0	Annual Endorsement	Y	Council	20 June 2019
3.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020
4.0	Annual Endorsement	Y	Council	



Organisational Guideline

Innovation & Market-Led Engagement Guideline

Corporate Plan references	Our resilient economy Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business & Innovation	

Introduction

Council is committed to the Sunshine Coast being a prosperous, and high-value economy of choice for business, investment, and employment. This is underpinned by an appreciation for, and strong commitment to, innovation. Council is committed to the Sunshine Coast being a regional hub for innovation, entrepreneurship, and creativity.

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$250 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Council realises, however, that it cannot achieve its vision for the Sunshine Coast alone and that the private sector can contribute to the delivery of goods, services, and infrastructure across the Sunshine Coast.

The purpose of this guideline is to outline a framework for Council to:

- identify, invite, and consider Submissions from suppliers offering innovative or unique approaches to delivering goods, services, or works (Innovation Contract); and
- receive and consider Market-Led Proposals (MLP's).

Guideline details

This guideline *may* apply to:

- Innovation proposal - certain Contracting Activities for the provision of goods, services, or works to be undertaken by Council, and any other existing service provided by Council that may be improved through some innovation; and
- Market-Led Proposals involving some form of contracting by Council for provision of goods or services, including works or disposal of Valuable Non-Current Assets (VNCA) (under certain defined circumstances - not land).

Innovation Proposal

Council's strong commitment to innovation is imbedded within the Corporate Plan. Council also appreciates that opportunities to innovate are not without some challenges. Often great ideas and innovative opportunities need to be tested, developed, incubated and matured. Additionally, entities seeking to receive the benefit of an innovative opportunity (from a supplier) need to ensure the legitimacy and capability of the goods or services.

Council also recognises that, in some instances, mainstream procurement frameworks can restrict, and be counter-productive to, the introduction and realisation of innovative solutions. This tension can lead to the loss of otherwise viable opportunities.

A structured solution to the tension between mainstream procurement and realising innovation is to identify circumstances when the procurement will depart from that mainstream framework in pursuit of an innovative solution. Any departures or alternative processes will require governance mechanisms that adequately manage the risk associated with the solution.

Application to Contracting Activities

Council may depart from the Activities outlined in the Procurement Policy when it seeks to establish an Innovation Contract, but only in accordance with this Guideline.

An Innovation Contract may be considered by Council if it meets the following characteristics:

- the Innovation Contract will introduce a potential innovation that provides a cost, time, service improvement or advantage to Council or the Community; and
- the innovation sought is (in the opinion of Council) either:
 - only reasonably available to Council from a single external entity; or
 - a solution which
 - is from a market or provider with limited depth, capability or maturity; and
 - requires some level of further testing, development, verification, support or the like prior to adoption with any degree of permanency
- the Innovation Contract is valued at no more than \$250,000 (Exclusive of GST); and
- the Innovation Contract is for a term of no longer than 12 months.

Establishing the basis for an Innovation Contract

A Council Officer who believes a potential innovation may be realised from an Innovation Contract should:

- seek assistance from a Procurement Specialist or other appointed Council Officer from the Business and Innovation Branch;
- ensure appropriate budget exists for the Innovation Contract being pursued; and
- prepare an Innovation Contract Report.

Innovation Contract Report

Prior to establishing an Innovation Contract, a report (Innovation Contract Report) must be produced for the consideration of an Evaluation Panel. The Council Officer proposing the Innovation Contract must prepare an Innovation Contract Report which identifies the following:

- comprehensive details of the proposed Innovation Contract, including the total anticipated cost and term of the Innovation Contract;
- the anticipated outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community that may be realised from the Innovation Contract;
- a plan of how those outcomes will be measured and reported;
- any alternative ways of achieving the outcomes, and why the alternative ways were not adopted;
- a risk assessment of the Innovation Contract and the market from which the goods or services are to be obtained; and
- a Procurement Plan outlining the procurement strategy to be employed to establish the Innovation Contract that ensures appropriate regard for the Sound Contracting Principles.

For clarity, it is acknowledged that the Procurement Plan may propose a procurement route that is not consistent with the Procurement Policy. Innovation Contract Reports should be supported by the Branch Manager and submitted to the Manager of Business and Innovation who will establish an Evaluation Panel to evaluate the report. The Evaluation Panel will consider the report and make a recommendation to the Manager of Business and Innovation. The Manager of Business and Innovation may provide the report and recommendation to the Group Executive from the Group where the report was generated, for consideration.

That Group Executive may approve, reject or require further information about the proposed Innovation Contract.

Managing an Innovation Contract

When an Innovation Contract has been approved, the Contract should be managed in a manner consistent with contemporary contract management as outlined in the Contracting Manual. During the life of the Contract, the following matters should be considered:

- cost;
- risk; and
- ongoing assessment of the outcomes derived from the Innovation Contract, service improvement or advantage to Council or the Community.

Innovation Contract Finalisation Report

At the conclusion of an Innovation Contract, the Contract Administrator is required to produce a report (Innovation Contract Finalisation Report) for the consideration of the approving Group Executive and the Procurement Contracts Committee, outlining the following:

- the outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community;
- total cost and term of the Innovation Contract;
- a critical assessment of the Innovation Contract, including whether it:
 - met Council's objectives for the Innovation Contract;
 - provided the intended benefit to Council or the Community; and
 - represented value for money;
- a recommendation as to whether the Innovation Contract should be considered for renewal or further investigation by Council.

The Innovation Contract Report should be an annexure to the Innovation Contract Finalisation Report.

Market-Led Proposal (MLP)

MLP's provide an opportunity for Council to engage with the private sector in a manner that allows both Council and the private sector to collaboratively take part in the delivery of goods, services, and infrastructure to address the needs of the Sunshine Coast Community.

A MLP could be for:

- a commercial activity, involving some contribution from Council;
- the acquisition of, or access to, Council assets, including land or other assets, information or partnerships;

(Note: where a MLP involves disposal of Council land, Council must ensure compliance with the provisions of the *Local Government Regulation 2012* regarding Contracts for the disposal of land and the Procurement Policy regarding Disposal Processes)

- development of public or open access infrastructure on the Sunshine Coast; or
- delivery of services to, or on behalf of, Council.

A successful MLP may result in Council departing from the primary procurement route for conducting a Contracting Activity provided in the Procurement Policy to Contract directly with a proponent.

To justify this direct sourcing, the proposal must meet stringent criteria, outlined under 'Criteria for assessment' section of this guideline.

Criteria for assessment

A successful MLP must satisfy the following assessment criteria:

1. Council policy, priority and community need

The proposal must satisfy a community need and align with Council policies, strategies and priorities.

2. Justification for direct negotiation

The proposal must demonstrate that the public interest is best served by Council negotiating directly with a proponent, rather than by engaging in a competitive process.

3. Sound Contracting Principles

The proposal must be consistent with the Sound Contract Principles, including demonstration that the proposal represents value-for-money for Council.

4. Capacity and capability of the proponent

A proponent must demonstrate that it has the financial and technical capacity, capability, and experience to deliver the outcome successfully.

5. Risk and cost allocation

The proposal must include the proposed allocation of costs and risks between the proponent and Council.

6. Feasibility of the proposal

The proposal must be technically, commercially and practically feasible.

Submission and assessment of Market-Led Proposals

The process for assessing MLPs is staged so that proponents can align their effort with the level of Council interest and commitment. An assessment is completed by Council at each stage and proposals only move forward at the recommendation of Council.

There are four steps in the assessment process:

- Preliminary assessment
- Stage 1: Initial Proposal
- Stage 2: Detailed Proposal
- Stage 3: Final Binding Offer.

An Evaluation Panel of relevant senior Council Officers will be established when any proposal is received. The Evaluation Panel will determine whether or not a proponent will be invited to submit a proposal for Stage 1: Initial Proposal.

Preliminary assessment

The preliminary assessment stage enables Council to provide high-level feedback to proponents about the likely alignment of the MLP with criteria prior to proponents committing considerable resources to a formal Submission.

The MLP preliminary assessment template sets out the initial information a proponent should provide to Council. Key requirements include a clear articulation of the proposal, what is sought from Council and the expected outcomes.

Possible outcomes

The Evaluation Panel may decide that the proposal:

- may meet the MLP criteria, in which case the proponent may be invited to submit the proposal for consideration in Stage 1: Initial Proposal;

(Note: An invitation by Council to submit a Stage 1 proposal does not give any inference or indication that Council will accept the proposal, it simply indicates that the Evaluation Panel considers the concept somewhat aligns with the MLP criteria and would like to consider the concept further)

- is unlikely to meet the MLP criteria in its present form;

(Note: Feedback will be provided to the proponent to help them decide whether the proposal could be amended to better align with the MLP criteria)

- is unlikely to meet the MLP criteria but is considered to have merit and so the concept may be further developed by Council; or
- should proceed via a competitive Procurement Process.

Preliminary Assessment responsibilities

The proponent will:

- submit their idea to Council, using the MLP preliminary assessment template to inform the discussion; and

respond to requests for further information, as requested by the Evaluation Panel. The information requested will depend on the size and complexity of the proposal. The Evaluation Panel will:

- promptly acknowledge receipt of the proposal;
- undertake a preliminary assessment of the proposal; and
- provide feedback to the proponent

Stage 1:

Initial Proposal

During Stage 1: Initial Proposal, the proponent will expand on the information provided in the preliminary assessment and, in particular, address in more detail the following criteria:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money; and
- capacity and capability of the proponent.

An Evaluation Panel will be established to review the Initial Proposal against these criteria to determine whether the Initial Proposal aligns with these criteria.

The Evaluation Panel will also consider:

- whether any other proposal addressing the same need, or proposing a similar outcome, is under active consideration by Council; and
- if the proposal is a genuine and feasible commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

Possible outcomes

The Evaluation Panel may decide, upon review of the Stage 1: Initial Proposal, that:

- the proposal meets the MLP criteria in principle and the proponent may be invited to progress to Stage 2: Detailed Proposal;

(Note: An invitation by Council to submit a Stage 2 proposal to Council does not give any inference or indication that Council will accept the proposal, it simply demonstrates that Council considers the proposal to meet the MLP criteria in principle and have an interest in the concept)

- the proposal is not suitable to progress to Stage 2: Detailed Proposal, but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- provide a formal Submission to Council; and
- provide additional information, participate in meetings or workshops and respond to any requests for clarification as requested by Council to assist in the assessment of the proposal.

The Evaluation Panel will:

- undertake a formal assessment of the proposal against the MLP criteria;
- request further information from the proponent, if necessary;
- maintain regular contact with the proponent; and
- advise the proponent about Council's decision and provide a written summary of assessment findings

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 2:

Detailed Proposal

At the detailed proposal stage, a proponent is required to comprehensively demonstrate how the proposal satisfies all of the MLP criteria, namely:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money;
- capacity and capability of the proponent;
- risk and cost allocation; and
- feasibility of the proposal.

The Evaluation Panel will consider the Detailed Proposal against these criteria.

The Evaluation Panel will also consider whether:

- any other proposal addressing the same need, or proposing a similar outcome, is under active consideration by Council; and
- the proposal is a genuine commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

The output of this stage is a comprehensive final proposal, the content of which is similar to a detailed business case or a detailed bid in a competitive process. The detailed proposal will inform Council's decision as to whether it will enter into a final binding offer for progression and delivery of the proposal (Stage 3).

Unless otherwise agreed between the parties it is expected that the proponent will:

- bear all their own risks and costs of preparing, lodging, developing, and negotiating the proposal; and
- meet Council's reasonable costs in Stages 2 and 3.

All or part of the activities in Stage 3: Final Binding Offer may be run concurrently with Stage 2: Detailed Proposal. If this occurs it does not necessarily represent any commitment on the part of Council that Council has decided the proposal will progress to Stage 3.

Possible outcomes

The Evaluation Panel may decide that:

- the proponent is invited to progress to Stage 3 subject to any specific terms being agreed with Council;
(Note: An invitation by Council to progress to Stage 3 indicates that Council is considering entering into a Contract with the proponent but it does not infer or imply any obligation on the part of Council to actually enter into the Contract)
- the proposal is not suitable to progress to Stage 3 but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- enter into a process deed with Council, which will guide the proponent's engagement with Council;
- provide information to enable a determination as to whether or not the proposal meets the assessment criteria;
- where requested by Council, provide additional information and participate in meetings or workshops; and
- assist in Council's assessment of the proposal.

The Evaluation Panel will:

- assess the detailed proposal and provide recommendations to Council about it;
- undertake an interactive process to facilitate the proponent's development of a detailed proposal;
- undertake a formal assessment of the detailed proposal against each of the assessment criteria;
- request further information from the proponent, where necessary; and
- advise the proponent about Council's decision and provide a written summary of assessment findings.

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 3:

Final Binding Offer

The final binding offer stage involves the preparation by the proponent of a final binding offer which may be accepted or rejected by Council.

If the offer is accepted, this stage will involve the negotiation of a Contract between Council and the proponent for delivery of a project. Council's Evaluation Panel will negotiate with the proponent and prepare a Contract for consideration by the CEO and/or Council.

Possible outcomes

The Evaluation Panel may decide to recommend to the Business and Innovation Manager that:

- Council accept the terms contained in the final binding offer and approve that a Contract be entered into with the proponent on this basis; or
- Council accept the final binding offer subject to specific conditions; or
- Council does not accept the final binding offer, but that the proposal has merit and Council should seek to further develop the concept; or
- Council does not accept the final binding offer and conclude the MLP assessment process without entering into a Contract.

The Business and Innovation Manager may provide the Evaluation Panel's assessment and recommendations to the CEO for approval. The CEO may decide to adopt the Evaluation Panel's recommendations, and Council may enter into a Contract with the proponent as a result.

Responsibilities

The proponent will:

- participate in the negotiation process; and
- submit a final binding offer to Council.

Council will:

- advise the proponent of the processes, protocols, and elements for negotiation and agreement through Stage 3, and keep the proponent apprised of contract management and implementation materials developed through this stage; and
- develop contract management arrangements setting out how to monitor implementation and operational stages of the project and ensure contracted outcomes are achieved.

The Evaluation Panel will:

- undertake a comprehensive assessment of the contractual documentation included in the final binding offer submitted by the proponent; and
- decide whether or not to recommend that Council accept the proponent's final binding offer and communicate its decision to the proponent.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this guideline.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2022/23 Procurement Policy

2022/23 Contract Manual

2022/23 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2021-2025

Regional Economic Development Strategy 2013-2033

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council	20 June 2019
2.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020

Organisational Guideline		
Environment and Sustainability in Procurement Guideline		
Corporate Plan references and Strategic Pathways	Our Environment and liveability Our resilient economy Our strong community Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business & Innovation	

Introduction

The Corporate Plan 2021-2025 recognises Council's vision is to be Australia's most sustainable region: Healthy. Smart. Creative.

The Environment and Liveability Strategy 2017 provides the overarching direction to guide growth and deliver a healthy environment and liveable Sunshine Coast. A key direction in the *Environment and Liveability Strategy 2017* is to embed sustainable practices into council's own business and decision making.

A target in the strategy commits Council to being a zero emissions organisation (and low carbon community) by 2041.

Council's forthcoming Zero Net Emissions Plan 2022 (ZNE), supported by science-based research, confirms that Council's Contracting Activities (which form part of Scope 3 missions – indirect GHG emissions) account for approximately 20% of Council's overall GHG emissions in 2020/21.

In response, the ZNE Plan identifies a priority to incorporate sustainable procurement and circular economy principles into Council's supply chain and Contracting Activities.

The purpose of this Guideline is to outline Council's framework for and approach to conducting Contracting Activities in an environmentally considerate and sustainable manner, with the goal of reducing Council's Scope 3 – indirect GHG emissions.

Guideline details

The following parts of this Guideline outline the processes and activities that will be applied to Council's Contracting Activities in order to achieve being a zero net emissions organisation by 2041. This Guideline provides guidance on how to consider sustainability in the different stages of the procurement process, from identifying the business need to the end of the contract, including review and reporting.

Sustainability in Procurement

Council identifies Sustainability in Procurement critical to achieving its zero net emissions target. While sustainability comes in a variety of forms, Council officers should consider sustainability factors including:

- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - minimising waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;
- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- f) pursuing, leading and building a circular economy.

Circular Economy

Council is committed to building a circular economy, aiming to reduce social, environmental and economic impacts of purchased goods and services throughout their life. This includes consideration of waste disposal, cost of operation and maintenance over the life of the goods and services.

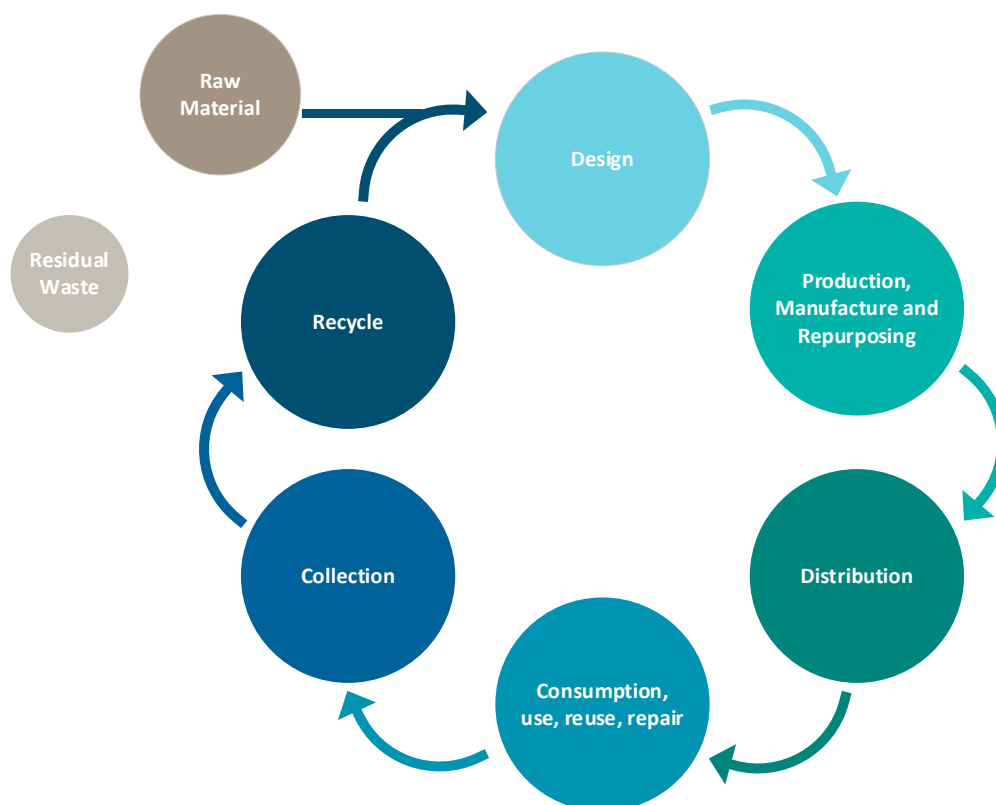
Benefits of a circular economy:

- Effective use of resources
- Increasing market opportunities for local business
- New jobs and skills capacity in local communities

Council has an opportunity to lead by example with its purchasing power and preference to purchase goods with recycled content where feasible.

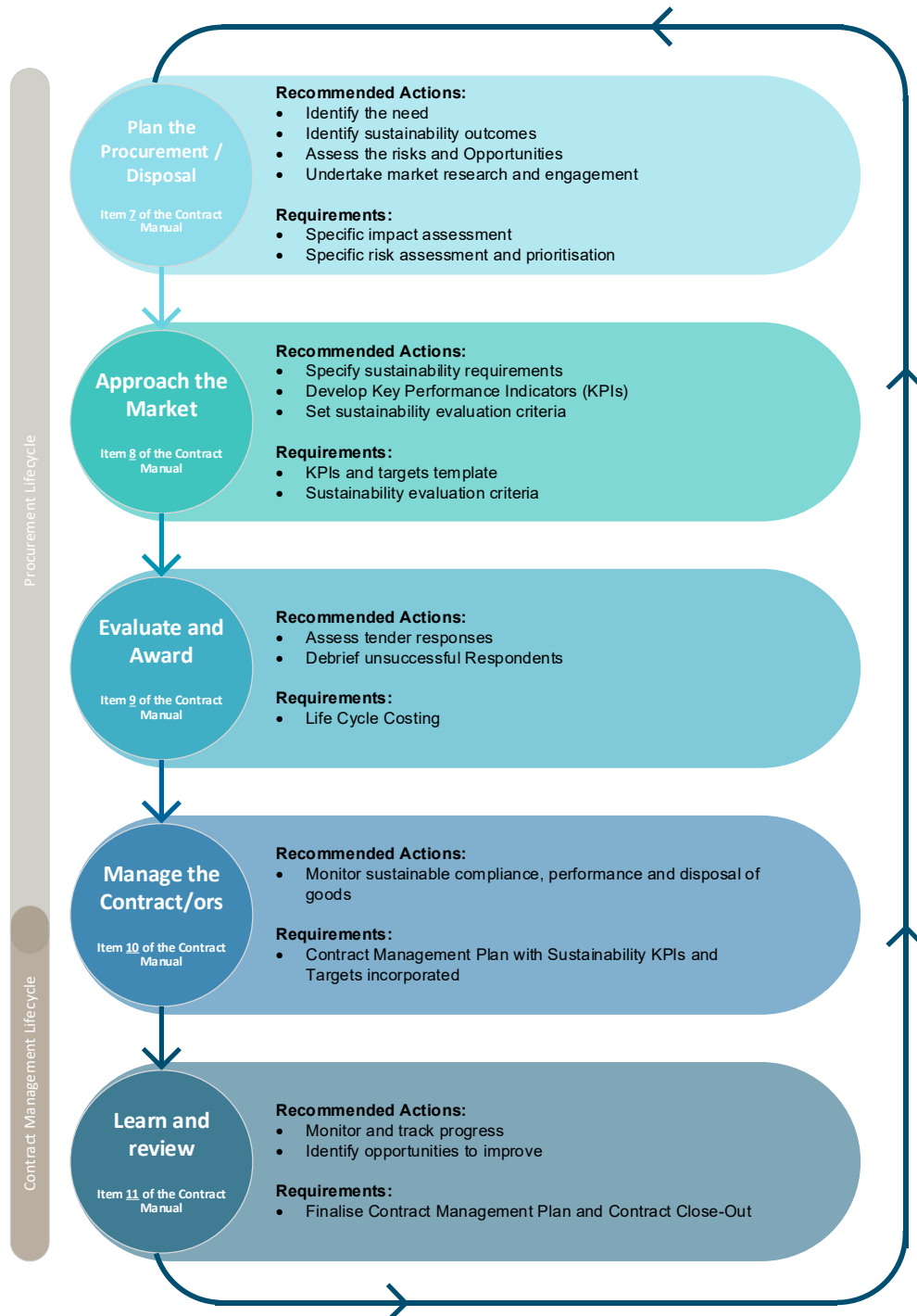
Consideration of these benefits are required when making procurement decisions in line with our obligation to spend public money efficiently, effectively, economically and ethically.

This will see most goods and services being continually used, reused, recycled and reprocessed as part of a circular economy (refer below diagram).



Application to Planning Procurement and Disposal Activities

Council will incorporate sustainability into its contracting activities, in the following manner:



1 Plan the Procurement / Disposal

1.1 Identify the need for the goods or services

Council can avoid and reduce waste by carefully considering the business need for the good or service. By employing demand management strategies, Council will avoid excess consumption and reduce unnecessary purchasing costs. Strategies to achieve this include identifying:

- alternatives to buying new including reusing, hiring or sharing goods or services; and
- functional and performance requirements at strategic and operational levels.

1.2 Identify and prioritise the sustainability outcomes

After confirming the need for the good or service, determine and prioritise sustainability outcomes. Council officers then need to identify approaches to realise these outcomes.

This could include considering:

- the environmental impact of the materials used;
- Material sourced from a verified recyclable resource; and
- Substitute material with a lower environmental impact.

1.3 Conduct a risk assessment and identify opportunities

Council Officers should use Council's risk framework and templates to conduct a risk assessment for the procurement, identifying sustainability risks.

The table below help identify risks when procuring recycled content. The questions may be adapted to suit other Sustainability outcomes.

Element	Key Questions to identify sustainability risk	Supporting Questions to identify sustainability risk
Organisational Need	<p>Assess the need for the product, good(s), service or infrastructure. Can we avoid or reduce consumption?</p> <p>What alternatives exist to purchasing? e.g. reuse, recycle or hire</p>	<p>Are there other specific targets, objectives or policies that need to be met?</p> <p>Do we really need this?</p> <p>What other options are there?</p> <p>What specifications are required to improve sustainability outcomes?</p>
Sustainability Outcomes	<p>What is the scope for improvement ie to increase the tonnage/percentage of recycled material in this project?</p> <p>What are the cost benefits of introducing higher requirements for recycled content in this procurement?</p> <p>What are the potential environment and sustainability impacts related to this good or service? e.g. Use of fossil fuels, energy efficiency, waste, transport, are non-renewable resources required?</p> <p>Are there products that have lesser environment and sustainability impacts?</p> <p>How should Council consider the sustainability credentials of the supplier's business operations?</p>	<p>What are the major components in the purchase that could involve using recycled content</p> <p>What are possible mitigations to reduce the impact of any sustainability risks?</p> <p>Are there any reputational benefits of using recycled material?</p> <p>Where has the raw material being sourced, e.g. reclaimed timber, compost material or recycled plastic?</p> <p>What is the level of recyclable-content material?</p> <p>How far has it travelled e.g. local, national, or international?</p> <p>Are there environmental impacts with the item's manufacturing?</p> <p>Does it have any environmental or sustainability impacts during use?</p> <p>How will the item be disposed when it reaches the end of its life?</p>

Environment and Sustainability in Procurement Guideline 5

Market Analysis	<p>Are products containing recycled material available on the market?</p> <p>Does the market have capacity to respond?</p> <p>Can the supplier manage the risk or opportunity?</p> <p>Are there alternatives that might offer reduced environment and sustainability impacts?</p> <p>Are there emerging alternatives? Eg new technology</p> <p>Is there capacity to specify environmental and sustainability requirements as either minimum (preferable) or desirable requirements?</p>	<p>Are there available products or materials using recycled content on the local, state or national market?</p> <p>Could Council encourage innovation around new products or services containing recycled content? And/or to build a local market?</p> <p>What emerging technologies or innovative approaches are available?</p> <p>Are the procurement specifications for environmental and sustainability considerations clearly outlined?</p> <p>Request detailed information about the manufacture, use, and disposal of the good(s)/service/infrastructure?</p>
Cost analysis	<p>What are the financial impacts from these sustainable impacts?</p> <p>Will it be cost-efficient to increase recycled content in the procurement?</p> <p>How will the environment and sustainability cost aspects be assessed?</p> <p>Which tool should be used when evaluating and comparing the whole-of-life costing?</p>	<p>Is there a financially sound (within budget) solution/product/service available on the market that can be used?</p> <p>How are the environment and sustainability cost aspects being addressed?</p> <p>Have the whole-of-life cost considerations been factored in during the final decision?</p> <p>Has the supplier provided evidence of their environment and sustainability management practices?</p>

1.4 Undertake market research and engagement

Market research is undertaken to identify the available market for the goods or services being sought. This can include identifying alternative approaches for goods or services that could reduce sustainability impacts. Factors to consider include:

- eco-labelling
- sustainability certification
- membership of product stewardship schemes.
- the potential of emerging technologies
- goods that are under development to meet the procurement need and deliver improved environmental outcomes.

1.5 Engage with the market

Market engagement should be conducted and, where appropriate, in collaboration with a Procurement Specialist. Information Sessions and Supplier Briefings can identify Prospective Respondents and provide the market with a greater opportunity to identify sustainable solutions.

2 Approach the Market

Once the sustainability requirements for your procurement have been identified, the specific sustainability requirements should be incorporated into the procurement documentation. This will include outlining requirements within the Service Specification, incorporating Key Performance Indicators to measure success of the contracted sustainability deliverables, allocated portion of the evaluation criteria.

2.1 Specify sustainability requirements

The procurement documentation, should consider how to incorporate the sustainability priorities into the procurement.

The scope, scale and risk of the procurement will inform the degree to which sustainability requirements will inform the Procurement documentation. Incorporation in the documentation will include:

- **physical or descriptive requirements**, which specify characteristics of the goods or service (Eg. contain recycled content).
- **functional requirements**, which specify the proposed function for the goods or service to fulfil (Eg. specify the function of the surface of the road to be constructed).
- **performance requirements**, which define the performance standards to be met by the goods or service (Eg. percent of waste diverted from landfill, delivery of energy efficiencies and minimising GHG emissions).

Within your procurement documentation, requirements should be categorised as

- A **mandatory requirement** is a requirement that must be met (E.g. a Green Star rating).
- A **minimum requirement** sets the lowest level to be met and may be exceeded (E.g. a minimum requirement for packaging to contain at least 25 per cent).
- A **desirable requirement** sets a requirement for a goods or services provider that is wanted by Council but not compulsory (E.g. supplier having a zero net emissions plan).

Other consideration may be :

- **Rating and certification schemes** - can be used as a framework in capital work projects. These schemes have the benefit of allowing comparisons across multiple projects, verifying performance, supporting measurement of progress and helping to build capacity in government and industry.
- **Ecolabels, certifications, standards and product stewardship schemes** - useful in evaluating the environmental credentials of goods and services along with the environmental credentials of suppliers.

It is important that you are transparent about the key sustainability requirements and the evaluation criteria that will be used, to help potential suppliers develop their responses.

2.2 Key performance indicators

Contract performance management is considered as part of the procurement development stage where it is established how the performance of the contract will be managed. The identified performance measures are incorporated in the Specification or Scope as KPIs or other performance measures that are to be utilised in managing performance under the Contract.

Incorporating Sustainability specific key performance indicators allows a particular sustainability requirement to be measured and tracked throughout the duration of a contract. All KPIs should be reliable and repeatable without taking too much effort to calculate or monitor. It is important that KPIs and any measuring and monitoring expectations, roles, processes, or systems are detailed in the Contract.

2.3 Setting evaluation criteria

When developing your procurement documentation, evaluation criteria for Council's sustainability requirements are to include:

- **Qualifying** sustainability criteria may be used to set minimum standards for the procurement. These should be clearly articulated to ensure potential suppliers are aware and are treated equitably.
- **Rated** criteria are weighted to allow bids/proposals to be scored and ranked in order of merit.
- **Quantifiable** criteria are applied to prices to enable comparison between responses (Eg. energy

- consumption, carbon emissions or disposal of waste to landfill avoided).
- **Fit for purpose** criteria are used to identify and evaluate whether goods or services have limited performance, have higher repair or replacement costs, are over engineered or have unwanted functionality.

Evaluation criteria are weighted to indicate to prospective respondents the importance of the criterion to Council. Sustainability criteria weightings should be considered relative to other priorities for the procurement.

3 Evaluation and Award

3.1 Assess tender responses including value for money

The evaluation of submissions will be undertaken by the appointed evaluation panel detailed in the Probity Plan.

The Environment and Sustainability requirements outlined by Council in the Procurement documents will have been addressed by Respondents as part of their submission. This will form part of the criteria evaluated by the evaluation panel.

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached.

Council can access several tools to assist assessing whole-of-life costs of the procurement.

Two commonly used tools are the:

- Life Cycle Cost (LCC) model – which calculates the long-term costs for goods or a service, beyond the initial price for the procurement. It places a monetary value (where possible) to sustainability outcomes, such as carbon emissions, electricity, resource use, disposal or local air pollutants.
- Materials Circularity Index (MCI) - calculates how well the product is using recyclable material instead of virgin material, how much of the product can be reused or recycled, and how much waste will need to be sent landfill.

The Procurement Team, Commercial Analysis Team and Finance Branch can assist with considering the financial implications of responses, including application of the LCC and MCI models.

4 Managing the Contract

4.1 Monitor compliance and performance

The Contract, including any standards and specifications, along with KPIs and compliance measures (as identified in the procurement documents) should be reflected in the Contract Management Plan.

Council Officers responsible for administering the Contract should then monitor the supplier's performance against the contract requirements using the Contract Management Plan.

4.2 Disposal of goods

Council's Procurement Policy outlines the requirements for the disposal of Valuable Non-Current Assets (VNCA) with a value greater than \$25,000. For items with a value lower than this threshold, it is necessary to consider the method of disposing of the goods, with the least preferable option being landfill.

Consideration should be given to dispose of goods and materials in the most environmentally preferred manner. This may include:

- re-purposing by adapting and using the item for a different purpose

- recycling collection services and centres
- recycle by specialist recycler (Eg. E-waste recycler)
- product stewardship scheme where the supplier or third party guarantees the goods will be recycled, refurbished or reused. (Eg. computers, televisions and tyres)

Consideration for the disposal method should be had when planning the procurement and incorporated into the Procurement Plan.

5 Learn and Review

5.1 Improvement opportunities

The contract management process provides opportunities for Council to work with the supplier to continue to improve sustainability outcomes. It provides a mechanism to raise any concerns or suggestions and allows the supplier to share ideas for new innovations, technologies or ways to improve sustainability.

5.2 Monitor and track progress

Council Officers should consider and report on procurement of recycled content and its use during contract delivery. Examples of items which may be reported on are:

- contract values (both dollars and percentage of value) of goods with recycled content
- amount of recycled content procured
- report on goods/services/contracts that have procured recycled content to calculate percentage of goods with recycled content purchased by Council
- amount of waste diverted from landfill, specified in percentage terms

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy, Contract Manual and Contracting Plan apply to this guideline. Definitions specifically relevant to this Guideline include:

Whole of life costing means the cost of acquiring the product (including design and planning where applicable), installing or commissioning, training, operation, maintenance, and disposal of the product at the end of life. (Note: the lowest up-front cost may not be the cheapest over the life of the asset, particularly where products use power, water, fuel or other consumables, or have complexities associated with disposal, resale, recycle or disassembly.)

Circular economy means an economy that is restorative and regenerative by design, and which aims to keep products, components and materials at their highest utility and value at all times, distinguishing between technical and biological cycles.

Circular economy aims to keep resources in use for as long as possible, by extracting the maximum value from them while in use, then recover and regenerate products and materials at the end of each service life

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2022/23 Procurement Policy

2022/23 Contract Manual

2022/23 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2021-2025

Environment and Liveability Strategy 2017

Regional Economic Development Strategy 2013-2033 (REDS)

Sunshine Coast Council Community Strategy 2019-2041

Australian Standard – AS ISO 200400:2018 – sustainable procurement

Sustainable Procurement Guide – A practical guide for Commonwealth entities (Australian Government)

National Waste Policy Action Plan 2019

Integrating Sustainability into the Procurement Process – Office of the Chief Advisor – Procurement
Environment and Sustainability in Procurement Guideline 10

(Queensland Government)

Sunshine Coast Council – Setting a Science-Based Target and Emissions Scenarios



2022/23 Business and Innovation Branch Significant Contracting Plan

Section 221 of the *Local Government Regulation 2012* stipulates that a Significant Contracting Plan must be prepared prior to commencement of a contract that Council has identified as a Significant Contract. Council may, by resolution, amend a Significant Contracting Plan at any time before the end of the financial year to which the plan relates.

1. Key Information

Significant Contract Title: Caloundra Centre Activation – Library	
Group: Liveability and Natural Assets	Branch: Project Delivery
Contract Administrator: Brian Dale	Position: Project Officer
Procurement Specialist: Ben Vandenberg	
Contract/Project Description: the repurposing of the Caloundra Administration Building to accommodate a new district library, customer service centre, community meeting rooms and administration workspaces, with planning and delivery by the end of 2023-2024	
Link to Procurement Plan:	

2. Council Resolutions

Previous Council resolutions:	14 September 2017 (OM17/181) 20 June 2019 (OM19/89) 25 March 2021 (OM21/25)
This plan endorsed by Council:	

3. Background

In March 2017, Council adopted the Caloundra Centre Master Plan (Master Plan). The purpose of the Master Plan is to provide an integrated approach to the future development of the Caloundra central area, providing a stimulus to both public and private investment. The implementation of the high priority actions of the Master Plan, with a particular emphasis on planning for the Community and Creative Hub and Town Square redevelopment, are entrenched in Council's Corporate Plan (2019-2023) and Operational Plan (2018-2019). The Caloundra Centre Activation Project (CCAP) is further acknowledged within Council as a Major Project.

At the 20 June 2019 Ordinary Meeting, Council endorsed (OM19/89) key directions for advancement of the project which included endorsement of the preliminary Project Staging Plan as the preferred option for the timing of delivery of the key project components.

At the 25 March 2021 Ordinary Meeting, Council endorsed (OM21/25) commencement of detailed design for the repurposing of the Caloundra Administration building to incorporate a new District Library to serve the projected catchment population through to 2041, a Customer Service Centre, Community Meeting Space and Council administration workspaces.

The proposed design provides a new District Library of approximately 3941m², including flexible meeting rooms which can be made available after hours for use by the community. A Customer Service Centre provided on the ground floor of the building and approximately 1141 m² of Council administration workspaces provided on the third floor. Under the proposed design, the building, including Library staff located on Levels 1 and 2, can provide approximately 120 staff. With the advent of new approaches to work and more flexible workspace allocation arrangements that will apply in all Council workplaces (including the Sunshine Coast City Hall), it is considered that the staff population allocated to Caloundra centre area will be able to be accommodated within the repurposed Caloundra Administration Building.

4. Objectives

What are the objectives of this contract?

To achieve value for money for Council in the development and timely delivery of a quality refurbishment of the Caloundra Administrative Building.

How will objectives be achieved?

A two (2) stage public tender process for the construction is proposed as below:

- Stage 1 – Expression of Interest – Open tender EOI seeking to shortlist a number of suitable contractors to proceed to Stage 2.
- Stage 2 – closed tender with contractors shortlisted from Stage 1.

Design project is currently proceeding to deliver a fully documented design suitable for construction using a traditional procurement methodology based on AS2124.

How will achievement of objectives be measured?

The delivery of the project in full compliance with the agreed design, within budget and within expected timeframes.

The contract will also contain Key Performance Indicators (KPI's) to track performance against specific objectives. Performance against KPI's will be tracked by Council and outcomes discussed with the successful contractor.

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

Single Stage public tender process – To bid on a project of the size and complexity of the CAB Repurposing will be a time consuming and costly exercise for any contractor, past experience has demonstrated that if this is undertaken as a single stage open tender many contractors will be reluctant to commit resourcing in anticipation of a large number of potential submissions.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Capital Works

Which contractual arrangements should be applied to this contract, and why?

Construction (AS2124 Medium to Large Construction)

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

Risks:

- **Limited submissions (lump sum pricing)** - The industry has seen significant cost increases in recent months and contractors may be reluctant to submit fixed price costing without the provision of a rise and fall clause to cover material cost escalation.
- **Limited submissions (unavailability)** - Difficulty in attracting tender submissions from quality contractors in period of high construction throughout Queensland and Australia.
- **Limited submissions (material unavailability)** – impacts on materials demand and availability due to Covid stimulus, strong local and international demand may impact respondents' ability to source required materials and limit responses. This could lead to a delay in commencement of works.
- **Financial** - Ongoing price increases on materials and labour in the current market may cause financial stress under a lump sum contract.
- **Budget** - Uncertainty of material costs could result in higher tendered prices as contractors look to avoid risk. Potential for pricing to exceed Council's budget for this work.

<ul style="list-style-type: none"> • Program - Delays in supply chains worldwide could delay works.
Proposed mitigations for identified risks:
<ul style="list-style-type: none"> • Limited submissions (unavailability) – public tender process following market sounding and engagement process. The size and profile of the project will be attractive to many in the market. Two (2) stage tender process will reduce the initial contractor time and cost commitment in submitting a response. • Limited submissions (lump sum pricing) – negotiation process with recommended contractor to secure most advantageous outcome for Council. This process could consider pricing mechanisms to deliver advantageous outcome. • Financial - Ensure financial checks are completed as part of the procurement process. • Budget – budget has been established based on similar works recently completed by Council (SCCH). Multi year project with opportunity to review strategy should costs exceed Council's budget. • Program – a realistic program for the works will be developed. Review of procurement schedule to ensure goods and materials are ordered as soon as possible.
Undertake an assessment of operational risks relating to the contract/project. Attach details.
<ol style="list-style-type: none"> 1. Workplace Health and Safety (WHS) considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements. 2. Environmental impacts considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements. 3. Pricing variations are considered an ongoing risk which are mitigated through the development of a lump sum pricing schedule. It will be the Contractor's responsibility to confirm quantities submitted are sufficient and correct to enable the completion of the works in accordance with the Specification. When submitting their lump sum price, the Respondent is obliged to price the entire works required for successful completion of this Contract. The Pricing Schedule will be used as a guide for progress payments and to calculate any required variations throughout the administration of the Contract. Variations where the Contractor has not accurately calculated quantities will not be accepted by Council.



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1. Key Information	
Significant Contract Title: First Avenue Streetscape	
Group: Liveability and Natural Assets	Branch: Project Delivery
Contract Administrator: Jamie R Wilson	Position: Project Officer
Procurement Specialist:	
Contract/Project Description: Streetscape renewal of First Avenue, Maroochydhore to deliver: <ul style="list-style-type: none"> • Replacement of failing civil infrastructure • Prioritisation for pedestrians • Shared space for cyclists • The creation of places to dwell and meet • Opportunities for footpath dining and improved footfall to traders • A continuous street tree canopy • Improved street furniture and a feature deck with view out to Maroochy River mouth. 	
Link to Procurement Plan:	

2. Council Resolutions	
Previous Council resolutions:	Nil.
This plan endorsed by Council:	

3. Background
<p>Council is embarking on the delivery of a new capital city for the Sunshine Coast. This project site lies between the 'old' and the 'new' city centres of Maroochydhore, being between Aerodrome Rd and Cornmeal Creek Bridge, and is seen as an important streetscape connecting the new Maroochydhore City Centre, and the Entertainment precinct of Duporth & Ocean St. The design incorporates leading and innovative urban design / landscape architect / engineering outcomes for the street and complements the development of the new CBD and Aerodrome Rd / First Avenue gateway projects.</p> <p>Council is committed to ensuring the design is befitting of a model for excellence in city centre development. This project will require coordinating a multi-disciplinary landscape architecture, urban design and engineering team to undertake development of a concept design and detailed design of the First Avenue streetscape. This design will consider all outcomes from recently evolved projects including, Aerodrome Rd gateway intersection, Duporth Avenue Streetscape works, connection to Ocean Street, civic precinct (existing +170 car park) and the new Town Centre Boulevard into the Maroochydhore City Centre Priority Development Area (PDA). It will include progressing the design-based outcomes and applications associated with the subsequent phase of construction documentation in preparation for commencement of works on site. The project needs to consider urban design and place making opportunities. Place Making is fundamentally about a process of creating meaningful and activated places.</p> <p>One of Council's strategic aims is to develop an integrated, safe and functional transport system that prioritises walking, cycling and public transport, within a compact urban form, integrating land use with transport to minimise dependency on private motor vehicle use. It will be responsive to the character, lifestyle and environmental attributes of the Sunshine Coast promoting active living and improving community health and wellbeing. This project enables the 'stitching' together of the new PDA precincts, connecting with the traditional city centre, Cotton Tree Park and Cotton Tree and over time will provide</p>

for a seamless integration of the 'old' and the 'new' design proposals with recommendations and proposals to achieve the best outcomes for the community considering the following:

- Gateway entry and city making opportunities
- urban design elements,
- integrated art opportunities
- pedestrian and cyclist connectivity
- street trees and landscape,
- civil design
- vehicle movements
- smart city technology & lighting (including pedestrian and feature lighting).

4. Objectives

What are the objectives of this contract?

Appointment of a suitably competent contractor to undertake the construction works and completion of the project.

How will objectives be achieved?

Undertaking a public tender process in accordance with Council's procurement policy to procure the services of a suitable contractor who can demonstrate experience with similar projects, a strong financial position and a good understanding of the project requirements.

How will achievement of objectives be measured?

The delivery of the project in full compliance with agreed design, within budget and within expected timeframes.

The contract will also contain Key Performance Indicators (KPI's) to track performance against specific cost, time, quality and safety objectives:

- Cost – variance to approved lump sum cost
- Time – conformance to approved program for the works.
- Quality – conformance to quality requirements as defined in the project specification.
- Safety – no safety issues

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

Due to the anticipated value of this contract no alternatives to conducting a public tender are available.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Capital Works

Which contractual arrangements should be applied to this contract, and why?

Construction (AS2124 Medium to Large Construction)

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

- **Limited submissions (unavailability)** - Difficulty in attracting tender submissions from quality contractors in period of high construction throughout Queensland and Australia. This could lead to a delay in commencement of works.

<ul style="list-style-type: none"> • Limited submissions (material unavailability) – impacts on materials demand and availability due to Covid stimulus, strong local and international demand may impact respondents' ability to source required materials and limit responses. This could lead to a delay in commencement of works. • Financial - Ongoing price increases on materials and labour in the current market may cause financial stress under a lump sum contract. • Budget - Uncertainty of material costs could result in higher tendered prices as contractors look to avoid risk. Potential for pricing to exceed Council's budget for this work. • Program - Delays in supply chains worldwide could delay works.
Proposed mitigations for identified risks:
<ul style="list-style-type: none"> • Limited submissions – public tender process following market sounding and engagement process. Tender to be issued well in advance of anticipated commencement of construction works. • Limited submissions (material unavailability) – program flexibility to allow for programming of works at a time that ensures materials and resources are available. • Financial - Ensure financial checks are completed as part of the procurement process. • Program – a realistic program for the works will be developed. Early appointment of contract to allow for procurement of long lead items and supply chain management.
Undertake an assessment of operational risks relating to the contract/project. Attach details.
<ol style="list-style-type: none"> 1. Pricing variations are considered an ongoing risk which is mitigated through the development of a comprehensive specification for the works and the use of lump sum pricing. 2. Workplace health and safety is considered an ongoing risk which is mitigated by assessing the WH & S credentials of respondents prior to engagement, and through legislative requirements which the contractor will be required to adhere to.



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1. Key Information

Significant Contract Title: Road Surfacing, Rehabilitation and Construction Asphalt Program	
Group: Built Infrastructure	Branch: Civil Asset Management – Contract Delivery
Contract Administrator: Kevin Carr	Position:
Procurement Specialist: Rachael Lock	
Contract/Project Description: Reseal, rehabilitation and construction of asphalt overlay to road infrastructure, as part of Council's road maintenance and construction programs.	
Link to Procurement Plan:	

2. Council Resolutions

Previous Council resolutions:	Nil
This plan endorsed by Council:	

3. Background

Council's current contract ITT1868 for Road Surfacing, Rehabilitation and Construction Asphalt Program, which has been in place since 1 September 2019, requires renewal due to expiry on 31 August 2022.

It is anticipated works will commence September 2022, with all works completed by the end of June for each year of the Contract.

The proposed contract comprises the following separable portions:

A. Road Reseal, Full Depth Asphalt Rehabilitation and Construction Asphalt Program:

1. Cart and Lay of Asphalt;
2. Supply, Cart and Lay of Asphalt;
3. Profiling; and
4. Supply, Cart and Lay associated bitumen sealing works.

B. Mill and Fill Pavement Repairs:

1. Profile, Cart and Lay (material supplied by Council from the Image Flat Quarry);
2. Profile, Supply, Cart and Lay; and
3. Preparation, tack coat and disposal of profiled and surplus material.

C. Bitumen Sealing Works:

1. Bitumen spray sealing of existing surfaces;
2. Bitumen spray sealing of new pavements; and
3. Resealing and new construction works.

D. Access Chamber, Valve and Hydrant Raising:

1. Provision of access chamber, valve, and hydrant (service assess points) raising works across the Sunshine Coast Region;
2. Access chamber, valve and hydrant raising works are ordered as required; and
3. Require approximately 100 to 200 service access points raised each year in conjunction with the schedule.

E. Supply Only of Asphalt and Bitumen Ex Bin:

1. Supply of Asphalt and Bitumen Ex Bin.

4. Objectives

What are the objectives of this contract?

Reseal, rehabilitation and construction of sections of road, as part of Council's road maintenance and construction programs.

One of Council's core responsibilities is the maintenance of the sealed road network across the Sunshine Coast Region. Roads for resealing, rehabilitation, and works, are selected annually using an asset maintenance management system. This system determines the sections of roads and associated works within the network that will need to be maintained or upgraded, to achieve or extend the working life of the asset, or to provide an increased level of service.

This contract will enable Council to engage specialist external contract resources for the provision of the services.

Key objectives are to deliver the maintenance and Capital Program of Works:

- With zero safety incidents
- In accordance with technical specifications
- With zero negative environmental impacts
- On time
- On budget

How will objectives be achieved?

Conducting a public tender to obtain competitive pricing and suitably qualified Contractors to undertake the program of works.

Civil Asset Management (CAM) – Business Development are responsible for the delivery of the maintenance programme of works and have established appropriate project and contract management functions to ensure objectives are achieved.

How will achievement of objectives be measured?

Pre-determined weighted Probity Plan which takes into consideration:

- (a) Price
- (b) Capability and Experience
- (c) Methodology
- (d) Contribution to Local Economy
- (e) Social Benefit and Indigenous Engagement

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

1. Alternative is to take each separable portion to the market and award separate contracts.
Having one overarching contract with separable portions enables procurement evaluation and contract management efficiencies.
2. Consideration has been given to Council undertaking all works utilising internal resources.
This option is not the best cost to serve as significant investment in equipment, labour and specialised training would need to be expended.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Capital Works

Which contractual arrangements should be applied to this contract, and why?

Construction (AS2124 Medium to Large Construction)

Whilst AS2124 has historically being used to manage this contract. The development of a bespoke conditions of contract is being investigated, which will enhance Council's contractual control.

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

There is a competitive market for this service. For the previous tender eight (8) submissions were received.

The following key risks have been identified:

1. Council's business model requires the use of the Image Flat Quarry for the provision of the material. Key driver of the Contractors is to secure the provision of product rather than service provision.
2. Asphalt plant breakdown – Currently 90% of asphalt is supplied from the Council quarry at Image Flat.
3. Awarded Contractor(s) do not have the capacity or resources to deliver the program of works.

Proposed mitigations for identified risks:

1. Establish a contract with Contractors that meet Council's business model, utilising the quarry products.
2. Ex Bin supply separable portion established in the Contract to supply asphalt for night works, and in the event of quarry plant breakdown.
3. Evaluate and engage Contractors with suitable business management systems, processes, and resources to ensure delivery of the program of works.
4. Establish appropriate contract management functions to ensure objectives are achieved.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. Key Performance Indicators (KPIs) will be developed and included within the tender document package. Council's Contract Management team will be responsible for reviewing and enforcing the KPI's.
2. Workplace Health and Safety (WHS) considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements.
3. Environmental impacts considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements.



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1. Key Information

Significant Contract Title: Stringybark Road Footbridge Pathway	
Group: Liveability and Natural Assets	Branch: Project Delivery
Contract Administrator: Neil Larsen	Position: Project Officer
Procurement Specialist:	
Contract/Project Description: Construction of a new pedestrian and cyclist bridge on the west side of the existing Stringybark Road bridge crossing the Sunshine Motorway.	
Link to Procurement Plan:	

2. Council Resolutions

Previous Council resolutions:	
This plan endorsed by Council:	

3. Background

The existing 1.5m pathway on eastern bridge deck of the Stringybark Road bridge is below standard with pedestrians and cyclists at risk of collision and injury. The existing shared pathway has been subject to numerous complaints and representations to the Divisional Councillor.

The existing facility will become increasingly inadequate for the growing demand being generated by the Sippy Downs Major Activity Centre and the University.

4. Objectives

What are the objectives of this contract?
The objective is to engage a suitable principal contractor to construct for a lump sum price and in a timely manner a shared pathway bridge on Stringybark Road, Sippy Downs over the Sunshine Motorway. Works will also include approach works and reconfiguration of the existing road bridge. Construction is to be undertaken in accordance with all drawings, specifications, safety, other legislative and Qld Transport and Main Roads requirements.
How will objectives be achieved?
<ul style="list-style-type: none"> • Undertaking public tender process in accordance with council's procurement policy to procure the services of a suitable contractor who can demonstrate experience with similar projects and a good understanding of the project requirements. • Ensuring the contractor has a minimum Contractor National Prequalification System for Civil (Road and Bridge) Construction (QTMR) Status of: <ul style="list-style-type: none"> ○ B2 for Road Works ○ B3 for Bridges ○ F10 for Financial • Ensuring the that the contractor possesses all required licences and insurances.

<ul style="list-style-type: none"> Ensuring that the contractor's nominated sub-contractors are equally competent in their respective trade.
How will achievement of objectives be measured?
<p>The delivery of the project in full compliance with agreed design, within budget and within expected timeframes.</p> <p>The contract will also contain Key Performance Indicators (KPI's) to track performance against specific objectives:</p> <ul style="list-style-type: none"> Quality – measurement of the number of non-conformances as identified but the Superintendent and/or the Certifying Engineer. Timeliness – measurement of progress against the approved program of works Safety – measuring the number of avoidable safety issues during construction Price – pro-actively avoiding variations and ensuring the validity of any claimed variations
What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.
<p>Alternative options are:</p> <ul style="list-style-type: none"> Council could complete the works internally using day labour – Council may not have all the necessary resources to construct the project and would likely rely on sub-contractors. Council would carry all the risk of construction and would be Principal Contractor under WH&S legislation. Council could engage a Principal Contractor under a schedule of rates contract - This may attract more competitive tenders but would expose Council to an uncertain final cost.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Capital Works

Which contractual arrangements should be applied to this contract, and why?

Construction (AS2124 Medium to Large Construction)

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

- Limited submissions (unavailability)** - Difficulty in attracting tender submissions from quality contractors in period of high construction throughout Queensland and Australia. This could lead to a delay in commencement of works.
- Limited submissions (material unavailability)** – impacts on materials demand and availability due to Covid stimulus, strong local and international demand may impact respondents' ability to source required materials and limit responses. This could lead to a delay in commencement of works.
- Financial** - Ongoing price increases on materials and labour in the current market may cause financial stress under a lump sum contract.
- Budget** - Uncertainty of material costs could result in higher tendered prices as contractors look to avoid risk. Potential for pricing to exceed Council's budget for this work.
- Program** - Delays in supply chains worldwide could delay works.

Proposed mitigations for identified risks:

- Limited submissions (unavailability)** – public tender process following market sounding and engagement process.
- Financial** - Ensure financial checks are completed as part of the procurement process.
- Financial** - Reduce time between tendering and construction to minimise potential for cost increases prior to commencement.

- **Program** – a realistic program for the works will be developed. Review of procurement schedule to ensure goods and materials are ordered as soon as possible.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. Pricing variations are considered an ongoing risk which is mitigated through the development of a comprehensive specification for the works and the use of lump sum pricing.
2. Workplace health and safety is considered an ongoing risk which is mitigated by assessing the WH & S credentials of respondents prior to engagement, and through legislative requirements which the contractor will be required to adhere to.

Operational risks for the project will be managed by use of the following resources:

- The contract will be managed by Project Delivery which has multiple resources available should the appointed Project Officer become unavailable.
- In accordance with A2124 an independent Superintendent will be engaged to administer the contract.
- Council will engage a RPEQ Structural Engineer to inspect hold points and certify that the contractor has constructed the works in accordance with the relevant plans and specifications.



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1. Key Information

Significant Contract Title: Organic Waste Processing Service	
Group: Liveability and Natural Assets	Branch: Waste & Resources Management
Contract Administrator: Alex Patissier	Position: Coordinator Waste Diversion and Disposal
Procurement Specialist: Ben Vandenberg	
Contract/Project Description: Contract for Design, Construct, Operate and Maintain a Food Organic Garden Organic (FOGO) processing facility to receive organic waste from the Sunshine Coast Council region. Council will offer a lease over land to be used as a site for the organic waste processing facility. The proposed Council site is within the Nambour Waste and Resource Management precinct. The respondents may also propose to establish a facility on their own site. Where the facility is developed on Council land the contractual arrangement will be a build-own-operate-transfer (BOOT) scheme with ownership of the facility reverting to Council at the completion of the contract term.	
Link to Procurement Plan –	

2. Council Resolutions

Previous Council resolutions:	
This plan endorsed by Council:	

3. Background

The Sunshine Coast Waste Strategy 2015-2025 includes actions to improve waste diversion from landfill by transitioning towards a circular economy approach to managing the regions waste. The strategy is in alignment with Strategic Priorities itemised in the Queensland Waste Management and Resource Recovery Strategy and strategy outcomes include reaching the State Government target of diverting 65% of waste from landfill by 2025.

On 1 July 2019 the Queensland Government introduced a waste levy that applies a levy to each tonne of waste disposed to landfill. At present, the levy rate is \$90.00 per tonne and is subject to future increases. An advance payment by the State Government to local governments currently offsets the waste levy liability for households, however the advance payment is to be progressively reduced as of 1 July 2023. The advance payment will be reduced annually and from July 2030 the payment will remain at 20% of the levy liability.

Council has committed to being a zero-net emissions organisation by 2041. A key priority for Sunshine Coast Council is to avoid and reduce greenhouse gas (GHG) emissions across the organisation. Waste being disposed to landfill is the most significant source of Council's GHG emissions footprint.

Approximately 120,000 tonnes of Sunshine Coast kerbside collected waste is disposed to landfill each year. Studies show that over 50 per cent of waste from Council's general waste bins is organic material that could be diverted from landfill and processed to produce compost and other by-products. Better management of kerbside waste is therefore considered a priority focus for action to achieve improved landfill diversion and progress towards being a zero-net emissions organisation.

Between November 2020 and March 2021 Council conducted a series of workshops and an on-line survey as part of a community engagement program. The Our Future Waste program sought to understanding community values, concerns and ideas for future waste and resource recovery services in the region. The program had a focus on organic wastes and

the findings provided a high level of support and interest from the community to adopt services to collect and process Food Organic and Garden Organic (FOGO) waste.

The Council's next generation waste collection contract to commence in July 2022 includes the option for Council to introduce FOGO collection services by July 2025.

To enable FOGO collection services to be introduced for the community, a processing facility is required to receive and process the FOGO material. The proposed facility will include an enclosed and odour-controlled waste receipt area, enclosed vessels or tunnels and maturation areas. The facility will process an estimated 50,000 tonne per year of FOGO.

4. Objectives

What are the objectives of this contract?

Council's objectives and aim for these contracts are to:

- Divert organic waste from landfill and reduce GHG emissions;
- maximise and preserve the resource integrity and value of recoverable organic material within the waste streams;
- implement technology that processes organic waste to avoid impacts to the environment and to produce high value products as outputs;
- maximise value to Council and ratepayers by offering a service and engaging a contractor that delivers value for money;
- fulfil Council's waste strategy objectives relating to the provision of waste and resource recovery services;
- support a circular economy in which products and materials are utilised at their highest value for as long as possible; and
- support Council intentions of being a zero-net emissions organisation by 2041.

How will objectives be achieved?

Contract will be outcomes focussed with the contractor required to manage contamination, avoid external impacts (eg environment) and ensure products meet nominated standards. The tender will call for reputable and capable Contractors with proven capability and experience in providing similar services. The organic waste processing service will require a significantly large investment by the contractor to provide fit for purpose facilities and equipment.

Tailored specification and terms and conditions have been developed for this contract.

Long term contract to provide surety and Return on Investment to Contractor, and continued and consistent service for ratepayers.

How will achievement of objectives be measured?

Achievement of contract specific Key Performance Indicators;

Continued monitoring of contractor performance by Council's Waste and Resource Management Branch.

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

Market research has determined there is no existing capacity in the South East Queensland region for a facility to receive and process Sunshine Coast generated FOGO materials. FOGO Processing facilities are being developed at Ipswich and Bundaberg, however the logistics to handle and transport the materials in the long term is considered cost prohibitive. The South East Queensland Plan developed through COMSeq also supports the development of local organics processing facilities. An Expression of Interest Conducted by Council in 2019 identified that the volumes of organic waste available in the Sunshine Coast Council region can support the establishment of a local processing capability.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Operational Works and Services

Which contractual arrangements should be considered for this project, and why?

Bespoke service contract

Due to the nature, risk, cost and service expectation, a specific contract for the delivery of the service needs to be developed.

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

Risk that the lack of pre-qualified or interested contractors results in smaller than expected number of tenders.

Developing and maintaining reliable long-term markets for sale of compost products is essential to support a successful FOGO processing operation.

The Build Own Operate Transfer (BOOT) model of procurement/ownership can result in higher gate fee to Council as a third party has financed the facility. Conversely there is no upfront finance requirement for Council.

Proposed mitigations for identified risks:

Increasing interest from all levels of government to establish FOGO services is driving the expansion of these types of facilities in Queensland. A mature organic waste processing industry exists in other states and this provides a core of experienced companies looking for expansion into Queensland.

Tender process will seek responses from companies with experience in developing markets for compost products.

Tenderers will be able to submit alternative offers including different procurement/ownership models.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. Variations due to inadequate understanding of the site. Council will complete extensive geotechnical and environmental assessments of the site.
2. Facility cannot meet increasing demand due to continued growth of the region. Specification is based on forecast demand and evaluation process will identify companies with demonstrated experience in achieving requirements. Long term contract will encourage continued investment in the facility. Contract conditions will support ability to ensure demand is met by the facility.



2022/23 Business and Innovation Branch Significant Contracting Plan

Section 221 of the *Local Government Regulation 2012* stipulates that a Significant Contracting Plan must be prepared prior to commencement of a contract that Council has identified as a Significant Contract. Council may, by resolution, amend a Significant Contracting Plan at any time before the end of the financial year to which the plan relates.

1. Key Information

Significant Contract Title: Street Sweeping Services

Group: Built Infrastructure

Branch: Parks and Gardens

Contract Administrator: Stephan Georg

Position: Contracts Officer

Procurement Specialist:

Contract/Project Description: Street Sweeping Services

Link to Procurement Plan:

2. Council Resolutions

Previous Council resolutions:

Nil

This plan endorsed by Council:

3. Background

Council's current contract ITT1784 for Street Sweeping Services, which has been in place since 14 March 2019, requires renewal due to contract expiry on 30 June 2023.

The contract covers street sweeping of Council's road network, precincts, car parks, footpaths and hard assets and infrastructure across the Sunshine Coast Council Local Government Area.

The performance of the cyclic street sweeping is a core service that Council provides to the community.

4. Objectives

What are the objectives of this contract?

Sweep streets as per services levels to ensure kerb and road assets meet amenity, environmental and safety standards.

How will objectives be achieved?

Cycled services as set by service levels (cycles) and asset requirements.

How will achievement of objectives be measured?

1. Through visual audits recorded via mobile application to conduct audits.

2. Review of GPS data to verify completion of the scope of works.

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

Council may choose to purchase the plant to provide these services internally. Currently this is not a preferred method due to the large capital outlay for a street sweeping fleet and the ongoing labour and maintenance costs. Taking on this capital investment presents a risk to Council which is exacerbated due to the current supply chain risks and the lack of Council 'knowledge' associated with maintaining this type of plant.

Future innovation may provide alternatives such as robotic or autonomous vehicles to perform such services.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Operational Works and Services

Which contractual arrangements should be applied to this contract, and why?

Goods and Services

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

There are several reputable service providers nationally that could provide this service. For the previous tender three (3) competitive submissions were received. The incumbent contractor has established a local presence and depot.

Procurement Risks identified:

1. Service levels are restricted due to budget. Service requirements can fluctuate seasonally through dry periods and extreme weather events. This can directly impact the actual spend compared with budget.
2. The accuracy of data and asset information vs actual streets / road swept.
3. Resourcing and capability to mobilise. Given the recent challenges in regard to supply chain issues and labour demands there is a risk that new contractors may experience difficulties in mobilising for contract commencement particularly with plant and personnel. This may present service delivery issues on our road network.

Proposed mitigations for identified risks:

1. The service level framework is based on road and street hierarchy and profile. This schedule of rates contract provides flexibility and allows for service level adjustments to meet community expectations, available budget, environmental and safety requirements. In addition, ad hoc services can be provided to meet unforeseen events or requirements, or, alternatively, service levels can be reduced due to budget limitations or where services are not required.
2. Assets and service levels have been previously mapped via GIS to enable projections of spend. The GIS data is updated as required and service levels are reviewed based on customer information and service level condition reporting.
3. Ensure reference checks are completed and the tender evaluation takes special consideration in relation to Experience and Capability. Adequate time needs to be provided to allow the contractor to mobilise and acquire the appropriate resources.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. Low base service levels for residential areas, which are assessed following customer requests. Ad hoc services can be provided based on requirements. Typically, residential services are performed during the week within normal working hours.
2. Fleet and plant replacement methodology, modernisation, maintenance and breakdowns can directly impact service delivery outcomes. The tender outcome will consider as part of the recommendation for award.
3. Personnel shortages and insufficient suitably skilled Street Sweeping operators can directly impact service delivery outcomes. The tender outcome will consider as part of the recommendation for award.



2022/23 Business and Innovation Branch Significant Contracting Plan

Section 221 of the *Local Government Regulation 2012* stipulates that a Significant Contracting Plan must be prepared prior to commencement of a contract that Council has identified as a Significant Contract. Council may, by resolution, amend a Significant Contracting Plan at any time before the end of the financial year to which the plan relates.

1. Key Information	
Significant Contract Title: Tree Maintenance Services	
Group: Built Infrastructure	Branch: Parks and Gardens
Contract Administrator: Kristi Howe	Position: Coordinator Parks Operations & Arboriculture
Procurement Specialist:	
Contract/Project Description: Tree Maintenance Services	
Link to Procurement Plan:	

2. Council Resolutions	
Previous Council resolutions:	Nil
This plan endorsed by Council:	

3. Background
Council's current contract ITT1785 for Tree Maintenance Services, which has been in place since 1 March 2019, requires renewal due to contract expiry 30 June 2023.
The contract is for the services of qualified arborists to provide tree maintenance services across the Sunshine Coast Local Government Area.

4. Objectives
What are the objectives of this contract?
To provide tree maintenance and tree removal services, whilst also mitigating risk to the community and providing first response during disasters and storm events.
How will objectives be achieved?
Council officers undertake Visual Tree Assessments (VTA) to assess the risks and determine the maintenance works to be conducted. Works are then allocated to the contractor to be performed.
How will achievement of objectives be measured?
Through visual inspection audits of the works that have been completed by the contractor and reviewing contractor completion schedules.
What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.
Council may choose to expand the internal tree maintenance service teams.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Operational Works and Services

Which contractual arrangements should be applied to this contract, and why?

Goods and Services

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

There are many known service providers locally and across South East Queensland which have provided competitive submissions for previous tenders. The previous tender process, undertaken in 2018 received 20 submissions.

Risks:

1. Service levels and response times to customer requests are restricted due to budget. Service requirements can fluctuate seasonally through dry periods and disasters / extreme weather events. This can direct impact actual spend compared with budget.
2. Contract structure and ability to balance the needs of various stakeholders within the organisation.

Proposed mitigations for identified risks:

1. Schedule of rates contract structure provides flexibility and allows adjustments to be made in order to meet community expectations, budget, environmental and safety requirements. The proposed contract structure will enable the ability to respond to unforeseen events or disasters and will also enable a reduction in services due to budget limitations or risk assessment.
2. Stakeholder meetings to understand the tree maintenance needs of the organisation.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. It was identified during previous contracts that incumbent contractors can experience difficulties in meeting the demand during peak periods. The current contract is structured to provide a panel of approved contractors to supplement the service contractors during periods of peak demand. The proposed structure for the new contract will adopt a similar structure to the current contract and look to expand this to ensure business continuity.
2. Workplace health and safety is considered to be an ongoing risk which is mitigated through legislative requirements which the contractor is required to adhere to. Council Officers conduct regular contractor audits and the contractor is required to attend Contract Performance meetings.



2022/23 Business and Innovation Branch Significant Contracting Plan

Section 221 of the *Local Government Regulation 2012* stipulates that a Significant Contracting Plan must be prepared prior to commencement of a contract that Council has identified as a Significant Contract. Council may, by resolution, amend a Significant Contracting Plan at any time before the end of the financial year to which the plan relates.

1. Key Information	
Significant Contract Title: Resource Recovery Centre Operations	
Group: Liveability and Natural Assets	Branch: Waste and Resources Management
Contract Administrator: Alex Pattissier	Position: Coordinator Diversion & Disposal
Procurement Specialist:	
Contract/Project Description: Provision of site operations and management services of Council's waste facilities, offered in two separable portions: (A) major sites - Buderim and Caloundra Resource Recovery Centres; and (B) minor sites - Beerwah, Witta, Mapleton, Kenilworth and Yandina Resource Recovery Centres /Transfer Stations; The contract will deliver a range of operations services at Council's sites, including customer service, handling of waste, management of the primary sort, waste transfer station, bulk stockpiles, and the recycling markets. The scope includes the supply of labour, plant, and equipment. This proposed contract will continue the current service delivery model of operations by specialist waste management providers.	
Link to Procurement Plan:	

2. Council Resolutions	
Previous Council resolutions:	
This plan endorsed by Council:	

3. Background
Council's current contract ITT1822 Resource Recovery Centre Operations, which has been in place since July 2019 requires renewal due to contract expiry on 31 October 2023. A new tender must be prepared, and contract awarded, to provide continuity of waste facility operations and resource recovery opportunities for the community.

4. Objectives
What are the objectives of this contract?
A specialist waste management contractor engaged to operate, on Council's behalf, waste facilities at Buderim, Caloundra, Beerwah, Witta, Mapleton, Kenilworth, and Yandina - providing a high standard of customer service, waste handling, and related resource recovery operations.
How will objectives be achieved?
Well-documented scope in the services specification providing clarity to the roles and standard/s. Specialist legal services in the drafting of the tender and contract documents to achieve Council's objectives and address risks. Council's supervision and contract management / administration across the term of the contract.

How will achievement of objectives be measured?
Monitoring of the supply of scope and standard of service delivery through Council's supervision and contract management / administration, including monitoring of key performance indicators.
What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.
Internal delivery of resource recovery operations by Council staff is an alternate pathway for service delivery. However, continuing with the current business model of outsourcing services to specialist providers is preferred.

5. Proposed category and contractual arrangements

Which category does this contract fall within?
Operational Works and Services
Which contractual arrangements should be applied to this contract, and why?
Bespoke service contract. Due to the nature, risk, cost and service expectation a specific contract for the delivery of the service needs to be developed.

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.
<p><u>Risks:</u></p> <ul style="list-style-type: none"> Limited submissions - Low (or no) market interest to tender for the services. The previous contract, ITT142A, received limited submissions. Mobilisation - Insufficient time between contract award and commencement for successful continuity of service (especially for supply of resources – labour, plant and equipment). Inadequate specification and contract conditions – current specification for the services was prepared in 2019 and does not reflect the service currently required and conform to current standards.
Proposed mitigations for identified risks:
<ul style="list-style-type: none"> Limited submissions – public tender process following market sounding and engagement. Mobilisation – Procurement program has been developed and contract award targeted for April 2023. This will give the successful contractor six months to mobilise ahead of service commencement on 1 November 2023. Inadequate specification and contract conditions – current specification and contract conditions will undergo and extensive review, with external legal assistance, to ensure they are appropriate.
Undertake an assessment of operational risks relating to the contract/project. Attach details.
<ol style="list-style-type: none"> Workplace Health and Safety (WHS) considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements. Contractor personnel are required to operate machinery, handle heavy items and also manage traffic and public within the work area. Interaction with other contractors performing related works for Council creates risks associated with the movement and operation of plant and equipment on site. Environmental impacts considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements. Continued growth of the region, increasing the service requirements of Council and the contractor. Service specification and contract conditions will need to support and enable service changes during the term of the contract.



2022/23 Business and Innovation Branch Significant Contracting Plan

Section 221 of the *Local Government Regulation 2012* stipulates that a Significant Contracting Plan must be prepared prior to commencement of a contract that Council has identified as a Significant Contract. Council may, by resolution, amend a Significant Contracting Plan at any time before the end of the financial year to which the plan relates.

1. Key Information

Significant Contract Title: Landfill Operations	
Group: Liveability and Natural Assets	Branch: Waste and Resources Management
Contract Administrator: Alex Patissier	Position: Coordinator Diversion & Disposal
Procurement Specialist:	
Contract/Project Description:	
Provision of waste disposal and related site operations and management services of Council's Nambour and Caloundra Landfills.	
The contract will deliver a range of operations services of the landfills including customer services, handling and burial of waste, environmental management, and site maintenance. The scope includes the supply of labour, plant, and equipment.	
This proposed contract will continue the current service delivery model of operations by specialist waste management providers.	
Link to Procurement Plan:	

2. Council Resolutions

Previous Council resolutions:	
This plan endorsed by Council:	

3. Background

Council's current contract ITT142A Landfill Operations, which has been in place since 7 July 2015, requires renewal due to expiry 6 July 2023. A new tender must be prepared, and contract awarded, to provide continuity of waste disposal services and landfill operations for the community.

4. Objectives

What are the objectives of this contract?
A specialist waste management contractor engaged to operate Nambour and Caloundra Landfills on Council's behalf - providing a high standard of customer service, waste handling and burial, and related site management services.
How will objectives be achieved?
Well-documented scope in the services specification providing clarity to the roles and standard/s.
Specialist legal services in the drafting of the tender and contract documents to achieve Council's objectives and address risks.
Council's supervision and contract management/administration across the term of the contract.
How will achievement of objectives be measured?

Monitoring of the supply of scope and standard of service delivery through Council's supervision and contract management/administration, including monitoring of key performance indicators.

What are the alternative ways of achieving the objectives? Include reasons for not adopting alternative ways.

Internal delivery of resource recovery operations by Council staff is an alternate pathway for service delivery. However, continuing with the current business model of outsourcing services to specialist providers is preferred.

5. Proposed category and contractual arrangements

Which category does this contract fall within?

Operational Works and Services

Which contractual arrangements should be applied to this contract, and why?

Bespoke service contract. Due to the nature, risk, cost and service expectation a specific contract for the delivery of the service needs to be developed.

6. Market and Risk Assessment

Provide an assessment of the market in which the contract is to happen, including an assessment of any procurement risks. Refer to the Risk Assessment Calculator in the Procurement Plan.

Risks:

- **Limited submissions** - Low (or no) market interest to tender for the services. The previous contract, ITT142A, received limited submissions.
- **Mobilisation** - Insufficient time between contract award and commencement for successful continuity of service (especially for supply of resources – labour, plant and equipment).
- **Inadequate specification and contract conditions** – current specification for the services was prepared in 2014 and does not reflect the service currently required and conform to current standards.





Proposed mitigations for identified risks:

- **Limited submissions** – public tender process following market sounding and engagement.
- **Mobilisation** – Procurement program has been developed and contract award targeted for October 2022. This will give the successful contractor nine months to mobilise ahead of service commencement on 7 July 2023.
- **Inadequate specification and contract conditions** – current specification and contract conditions will undergo and extensive review, with external legal assistance, to ensure they are appropriate.

Undertake an assessment of operational risks relating to the contract/project. Attach details.

1. Workplace Health and Safety (WHS) considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements. Contractor personnel are required to operate machinery, handle heavy items and also manage traffic and public within the work area. Interaction with other contractors performing related works for Council creates risks associated with the movement and operation of plant and equipment on site.
2. Environmental impacts considered an ongoing risk which will be managed and mitigated through mandatory legislative requirements.
3. Continued growth of the region, increasing the service requirements of Council and the contractor. Service specification and contract conditions will need to support and enable service changes during the term of the contract.

8.2 APPLICATION OF NATIONAL COMPETITION POLICY 2022/2023

File No:	Council meetings
Author:	Coordinator Commercial Analysis Business Performance Group
Appendices:	App A - Justification for not applying the Code of Competitive Conduct to certain prescribed business activities 139 ↓ 
Attachments:	Att 1 - Legislative requirements 2022-2023 145 ↓ 
	Att 2 - Business Activity Identification 151 ↓ 
	Att 3 - Full Cost Pricing FY2021 155 ↓ 

PURPOSE

The purpose of this report is to make recommendations for the application of National Competition Policy reforms for the 2022/2023 financial year.

EXECUTIVE SUMMARY

The key recommendations for the 2022/2023 financial year resulting from the annual review of the application of National Competition Policy reforms to Council's business activities are outlined in this report.

The recommended business activity structure for 2022/2023 is as follows:

- Apply Full Cost Pricing to the Waste & Resources Management significant business activity
- Apply the Code of Competitive Conduct to Sunshine Coast Holiday Parks and Quarries business activities.
- Do not apply the Code of Competitive Conduct to eleven business activities. Justification for not applying the Code to these activities is detailed in **Appendix A**.

The current statutory requirements and key differences between Full Cost Pricing, Commercialisation and the Code of Competitive Conduct are outlined in **Attachment 1**.

The annual review and identification of business activities is detailed in **Attachment 2**.

Business activity full cost pricing performance for 2020/2021 is shown in **Attachment 3**.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Application of National Competition Policy 2022/2023"**
- apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2022/2023 financial year in accordance with section 44(1)(b) of the *Local Government Act 2009***
- apply the Code of Competitive Conduct to the following business activities, for the 2022/2023 financial year, in accordance with section 47 of the *Local Government Act 2009*:**
 - Sunshine Coast Holiday Parks; and**
 - Quarries**

- (d) not apply the Code of Competitive Conduct to the following, in accordance with section 47 of the *Local Government Act 2009* for the reasons referred to in Appendix A, Justification for not applying the Code of Competitive Conduct to certain prescribed business activities:
- (i) Aquatic Centres
 - (ii) Caloundra Indoor Stadium
 - (iii) Caloundra Regional Gallery
 - (iv) Cemeteries
 - (v) Festivals
 - (vi) Multisport and Showgrounds
 - (vii) Off-street Parking
 - (viii) Retail Electricity Strategy and Sunshine Coast Solar Farm
 - (ix) Sunshine Coast International Broadband Cable Network
 - (x) Sunshine Coast Stadium and Kawana Sports Precinct
 - (xi) Venue 114 and Community Spaces.

FINANCE AND RESOURCING

The financial implications of applying the National Competition Policy reforms primarily relate to competitive neutrality and cost reflective pricing for Council's business activities. They include:

- The application competitive neutrality principle;
- The pricing provisions;
- The cost of performing community service obligations, less any revenue received from carrying out those obligations, must be treated as revenue for the business activity when deciding what to charge for goods or services provided;
- The competitive neutrality complaints process; and
- Budget, annual report and financial statement disclosures.

Management of the National Competition Policy reforms can be managed within current resource allocations.

CORPORATE PLAN

Corporate Plan Goal: *Our outstanding organisation*

Outcome: 5.1 - Maintain a financially sustainable organisation that balances the needs of our growing region.

Operational Activity: Nil

CONSULTATION

Councillor Consultation

Consultation has been undertaken with Councillor E Hungerford and Councillor J Natoli as Portfolio Councillors.

Internal Consultation

- Executive Leadership Team
- Chief Financial Officer

- Coordinator Cemeteries
- Coordinator Financial Accounting
- Coordinator Financial Services
- Coordinator Financial Operations
- Coordinator Corporate Planning & Performance
- Coordinator Sports Venues & Development
- Coordinator Sunshine Coast Holiday Parks
- Coordinator Business Operations
- Team Leader Multi Sports Complexes & Aquatics
- Head of Economic Development
- Head of Property
- Manager Arts Heritage & Libraries
- Manager Asset Management
- Manager Business and Innovation
- Manager Civil Asset Management
- Manager Corporate Governance
- Manager Customer Response
- Manager Development Services
- Manager Environmental Operations
- Manager Parks & Gardens
- Manager Sport & Community Venues
- Manager Transport Infrastructure Management
- Manager Waste and Resources Management
- Parking and Transport Manager
- Quarry Manager.

Managers and coordinators were consulted on the application of National Competition Policy reforms to the activities in their branches. Input into justification for not applying the Code of Competitive Conduct to activities was a key area of consultation. The results of the consultation have been included in this report.

External Consultation

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

Community Engagement

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

PROPOSAL

In the mid to late 1990s, a suite of market and economic reforms were introduced to stimulate growth and job creation in Australia. For local governments in Queensland these reforms revolved around the following:

1. The extension of the trade practices laws prohibiting anti-competitive activities to all businesses including local government businesses

2. The introduction of competitive neutrality so that private businesses could compete on an equal footing with those owned by local government
3. The review and reform of all laws that restrict competition
4. Specific reform and price monitoring of the water industry.

National Competition Policy reforms are applied to various identified 'business activities' of the Council.

Council must consider and resolve the application of National Competition Policy on an annual basis to comply with the *Local Government Act 2009*.

Under the **competitive neutrality principle**, an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is a public sector entity.

The underlying assumption is that competition is generally desirable, unless it can be demonstrated, on a case-by-case basis, that it will not deliver socially beneficial outcomes. If Council undertakes a new significant business activity in a key market it must undertake a public benefit assessment to determine the costs and benefits of applying competition reforms. This assessment also determines the most effective way to achieve benefits from competitive neutrality.

Council is also required to use its discretion in deciding whether to apply the **Code of Competitive Conduct** to smaller, **prescribed business activities** that are not "significant" business activities. Should Council decide to *not* apply the Code of Competitive Conduct, then it is required to provide detail of the reasons for not doing so. This may include an assessment of the costs and benefits of applying competition reforms.

Additionally, under the *Local Government Act 2009* specific National Competition Policy disclosures of business activities are required in the Budget documents, Annual Report and Financial Statements.

Attachment 1 outlines the legislative requirements and the key differences between Full Cost Pricing, Commercialisation, and the Code of Competitive Conduct.

Attachment 2 sets out the process for annual business activity identification and threshold analysis of Council's business activities.

Attachment 3 shows business activity full cost pricing performance based on 2020/2021 audited actual results.

Classification of Council's Business Activities

Business activities are classified against expenditure thresholds each financial year. For significant business activities, expenditure for this purpose is the operating expenditure less depreciation and any expenditure to achieve competitive neutrality which is not actually incurred plus loan redemption payments. For prescribed business activities, expenditure is the operating costs, administration and overhead costs, cost of resources and depreciation.

The 2022/2023 thresholds are as follows:

- Significant business activities have expenditure over the \$9.7 million threshold
- Prescribed business activities have expenditure over the \$340,000 threshold.

The classification of Council's business activities are listed in the Table 1 below for 2021/2022 and 2022/2023.

A public benefit assessment is required when business activities move classification from a business activity to a Significant Business Activity. A public benefit assessment determines which reform option will achieve the greatest net community benefit.

Table 1: Proposed Business Activity Classification and National Competition Policy reform

Branch	Business Activity	Classification	Full Cost Pricing	Code of Competitive Conduct
Waste and Resources Management	Waste and Resources Management	Significant	✓	
Business and Innovation	Retail Electricity and Sunshine Coast Solar Farm	Prescribed		✗
Civil Asset Management	Quarries	Prescribed		✓
Customer Response	Cemeteries	Prescribed		✗
Arts, Heritage and Libraries	Caloundra Regional Gallery	Prescribed		✗
	Festivals (Horizon)	Prescribed		✗
Economic Development	Festivals (Caloundra Music)	Prescribed		
Sport and Community Venues	Aquatic Centres	Prescribed		✗
	Venue 114 & Community Spaces	Prescribed		✗
	Caloundra Indoor Stadium	Prescribed		✗
	Multisports and Showgrounds	Prescribed		✗
	Sunshine Coast Holiday Parks	Prescribed		✓
	Sunshine Coast Stadium and Kawana Sports Precinct	Prescribed		✗
Submarine Cable IBN	Sunshine Coast International Broadband Cable Network	Prescribed		✗
Transport Infrastructure Management	Off-street Parking	Prescribed		✗

Council controlled entities

Council has 100% controlling interest of three corporatised entities. SunCentral Maroochydore Pty Ltd and Sunshine Coast Events Centre Pty Ltd are prescribed business activities. These companies' financial statements are audited by Queensland Audit Office and Annual Reports published on both Council's and the companies' websites and consolidated into Council's financial statements. Sunshine Coast Arts Foundation Ltd expenditure is below the prescribed business activity threshold.

Summary Outcomes of Business Activity Review

The recommended 2021/2022 business activity structure based on the annual business activity review and identification conducted in accordance with the legislation is to:

1. apply the Full Cost Pricing in accordance with section 44(1)(b) of the *Local Government Act 2009* to the Waste and Resource Management significant business activity
2. apply the Code of Competitive Conduct to the Sunshine Coast Holiday Parks and Quarries business activities, in accordance with sections 47 of the *Local Government Act 2009* and
3. not apply the Code of Competitive Conduct to the following business activities in accordance with sections 47 of the *Local Government Act 2009*.
 - i) Aquatic Centres
 - ii) Caloundra Indoor Stadium
 - iii) Caloundra Regional Gallery
 - iv) Cemeteries

- v) Festivals
- vi) Multisport and Showgrounds
- vii) Off-street Parking
- viii) Retail Electricity Strategy and Sunshine Coast Solar Farm
- ix) Sunshine Coast International Broadband Cable Network
- x) Sunshine Coast Stadium and Kawana Sports Precinct
- xi) Venue 114 and Community Spaces.

Council's Annual Budget

The intent of the legislation is to enhance transparency regarding the financial performance of business activities, requiring them to be reported separately from other Council activities in the budgeted financial reports. Income and expense statements are to be published in the budget separately for commercialised business units and significant business activities operating under full cost pricing. Details regarding community service obligations are also required to be published for each business activity.

The budget process for significant business activities and business activities under the code of competitive conduct includes the following key stages:

- Revenue requirements are determined from long term financial plans and full cost pricing models (that includes recovery of efficient operating costs, return of capital and return on capital).
- Activity based costing analysis is undertaken to determine outputs for products and services provided by each business activity
- An overarching price strategy is determined regarding accepted level of cost recovery.
- Council is informed regarding price strategy for each business activity to achieve full cost recovery.
- Approved pricing strategy and activity-based costing outputs used to inform increases in utility charges / fees and charges.

Council's Annual Report

The annual report of Council must include information relating to the identification and performance of business activities. This information is contained in the body of the financial statements in line with legislative requirements, which in turn are published as part of Council's annual report.

Queensland Audit Office

The financial statements and the annual report of Council are audited by the auditor-general and contain the audit report.

Legal

In accordance with Chapter 3 of the *Local Government Act 2009* and the *Local Government Regulation 2012*, Council is required each year to identify any new 'financially significant' business activities and to identify its business activities.

Attachment 1 describes the current statutory requirements.

This report responds to the statutory obligation of Council in relation to the identification of business activities and the application of appropriate competition policy reform options.

Policy

The organisational policy on Competition Reform Compliance sets out a framework outlining annual compliance requirements in relation to the application of competition policy principles to Council's nominated business activities in accordance with applicable legislative requirements.

Risk

Failure to conduct the assessments required in the *Local Government Act 2009* and the *Local Government Regulation 2012* could leave Council exposed to competitive conduct complaints in respect of its business activities that are competing with the private sector, including potential legal and reputational risks for Council.

Previous Council Resolution**Ordinary Meeting 16 September 2021 (OM21/90)**

That Council:

- (a) *receive and note the report titled "Application of National Competition Policy - Other Activities 2021/2022"*
- (b) *not apply the Code of Competitive Conduct to the off-street parking business activity in accordance with section 47 of the Local Government Act 2009 as:*
 - (i) *While some private sector parking providers may provide off-street parking, they are at different locations (not proximate to those of Council), provided for different purposes and/or provided for free.*
 - (ii) *The market for parking services is heavily influenced by location (the market can generally be narrowly defined as the region in which the car park is located and the distance that people are willing to walk from their car to their destination). If there are no private off-street parking facilities within close proximity (e.g. within reasonable walking distance) to Council's parking facilities, it is arguable that private sector competition is currently low.*
 - (iii) *Council provides off-street parking to help achieve the objectives of the Mooloolaba Local Area Parking Plan.*
 - (iv) *Council is providing services traditionally provided by a Local Government.*
 - (v) *The Covid-19 pandemic has arguably distorted the market for tourism (and therefore demand for parking) such that any application of the reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic and could quickly cease to be appropriate when (and if) the pandemic comes to an end.*
 - (vi) *If Council did not provide these services, there would be a clear gap in supply leading to negative outcomes such as traffic congestion in major precincts.*
 - (vii) *Prices charged by Council are benchmarked against private sector providers, so that no price advantage that exists due to government ownership and*
 - (viii) *Council has not received any competition or competitive neutrality complaints regarding its parking facilities from the private sector and*
- (c) *not apply the Code of Competitive Conduct to the festivals business activity in accordance with section 47 of the Local Government Act 2009 as:*
 - (i) *Council's festival events are an integral part of delivering on the objectives of the Sunshine Coast Arts Plan.*
 - (ii) *The market for festival events is heavily influenced by time rather than territory. Other private sector festival organisers are not constrained from starting up or*

visiting the Sunshine Coast because Council's festivals are each conducted over a discrete period of time (over a number of days at most). Like most major events, the date for Council's festivals are also published well in advance and tend to happen at approximately the same time each year, allowing private sector festival organisers to plan their own events at dates and times that do not conflict with those of Council. In addition, Council is not aware of its existing festivals competing with any private sector events on or near the dates that Council's events are conducted.

- (iii) Council is providing a cultural and community service in the form of festivals for community and visitors of all ages and diversities – applying the code (particularly the pricing provisions) may detrimentally impact of the ability of all ages and diversities to attend and enjoy such cultural and community events.
- (iv) The Covid-19 pandemic has arguably distorted the market for tourism and, therefore, the ability to hold large festivals (for example, Council's Horizon Festival was recently cancelled due to the pandemic). The application of reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic and could quickly cease to be appropriate when (and if) the pandemic comes to an end.
- (v) Private sector organisers of large-scale festivals would generally not be interested in delivering the type of cultural and community service festival events that are run by Council (namely, the Caloundra Music Festival and the Horizon Festival) - it is therefore arguable that the festivals do not directly compete with the type of events that would normally be conducted by the private sector.
- (vi) Council is providing festivals, some of which are free or below cost of delivery. This pricing has been established to reflect social objectives, such as enabling a diverse range of ages and diversities to attend, promoting local talent, generating economic activity and encouraging tourism and
- (vii) Community based events attract a strong community involvement in the form of a large volunteer base. Similarly, other groups, such as school groups and not-for-profit organisations rely upon festivals for unique fundraising opportunities.

Ordinary Meeting 24 June 2021(OM21/49)

That Council:

- (a) receive and note the report titled “**Application of National Competition Policy 2021/2022**”
- (b) apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2021/2022 financial year in accordance with section 44(1)(b) of the Local Government Act 2009
- (c) apply the Code of Competitive Conduct to the following business activities, for the 2021/2022 financial year, in accordance with section 47 of the Local Government Act 2009:
 - (i) Sunshine Coast Holiday Parks; and
 - (ii) Quarries
- (d) not apply the Code of Competitive Conduct to the International Broadband Submarine Cable Network, in accordance with section 47 of the Local Government Act 2009 as:
 - (i) Council considers this an economic development project being a mechanism to future proof telecommunications capacity and access on the Sunshine Coast
 - (ii) Council will not be able to influence price setting and

- (iii) *costs and prices of the project are already isolated, documented, and transparent and*
- (e) *request the Chief Executive Officer to provide a further report to Council by the end of September 2021 on the outcome of the current assessments of other business activities of Council.*

Related Documentation

While the following documents do not directly influence the determination of business activities under the *Local Government Act 2009* the following relevant work is underway in relation to the operation of events under the Festivals heading:

- A review of the Caloundra Music Festival is underway. An external consultant has been appointed to undertake a review of the Caloundra Music Festival. This review has progressed to the point of a draft report being prepared.
- Council has engaged a consultant to prepare a Live Music Action Plan, with a draft report expected at the end of July 2022.
- Externally, the Caloundra Chamber of Commerce is preparing a Sunshine Coast Regional Music Ecosystem White Paper which is expected to be released by the end of June 2022.

Critical Dates

This recommendation needs to be adopted each financial year per legislative requirements.

Implementation

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will apply the revised National Competition Policy reforms for the 2022/2023 financial year. As the recommended business activity structure for 2022/2023 is the same as the business activity structure currently in place, there are no significant changes in process required.

Appendix A

Justification for not applying the Code of Competitive Conduct to certain prescribed business activities

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
Aquatic Centres	The Sunshine Coast Aquatic Plan 2011 - 2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Aquatic centres are provided by Council to achieve public benefit objectives. Aquatic centres generate health benefits, ranging across a reduction in the burden of disease, improved mental health outcomes, reduced absenteeism, and fewer childhood drownings.</p> <p>They also provide social benefits such as: enhancing an individual's leisure time or creating increased life satisfaction; by bringing people together; supporting more vulnerable groups; and supporting early learning.</p> <p>Entry prices are set to provide equitable access to the community. Learn to swim services are provided by the private sector.</p>
Caloundra Indoor Stadium	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Caloundra Indoor Stadium is provided by Council to achieve public benefit objectives. Providing equitable access to sport facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity. There is a positive association between sport and social integration, cohesion and community development.</p> <p>Pricing for these facilities reflects these objectives.</p>
Caloundra Regional Gallery	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> A shared future that embraces culture, heritage and diversity; and a creative identity that supports community, cohesiveness development and wellbeing 	<p>Caloundra Regional Gallery is provided by Council to achieve public benefit objectives. Caloundra Regional Gallery presents a changing exhibition program featuring leading local and national artists. Professional curators and education staff develop and deliver a range of exhibitions and public programs that explore the unique culture and character of the Sunshine Coast.</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
Cemeteries	The Cemetery Plan 2019-2028 informs the delivery of Sunshine Coast Council's cemetery network. The Plan contributes to the Sunshine Coast Council Corporate Plan 2021-2025, Sunshine Coast Community Strategy 2019-2041, Environment and Liveability Strategy 2017 and South East Queensland Regional Plan 2017.	<p>Cemetery services are mostly provided by local governments in the Queensland market. Private enterprise operating within the Sunshine Coast local government area provide options for ash interments and memorialisation but not burials.</p> <p>The majority of Council's cemeteries are located on State land entrusted to Council for the purpose of providing cemetery services including burials. Two cemeteries are owned as freehold.</p> <p>A proportion of the community continue to choose burials rather than cremation. This trend remains constant. Services would not meet the needs of the community if Council did not facilitate burials.</p> <p>Pricing for Council memorial services are set on a full cost recovery basis. Pricing for other services are set on a cost recovery basis, which does not take into account notional costs under the full-cost pricing provisions required by the code of competitive conduct. Pricing practices are a not a deterrent to new businesses entering the market.</p>
Festivals	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> A shared future that embraces culture, heritage and diversity; and a creative identity that supports community, cohesiveness development and wellbeing 	<p>Council's festival events are provided by Council to achieve public benefit objectives and form an integral part of delivering on the objectives of the Sunshine Coast Arts Plan</p> <p>The market for festival events is heavily influenced by time rather than territory. Other private sector festival organisers are not constrained from starting up or visiting the Sunshine Coast because Council's festivals are each conducted over a discrete period of time (over a number of days at most). Like most major events, the date for Council's festivals are also published well in advance and are held at approximately the same time each year, allowing private sector festival organisers to plan their own events at dates and times that coincide or do not conflict with those of Council.</p> <p>Council is providing a cultural and community service in the form of festivals for community and visitors of all ages and diversities – applying the code (particularly the pricing provisions) may detrimentally impact of the ability of all ages and diversities to attend and enjoy such cultural and community events.</p> <p>The Covid-19 pandemic has arguably distorted the market for tourism and, therefore, the ability to hold large festivals (for example, Council's Horizon Festival was recently cancelled due to the pandemic). The application of reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic and</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
		<p>could quickly cease to be appropriate when (and if) the pandemic comes to an end.</p> <p>Private sector organisers of large-scale festivals would generally not be interested in delivering the type of cultural and community service festival events that are run by Council (namely, the Caloundra Music Festival and the Horizon Festival) - it is therefore arguable that the festivals do not directly compete with the type of events that would normally be conducted by the private sector.</p> <p>Council is providing festivals, some of which are free or below cost of delivery. This pricing has been established to reflect social objectives, such as enabling a diverse range of ages and diversities to attend, promoting local talent, generating economic activity and encouraging tourism; and</p> <p>Community based events attract a strong community involvement in the form of a large volunteer base. Similarly, other groups, such as school groups and not-for-profit organisations rely upon festivals for unique fundraising opportunities.</p>
Multisports Complexes & Showgrounds	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Multisports Complexes & Showgrounds are provided by Council to achieve public benefit objectives.</p> <p>Providing equitable access to these facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity. There is a positive association between sport and social integration, cohesion and community development.</p> <p>Multisports Complexes and Showgrounds are utilised by a diverse range of community and sporting groups that provide social benefits such as: enhancing an individual's leisure time or creating increased life satisfaction; by bringing people together.</p> <p>Pricing for these facilities reflects these objectives.</p>
Off-street Parking	<p>The Sunshine Coast Council Parking Management Plan is guided by a range of strategic and legislative documents including:</p> <ul style="list-style-type: none"> Sunshine Coast Council Corporate Plan 2021-2025 	<p>While some private sector parking providers may provide off-street parking, they are at different locations (not proximate to those of Council), provided for different purposes and/or provided for free.</p> <p>The market for parking services is heavily influenced by location (the market can generally be narrowly defined as the region in which the car</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
	<ul style="list-style-type: none"> Sunshine Coast Sustainable Transport Strategy 2011-2031 Sunshine Coast Smart City Framework Sunshine Coast Planning Scheme 2014. 	<p>park is located and the distance that people are willing to walk from their car to their destination). If there are no private off-street parking facilities within close proximity (e.g. within reasonable walking distance) to Council's parking facilities, it is arguable that private sector competition is currently low;</p> <p>Council provides off-street parking to achieve the objectives of the Local Area Parking Plans;</p> <p>Council is providing services traditionally provided by a Local Government;</p> <p>The Covid-19 pandemic has arguably distorted the market for tourism and therefore the demand for parking, such that any application of the reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic. Such reforms could quickly cease to be appropriate when (and if) the pandemic comes to an end;</p> <p>If Council did not provide these services, there would be a clear gap in supply leading to negative outcomes such as traffic congestion in major precincts;</p> <p>Prices charged by Council are benchmarked against private sector providers, so that no price advantage that exists due to government ownership; and</p> <p>Council has not received any competition or competitive neutrality complaints regarding its parking facilities from the private sector.</p>
Retail Electricity and Sunshine Coast Solar Farm	<p>The Retail Electricity Strategy incorporating Sunshine Coast Solar Farm ensures affordable and reliable electricity supplies to Council operations which is essential to achieving the outcomes of the Sunshine Coast Council Corporate Plan 2021-2025.</p> <p>The Retail Electricity Strategy supports the policy positions on energy contained in Council's Environment and Liveability Strategy including: <i>"Renewable energy usage is maximised and underpins a transition to a clean energy future."</i></p>	<p>The Sunshine Coast Solar Farm is a cost replacement project being a mechanism to replace a portion of pre-existing committed electricity spend by offsetting Council's own electricity usage against the electricity generated by the Solar Farm.</p> <p>Excess generation is sold into, or any electricity requirement is purchased from, the wholesale electricity market as required.</p> <p>Council is not able to influence price setting and will take:</p> <ul style="list-style-type: none"> the Queensland spot price for electricity generated the market price for large-scale generation certificates.
Sunshine Coast International	The Sunshine Coast International Broadband Cable	The Sunshine Coast International Broadband Cable Network project helps to stimulate local business, generate new investment and improve

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
Broadband Cable Network	Network project contributes to Sunshine Coast Council's Regional Economic Development Strategy which provides a 20-year vision and blueprint for sustainable economic growth.	<p>telecommunications diversity to Australia's east coast. The cable will help to future proof the Sunshine Coast telecommunications capacity and increase our smart city capability, ensuring access to important data networks.</p> <p>The Sunshine Coast provides the fastest international connection point from Queensland and east Australia to Asia, a significant step-change in the Sunshine Coast's attractiveness as an investment location and a key deliverable under Council's Regional Economic Development Strategy.</p> <p>RTI Connectivity Pty Ltd control pricing and access to the network. As such the International Broadband Submarine Cable Network is not a business activity of Council.</p> <p>In December 2021 Council sold the cable landing station facility to data centre provider NextDC.</p>
Sunshine Coast Stadium and Kawana Sports Precinct	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Providing equitable access to sport facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity.</p> <p>As a regional facility Sunshine Coast Stadium serves the regional and national event markets. Elsewhere in Queensland these markets primarily utilise Queensland Government owned facilities.</p> <p>Pricing for these facilities to community-based groups reflects these objectives and does not take into account notional costs under the full-cost pricing provisions required by the code of competitive conduct. Pricing for commercial hire, are benchmarked against industry prices, thus avoiding any pricing advantage from government ownership.</p>
Venue 114 & Community Spaces	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> A shared future that embraces culture, heritage and diversity; and a creative identity that supports community, cohesiveness development and wellbeing 	<p>Venues and community spaces are provided by Council to achieve public benefit objectives. Providing a range of facilities and venues enables the community to access and enjoy arts, entertainment and environmental activities. This contributes to the health and wellbeing, social cohesion and regional economy of the Sunshine Coast. Pricing for these facilities reflects these objectives. Pricing for commercial hire, are benchmarked against industry prices, thus avoiding any pricing advantage from government ownership.</p>

ATTACHMENT 1

CURRENT STATUTORY REQUIREMENTS AND REFORM OPTIONS

1. Current Statutory Requirements

Council must consider and resolve the application of the National Competition Policy on an annual basis to comply with the *Local Government Act 2009* and *Local Government Regulations 2012*.

Of note, it is intended that the National Competition Policy reforms apply to overall “activities” and not to individual or component parts such as the individual assets or services comprising that activity. For each “activity” the following must be considered:

- Whether the activity meets the definition of a “business activity” under the *Local Government Act 2009*. “Business activity” is defined as “trading in goods and services”
- If the activity meets this definition, then based on its expenditure for the previous financial year:
 - is it a “significant business activity”, with expenditure exceeding the \$9.7 million threshold set out in the *Local Government Regulations 2012*? or
 - is it a “prescribed business activity” with expenditure exceeding the \$340,000 threshold set out in the *Local Government Regulations 2012*? or
- If it does not meet the definition of business activity, then the National Competition Policy regime does not apply.

An activity is less likely to be a business activity within the meaning of the *Local Government Act 2009* if it:

- is predominantly a regulatory or policy-making function, particularly if revenue is derived from cost-recovery fees; or
- involves the provision of goods or services internally (i.e. to customers within Council) – such supplies are unlikely to meet the “trading” element of the definition of business activity;
- has, as its primary function, public benefit community service or social policy objectives. Of note, such an objective alone will not prevent the activity falling within the definition of business activity if it involves the trading of goods or services;
- does not meet the necessary “trading” requirements, such as where the relevant goods or services are supplied on a one-off basis, rather than repeatedly or the level of trading activity is so trivial that it is regarded as inconsequential and incidental to the primary activity and function of Council.

Ways to apply the competitive neutrality principle to business activities

- The competitive neutrality principle for significant business activities (over \$9.7 million expenditure) can be applied under the *Local Government Act 2009* by:
 - Full Cost Pricing;
 - Commercialisation; or
 - Corporatisation.

- The way to apply the competitive neutrality principle for prescribed business activities (expenditure over \$340,000) under the *Local Government Act 2009* is the Code of Competitive Conduct (the Code).
- The competitive neutrality principle is achieved by:
 - removing any competitive advantage or competitive disadvantage, wherever possible and appropriate.
 - promoting efficiency of the use of resources to ensure markets are not unnecessarily distorted; and
 - if any net advantage over competitors remains, which exist only because Council is in competition with the private sector, and which cannot be eliminated, then:
 - Council must ensure that when setting the price of goods or services, the individual advantages and disadvantages that make up the net advantage are taken into account in deciding the required revenue in relation to the pricing provisions.
- The pricing provisions.
- The cost of performing community service obligations, less any revenue received from carrying out those obligations, must be treated as revenue for the business activity when deciding what to charge for goods or services provided.
- Budget, annual report and financial statement disclosures.
- The competitive neutrality complaints process.

Pricing Provisions

- The pricing provisions require that:
 - The projected Total Revenue from conducting the business activity must cover the projected Total Costs of conducting the activity over a projected period.
 - for significant business activities the projected period is each financial year
 - for prescribed business activities the projected period is more than one year but not more than five years
 - Total Costs includes:
 - operational costs
 - administration and overhead costs
 - cost of resources
 - depreciation
 - equivalent amounts for taxes that Council is not liable to pay
 - equivalent amounts for any cost of funds advantage that Council obtains over commercial interest rates because of State guarantees on borrowings; and
 - return on capital which must be determined using the rate at which, in the Council's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.
 - Goods or services may be priced at an amount that could reasonably be charged by an entity conducting the activity with the primary object of making a profit.

Discretion on whether to apply the Code

While Council has discretion to *not* apply the code of competitive conduct to a prescribed business activity, it is recommended that any decision to not apply the code is:

- Reasonable;
- Defensible;
- Takes into account competition with the private sector; and
- Considers principles similar to the public benefit assessment:
 - Competition generally leads to better, more efficient organisations, giving consumers lower prices, greater choice and higher quality services
 - The underlying assumption is that competition is generally desirable for significant business activities that operate in key markets, unless it can be demonstrated, on a case-by-case basis, that it will not deliver socially beneficial outcomes.
 - In smaller, prescribed business activities:
 - The benefits from competition are likely to be more limited
 - the costs of competition reforms may exceed the benefits and detract from the delivery socially beneficial outcomes.

Should Council decide to not apply the Code the resolution must state the reasons for not doing so.

2. Significant Business Activities

The significant business activity expenditure threshold for 2022/2023 financial year is \$9.7 million. Competition reforms may be applied to significant business activities via Full Cost Pricing or Commercialisation.

Full Cost Pricing

- Reform option applied via public benefit assessment process.
- Retention of the business activity within Council's current organisational structure.
- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
 - Efficient operating expenses;
 - A return of capital (i.e. depreciation expense); and
 - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Full cost pricing reform implies the application of competitive neutrality principles.

Commercialised Business Unit

- Reform option applied via public benefit assessment process.
- Creation of a commercialised business unit (not a separate legal entity) to manage the business.

- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
 - Efficient operating expenses;
 - A return of capital (i.e. depreciation expense); and
 - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Increased managerial autonomy for day-to-day operations.
- Greater ability to source inputs from outside of Council.
- Own business and operating plan.
- More commercial orientation than full cost pricing.
- Additional reporting obligations such as annual tax equivalent returns, annual performance plan and separate reporting of performance in Council's annual report.
- Commercialisation requires the application of competitive neutrality principles.

Corporatisation

The corporatisation processes within the *Corporations Act 2001 (Cwlth)* applies to local governments seeking to establish corporations. Creation of separate legal entity to manage a business results in the corporation being subject to National Competition Policy through the *Competition and Consumer Act 2010 (Cwlth)*.

3. Code of Competitive Conduct Business Activities

- The business activity expenditure threshold for 2022/2023 financial year is \$340,000.
- Reform option applied via annual Council resolution.
- Retention of the business activity within Council's current organisational structure.
- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
 - Efficient operating expenses;
 - A return of capital (i.e. depreciation expense); and
 - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Code of competitive conduct implies the application of competitive neutrality principles.
- Automatic application of the code of competitive conduct to building certification and competitive roads activities.

4. No Reforms Elected to Be Applied

Cost Recovery Pricing Principles

- Retention of the activity within Council's current organisational structure.
- Setting prices to reflect the cost of providing non-competitive services including recovery of:

- Efficient operating expenses; and
- A return of capital (i.e. depreciation expense).

ATTACHMENT 2

BUSINESS ACTIVITY IDENTIFICATION

1. Annual Review and Identification of Business Activities

To identify activities that may be a business activity within the meaning of the *Local Government Act 2009*, Council officers undertook a review of the:

- *Register of General Cost-recovery Fees and Commercial Charges 2021/22* and the
- *Development Services Register of Cost-recovery Fees and Commercial Charges 2021/22*.

Of note, it is intended that National Competition Policy reforms apply to overall “activities” and not to individual or component parts such as the individual assets or services comprising that activity. For each “activity” the following must be considered:

- Whether the activity meets the definition of a business activity under the *Local Government Act 2009*. Business activity is defined as trading in goods and services.
- If the activity meets this definition, then based on its expenditure for the previous financial year:
 - is it a “significant business activity”, with expenditure exceeding the \$9.7 million threshold set out in the *Local Government Regulations 2012*? or
 - is it a “prescribed business activity” with expenditure exceeding the \$340,000 threshold set out in the *Local Government Regulations 2012*? or
- If it does not meet the definition of business activity, then the National Competition Policy regime does not apply.

Generally changes to the status of a business activity may arise due to the following:

- New business activities are established as a result in a change in Council’s structure or as a result of the establishment of new business ventures.
- Existing businesses are divested.
- Annual expenditure threshold levels are reached or not (generally impacting on significant business activities).

Once the process of reviewing current business activities and identifying potential new significant business activities and all other types of business activities has been completed, it is necessary to apply the appropriate reforms to ensure legislative compliance.

2. Business Activity Threshold Analysis 2022-2023

Threshold analysis is based on the 2021-2022 expenditure data.

Table 1: Significant business activity – full cost pricing reform

(Expenditure threshold \$9.7 million)

Branch	Significant Business Activity	FY2022 Opex \$'000
Waste and Resource Management	Waste and Resources Management	\$55,169

Table 2: Prescribed business activities – reform option code of competitive conduct

(Expenditure threshold \$340,000)

Branch	Prescribed Business Activity	FY2022 Operating Expenditure \$'000
Civil Asset Management	Quarries	\$5,366
Transport Infrastructure Management	Off-street Parking	\$839
Business and Innovation	Retail Electricity and Sunshine Coast Solar Farm	\$7,449
Customer Response	Cemeteries	\$1,902
Arts, Heritage and Libraries	Caloundra Regional Gallery	\$1,751
	Festivals (Horizon)	\$1,403
Economic Development	Festivals (Caloundra Music)	\$1,514
Sport and Community Venues	Aquatic Centres	\$3,708
	Venue 114 & Community Spaces	\$2,716
	Caloundra Indoor Stadium	\$865
	Multisports and Showgrounds	\$1,930
	Sunshine Coast Holiday Parks	\$9,455
	Sunshine Coast Stadium and Kawana Sports Precinct	\$6,467
	Sunshine Coast International Broadband Cable Network	\$711

Council controlled entities

Table 3 below lists corporatised entities which Council has 100% controlling interests. Their financial statements are audited by Queensland Audit Office and Annual Reports published on both Council's and the companies' websites. SunCentral Maroochydore Pty Ltd and Sunshine Coast Events Centre Pty Ltd are consolidated into Council's financial statements. Sunshine Coast Arts Foundation Ltd had expenditure of \$91,000 in FY 2019/20 which is below the prescribed business activity threshold.

Table 3: Prescribed business activities – corporatisation reform

Company	FY2021 Operating Expenditure \$'000
SunCentral Maroochydore Pty Ltd	\$5,472
Caloundra Events Centre Pty Ltd	\$3,115

Non-business activities

Table 4 below lists activities that are **not** considered business activities as these are activities that have one or more of the following attributes:

1. Have a predominantly regulatory or policy-making role and levy cost-recovery fees (under *Local Government Act 2009* section 97).
 - o A cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged
 - o The constrained cost base of these activities is not consistent with the competitive neutrality adjustments required by the pricing provisions
 - o The pricing provisions sets the total revenue requirement of business activities to include costs which Council does not actually incur such as tax equivalents, equivalents for the costs of funds advantage and return on capital at market rates

experienced by the private sector. A profit margin is also envisioned by the pricing provisions.

2. Involve the provision of goods or services internally (i.e. to customers within Council) – such supplies are unlikely to meet the “trading” element of the definition of business activity.
3. Have, as their primary function, responsibility for providing public benefit, community service or social policy functions. Total revenue for these activities may include a small proportion of fees and charges with the majority of funding from general rates, environment and heritage levies or grants from other levels of government.
4. Do not meet the necessary “trading” requirements, such as where the relevant goods or services are supplied on a one-off basis, rather than repetitively or the level of trading activity is so trivial as to be inconsequential and incidental to the primary activity and functions of Council.

Table 4: Non-business activities

Branch	Activity	Attributes above	FY2022 Opex \$'000
Asset Management	Fleet Management	2	All FY operational costs for these services are more than \$340,000.
Civil Asset Management	Roads	3, 4	
Parks and Gardens	Parks & Gardens	3, 4	
Finance	Property Information	1	
Property Management	Property Management	2, 3	
Customer Response	Healthy Places	1	
	Response Services	1	
	Community Land Permits and Parking	1	
Development Services	Development Services	1	
Corporate Governance	Right to Information	1	
Arts, Heritage and Libraries	Arts, Heritage and Libraries	3, 4	
Environmental Operations	Natural Areas Management	3, 4	

Roads

Council road works activities are predominantly non-competitive activities focused on internal construction and maintenance rather than external tendering for contract works. Road maintenance and construction activities are undertaken by a combination of day labour force and contract services.

Council does not actively submit competitive tenders for works on state-controlled roads or other roads in neighbouring Council areas. Council undertakes minor works for Main Roads based on negotiated shared cost arrangements.

Accordingly, road works has not been identified as a business activity of Council.

Applying National Competition Policy reforms for FY2022/2023

Council Officers have assessed Council's activities and recommend the following business activity classifications and National Competition Policy applications:

- Waste and Resources Management is a significant business activity and competitive neutrality is achieved through Full Cost Pricing.
- Sunshine Coast Holiday Parks and Quarries are prescribed business activities and competitive neutrality is achieved through applying the Code of Competitive Conduct.

- Council uses its discretion not to apply the Code of Competitive Conduct to the following prescribed business activities for the reasons as set out in Appendix 1:
 - Aquatic Centres
 - Caloundra Leisure Centre
 - Caloundra Regional Gallery
 - Cemeteries
 - Festivals
 - Multisport and Showgrounds
 - Off-street Parking
 - Retail Electricity Strategy and Sunshine Coast Solar Farm
 - Sunshine Coast International Broadband Cable Network
 - Sunshine Coast Stadium and Kawana Sports Precinct
 - Venue 114 and Community Spaces
- SunCentral Maroochydore Pty Ltd and Sunshine Coast Events Centre Pty Ltd are prescribed business activities and competitive neutrality is achieved through corporatisation.

ATTACHMENT 3

Business Activity Full Cost Pricing Performance

2020-2021 Actual	Waste and Resources Management	Sunshine Coast Holiday Parks	Quarries Business Unit
	\$'000	\$'000	\$'000
Operating Revenue	\$80,393	\$20,316	\$4,504
Community Service Obligations	\$1,171	\$0	\$226
Total Operating Revenue	\$81,564	\$20,316	\$4,730
Operating Expenditure excluding interest	\$50,006	\$9,309	\$9,959
Depreciation	\$4,060	\$863	\$237
Competitive Neutrality Costs excluding income tax equivalent	\$457	\$550	\$31
Total Operating Expenditure	\$54,523	\$10,722	\$10,226
Earnings before interest and tax	\$27,041	\$9,594	-\$5,496
Target return	\$7,824	\$5,433	\$421
Weighted average cost of capital %	8.1%	10.8%	9.6%
Interest	\$3,354	\$402	\$193
Income Tax Equivalent	\$9,119	\$2,390	\$0
Net Income	\$14,568	\$6,802	-\$5,689
Value of Council's Investment in the Business Activity	\$87,655	\$60,039	\$5,212

Note: Weighted average cost of capital and Target return are calculated on a pre-tax nominal basis.
Value of Council's Investment in the Business Activity excludes strategic land holdings.

8.3 AUDIT COMMITTEE MEETING 23 MAY 2022**File No:** Council Meetings**Author:** Acting Manager Audit & Assurance
Office of the CEO**Appendices:** App A - Audit Committee Minutes 23 May 2022 163 [!\[\]\(d66ff64371a51729ac8c1cdaa685ba6f_img.jpg\)](#) [!\[\]\(0f31ebba7abcd47777e178db26f29705_img.jpg\)](#)
App B - 2022-2023 Internal Audit Work Plan 181 [!\[\]\(63ea948177b1bcc486b2b76d20d5fb69_img.jpg\)](#) [!\[\]\(886f7dced1265a6d438eca0881817b40_img.jpg\)](#)

PURPOSE

To provide Council with a report on matters reviewed at the Audit Committee (“the Committee”) meeting held on 23 May 2022 and recommendations made by the Committee to Council.

This report is provided in fulfillment of Council’s obligations under section 105 of the *Local Government Act 2009* and section 211 of the *Local Government Regulation 2012*.

EXECUTIVE SUMMARY

Under section 105 (2) of the *Local Government Act 2009*, Council is required to establish and maintain an Audit Committee. Council’s Audit Committee is currently comprised of Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Councillor E Hungerford and Councillor J Natoli. Recruitment action is currently underway to select a third independent member of the Audit Committee, with the outcome of that process to be presented to Council when the process concludes.

Under Clause 6 of the Audit Committee Charter, the Committee meets (at a minimum) four times each year or as determined by Council or the Committee.

The agenda for the Committee meeting held on 23 May 2022 covered a wide range of matters including:

- acknowledgement of service and retirement of the Audit and Assurance Manager
- an update report from the Chief Executive Officer
- an update on the implementation of actions arising from a governance review of SunCentral Maroochydore Pty Ltd and Council in relation to the Maroochydore City Centre project
- the outcomes of a process mapping and causal analysis of delays in asset recognition
- annual financial statement risk and planning assessment and an update from the Queensland Audit Office (QAO) first interim audit
- an audit and assurance report into traffic control services supplier arrangement
- audit and assurance status report relating to the annual work plan and audit recommendations
- 2022 – 2023 annual work plan
- Governance and risk report and
- Workplace health and safety report.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Audit Committee Meeting 23 May 2022” and
- (b) approve the recommendations contained in the Audit Committee Minutes for the meeting of 23 May 2022 (Appendix A) and
- (c) endorse the 2022-2023 Internal Audit Work Plan (Appendix B).

FINANCE AND RESOURCING

There are no additional resourcing implications generated by this report.

CORPORATE PLAN

Corporate Plan Goal: *Our outstanding organisation*

Outcome: We serve our community by providing this great service

Operational Activity: S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION**Councillor Consultation**

Councillors E Hungerford and J Natoli (as members of Audit Committee) were present at the 23 May 2022 Audit Committee meeting. All Councillors received a copy of the Committee Agenda and papers in advance of that meeting.

Internal Consultation

- The Chief Executive Officer and a number of Executive Leadership Team members were present at the Committee meeting and contributed to the development of the Committee Agenda papers.
- Coordinator Financial Accounting
- Coordinator Corporate Risk & Insurance
- Manager Corporate Governance
- Head of People and Culture
- Manager Asset Management (in the absence of the Group Executive Built Infrastructure)

External Consultation

The two independent members of the Committee and representatives of the Queensland Audit Office were present at the Committee meeting on 23 May 2022.

PROPOSAL

Under section 105 (2) of the *Local Government Act 2009*, Council (as a large local government) must establish and maintain an Audit Committee. The Act provides the Audit Committee has the following functions:

- (a) monitors and reviews—
 - (i) the integrity of financial documents; and
 - (ii) the internal audit function; and

- (iii) the effectiveness and objectivity of Council's internal auditors; and
- (b) makes recommendations to Council about any matters that the Committee considers need action or improvement.

The Committee has no delegated decision-making authority. The Committee is, however, a source of independent advice to Council and the Chief Executive Officer.

The Committee is currently comprised of Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Councillor E Hungerford and Councillor J Natoli. Recruitment action is currently underway to select a third independent member of the Audit Committee.

The overall objective of the Committee is to assist Council and the Chief Executive to discharge their responsibilities, 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 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 Internal and External Audit functions and
- ensure both the Internal and External Audit functions are independent and effective.

Under section 211 of the *Local Government Regulation 2012*, the Committee must provide Council with a written report about the matters reviewed at its meetings and make recommendations to Council on any matters the Committee considers need action or improvement. The Committee meets at least four times each year.

Audit Committee Meeting – 23 May 2022

The items of business considered by the Committee at its 23 May 2022 meeting are summarised in agenda sequence as follows:

Office of the CEO

Acknowledgement of Service and Retirement of Audit and Assurance Manager

The Chief Executive Officer and the Committee members acknowledged the significant contribution to the organisation of Mr Glen Charles in the role of Audit and Assurance Manager and his service to Council for over 25 years of service.

Chief Executive Officer's Update

The Chief Executive Officer provided an organisational performance update for the period since the January 2022 Committee meeting. The report covers financial performance, operational plan activities and includes significant project achievements.

Maroochydore City Centre Governance and Resourcing Review Implementation Update

A status report was provided showing progress with the implementation of recommendations relating to the recent governance review of the roles of Council and SunCentral Maroochydore Pty Ltd, which were endorsed by Council at its Ordinary Meeting on 9 December 2021.

The Committee noted the good progress and timely implementation of recommendations.

Cyber Security and Risk Report

The report provided an update on Council's Cyber Security risks, Cyber Security program and controls. In line with the Committee's request, a regular six-monthly report is being developed to include metrics against industry benchmarking and regulatory audit requirements.

Process Mapping and Causal Analysis of delays in Asset Recognition

A comprehensive mapping and analysis review was undertaken to identify causes of delays in asset recognition across constructed and contributed asset processes. The draft findings and critical success factors were presented to the Committee.

The Committee recognised that delays in asset recognition were common across the local government sector, especially in high growth regional areas. The Committee commended Council for undertaking the improvement initiative and supported the development of an action plan with realistic timelines.

External Audit

Annual Financial Statement Risk and Planning Assessment

An Annual Financial Statement Risk and Planning Assessment was provided to the Committee to identify potential risk exposures to receiving an unmodified audit opinion for the financial year ended 30 June 2022.

Audit and Assurance

Traffic Control Services Supplier Arrangement

The Committee was provided with an Internal Audit Report identifying an adequate control environment and a strong focus on safety over the contract management activities associated with traffic control.

Audit and Assurance Status Report

The Committee was advised the Internal Audit Annual Work Plan is around 50% complete, with four other reviews in progress. There are 23 audit recommendations progressing on time, with two recommendations exceeding completion timeframes. The Committee received detailed status updates from management where recommendations had become overdue.

Audit and Assurance 2022 – 2023 Annual Audit Work Plan

The Committee was presented with the 2022 – 2023 Annual Audit Work Plan, which was developed in accordance with internal audit and risk management standards and in consultation with a broad range of stakeholders across the organisation.

The Committee noted the report and recommended the plan to Council for approval.

Governance Reporting

Governance and Risk Report

The Committee received the quarterly Governance and Risk report which covered the following areas:

- Governance in Action Program
- Risk Management

- Integrity Management.

The Committee noted the report and requested some minor revisions to the table format.

Workplace Health and Safety

The Committee was informed of the significant progress with the implementations of the Wellbeing Health and Safety Action Plan and the ongoing work associated with the Culture project.

The Committee was also advised that since January 2022, there have been three notifiable incidents.

The Lost Time Injury Frequency Rate (LTIFR) has fallen by ~36% over the last 12 months, sitting at 8.22 in March.

Total Reportable Incidents Frequency Rate (TRIFR) has fallen by ~33% over 12 months to 17.43 in March.

The Committee commended the detail and quality of the report and is supportive of the Culture project.

Legal

This report to Council has been developed in fulfillment of Council's statutory obligations under the *Local Government Act 2009* and *Local Government Regulation 2012*.

Risk

Specific risks associated with each matter contained in the Committee Agenda reports have been raised and addressed in the briefings to the Committee.

Previous Council Resolution

Ordinary Meeting 24 February 2022 (OM22/14)

That Council:

- (a) receive and note the report titled "**Audit Committee Meeting 24 January 2022**"*
- (b) endorse the Audit Committee Minutes 24 January 2022 (Appendix A)*
- (c) approve an amendment to the composition of the Audit Committee to increase the number of independent members to three persons and*
- (d) authorise the Chief Executive Officer to commence a process to recruit the additional independent member of the Audit Committee.*

Related Documentation

- Audit Committee Agenda (Confidential), which was distributed electronically to all Councillors on 14 January 2022.
- Audit Committee Charter dated 11 August 2021

Implementation

Implementation of the Audit Committee resolutions, internal and external audit recommendations are overseen by the Chief Executive Officer and the Executive Leadership Team and monitored by the Audit Committee.



Minutes

Audit Committee

Monday, 23 May 2022

Council Chambers, 1 Omrah Avenue, Caloundra

AUDIT COMMITTEE MEMBERS

Councillor J Natoli	Division 4
Councillor E Hungerford	Division 7
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member

AUDIT COMMITTEE MINUTES

23 MAY 2022

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AUDIT COMMITTEE MINUTES

23 MAY 2022

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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Audit Committee.

AUDIT COMMITTEE MINUTES

23 MAY 2022

1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:08am.

Councillor J Natoli acknowledged the Traditional Custodians of the land on which the meeting took place.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

AUDIT COMMITTEE MEMBERS

Councillor J Natoli	Division 4
Councillor E Hungerford	Division 7
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member

COUNCIL OFFICERS

Chief Executive Officer
Group Executive Business Performance
Group Executive Customer Engagement and Planning Services
Group Executive Economic and Community Development
A/Group Executive Liveability and Natural Assets
A/Chief Strategy Officer
A/Chief of Staff
Project Accountant
Chief Information Officer
Coordinator Financial Accounting
Acting Manager Audit & Assurance
Manager Corporate Governance
Head of People & Culture

APOLOGIES

Group Executive Built Infrastructure

ATTENDEES

Engagement Leader	Queensland Audit Office
Team Leader	Queensland Audit Office

AUDIT COMMITTEE MINUTES

23 MAY 2022

3 INFORMING OF CONFLICTS OF INTEREST

3.1 PRESCRIBED CONFLICTS OF INTEREST

Pursuant to Section 150EL of the *Local Government Act 2009*, no declarations of prescribed conflicts of interest were made during this meeting.

3.2 DECLARABLE CONFLICTS OF INTEREST

Pursuant to Section 150EQ of the *Local Government Act 2009*, no declarations of declarable conflicts of interest were made during this meeting.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4 REPORTS

4.1 OFFICE OF THE CEO

4.1.0 CEO ACKNOWLEDGEMENT OF SERVICE AND RETIREMENT OF AUDIT AND ASSURANCE MANAGER

The Chief Executive Officer acknowledged the service and retirement of the Audit and Assurance Manager, noting the significant contribution to the internal audit function and the overall control environment in Council.

4.1.1 CEO'S UPDATE TO THE AUDIT COMMITTEE

File No: Council Meetings

Author: Coordinator, Corporate Planning and Performance
Office of the CEO

EXECUTIVE SUMMARY

The Audit Committee considers a regular report from the Chief Executive Officer outlining Council's performance in progressing the implementation of its corporate and operational plans.

This report provides information on the following items for consideration by the Audit Committee:

- financial performance update
- breakdown of progress with implementing the Operational Plan 2021-2022 as at Quarter 3, 2021-2022
- summary of the Operational Plan performance by exception (Attachment 1), and
- significant achievements for the quarter.

Committee Recommendation (AC22/15)

Moved: Councillor E Hungerford

Seconded: P McCallum

That the Audit Committee receive and note the report titled "CEO's Update to the Audit Committee".

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.1.2 MAROOCHYDORE CITY CENTRE PROJECT - GOVERNANCE AND
RESOURCING REVIEW IMPLEMENTATION UPDATE

File No: F2020/90559
Author: Project Accountant
Office of the CEO

EXECUTIVE SUMMARY

This report provides an update on the implementation of the Maroochydore City Centre Governance and Resourcing Review, the outcomes of which were endorsed by Council on 9 December 2021.

The Governance and Resourcing Review was commissioned as a consequence of Council entering into the Maroochydore City Centre Development Agreement (MCCDA) on 18 November 2020 and recognised that with the advent of the MCCDA, the roles and responsibilities of both SunCentral Maroochydore Pty Ltd and Council – in the context of the Maroochydore City Centre project – would change.

The Governance and Resourcing Review was undertaken by HerbertSmithFreehills Lawyers and was informed by feedback from relevant Council officers, SunCentral Board members and employees and other stakeholders.

The recommendations of the Review were provided to the Audit Committee on 24 January 2022. Since that time, the recommendations from the review have been worked through and agreed with representatives of SunCentral Maroochydore Pty Ltd.

Subject to receipt of final agreement to the implementation plan, it is envisaged that completion of the implementation of the Review recommendations will occur by 31 December 2022.

Committee Recommendation (AC22/16)

Moved: P McCallum
Seconded: Councillor E Hungerford

That the Audit Committee receive and note the report titled “Maroochydore City Centre Project - Governance and Resourcing Review Implementation Update”.

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.1.3 CYBER SECURITY AND RISK

File No: Council meetings
Author: Information Technology Manager
Business Performance Group

EXECUTIVE SUMMARY

Council's Corporate plan 2021-2025 articulates key strategic priorities, one of which is "Our Outstanding Organisation". Our Outstanding Organisation has, as a key deliverable the development and implementation of an Information and Communication Technology Plan 2021, with a strong focus on Cyber Security. Council has a focus on protecting our community's information and Council assets. Council has significantly improved its cyber security controls (the "risk posture") over the last three years.

Council's Cyber Security framework aligns with ISO 27001:2013 Information Security Management Systems and Australian Signals Directorate Essential Eight. While no set of mitigation strategies one guaranteed to protect against all cyber threats, organisations are recommended to implement eight essential mitigation strategies from the ACSC's Strategies to Mitigate Cyber Security Incidents as a baseline.

An external Audit is conducted by Queensland Audit Office (QAO) on an annual basis. The QAO audit in 2020/21 identified no outstanding IT issues. Council has been working with QAO on their 2021/22 audit and waiting for the final report to be released.

As part of our regular six-monthly report to the audit committee we will continue to review and improve our reporting against industry benchmarking and regulatory audit requirements to show our progress as we implement new or improved security features.

Committee Recommendation (AC22/17)

Moved: Councillor J Natoli
Seconded: Councillor E Hungerford

That the Audit Committee receive and note the report titled "Cyber Security and Risk "

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.2 EXTERNAL AUDIT

4.2.1 PROCESS MAPPING AND CAUSAL ANALYSIS OF DELAYS IN ASSET RECOGNITION

File No: Council meetings
Author: Coordinator Financial Accounting
Business Performance Group

EXECUTIVE SUMMARY

Council has received internal control deficiencies from the Queensland Audit Office (QAO) due to delays in recording of contributed assets in the annual financial statements. In addition, for the 2020/21 financial year, Council was required to include an estimate of depreciation and fair value associated with internally constructed assets that were in use, but not yet financially captured.

As a result of these issues, a project was undertaken to map the end-to-end financial asset recognition process, identify causes for delays, and provide improvement recommendations and an action plan.

BDO Services Pty Ltd were engaged to undertake this work, and their draft report was provided to the Audit Committee.

Committee Recommendation (AC22/18)

Moved: Councillor E Hungerford
Seconded: P McCallum

That Council:

- (a) receive and note the report titled "*Process Mapping and Causal Analysis of Delays in Asset Recognition*" and
- (b) support actions to achieve a final agreed action plan, and the implementation of that plan.

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.2.2 ANNUAL FINANCIAL STATEMENT RISK AND PLANNING ASSESSMENT

File No: Audit Committee
Author: Coordinator Financial Accounting
Business Performance Group

EXECUTIVE SUMMARY

Council has a statutory obligation to prepare General Purpose Financial Statements on an annual basis, culminating in audit certification in late October, before publication in Council's Annual Report.

In conjunction with Queensland Audit Office, Council endeavours each year to strengthen the quality control surrounding this process.

Major milestones in the process identified with Queensland Audit Office were outlined for the information of the Audit Committee.

Committee Recommendation (AC22/19)

Moved: Councillor E Hungerford
Seconded: P McCallum

*That the Audit Committee receive and note the report titled "**Annual Financial Statement Risk and Planning Assessment**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.3 AUDIT AND ASSURANCE

4.3.1 TRAFFIC CONTROL SERVICES SUPPLIER ARRANGEMENT

File No: Council meetings

Author: Acting Manager Audit & Assurance
Office of the CEO

EXECUTIVE SUMMARY

A supplier arrangement has been established for traffic control services used by Civil Asset Management Branch in the conduct of road and pathway works. The review identified an adequate control environment with a strong focus on safety and some potential to review and refine the design of the supplier arrangement.

Committee Recommendation (AC22/20)

Moved: Councillor E Hungerford

Seconded: P McCallum

That the Audit Committee receive and note the report titled "Traffic Control Services Supplier Arrangement".

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.3.2 AUDIT & ASSURANCE STATUS REPORT

File No: Council Meetings
Author: Acting Manager Audit & Assurance
Office of the CEO

EXECUTIVE SUMMARY

The Internal Audit Work Plan is around 50% complete. Four reviews have been finalised and four are underway. There are currently 23 recommendations in progress, two of which have exceeded their revised estimated completion dates.

The 2021 – 2022 Internal Audit Work Plan is not expected to be fully completed by the end of June 2022, largely due to resourcing constraints in the Audit and Assurance Branch. Three reviews will be carried forward into future audit work plans due to management requests, resource issues and delays in the implementation of a new point of sale computer system.

Committee Recommendation (AC22/21)

Moved: Councillor E Hungerford
Seconded: Councillor J Natoli

*That the Audit Committee receive and note the report titled “**Audit & Assurance Status Report**”.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.3.3 2022 - 2023 ANNUAL AUDIT WORK PLAN

File No: Council Meetings
Author: Acting Manager Audit & Assurance
Office of the CEO

EXECUTIVE SUMMARY

The Internal Audit Work Plan is presented annually to the Audit Committee and is subject to final endorsement by Council.

The 2022-2023 plan has been developed in accordance with internal auditing and risk management standards to ensure available audit resources are effectively utilised. To that end, a number of reviews are aligned to key strategic risks facing the local government sector, including fraud prevention, safety, contract management, asset management and cyber security.

Committee Recommendation (AC22/22)

Moved: Councillor J Natoli
Seconded: P McCallum

That the Audit Committee:

- (a) receive and note the report titled "**2022 - 2023 Annual Audit Work Plan**" and
- (b) recommend to Council that the 2022 - 2023 Internal Audit Work Plan be endorsed.

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.4 GOVERNANCE REPORTING

4.4.1 GOVERNANCE AND RISK REPORT

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

EXECUTIVE SUMMARY

The Governance in Action Program assists to build employee awareness of the importance of good governance processes and practices. There has been a steady rise in the number of requests to the Branch for further information and training on a variety of topics reflecting a willingness to manage identified risks within tolerance range. These requests highlight an alert organisation that is willing to ensure safe and appropriate processes and practices are followed.

Strategic and operational risks continue to be monitored and managed effectively. The recent review of Council's operational risk registers has highlighted an increase in understanding and awareness of risk knowledge across the organisation.

Complaint matters elevated to the Corporate Governance Branch continue to be actioned and analysed to assess the cause of each complaint and to identify systemic concerns and relevant management action.

Committee Recommendation (AC22/23)

Moved: P McCallum
Seconded: Councillor E Hungerford

*That the Audit Committee receive and note the report titled "**Governance and Risk Report**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

4.4.2 WORK HEALTH AND SAFETY REPORT

File No: Council meetings
Author: Head of People & Culture
Business Performance Group

EXECUTIVE SUMMARY

Significant progress has been made to implement the Wellbeing Health and Safety Action Plan and to continue to improve the safety management system and its implementation.

Since January 2022, there have been three notifiable incidents.

The Lost Time Injury Frequency Rate (LTIFR) has fallen by ~36% over the last 12 months, sitting at 8.22 in March.

Total Reportable Incidents Frequency Rate (TRIFR) has fallen by ~33% over 12 months to 17.43 in March.

Committee Recommendation (AC22/24)

Moved: Councillor J Natoli
Seconded: Councillor E Hungerford

*That the Audit Committee receive and note the report titled “**Work Health and Safety Report**”.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

23 MAY 2022

5 NEXT MEETING

The next Ordinary Meeting will be held on 8 September 2022 Council Chambers, 1 Omrah Avenue, Caloundra.

6 MEETING CLOSURE

The meeting closed at 12:11pm.





Confirmed 8 September 2022.

CHAIR

2022-2023 Internal Audit Work Plan				
Group	Branch	Activity	General Scope	Rationale for Selection
Business Performance	Financial Operations	Rates (General rates and separate levies)	General rates and separate levies - land valuation reconciliations, accuracy of charges and separate levies and financial reconciliations.	Rate revenue is critical to Council's financial sustainability and is in the region of \$260M. Last review 2020
	Accounts Payable	Corporate Purchase Cards	Review effectiveness of controls with a focus on prevention and detection of misuse and fraud.	Executive management request to review effectiveness of controls in mitigating potential misuse and fraud. Purchases are around \$3M p.a.
	DIS	Cyber Security	Assessment of cyber security detection and response capability including penetration testing in accordance with best practice frameworks.	Cyber security is a major strategic and priority risk area for all organisations. Last review was in 2016
	DIS	IT Projects and Governance	Decision making framework, program development and project management.	Project management and governance is a major strategic risk and priority risk area for all organisations. Annual spend in the region of \$7M. Last review 10+ years
	People & Culture	Recruitment & Selection - Fraud Risks and Effectiveness of Controls	Assessment of fraud risks and the effectiveness of controls in the recruitment and selection process in accordance with SCC fraud Control Plan. Also includes the verification of pay relating to new starters above award.	Assessment of fraud risks and effectiveness of controls. is a major strategic and priority risk area for all organisations. Last review 2017.
	People & Culture	WH&S - Contractor Management	Corporate contract management processes relating to health and safety and critical risk management.	Contract management and Safety are major strategic and priority risk areas for all Councils. This audit has been carried forward from 2021/22 due to management request and audit resource constraints.
Built Infrastructure	Civil Asset Mgt	Asset Mgt - Road Maintenance and Pavement Management System (PMS)	Asset condition assessment (Pavement Management System- PMS) and levels of intervention relating to road and pathway infrastructure in the development of maintenance programs.	Asset management and financial sustainability are strategic risks and priority risk areas for all Councils. Road maintenance activities are worth around \$40M p.a. Last review was 10+ years.
Community Engagement & Planning Services	Community Response	Pest and Vector Management	Mosquito and vermin control. Efficiency of program delivery, legislative compliance, safety and associated contract management activities.	Contract management and safety are major strategic and priority risk areas for all Councils. Wet weather brings additional safety risks associated with mosquitos. Last review 10+ years.

	Development Services	Planning Assessment Fees	Accuracy and completeness of revenue associated with planning application fee, including reconfiguration of lots and material change of use. Carried forward from 2021/22.	Planning and assessment fees are a significant revenue source contributing to Council's financial sustainability. Fees and charges are worth around \$10M p.a. This audit has been carried forward from 2021/22 due to management request and audit resource constraints. Last review 2017.
	development Services	Planning and Development - Fraud Risks and Effectiveness of Controls	Assessment of fraud risks and effectiveness of controls in the planning and development area, in accordance with SCC fraud Control Plan.	Assessment of fraud risks and effectiveness of controls. is a major strategic and priority risk area for all organisations. Last review 2017.
Liveability & Natural Assets & Business Performance	Waste Mgt & Procurement	Waste Contract Evaluation & Tender Award	Waste Collection Contract - Evaluation and award of tender in accordance with corporate procurement policy and framework.	Contract management and fraud prevention are major strategic and priority risk areas for all Councils. Waste collection is Council's biggest contract worth over \$80M. No recent review undertaken around the tender and award.
Economic and Community Development	Sport and Community Venues	Aquatic Centres	Lease management, asset management and safety aspects.	Contract management and safety are major strategic and priority risk areas for all Councils. Last review undertaken in 2015.
Audits deferred due to resource constraints				
Council Wide	Council Wide	Follow Up of Audit Recommendations	A review of completed audit recommendations to ensure appropriate risk mitigation has occurred.	Follow up activities are confined to when each audit is undertaken as oppose to a continuous audit activity.
OM&CEO	Governance	Compliance Monitoring	Compliance monitoring and reporting activities undertaken in the Governance Branch as a second line of defence activity.	Not previously undertaken as a second line of defence activity.
Audits deferred at the request of management				
Liveability & Natural Assets	Project Delivery	Capital Works Program Development - Methodology and Business Cases	Criteria and methodology used to identify and prioritise major projects for inclusion into the capital works program, including business cases.	This audit has been deferred to 2023/24 at the request of management due to resource constraints in the business area.
Third Party Assurance				
Built Infrastructure	Civil Asset Mgt	Quarries	Deferred due to third party review in 2022.	Report to be received by Audit Committee in 2022/23 as a management update.
Built Infrastructure	Civil Asset Mgt	Fleet Mgt	Service review planned for 2022/23.	Report to be received by Audit Committee in 2022/23 as a management update.
Business Performance	People and Culture	Culture and Values Survey	Survey being undertaken late 2021/22.	Report to be received by Audit Committee in 2022/23 as a management update.

8.4 DELEGATION TO THE CHIEF EXECUTIVE OFFICER

File No:	Council Meeting
Author:	Manager Corporate Governance Office of the CEO
Appendices:	App A - 2016-73 (V7) Delegation to the Chief Executive Officer 187  
Attachments:	Att 1 - Delegations Guiding Principles (Delegations from Council to the CEO) 209  

PURPOSE

The purpose of this report is to satisfy the requirements for the annual review and to update the existing Council to Chief Executive Officer delegation instrument to include several Queensland State legislations and subordinate legislations identified in the annual review.

EXECUTIVE SUMMARY

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

To maintain the legality of the 2016-73 (v7) Delegation to the Chief Executive Officer, a review of the Local Government Association of Queensland delegation register was undertaken to ensure all relevant legislations and subordinate legislations were captured. As an additional measure, a further review of the Queensland Government Legislation Register was completed to ensure no gaps in Council's delegation framework exists and to safeguard continuity of business and enable business efficiency. The review identified several legislations and subordinate legislations which have been included in 2016-73 (v7) Delegation to the Chief Executive Officer detailed in schedule 1 of Appendix A to this report.

Further to the above, this report also satisfies Council's obligation under section 257(5) of the *Local Government Act 2009* to review delegations annually.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Delegation to the Chief Executive Officer" and
- (b) adopt Delegation 2016-73 (v7) Delegation to the Chief Executive Officer (Appendix A) and
- (c) note that all other existing specific delegations of authority to the Chief Executive Officer are retained.

FINANCE AND RESOURCING

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

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

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION

Portfolio Councillor Consultation

Councillor E Hungerford and Councillor J Natoli have been consulted regarding the annual review of delegations and recommendations proposed in this report.

Internal Consultation

Internal consultation occurred with the following officers:

- Manager Corporate Governance
- Coordinator Governance Process and Policy
- Executive Manager Office of the CEO
- Manager Customer Response
- Coordinator Healthy Places

External Consultation

No external consultation was conducted for the review of delegations.

Community Engagement

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

PROPOSAL

The Local Government Association of Queensland together with King and Company Solicitors, provides biannual updates of all delegations of authority under relevant Queensland Legislation, including updates on those matters not capable of delegation and requiring a resolution of Council.

As part of Council's annual review of delegations, an analysis of the legislations identified on the Local Government Association of Queensland's delegation register and the Queensland Government Legislation Register were cross checked against 2016-73 Delegation to the Chief Executive Officer to ensure no gaps existed in Council's delegation framework.

The following legislations have been identified and included in Schedule 1 to delegation 2016-73 (v7) Delegation to the Chief Executive Officer, detailed in Appendix A to this report:

- *Anti-Discrimination Act 1991* (Qld)
- *Retail Shop Leases Act 1994* (Qld)
- *Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020* (Qld)
- *Torres Strait Islander Cultural Heritage Act 2003* (Qld)
- *Working with Children (Risk Management and Screening) Act 2000* (Qld)

At this point in time, the inclusion of the above legislations does not require delegation from the Chief Executive Officer to officers under section 259 of the *Local Government Act 2009*. These legislations have only been added as a precautionary measure in case any decisions or actions occur that are not planned for or form part of usual Council business.

NEW MEDICINES, POISONS AND PEST MANAGEMENT REGULATORY FRAMEWORK

The *Medicines and Poisons Act 2019* and associated regulations listed below, have also been included in Schedule 1 to delegation 2016-73 (v7) Delegation to the Chief Executive Officer, detailed in Appendix A to this report.

The *Medicines and Poisons Act 2019* repeals and replaces the *Health Act 1937* and the *Pest Management Act 2001* with a new regulatory framework to:

- modernise and streamline the regulation of medicines and poisons
- simplify existing licence requirements and
- improve national uniformity.

A key objective of the *Medicines and Poisons Act 2019* is to ensure substances, including poisons, pesticides, and fumigants are used safely and effectively and do not cause harm to human health. The *Medicines and Poisons Act 2019* adopts the national classification system for medicines and poisons as specified in the current version of the Standard for the Uniform Scheduling of Medicines and Poisons (Poisons Standard). Medicines and poisons are scheduled in accordance with the National Scheduling Policy Framework for Medicines and Chemicals and the *Therapeutic Goods Act 1989* (Cwlth).

The *Medicines and Poisons Act 2019* is supported by the following three regulations:

- *Medicines and Poisons (Medicines) Regulation 2021*
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*
- *Medicines and Poisons (Pest Management Activities) Regulation 2021*

As the *Medicines and Poisons Act 2019* (Qld) and associated regulations impact local government activities, provisions have been identified and will be on-delegated from the Chief Executive Officer to authorised employees as per section 259 of the *Local Government Act 2009*.

Legal

Section 257 (Delegation by the Local Government) of the *Local Government Act 2009* allows, by resolution, a Local Government to delegate its powers under a Local Government Act to the Mayor, Chief Executive Officer, a standing committee or a joint standing committee. While delegations provide expediency for the Local Government, a delegation is revocable and does not prevent Council from acting on a matter (in which case the delegate must not act) and does not prevent the Council or Chief Executive Officer from exercising the power.

Section 257(5) of the *Local Government Act 2009* requires the local government to review all delegations to the Chief Executive Officer annually.

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

In accordance with section 257(3) of the *Local Government Act 2009*, provisions not capable of delegation are included in 2016-73 (v7) Delegation to the Chief Executive Officer detailed in schedule 2 of Appendix A to this report. A delegation is not permissible if the relevant

legislation specifically provides that the power must be exercised 'by resolution'. This restriction applies where legislation uses the specific words 'by resolution'. Moreover, by virtue of the definition of 'adopt' the same applies to a number of provisions using this term which cannot be delegated and must be exercised by Council. Where legislation simply gives Council to do an act or make a decision without using the words 'resolution' or 'adopt' or a word of the same derivation, and so long as the context does not clearly indicate otherwise, then the power may be delegated.

Policy

The Chief Executive Officer's delegation (2016-73 (v7)) is supported by the Delegations Guiding Principles Policy (see Attachment 1).

Risk

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

All delegated officers are required to complete mandatory delegation awareness training to ensure officers are aware of their delegated responsibilities and apply the principles of good decision making when exercising delegated powers.

Previous Council Resolution

Ordinary Meeting 25 March 2021 (OM21/28)

That Council:

- (a) *receive and note the report titled "**Delegation to the Chief Executive Officer**"*
- (b) *delegate powers to the Mayor to notify the Minister Foreign Affairs in accordance with the requirements of the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)*
- (c) *adopt Delegation 2016-73 (v6) Delegation to the Chief Executive Officer (Appendix A) and*
- (d) *note that all other existing specific delegations of authority to the Chief Executive Officer are retained.*

Related Documentation

The Delegations Guiding Principles Policy (see Attachment 1) supports the 2016-73 (v7) Delegation to the Chief Executive Officer (see Appendix A) to this report.

Critical Dates

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

Implementation

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

- update Council's Delegation Register, and
- link relevant section 259 Delegations of Authority from the Chief Executive Officer to officers.



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DELEGATION AUTHORITY

DELEGATION NO.	2016-73 (v7.0)
DELEGATION TITLE:	Delegation to the Chief Executive Officer
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.	
Source of Authority:	
Local Government Act 2009 (Qld)	
Refer Schedule 1	
Refer Schedule 2	

Delegated Power:

Council resolves, pursuant to section 257(1)(b) of the *Local Government Act 2009* (Qld), to delegate to the Chief Executive Officer all of the powers of the local government conferred under:

- a) Council's Local Laws;
- b) the Acts and Subordinate Legislation listed in Schedule 1 of this delegation.

Interpretation:

1. To the extent that this delegation confers a power to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action, make that decision or give effect to a decision made by the local government or the local government's delegate such as:
 - a) considering factual and legal matters and issues in order to:
 - i) form any belief which is required; and
 - ii) be satisfied about any matter or thing;
 - b) consulting with any person who is required to be consulted with;
 - c) issuing any notices including publishing any notice in the gazette, newspaper or on the local government's website;
 - d) approving any forms;
 - e) filing any document;
 - f) extending any period;
 - g) providing reasons; and
 - h) making or refunding any payment.

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2. Under this delegation, the words used are to take their meaning from the Queensland legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.
3. Under this delegation, the words used have the meanings set out below:
 - a) 'Act' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - b) 'Queensland legislation' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - c) 'powers of the local government' means all powers conferred on the local government under Queensland legislation which is the subject of this delegation including any Subordinate Legislation and Statutory Instrument made under that legislation or which has taken effect under that legislation even if not expressly mentioned in this delegation;
 - d) 'Subordinate Legislation' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - e) 'Statutory Instrument' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - f) 'Local Law' has the meaning given to that term under the *Local Government Act 2009* (Qld) and a reference to a local law in this delegation includes a reference to:
 - i) an 'interim local law' as defined by the *Local Government Act 2009* (Qld);
 - ii) a 'subordinate local law' as defined by the *Local Government Act 2009* (Qld); and
 - iii) a local law that incorporates a 'model local law' as defined by the *Local Government Act 2009* (Qld).
4. To the extent of any inconsistency between the conferral of this delegation of powers and any earlier delegation of powers to the Chief Executive Officer, this delegation prevails.

Delegation Conditions

5. The powers conferred by this delegation must be exercised in accordance with the Queensland legislation conferring the authority, including any obligations which are imposed in exercising the power.
6. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation (refer to schedule 2 of this delegation).
7. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
8. Unless compliance would be contrary to any law, the policies of the local government and codes of conduct must be complied with in exercising the powers conferred by this delegation.

Delegation Criteria - *Planning Act 2016*

9. The delegated officer may exercise the powers of the local government under the *Planning Act 2016* for an application other than the following:
 - a) an application where, in the opinion of the delegated officer, the estimated construction value of the proposed development exceeds \$100 million (excluding land content);
 - b) under the transitional provisions set out in Chapter 8 of the *Planning Act 2016*- an application for the approval of a master plan for a master planned area;
 - c) an application for a variation request as defined in the *Planning Act 2016*;

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- d) an application for a proposed development where a substantial number of submissions have been received during the notification part objecting to the proposed development.
- 10. In exercising the powers delegated, where a development application has been decided by Council the delegated officer must give due consideration to the materiality of the changes sought through a negotiated decision notice and consult with the divisional councillor where those changes would have a material impact on the outcome of the original decision.
- 11. However, even if paragraph 9 a) above applies, the delegated officer may exercise the powers of the local government under the *Planning Act 2016* without that limitation for an application where the application has the potential for “deemed approval”.

Delegation Administration Procedure – *Planning Act 2016*:

- 12. The following procedure is to be undertaken for any powers exercised under the *Planning Act 2016* and *Planning Regulation 2017* unless compliance would be contrary to any law:
 - a) The policies of the local government must be complied with and in particular any policy related to entering into an infrastructure agreement.
 - b) The policies and codes of conduct of the local government must be complied with and in particular:
 - i) a development application is to be referred to the Chief Executive Officer for decision where a councillor has a material personal interest in the development application.

Schedule 1

Acts

No.	Name of Act
1	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
2	<i>Acquisition of Land Act 1967 (Qld)</i>
3	<i>Acquisition of Land Regulation (2014) (Qld)</i>
4	<i>Animal Care and Protection Act 2001 (Qld)</i>
5	<i>Animal Care and Protection Regulation 2012 (Qld)</i>
6	<i>Animal Management (Cats and Dogs) Act 2008 (Qld)</i>
7	<i>Animal Management (Cats and Dogs) Regulation 2009 (Qld)</i>
8	<i>Anti-Discrimination Act 1991 (Qld)</i>
9	<i>Auditor-General Act 2009 (Qld)</i>
10	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)</i>
11	<i>Biosecurity Act 2014 (Qld)</i>
12	<i>Biosecurity Regulation 2016 (Qld)</i>
13	<i>Body Corporate and Community Management (Accommodation Module) Regulation 2020 (Qld)</i>
14	<i>Body Corporate and Community Management (Commercial Module) Regulation 2020 (Qld)</i>
15	<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2020 (Qld)</i>
16	<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 (Qld)</i>
17	<i>Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)</i>
18	<i>Body Corporate and Community Management Act 1997 (Qld)</i>
19	<i>Building Act 1975 (Qld)</i>
20	<i>Building Fire Safety Regulation 2008 (Qld)</i>
21	<i>Building Regulation 2006 (Qld)</i>
22	<i>Building Regulation 2021 (Qld)</i>
23	<i>Coastal Protection and Management Act 1995 (Qld)</i>
24	<i>Crime and Corruption Act 2001 (Qld)</i>
25	<i>Development Assessment Rules (Qld)</i>
26	<i>Disaster Management Act 2003 (Qld)</i>
27	<i>Disaster Management Regulation 2014 (Qld)</i>
28	<i>Economic Development Act 2012 (Qld)</i>
29	<i>Electricity Act 1994 (Qld)</i>
30	<i>Electricity Regulation 2006 (Qld)</i>
31	<i>Electrical Safety Act 2002 (Qld)</i>
32	<i>Electrical Safety Regulation 2013 (Qld)</i>
33	<i>Environmental Offsets Act 2014 (Qld)</i>

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No.	Name of Act
34	<i>Environmental Offsets Regulation 2014 (Qld)</i>
35	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
36	<i>Environmental Protection Act 1994 (Qld)</i>
37	<i>Environmental Protection Regulation 2019 (Qld)</i>
38	<i>Evidence Act 1977 (Qld)</i>
39	<i>Fire and Emergency Service Act 1990 (Qld)</i>
40	<i>Fisheries Act 1994 (Qld)</i>
41	<i>Food Act 2006 (Qld)</i>
42	<i>Food Production (Safety) Act 2000 (Qld)</i>
43	<i>Forestry Act 1959 (Qld)</i>
44	<i>Fossicking Act 1994 (Qld)</i>
45	<i>Gaming Machine Act 1991 (Qld)</i>
46	<i>Geothermal Energy Act 2010 (Qld)</i>
47	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
48	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
49	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
50	<i>Heavy Vehicle National Law (Queensland)</i>
51	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
52	<i>Housing Act 2003 (Qld)</i>
53	<i>Housing Regulation 2015 (Qld)</i>
54	<i>Human Rights Act 2019 (Qld)</i>
55	<i>Industrial Relations Act 2016 (Qld)</i>
56	<i>Industrial Relations Regulation 2018 (Qld)</i>
57	<i>Information Privacy Act 2009 (Qld)</i>
58	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
59	<i>Integrity Act 2009 (Qld)</i>
60	<i>Integrated Planning Act 1997 (Qld)</i>
61	<i>Integrated Resort Development Act 1987 (Qld)</i>
62	<i>Judicial Review Act 1991 (Qld)</i>
63	<i>Labour Hire Licensing Act 2017 (Qld)</i>
64	<i>Land Access Ombudsman Act 2017 (Qld)</i>
65	<i>Land Act 1994 (Qld)</i>
66	<i>Land Title Act 1994 (Qld)</i>
67	<i>Land Valuation Act 2010 (Qld)</i>
68	<i>Libraries Act 1988 (Qld)</i>
69	<i>Liquor Act 1992 (Qld)</i>

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No.	Name of Act
70	<i>Local Government Act 2009 (Qld)</i>
71	<i>Local Government Electoral Act 2011 (Qld)</i>
72	<i>Local Government Regulation 2012 (Qld)</i>
73	<i>Manufactured Homes (Residential Parks) Act 2003 (Qld)</i>
74	<i>Marine Parks Act 2004 (Qld)</i>
75	<i>Medicines and Poisons (Pest Management Activities) Regulation 2021 (Qld)</i>
76	<i>Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Qld)</i>
77	<i>Medicines and Poisons Act 2019 (Qld)</i>
78	<i>Mineral & Energy Resources (Common Provisions) Act 2014 (Qld)</i>
79	<i>Mineral Resources Act 1989 (Qld)</i>
80	<i>Mining and Quarrying Safety and Health Act 2017 (Qld)</i>
81	<i>Mining and Quarrying Safety and Health Regulation 2017 (Qld)</i>
82	<i>Minister's Guidelines and Rules</i>
83	<i>Mixed Use Development Act 1993 (Qld)</i>
84	<i>Nature Conservation (Administration) Regulation 2017 (Qld)</i>
85	<i>Nature Conservation (Animals) Regulation 2020 (Qld)</i>
86	<i>Nature Conservation (Plants) Regulation 2020 (Qld)</i>
87	<i>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)</i>
88	<i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i>
89	<i>Nature Conservation Act 1992 (Qld)</i>
90	<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i>
91	<i>Peaceful Assembly Act 1992 (Qld)</i>
92	<i>Planning Act 2016 (Qld)</i>
93	<i>Planning Regulation 2017 (Qld)</i>
94	<i>Planning and Environment Court Act 2016 (Qld)</i>
95	<i>Planning and Environment Court Rules 2018 (Qld)</i>
96	<i>Plumbing and Drainage Act 2002 (Qld)</i>
97	<i>Plumbing and Drainage Regulation 2003 (Qld)</i>
98	<i>Plumbing and Drainage Act 2018 (Qld)</i>
99	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
100	<i>Property Law Act 1974 (Qld)</i>
101	<i>Prostitution Act 1999 (Qld)</i>
102	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>
103	<i>Public Health Act 2005 (Qld)</i>
104	<i>Public Health Regulation 2018 (Qld)</i>
105	<i>Public Interest Disclosure Act 2010 (Qld)</i>
106	<i>Public Records Act 2002 (Qld)</i>

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No.	Name of Act
107	<i>Public Sector Ethics Act 1994 (Qld)</i>
108	<i>Queensland Building and Construction Commission Act 1991 (Qld)</i>
109	<i>Queensland Heritage Act 1992 (Qld)</i>
110	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
111	Rail Safety National Law
112	<i>Regional Planning Interests Act 2014 (Qld)</i>
113	<i>Residential Services (Accreditation) Act 2002 (Qld)</i>
114	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i>
115	<i>Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020 (Qld)</i>
116	<i>Retail Shop Leases Act 1994 (Qld)</i>
117	<i>Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 (Qld)</i>
118	<i>Right to Information Act 2009 (Qld)</i>
119	<i>River Improvement Trust Act 1940 (Qld)</i>
120	<i>Safety in Recreational Water Activities Act 2011 (Qld)</i>
121	<i>Soil Conservation Act 1986 (Qld)</i>
122	<i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)</i> <i>Delegation by Northern SEQ Distributer Retailer Authority (Unitywater) to Moreton Bay Regional Council, Sunshine Coast Regional Council and Noosa Shire Council – 30 June 2014</i>
123	<i>Standard Plumbing and Drainage Regulation 2003 (Qld)</i>
124	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
125	<i>State Penalties Enforcement Act 1999 (Qld)</i>
126	<i>State Penalties Enforcement Regulation 2014 (Qld)</i>
127	<i>Statutory Bodies Financial Arrangements Act 1982 (Qld)</i>
128	<i>Stock Act 1915 (Qld)</i>
129	<i>Stock Route Management Act 2002 (Qld)</i>
130	<i>Stock Route Management Regulation 2003 (Qld)</i>
131	<i>Strong and Sustainable Resource Communities Act 2017 (Qld)</i>
132	<i>Summary Offences Act 2005 (Qld)</i>
133	<i>Summary Offences Regulation 2006 (Qld)</i>
134	<i>Survey and Mapping Infrastructure Act 2003 (Qld)</i>
135	<i>Sustainable Planning Act 2009 (Qld)</i>
136	<i>Sustainable Planning Regulation 2009 (Qld)</i>
137	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>
138	<i>Tobacco and Other Smoking Products Act 1998 (Qld)</i>
139	<i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
140	<i>Transport Infrastructure (Busway) Regulation 2002 (Qld)</i>

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No.	Name of Act
141	<i>Transport Infrastructure (Public Marine Facilities) Regulation 2011 (Qld)</i>
142	<i>Transport Infrastructure (Rail) Regulation 2006 (Qld)</i>
143	<i>Transport Infrastructure (State Controlled Roads) Regulation 2017 (Qld)</i>
144	<i>Transport Infrastructure Act 1994 (Qld)</i>
145	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
146	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
147	<i>Transport Operations (Marine Safety) Regulation 2016 (Qld)</i>
148	<i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i>
149	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
150	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 (Qld)</i>
151	<i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 (Qld)</i>
152	<i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 (Qld)</i>
153	<i>Transport Planning and Coordination Act 1994 (Qld)</i>
154	<i>Trusts Act 1973 (Qld)</i>
155	<i>Waste Reduction and Recycling Act 2011 (Qld)</i>
156	<i>Waste Reduction and Recycling Regulation 2011 (Qld)</i>
157	<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>
158	<i>Water Act 2000 (Qld)</i>
159	<i>Water Regulation 2016 (Qld)</i>
160	<i>Water Supply (Safety and Reliability) Act 2008 (Qld)</i>
161	<i>Work Health and Safety Act 2011 (Qld)</i>
162	<i>Work Health and Safety Regulation 2011 (Qld)</i>
163	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>
164	<i>Workers Compensation and Rehabilitation Regulation 2014 (Qld)</i>
165	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>

Schedule 2

Limitations on delegation of powers

The powers of Sunshine Coast Regional Council which are not able to be delegated are set out in the tables below.

Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)	
Section	Power not subject to delegation
12 – Identification devices under Act	Council may, by resolution, nominate a device to assist in identifying a dog.
50 – Duration of registration	Council may, by resolution, fix the period for registration of a dog.
113 – Approval of inspection program authorising entry	Council may, by resolution, approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with the AMCDA or an aspect of the AMCDA.

Biosecurity Act 2014	
Section	Power not subject to delegation
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

Building Act 1975 (Qld)	
Section	Power not subject to delegation
32 - Local laws, local planning instruments and local government resolutions that may form part of the building assessment provisions	Council may make resolutions about an aspect of, or matter related or incidental to, building work prescribed under a regulation.

Building Regulation 2021 (Qld)	
Section	Power not subject to delegation
8 – Land liable to flooding	<p>Council may in a planning scheme, temporary local planning instrument, or by resolution:</p> <ul style="list-style-type: none"> (a) designate part of its area as a flood hazard area; and (b) declare the following for all or part of a flood hazard area: <ul style="list-style-type: none"> (i) the defined flood level; (ii) the maximum flow velocity of water; (iii) an inactive flow or backwater area; (iv) a freeboard that is more than 300mm; (v) the finished floor level of class 1 buildings built in all or part of the flood hazard area.

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Building Regulation 2021 (Qld)	
Section	Power not subject to delegation
45 – Local government's power to exempt particular assessable building work from particular stages of inspection	Council may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work: <ul style="list-style-type: none"> (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and (b) is not for a swimming pool or fencing around it.

Economic Development Act 2012 (Qld)	
Section	Power not subject to delegation
169 – Delegations	Council may not subdelegate a function or power of the Minister for Economic Development Queensland (MEDQ) delegated to it where MEDQ has, when delegating the function or power to Council, directed that the function or power cannot be subdelegated.

Environmental Protection Act 1994 (Qld) (EPA)	
Section	Power not subject to delegation
514 – Devolution of powers	Council may make a resolution about the fees payable to it for the administration and enforcement of a matter devolved to it by the Governor in Council, which may include: <ul style="list-style-type: none"> (a) the whole or part of an environmental protection policy; or (b) the issue of environmental authorities; (c) another matter under the EPA (other than Chapter 2 or Chapter 7, Part 8); or (d) a matter relating to an area below the high or low water mark forming the boundary of a local government's area.
518 – Delegation by administering authority	Where Council is an administering authority, it may, by resolution, delegate its powers under the Environmental Protection Act to an appropriately qualified entity.

Food Act 2006 (Qld) (Food Act)	
Section	Power not subject to delegation
31 – Fees payable to local governments	Council may make a resolution about the fees payable to it for providing a service or taking action under the Food Act.

Land Act 1994 (Qld)	
Section	Power not subject to delegation
56 – Model by-laws	Decide where the local government is trustee of trust land to adopt a model by-law.

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Libraries Act 1988 (Qld)	
Section	Power not subject to delegation
55 – Library committees	Council may direct, by resolution, the functions, powers and duties to be fulfilled by a library committee.

Liquor Act 1992 (Qld)	
Section	Power not subject to delegation
173N – Suspension of designation	Council may, by resolution, suspend the designation of a public place as a public place where permitted liquor may be consumed for a period of not more than 10 days if it reasonably believes it is in the best interests of the residents of the area to do so.

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
25C – Establishment of joint local governments	A joint local government is established for an area if 2 or more local governments approve, by resolution, the constitution for the joint local government.
25H – Chairperson and deputy chairperson	A joint local government must appoint a chairperson and deputy chairperson from its members, by resolution.
25I – Disbursement from operating fund of joint local government for purposes other than exclusive jurisdiction	A joint local government may only make a disbursement from its operating fund if the joint local government has, by resolution, decided the amount of the disbursement is not required for exercising its exclusive jurisdiction.
25J – Winding up joint local governments	A joint local government may, by resolution, decide to wind up the joint local government.
29 – Local law making process	A local law must be made by resolution of Council.
32 – Consolidated versions of local laws	Council may prepare and adopt, by resolution, a consolidated version of a local law.
46 – Assessing the public benefit	A local government must conduct a public benefit assessment of any new significant business activity that is identified in the annual report of the local government. The local government must prepare a report on the public benefit assessment that contains its recommendations about the application of the competitive neutrality principle in relation to the significant business activity. At a meeting of the local government, the local government must consider the report and decide, by resolution, whether or not to apply the competitive neutrality principle in relation to the significant business activity.
47 – Code of competitive conduct	Council must decide each financial year, by resolution, whether to apply the code of competitive conduct to a business activity prescribed under regulation.
48 – Competitive neutrality complaints	Council must adopt, by resolution, a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint: (a) relating to a failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and (b) is made by an affected person as defined in section 48(3) of the Local Government Act.

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Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
74 – Road register fees	Council may, by resolution or local law, fix a fee for a copy of a map or register of roads within the local government area.
80A – Malls	Council may decide by resolution to pay compensation to a person on account of injurious affection to any right or interest of a business, commercial or industrial nature because of the establishment, modification or closing of a mall by a local government.
93 – Land on which rates are levied	Land may be exempted from rating by resolution of Council.
94 – Power to levy rates and charges	The rates and charges to be levied in a financial year must be decided by resolution at Council's budget meeting for that financial year.
97 – Cost-recovery fees	Council may, under a local law or a resolution, fix a cost-recovery fee. An application for the issue or renewal of a licence, permit, registration or other approval under a local government Act may also include a tax if Council decides, by resolution, that the purpose of the tax benefits its local government area.
99 – Fees on occupiers of land below the high-water mark	Council may, by resolution, levy a fee on the occupier of land below the high-water mark for the use of Council's roads and other infrastructure.
107A – Approval of budget	Council must consider the budget presented by the mayor and, by resolution, adopt the budget with or without amendment. The budget must be adopted before 1 August in the financial year to which the budget relates.
110 – Councillors liable for improper disbursements	Councillors will be liable in accordance with section 110 for any disbursement of Council funds which is: (a) not provided for in Council's budget; and (b) made without the approval, by resolution, of Council.
134 – Approving an inspection program	Council may, by resolution, approve a systematic or a selective inspection program allowing an authorised person to enter and inspect certain properties within Council's local government area.
150G – Conduct of Councillors	Adoption of the model procedures or other procedures for the conduct of the local government's meetings and meetings of its committees
150AE	Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government
150AF	Decision to investigate a councillor's conduct in another way than as provided in section 150AF(2)(a)
150ES	Decision, where a councillor has a declarable conflict of interest, to allow the councillor to participate in a decision about the matter or to leave the place where the meeting is being held
150EU(2)(b)	Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, to deter the matter to a later meeting
150EU(2)(c)	Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, not to decide the matter and take no further action in relation to the matter.
164 - Filling vacancy in office of mayor	Decision to appoint a councillor to the office of mayor if the office becomes vacant during the final part of the local government's term

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Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
165 – Acting mayor	Council may, by resolution, appoint an acting mayor from its councillors in certain circumstances. Council may also, by resolution, declare that the office of deputy mayor is vacant, in which case it must immediately appoint another deputy mayor from its councillors.
166 – Filling a vacancy in the office of another councillor (other than the Mayor)	If the office of a councillor who is not the mayor becomes vacant during the beginning of Council's term, Council must, by resolution, fill the vacant office by either: (a) a by-election; or (b) appointing the runner-up in the last election. If the former councillor's office becomes vacant during the final part of Council's term, the vacant office must be filled by Council appointing, by resolution, a person who is: (a) qualified to be a councillor; and (b) if the former councillor was elected or appointed to office as a political party's nominee—the political party's nominee.
170A – Requests for assistance or information	'Acceptable requests guidelines' are guidelines of Council regarding: (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Local Government Act; and (b) reasonable limits on requests that a councillor may make. Acceptable requests guidelines must be adopted by resolution by Council.
175 – Post-election meetings	Council must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) at: (a) a meeting held within 14 days after the conclusion of each quadrennial election and the conclusion of a fresh election of its councillors; and (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.
196 – Appointing other local government employees	Council must, by resolution, adopt an organisational structure that is appropriate to the performance of Council's responsibilities.
197 – Councillor advisor	Allowing a councillor to appoint one or more appropriately qualified persons (each a councillor advisor) to assist the councillor in performing responsibilities under the Act.
202 – Appointing authorised persons	A person is qualified to be an authorised person of Council if: (a) the person is an authorised person for another local government; and (b) Council has, by resolution, decided that authorised persons of the other local government may be appointed as authorised persons of Council.
257 – Delegation of local government powers	Council may only delegate certain powers under the Local Government Act or another Act by resolution. Council must not delegate a power that an Act states must be exercised by resolution.
257A – Delegation of joint local government's powers	A joint local government may, by resolution, delegate its powers to certain persons or bodies. However it must not delegate a power that an Act states must be exercised by resolution.
259 – Delegation of chief executive officer powers	Council's CEO must not delegate the following powers:

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Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	(a) a power delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power; and (b) a power to keep a register of interests.
268 – Process for administrative action complaints	Council must adopt, by resolution, a process for resolving complaints about an administrative action of Council by a person who is apparently directly affected by the administrative action.
276 – Local law continuation	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 Investigating inappropriate conduct	Decision about the procedure for investigating a councillor's inappropriate conduct if an investigation policy has not been adopted under section 150AE; Decision to deal with a councillor's inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
29 – Converting a business unit to a commercial business unit	Council must make the decision to convert a business unit to a commercial business unit by resolution.
30 – Creating a commercial business unit	Council must make the decision to create a commercial business unit by resolution.
55 – Local government response to QCA's report	Council must decide, by resolution, whether to implement the recommendations in a report on the results of an investigation by the Queensland Competition Authority of a competitive neutrality complaint.
74 – Rateable value of land	When calculating the rateable value of land, Council may use the value of the land averaged over a number of financial years only if it decides, by resolution, to do so.
81 – Categorisation of land for differential general rates	Council must decide the different categories of rateable land in its local government area by resolution at its budget meeting, before Council levies differential general rates.
94 – Levying special rates or charges	Council may, by resolution, decide to levy special rates and charges. Council may amend an overall plan or an annual implementation plan regarding the special rates or charges at any time by resolution.
97 – Surplus special rates or charges after plan is cancelled	Where: (a) Council decides to cancel an overall plan before it is carried out; and (b) Council has not spent all the special rates or charges; and (c) the overall plan identifies the beneficiaries of the plan, Council may decide, by resolution, the proportions that it must pay the current owners of the land on which the special rates or charges were levied.
102 – Reading meters for utility charges	Council may, by resolution, decide a meter is taken to have been read during the period that starts 2 weeks before, and ends 2 weeks after, the day on which the meter is actually read.
116 – Limitation of increase in rates or charges levied	Council may resolve to limit the increase in rates or charges when it resolves to levy rates or charges.

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Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
118 – When rates or charges must be paid	Council must decide, by resolution at its budget meeting, the date by which, or the period within which, rates or charges must be paid.
122 – Resolutions for granting concession	Council may only grant a ratepayer a concession for rates or charges for land by resolution.
129 – Paying rates or charges by instalments	Council may decide, by resolution at its budget meeting, to allow ratepayers to pay rates or charges by instalments.
130 – Discount for prompt payment of rates or charges	Council may decide, by resolution at its budget meeting, to allow a discount for payment of rates or charges before the due date for payment. Council may change the due date for payment and the discount period to end on a later day by resolution.
133 - Interest payable on overdue rates or charges	Decision about the rate of interest payable on overdue rates or charges under 133 (3)(b)
140 – Notice of intention to sell land for overdue rates or charges	Council may, by resolution, decide to sell land on which there are overdue rates or charges in the circumstances set out in section 140 of the Local Government Regulation.
149 – Requirements for notice of intention to acquire land	Council may decide to acquire land by resolution for overdue rates or charges.
165 – Preparation of 5-year corporate plan	Council may amend its 5-year corporate plan at any time by resolution.
167 – Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council may amend the budget for a financial year by resolution any time before the end of the financial year.
173 – Unauthorised spending	Adopting an annual budget amended in compliance with Sect 173A. Council may spend money which is not authorised in its budget for genuine emergency or hardship if it makes a resolution about spending the money before, or as soon as practicable after, the money is spent.
174 – Preparation and adoption of annual operational plan	Council may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – Annual report	Council must adopt its annual report within one month after the day the auditor-general gives their report about the local government's financial statement.
191- Investment policy	Council must adopt an investment policy.
192 – Debt policy	Council must adopt a debt policy for a financial year.
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and hospitality policy	Council must adopt a policy about the local government's spending on entertainment or hospitality.
197 – Advertising spending policy	Council must adopt a policy about the local government's spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.

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Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
201- Trust fund transfers	Council may, by resolution, transfer money from the trust fund if the purpose for which it was credited to the fund no longer exists.
206 – Valuation of non-current physical assets	Council must, by resolution, set an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense.
218 – Power to choose strategic approach	Council may decide to apply Chapter 6, Part 2 of the Local Government Regulation (Strategic contracting procedures) to its contracts by resolution. Council may also decide that Chapter 6, Part 2 no longer applies to its contracts by a later resolution.
219 - Strategic Contracting	Decision that Chapter 6 Part 2 (strategic contracting procedures) no longer applies to local government contracts.
220 – Contracting plans	Council must make and adopt a contracting plan each financial year by resolution, but must not do so before it adopts an annual budget for a financial year. Council may, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates.
221 – Significant contracting plans	Council may, by resolution, amend a significant contracting plan (as defined in section 221 of the Local Government Regulation) at any time before the end of the financial year to which the plan relates.
222 – Contracting manual	Council must make and adopt a contract manual.
228 – Tender process	Council may invite expressions of interest under section 228(5) only if it decides by resolution that it would be in the public interest to invite expressions of interest before inviting written tenders.
230 – Exception if quote or tender consideration plan prepared	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, to prepare a quote or tender consideration plan and prepares and adopts the plan.
235 – Other exceptions	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, that: (a) there is only one supplier who is reasonably available; or (b) 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.
236 – Exceptions for valuable non-current asset contracts	Before disposing of a valuable non-current asset other than by tender or auction in accordance with section 236, Council must decide by resolution that the exceptions allowing such disposal apply to Council.
247 – Remuneration payable to councillors	Council may decide, by resolution, that the maximum amount of remuneration payable to a councillor under the remuneration schedule is not payable to the councillor. If this occurs, Council must also decide, by resolution, the amount of remuneration payable to the councillor.
250 – Requirement to adopt expenses reimbursement policy or amendment	Council may amend its expenses reimbursement policy at any time by resolution.
254 - Exemption of minutes and close a meeting	Council may exempt a committee from the requirement to take minutes of its proceedings by resolution.

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Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
	Council or a committee may decide by resolution that a meeting be closed to the public if the councillors or members of the committee consider it necessary to close the meeting to discuss certain matters.
257 – Frequency and place of meetings	Council must meet at least once in each month either at one of its public offices or at another place fixed by Council by resolution for the meeting.
306 – Complaints management process	Council must adopt a complaints management process and written policies and procedures supporting the process.

Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 1, 3.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed administrative amendment to a planning scheme.
Chapter 2, Part 2, 6.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed minor amendment to a planning scheme.
Chapter 2, Part 3, 14.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed qualified state interest amendment to a planning scheme approved and notified by the Minister under section 13.5.
Chapter 2, Part 4, 22.1	For the purposes of section 20 of the Planning Act (amending planning schemes under the Minister's rules), adoption of a proposed major amendment to a planning scheme approved and notified by the Minister under section 21.5.
Chapter 3, Part 1, 5.1	For the purposes of section 22 of the Planning Act (making or amending planning scheme policies), adoption of a proposed planning scheme policy or amendment.
Chapter 3, Part 2, 9.1	For the purposes of section 23 of the Planning Act (making or amending temporary local planning instruments), adoption of a proposed temporary local planning instrument or temporary local planning instrument amendment approved and notified by the Minister under section 8.5.
Chapter 5, Part 2, 10.1	For the purposes of section 25(3) and (4) of the Planning Act (reviewing a local government infrastructure plan) and making or amending an LGIP, or making an interim LGIP amendment, adoption of a proposed LGIP or amendment approved and notified by the Minister under section 9.7.

Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
24 – Repealing TLPIs or planning scheme policies	A local government may repeal a TLPI, or planning scheme policy, by resolution.
113 – Adopting Charges Resolution	A local government may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.

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Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
175 – Proceedings brought in a representative capacity	A person may bring offence proceedings in a representative capacity if the person has the consent of the members of its controlling or governing body where the proceedings are being brought on behalf of a body of persons or a corporation (e.g. Council).
Schedule 2 – Required fee	Fixing of a fee for an application or referral to a local government.

Planning Regulation 2017	
Section	Power not subject to delegation
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	A local government may by resolution set a fee for considering a superseded planning scheme request.
Schedule 6 Part 1 – Material change of use for particular buildings or structures – s 2(e)	For a class 1(a)(ii) building made up of not more than 2 attached dwellings – the local government for the local government area in which the premises are located may decide by resolution that this subsection will apply to that class of building.
Schedule 9 - Division 2 – Local Government as referral agency (Table 4)	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity or likely amenity of the locality; (b) or be in extreme conflict with the character of the locality.
68D - Provisions in relation to economic support instruments	Adopt an economic support instrument for its local government area
68G - Provisions in relation to economic support instruments	Revoke an economic support instrument for its local government area

Plumbing and Drainage Act 2002 (Qld)	
Section	Power not subject to delegation
83 – Compliance permit required for certain compliance assessable work	Council may decide, by resolution, that certain compliance assessable work does not require a compliance permit. This does not apply to compliance work that is on-site sewerage work.
86A – Process for assessing certain compliance assessable work in remote areas	Council may declare, by resolution, that it is satisfied that in the absence of assessment of compliance assessable work at the stages prescribed under a regulation by an inspector, the work will not adversely affect public health or safety.

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Plumbing and Drainage Regulation 2019 (Qld)	
Section	Power not subject to delegation
39 – Fast-track work declaration for a local government area	Council may decide, by resolution, to declare permit work of a stated type to be fast-track permit work for its local government area (a fast-track work declaration).
40 - Fast-track opt-out declaration for local government area	Council may decide, by resolution, to declare that it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications (a fast-track opt-out declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution to declare part of its local government area to be a remote area because of the area's remoteness from the local government's public office (a remote area declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution, to declare particular permit work carried out in a remote area to be eligible work if the local government considers the work is of a type that, even if not inspected, will not be likely to adversely affect public health or safety, or the environment.

Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)	
Section	Power not subject to delegation
9 – Local government to administer Act	Council may make a resolution about the fees payable to it for providing a service or taking action under the PHICPASA.

Queensland Heritage Act 1992 (Qld)	
Section	Power not subject to delegation
119 – Local government resolution to enter place in, or remove place from, local heritage register	Council may, by resolution, add or remove a place from its local heritage register in certain circumstances.

Residential Services (Accreditation) Act 2002 (Qld)	
Section	Power not subject to delegation
29 – Notice of compliance with prescribed building requirements	Council may, by resolution, prescribe a fixed fee for a written application to Council by a person conducting, or who proposes to conduct, a residential service for a notice stating whether the relevant premises comply with the prescribed building requirements.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
28 – Power to amend by agreement	If Council is a participant in a participation agreement for a distributor-retailer, Council may agree to an amendment of the agreement only if it has passed a resolution to that effect.

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South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
34 – Councillor members	A councillor-member's appointment to the board of a distributor-retailer ends if Council (and all other participating local governments) have agreed as such by resolution.

Stock Route Management Act 2002	
Section	Power not subject to delegation
110 – Adopting a stock route network management plan	If the Minister is satisfied of the matters mentioned in section 109(2), the Minister must advise the local government that it may, by resolution, adopt the plan.
114 – Amending a stock route management plan	After considering the amended plan the Minister must advise the local government that the local government may by resolution amend the plan.

Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011	
Section	Power not subject to delegation
35 – Rewards	The amount of any reward offered for information leading to the conviction of a person for an offence and the conditions on which the reward is payable must be decided by resolution of Council.
42 – Fees	If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under Chapter 4, Part 2 of the Local Government Act. Such resolution may provide for the reimbursement of the fee in certain circumstances.

Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011	
Section	Power not subject to delegation
4A – Registration device	Council must decide, by resolution, registration devices to be used to assist in identifying a cat (e.g. collar tags).
4H – Duration of registration	Council must prescribe a fixed period, by resolution, for the registration of cats.

Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011	
Section	Power not subject to delegation
7 – Emergency declarations	Council may, by resolution, declare an animal or plant to be a local pest if it is satisfied that urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by the relevant plant or animal.

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Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011	
Section	Power not subject to delegation
9 – Power to close a local government controlled area, facility or infrastructure	Council may, by resolution, temporarily (and for a maximum of 6 months) close a Council controlled area or road to public access in certain circumstances.
11 – Protected areas	Council may, by resolution, delegate a Council controlled area or road or any part thereof as a protected area for the cultivation of vegetation or the protection of fauna or flora.

Sustainable Planning Act 2009	
Section	Power not subject to delegation
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: (a) propose to prepare a new scheme; or (b) propose to amend the scheme; or (c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.
123 – Repealing temporary local planning instruments	Council may, by resolution, repeal a temporary local planning instrument.
124 – Repealing planning scheme policies	Council may, by resolution, repeal a planning scheme policy, other than a planning scheme policy that is replaced by another planning scheme policy.
399 – Who may carry out compliance assessment	Council may nominate, by resolution, a suitable qualified entity to carry out compliance assessment for Council.
590 – Giving enforcement notices	If Council is the assessing authority, it may not delegate its power to give an enforcement notice ordering the demolition of a building.
598 – Proceeding brought in a representative capacity	Where a proceeding is brought in the Magistrates Court to prosecute a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
602 – Proceeding brought in a representative capacity	Where a proceeding is brought in the court in relation to an enforcement order or interim enforcement order on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
630 – Power to adopt charges by resolution	Council may, by resolution, adopt charges for providing trunk infrastructure for development. This is defined as a 'charges resolution'.

Sustainable Planning Regulation 2009	
Section	Power not subject to delegation
Schedule 7 (Item 17) – Amenity and aesthetic impact of particular building work	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: (a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or (b) be in extreme conflict with the character of the locality.

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Transport Operations (Road Use Management) Act 1995 (Qld)	
Section	Power not subject to delegation
103 – Examples of how parking may be regulated	Council may, by local law or resolution, specify parking fees for a place or traffic area of the fee for: (a) a disabled or other parking permit issued by Council; and (b) a commercial vehicle identification label allowing a vehicle to park in a loading zone.

Waste Reduction and Recycling Act 2011 (Qld)	
Section	Power not subject to delegation
125 – Adoption of plan following consultation	Council must adopt, by resolution, a waste reduction and recycling plan, or an amendment of a waste reduction and recycling plan, before the plan or amendment is implemented in its local government area.

Waste Reduction and Recycling Regulation 2011 (Qld)	
Section	Power not subject to delegation
7 – Designation of areas	Council may, by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection.

Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)	
Section	Power not subject to delegation
161 – Declaration of service area	Council may declare by resolution: (a) all or part of its local government area to be a service area for a retail water service or a sewerage service; and (b) the service provider for the service area. Council may also amend the declaration, by resolution, to add an area to, or remove an area from, the service area (with the written agreement of the service provider).
476 – Proceeding started in a representative capacity	Where a proceeding for an enforcement order is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
498 – Proceeding brought in a representative capacity	Where a proceeding for an offence against the Water Supply Act is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.



Strategic policy

Guiding Principles for Delegations from Council to the CEO

Corporate Plan reference:	Our Outstanding Organisation - Demonstrate accountable leadership, future planning and good governance that provides confidence to our community
Endorsed on:	23 June 2022
Manager responsible for policy:	Manager Corporate Governance

Purpose

The purpose of this document is to provide a framework and clear principles under which the Chief Executive Officer may exercise delegations handed down from Council to the Chief Executive Officer.

Guiding principles

1. The powers conferred by delegation to the Chief Executive Officer must be exercised in a manner that is consistent with Local Government Act 2009, Local Government Regulation 2012 and in accordance with any other legislation that may specifically confer authority to exercise the delegated power.
2. When making a decision to exercise a delegated power, the Chief Executive Officer must have due regard to the strategic direction and priorities set by Council including the Corporate Plan, Operational Plan, Annual Budget and financial delegation.
3. In the performance of a delegated function or in the exercise of a delegated power, the Chief Executive Officer may do anything that is lawfully and reasonably incidental to the delegated function or power.
4. Delegations made by Council are made to the position of Chief Executive Officer and unless excluded in the terms of appointment extend to persons acting in that position from time to time.
5. The Chief Executive Officer is not obliged to exercise a delegation.
6. The Chief Executive Officer must avoid exercising any delegation where it can fairly be concluded that to do so would give rise to material claims of the delegate having an actual or perceived conflict of interest, whether financial or otherwise.
7. As a matter of practice, the Chief Executive Officer must consult with the Mayor and relevant Portfolio Councillor prior to exercising a delegated power in instances where the exercise of the delegations may reasonably be expected to:
 - generate significant community concern; and/or
 - result in significant financial, resource or policy implications for Council

The above guiding principles are acknowledged and agreed by:

A handwritten signature in black ink, appearing to be "Mark Jamieson".

The Mayor, Cr. Mark Jamieson

A handwritten signature in black ink, appearing to be "Emma Thomas".

The Chief Executive Officer, Emma Thomas

8.5 MAY 2022 FINANCIAL PERFORMANCE REPORT

File No: Council Meetings

Author: Coordinator Financial Services
Business Performance Group

Attachments: Att 1 - May 2022 Financial Performance Report..... 215  
Att 2 - 2021/22 Capital Grant Funded Project Report May 2022 225
 

PURPOSE

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

EXECUTIVE SUMMARY

This monthly financial performance report provides Council with a summary of performance against budget as at 31 May 2022 in terms of the operating result and delivery of the capital program.

Operating Performance

Table 1: Operating Budget as at 31 May 2022

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	498,433	500,456
Total Operating Expenses	479,602	490,383
Operating Result	18,832	10,073

Details of the monthly financial report are contained in Attachment 1.

OFFICER RECOMMENDATION

That Council receive and note the report titled "May 2022 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 31 May 2022 and meets Council's legislative reporting requirements.

CORPORATE PLAN

Corporate Plan Goal: *Our outstanding organisation*

Outcome: We serve our community by providing this great service

Operational Activity: S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

Consultation has been undertaken with the Portfolio Councillor, E Hungerford.

Internal Consultation

This report has been written in conjunction with advice from:

- Group Executive Business Performance
- Chief Financial Officer

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

Legal

This report ensures that Council complies with its legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations and the *Local Government Act 2009*.

Policy

Sunshine Coast Council's 2021/22 Investment Policy and
Sunshine Coast Council's 2021/22 Debt Policy.

Risk

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

Previous Council Resolution

Ordinary Meeting 24 February 2022 (OM22/12)

That Council:

- (a) receive and note the report titled "**Budget Review 2 2021/22**"
- (b) adopt Appendix A as tabled, pursuant to sections 169 and 170 of the *Local Government Regulation 2012*, Council's amended budget for 2021/22 financial year incorporating:
 - (i) the statement of income and expenditure
 - (ii) the statement of financial position
 - (iii) the statements of changes in equity
 - (iv) the statement of cash flow
 - (v) the relevant measures of financial sustainability
 - (vi) the long term financial forecast

- (c) *note the following documentation applies as adopted 24 June 2021*
 - (i) *the Debt Policy*
 - (ii) *the Revenue Policy*
 - (iii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
 - (iv) *the Revenue Statement and*
 - (v) *the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Ordinary Meeting 16 September 2021 (OM21/87)

That Council:

- (a) *receive and note the report titled “**Budget Review 1 2021/22**”*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2021/22 financial year incorporating:*
 - (i) *the statement of income and expenditure*
 - (ii) *the statement of financial position*
 - (iii) *the statements of changes in equity*
 - (iv) *the statement of cash flow*
 - (v) *the relevant measures of financial sustainability*
 - (vi) *the long term financial forecast*
 - (vii) *the Debt Policy*
- (c) *note the following documentation applies as adopted 24 June 2021*
 - (i) *the Revenue Policy*
 - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
 - (iii) *the Revenue Statement and*
 - (iv) *the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Special Meeting Budget 24 June 2021 (SM21/3)

That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s budget for 2021/22 financial year incorporating:

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statements of changes in equity*
- iv. the statement of cash flow*
- v. the relevant measures of financial sustainability*

- vi. *the long term financial forecast*
- vii. *the Debt Policy (adopted by Council resolution on 27 May 2021)*
- viii. *the Revenue Policy (adopted by Council resolution on 27 May 2021)*
- ix. *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
- x. *the Revenue Statement*
- xi. *Council's 2021/22 Capital Works Program, endorse the indicative four-year program for the period 2023 to 2026, and note the five-year program for the period 2027 to 2031*
- xii. *the rates and charges to be levied for the 2021/22 financial year and other matters as detailed below in clauses 3 to 12*
- xiii. *endorse the 2021/22 Minor Capital Works Program*
- xiv. *establish a \$5 million internally restricted Disaster Rehabilitation Reserve.*

Related Documentation

2021/22 Adopted Budget

Critical Dates

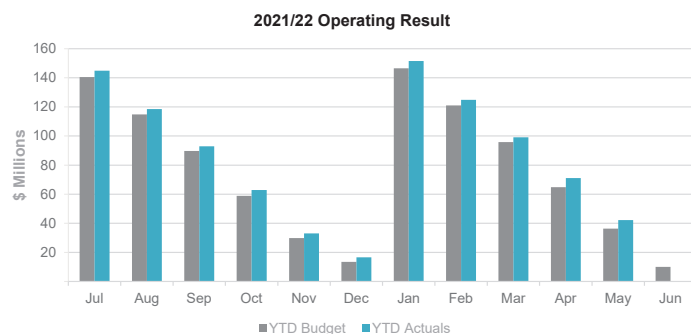
There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.



Statement of Income and Expenses



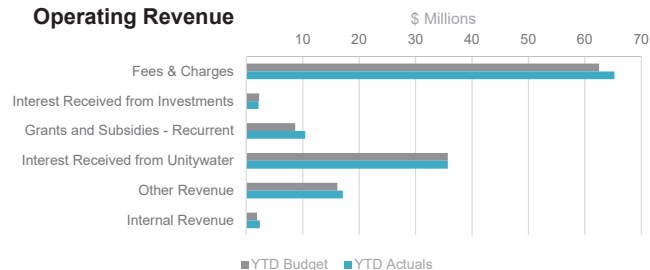
- Council has a positive operating result of \$42 million, which is \$3.9 million above the current budget as at 31 May 2022.



Statement of Income & Expenses							
	Annual		YTD				Annual
	Original Budget \$'000	Current Budget \$'000	Current Budget \$'000	Actuals \$'000	Variance \$'000	Variance %	Forecast Budget \$'000
Operating Revenue							
Net Rates and Utility Charges	343,342	344,142	343,971	343,754	(218)	(0.1%)	344,142
Fees and Charges	65,577	67,530	62,520	65,219	2,699	4.3%	67,530
Interest Received from Investments	2,550	2,550	2,288	2,179	(108)	(4.7%)	2,550
Operating Grants and Subsidies	15,218	15,563	8,672	10,436	1,764	20.3%	15,563
Operating Contributions	302	316	306	295	(11)	(3.6%)	316
Unitywater Participation	49,838	49,838	35,701	35,701	0	0.0%	49,838
Other Revenue	19,853	18,388	16,124	17,086	962	6.0%	18,388
Internal Sales/Recoveries	1,749	2,127	1,920	2,395	475	24.8%	2,127
Total Operating Revenue	498,429	500,454	471,502	477,065	5,564	1.2%	500,454
Operating Expenses							
Employee Costs	156,262	157,761	140,668	139,927	(741)	(0.5%)	157,761
Materials and Services	187,704	192,033	164,702	163,741	(961)	(0.6%)	191,846
Finance Costs	12,244	13,121	12,095	12,428	333	2.8%	13,121
Company Contributions	3,615	3,615	3,615	3,615	(0)	(0.0%)	3,615
Depreciation Expense	95,097	95,097	87,172	87,172	(0)	(0.0%)	95,097
Other Expenses	21,884	24,607	20,780	21,655	875	4.2%	24,607
Recurrent Capital Expenses	3,444	4,139	4,139	6,279	2,140	51.7%	4,139
Total Operating Expenses	480,250	490,372	433,171	434,817	1,646	0.4%	490,185
Operating Result	18,179	10,082	38,331	42,249	3,918	10.2%	10,269
Capital Revenue							
Capital Grants and Subsidies	19,368	26,534	13,863	13,863	(0)	(0.0%)	26,534
Capital Contributions - Cash	28,631	29,589	28,624	28,624	0	0.0%	29,589
Capital Contributions - Fixed Assets	55,000	55,000	1,009	1,009	0	0.0%	55,000
Total Capital Revenue	102,999	111,123	43,496	43,496	0	0.0%	111,123
Non-recurrent Expenses							
Profit/Loss on disposal, revaluation & impairment	7,048	-	-	994	994	-	-
Movements in landfill and quarry provisions	4,964	5,583	5,118	5,118	-	-	5,583
Assets Transferred to Third Parties	-	-	-	13	13	-	-
Total Non-recurrent Expenses	12,012	5,583	5,118	6,126	1,008	19.7%	5,583
Net Result	109,166	115,621	76,709	79,619	2,910	3.8%	115,809

Operating Result – May 2022

Operating Revenue



Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	498,429	500,454	471,502	477,065	5,564	1.2%
Operating Expenses	476,806	486,233	429,032	428,538	(494)	(0.1%)
Recurrent Capital Expenses	3,444	4,139	4,139	6,279	2,140	51.7%
Operating Result	18,179	10,082	38,331	42,249	3,918	10.2%
Capital Revenue	102,999	111,123	43,496	43,496	0	0.0%
Non-recurrent Expenses	12,012	5,583	5,118	6,126	1,008	19.7%
Net Result	109,166	115,621	76,709	79,619	2,910	3.8%

Substantial Revenue Variance for the Period Ending 31 May 2022

	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
Operating Revenue							
Fees and Charges	65,577	67,530	62,520	65,219	2,699	4.3%	67,530
Operating Grants and Subsidies	15,218	15,563	8,672	10,436	1,764	20.3%	15,563

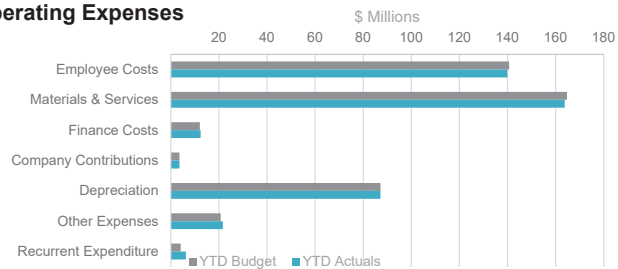
As at 31 May 2022, \$477 million operating revenue had been achieved which is \$5.56 million more than current budget.

Significant revenue variances:

- **Fees and Charges** – Holiday park fees are \$1.4 million ahead of the expected year to date budget.
- **Operating Grants** – Advance payments from the Queensland Reconstruction Authority of \$1.3 million have been received as a result of heavy rainfall and flooding this year.

Operating Result – May 2022 (continued)

Operating Expenses



Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	498,429	500,454	471,502	477,065	5,564	1.2%
Operating Expenses	476,806	486,233	429,032	428,538	(494)	(0.1%)
Recurrent Capital Expenses	3,444	4,139	4,139	6,279	2,140	51.7%
Operating Result	18,179	10,082	38,331	42,249	3,918	10.2%
Capital Revenue	102,999	111,123	43,496	43,496	0	0.0%
Non-recurrent Expenses	12,012	5,583	5,118	6,126	1,008	19.7%
Net Result	109,166	115,621	76,709	79,619	2,910	3.8%

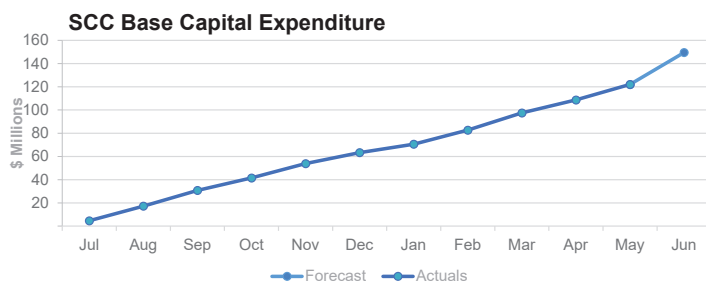
Substantial Expenditure Variance for the Period Ending 31 May 2022

	Annual		YTD				Annual
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	Forecast Budget \$000
Operating Expenses							
Employee Costs	156,262	157,761	140,668	139,927	(741)	(0.5%)	157,761
Other Expenses	21,884	24,607	20,780	21,655	875	4.2%	24,607
Recurrent Capital Expenses	3,444	4,139	4,139	6,279	2,140	51.7%	4,139

As at 31 May 2022, \$434.8 million in operating expenses of the \$433 million budget had been expended resulting in a variance of \$1.6 million

- Employee expenses are below budget for the end of May
- Council's operational expenditure remains within 1% of the budget year to date

Capital Expenditure - May 2022

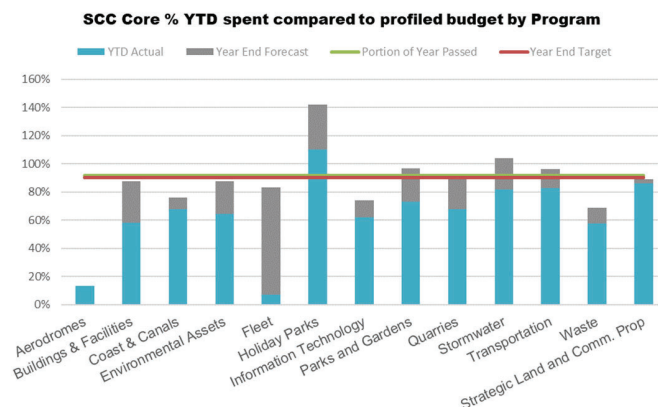


- As at 31 May 2022, \$215.6 million (74.2%) of Council's \$290.6 million Capital Works Program was financially expended.
- The Core Capital Program has progressed 72.7% of budget, an actual spend of \$122 million.
- Corporate Major Projects progressed 81.6%



Capital Expenditure						
	Annual		YTD		Year End	
	Original Budget \$000s	Current Budget \$000s	Actuals \$000s	% of FY Budget Spent	Forecast Year End Actual	Forecast Year End Variance to Budget
Core Capital Works Program						
Aerodromes	200	225	30	13.3%	30	(195)
Buildings and Facilities	12,663	10,411	6,054	58.2%	9,111	(1,300)
Coast and Canals	3,125	3,111	2,111	67.8%	2,366	(745)
Environmental Assets	1,800	1,747	1,129	64.6%	1,528	(219)
Minor Works	4,455	3,884	2,257	58.1%	3,093	(791)
Fleet	3,250	3,279	232	7.1%	2,727	(552)
Holiday Parks	2,540	1,894	2,090	110.4%	2,690	797
Information Technology	6,620	8,664	5,389	62.2%	6,424	(2,240)
Parks and Gardens	17,737	15,867	11,610	73.2%	15,350	(516)
Quarries	635	657	446	67.9%	592	(65)
Stormwater	8,201	7,240	5,902	81.5%	7,511	271
Transportation	86,848	83,830	69,242	82.6%	80,476	(3,354)
Waste	40,641	26,951	15,548	57.7%	18,542	(8,409)
Total SCC Core Capital Program	188,714	167,759	122,040	72.7%	150,440	(17,319)
Corporate Major Projects	60,425	62,801	51,275	81.6%	55,160	(7,641)
Strategic Land and Commercial Properties	19,383	47,134	40,501	85.9%	41,855	(5,279)
Maroochydore City Centre	553	1,470	760	51.7%	682	(788)
Sunshine Coast Airport Runway	-	11,460	1,065	9.3%	5,389	(6,072)
Total Other Capital Program	80,361	122,865	93,601	76.2%	103,086	(19,779)
TOTAL	269,075	290,624	215,641	74.2%	253,526	(37,098)

Capital Expenditure - May 2022 (continued)



Buildings and Facilities

- Detailed design is progressing for of a new library and community centre at Sippy Downs as well as the upgrade of the Kawana Waters regional aquatic centre.

Fleet

- Delays are being experienced in the procurement of heavy plant equipment, however \$1.7 million of orders have been placed.

Holiday Parks

- Construction for the replacement of amenities at the Coolumb Beach and Mudjimba holiday park are currently ahead of schedule.

Stormwater

- Council's \$1.5 million stormwater pipe relining program has progressed 96% complete

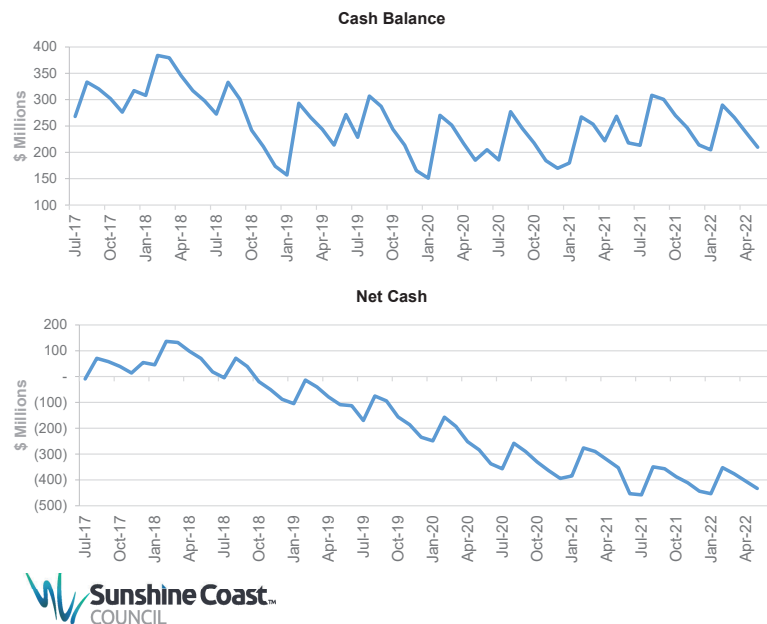
Transportation

- Council's \$22.9 million road resurfacing and rehabilitation program has progressed 90% with a total expenditure of \$20.6 million.
- Council's \$2.18 million bus stop program has progressed 75% with a total expenditure of \$1.6 million.
- Construction continues for Council's major transport corridor upgrade at Brisbane Road Mooloolaba, while community consultation is underway for the Caloundra Transport Corridor Upgrade

Waste

- Council has entered into \$20 million contract in October for the design and construction of a new material resource facility at the Nambour resource recovery centre.

Cash Flows and Balance Sheet



Cash and Balance Sheet - May 2022

	Original Budget \$000s
CASH FLOWS	
Opening Cash	186,095
Net Cash Inflow/(Outflows) from:	
Operating Activities	66,159
Investing Activities	126,453
Financing Activities	(187,393)
Net Increase/(decrease) in Cash Held	5,219
Cash at year end	191,314
BALANCE SHEET	
Current Assets	246,160
Non Current Assets	6,290,967
Total Assets	6,537,127
Current Liabilities	120,894
Non Current Liabilities	537,476
Total Liabilities	658,370
Net Community Assets/Total Community Equity	5,878,757

- Council's cash at 31 May 2022 is \$210 million
- Council's debt at 31 May 2022 is \$643 million

Debt

Sunshine Coast Council's debt program is governed by the 2021/22 Debt Policy, which was adopted with the Original Budget adoption on 24 June 2021 and revised at the 16 September 2021 Ordinary Meeting.

New borrowings are undertaken in accordance with the Queensland Treasury Corporation Guidelines, the Statutory Bodies Financial Arrangements Act 1982 and Section 192 of the Local Government Regulation 2012.

Table 1 includes Sunshine Coast Council's budgeted debt balance for 2021/22 following Budget Review 1 adoption in September 2021.

Council's proposed borrowings for 2021/22 are \$96.5 million which consists of -

- Waste Management \$37.8 million
- Holiday Parks \$600,000
- Maroochydore Multideck \$13 million
- Sunshine Coast City Hall \$45 million

The Palisade Investment Group payment of \$305 million, due on 30 June 2022, will reduce Council's debt associated with the airport expansion project to nil.

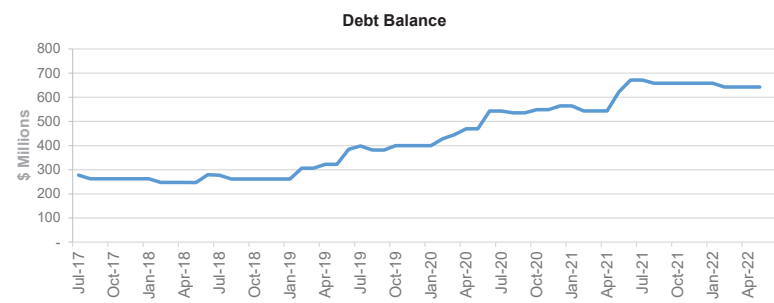
Council's forecast debt as at 30 June 2022 is \$488 million



Debt - 2021/22

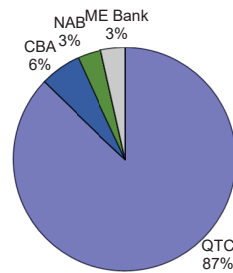
	Opening Balance	Debt Redemptions	New Borrowings	Closing Balance
	\$000	\$000	\$000	\$000
Sunshine Coast Council Core	257,375	11,672	96,461	342,164
Sunshine Coast Airport Expansion Project	265,004	265,004	-	-
Maroochydore City Centre	144,034	6,701	-	137,333
Sunshine Coast International Broadband Network	10,328	922	-	9,406
Total	676,741	284,299	96,461	488,903

Table 1: 2021/22 Adopted Debt Balance

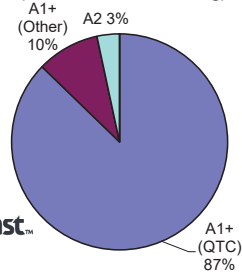


Investment Performance

Investment per financial institution (%)



Investment by Standard & Poor's (Short Term Credit Rating)



Investment Performance - May 2022							
Liquidity as at:		31/05/2022		Term deposits maturing:		\$'000's	Count
		\$'000's					
At-call accounts				within 30 days		-	-
QTC + CBA (excl. trust)		178,220	84.82%	30-59 days		-	-
				60-89 days		-	-
Maturities within 7 days		-	0.00%	90-179 days		20,000	2
Total at-call		178,220	84.82%	180-364 days		-	-
Investment Policy Target			10.00%	1 year - 3 years		-	-
				Total		20,000	2

INVESTMENT SUMMARY (including Trust) as at:							Investment Policy	
	31/05/2022		28/02/2022		31/05/2021		Individual Limit	Group Limits
A1+ (QTC)	172,189	87%	217,840	75.4%	241,615	89.9%	100%	100%
A1+ (Other)	27,936	9%	61,088	21.1%	27,030	10.1%	40%	100%
A1	-	0%	-	0.0%	-	0.0%	30%	50%
A2	10,000	3%	10,000	3.5%	-	0.0%	30%	45%
A3	-	0%	-	0.0%	-	0.0%	5%	10%
Total Funds	210,125		288,929		268,645			
FUND SUMMARY								
General Funds	198,220		278,508		256,899			
Trust Funds	11,904		10,421		11,746			
Total Funds	210,125		288,929		268,645			

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 31 May 2022 Council had \$198 million cash (excluding Trust Fund) with an average interest rate of 0.49%, being 0.61% above benchmark. This is compared to the same period last year with \$256 million cash (excluding Trust Fund) with an average interest rate of 0.53%, being 0.48% above benchmark.
- The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill index (BAUBIL).



2021/22 Financial Year Grant Funding







	Description	Division	Suburb	Estimated Construction Start Month	Consturction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
Federal Government						(\$20,581)	\$17,217
1	Roads to Recovery Program					(\$4,800)	
Local Road and Community Infrastructure Grant Funding - Round 2 - Agreement end date 30 June 2022						(\$7,781)	\$7,242
2	H3790 - LRCIP2 - Citrus Road Gravel Road Upgrade	Division 05	Palmwoods	August 2021	February 2022	(\$2,100)	\$2,134
3	H3799 - LRCIP2 - Zgrajewski Road Gravel Road Upgrade	Division 09	Yandina Creek	January 2022	May 2022	(\$2,200)	\$1,125
4	H3800 - LRCIP2 - Cupania Street East Stage 2 Kerb and Channel	Division 08	Mudjimba	May 2021	November 2021	(\$475)	\$789
5	H3941 - LRCIP2 - Crosby Hill Road Pathway	Division 07	Buderim	July 2021	January 2022	(\$709)	\$708
6	H4223 - LRCIP2 - Scholars Drive to Columbia Street - Road Link	Division 06	Sippy Downs	May 2022	June 2022	(\$450)	\$258
7	H4592 - LRCIP2 - Lees Road Western Section Gravel Road Upgrade	Division 10	Bridges	August 2021	December 2021	(\$650)	\$992
8	H9360 - LRCIP2 - Railway Street Service Road	Division 01	Landsborough	July 2021	August 2021	(\$130)	\$152
9	K1484 - LRCIP2 - Meridan Way Lighting	Division 03	Meridan Plains	September 2021	November 2021	(\$250)	\$242
10	K1492 - LRCIP2 Spray Seal - Old Gympie Road Resurfacing	Division 01	Glass House Mountains	October 2021	October 2021	(\$168)	\$164
11	K1493 - LRCIP2 Spray Seal - Bald Knob Road	Division 05	Peachester	October 2021	October 2021	(\$186)	\$90
12	K1495 - LRCIP2 Asphalt - Mountain View Road	Division 05	Maleny	October 2021	October 2021	(\$462)	\$589
Urban Congestion Fund						(\$8,000)	\$9,975
13	H3747 - Mooloolaba Transport Corridor - D and C	Division 04	Mooloolaba		November 2023	(\$8,000)	\$9,975
State Government						(\$5,406)	\$11,009
Blackspot Funding						(\$1,009)	\$18
14	K2081 - BlackSpot Blackall Range Road West Woombye	Division 05	West Woombye	April 2022	June 2022	(\$157)	\$5
15	K2083 - BlackSpot Wust Road DOONAN - East of Regency Road - Stage 1	Division 09	Doonan	Cancelled	Cancelled	(\$60)	\$1
16	K2085 - BlackSpot Edmund St and William St Intersection Shelly Beach	Division 02	Shelly Beach	On Hold	On Hold	(\$792)	\$12
Unite and Recover Stimulus Package - Agreement end date 30 June 2021						(\$1,575)	\$8,134
17	B4741 - Place Making Mooloolaba Master Plan	Division 04	Mooloolaba	February 2021	May 2022	(\$1,500)	\$8,106
18	H9821 - Albany Lakes Park Sippy Downs Play Space Precinct Upgrade	Division 06	Sippy Downs	May 2021	August 2021	(\$75)	\$28
19 Bus Stop Shelter Program						(\$247)	
20 Passenger Transport Accessible Infrastructure Program						(\$679)	
21 Passenger Transport Infrastructure Investment Program						(\$145)	
Transport Infrastructure Development Scheme						(\$206)	\$424
22	K1314 - Bli Bli State School Precinct Active TIIP	Division 09	Bli Bli	April 2022	May 2022	(\$200)	\$424
23	K2436 - TIDS Talara School Precinct - Active TIIP	Division 03	Currimundi	July 2021	July 2021	(\$6)	\$0
South East Queensland Community Stimulus Program - Agreement end date 30 June 2024						(\$1,545)	\$2,432
24	H1670 - SEQCSP First Avenue Streetscape	Division 04	Maroochydore		November 2023	(\$100)	\$1,803
25	H0956 - SEQCSP Mooloolaba to Alex Bluff Recreation	Division 04	Alexandra Headland			(\$100)	\$0
26	H9957 - SEQCSP Buderim Village Park Buderim Stage 9	Division 07	Buderim			(\$150)	\$180
27	K1618 - SEQCSP Caloundra Indoor Sports Stadium - Roof Replacement	Division 02	Caloundra	January 2022	June 2022	(\$350)	\$58
28	K1898 - SEQCSP Parkyn Parade Pedestrian Facilities	Division 04	Mooloolaba	March 2022	March 2022	(\$145)	\$76
29	K2259 - SEQCSP Albany Lakes Park Play Upgrade Stage 2	Division 06	Sippy Downs	April 2022	September 2022	(\$250)	\$166
30	K2406 - SEQCSP Turner Park Beerwah Activation Stage 2	Division 01	Beerwah	May 2022	June 2022	(\$100)	\$30
31	K2449 - SEQCSP North Shore Multi-Sports Complex	Division 08	Mudjimba	June 2022		(\$50)	\$9
32	K2478 - SEQCSP Palmwoods Warriors Football Club	Division 05	Palmwoods			(\$50)	\$22
33	K2843 - SEQCSP Landsborough Streetscape - Stage 2	Division 01	Landsborough	April 2022	February 2023	(\$250)	\$89

Project Complete

8.6 DISPOSAL (LEASE) PART OF STATE LAND UNDER TRUST AT 186 SUGAR BAG ROAD, CALOUNDRA WEST

File No: F20/00345

Author: Senior Property Officer
Business Performance Group

Attachments: Att 1 - Aerial Plan 233  
Att 2 - Locality Plan..... 235  
Att 3 - Lease Area Plan 237  

PURPOSE

To seek Council approval of an exception under Section 236 of the *Local Government Regulation 2012* to dispose of land (via lease) by marketing it on the open market for a cafe and/or bike hire/repair facility over part of 186 Sugar Bag Road, Caloundra West.

EXECUTIVE SUMMARY

This report seeks an exception from Council to dispose of land by way of lease. The land located at 186 Sugar Bag Road, Caloundra West and legally described as Lot 391 on CG2376, is State Land held in Trust by Council (Council land). The Council land comprises of mountain bike trails which are publicly accessible.

In July 2021 Council constructed a facility to accommodate a commercial tenancy suitable for the operation of a cafe and/or bike hire/repair tenancy. Council is seeking to enter into a commercial tenancy arrangement over the land described as Leases A, B and C on SP324775 (the Premises).

Council in conjunction with its appointed real estate and marketing agent have released two (2) public tender opportunities seeking tenants to lease and operate the cafe and/or bike hire/repair tenancy, the first closing in October 2021 and the second in April 2022. Following evaluation of submissions and subsequent negotiations, a lease was not entered into.

Council approval is being sought to:

- market and select a suitable tenant by continuing to offer the lease through Council's appointed real estate and marketing agent on the open market provided that any offer for lease meets the market value requirements; and
- obtain an exception to enter into a lease with a suitable tenant as the lease has previously twice been offered to the market by public tender with a tenant not having been secured via the public tender process.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Disposal (Lease) Part of State Land under Trust at 186 Sugar Bag Road, Caloundra West” and
- (b) resolve to Lease, Lease A, Lease B & Lease C on SP324775 via Council’s appointed real estate and marketing agent on the open market seeking a private treaty agreement subject to:
 - (i) compliance with Section 236 of the *Local Government Regulation 2012*; and
 - (ii) the consideration for the disposal being equal to or greater than the market value of the interest in land.
- (c) resolve, pursuant to Section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest (lease) in land over Leases A, B & C on SP324775 located on State Land under Trust at 186 Sugar Bag Road, Caloundra West as:
 - (i) the lease has previously twice been offered to the market by public tender; and
 - (ii) a lease has not been secured via this process.

FINANCE AND RESOURCING

The face rent payable by any prospective tenant will need to be equal to or above that of the market value of the interest in land which has been determined by an independent registered Valuer pursuant to Section 236(3) and 236(5) of the *Local Government Regulation 2012*.

Council will be required to pay its own costs in relation to the preparation of the lease agreement which is expected to be undertaken using internal resources with no external financial cost to Council. A formal market rental assessment will be undertaken by a registered Valuer to ensure compliance with Council’s legislative requirements.

CORPORATE PLAN

Corporate Plan Goal: *Our service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S21 - Property management – comprehensive management of Council’s land and building assets to ensure that Council’s property dealings are optimised, centrally managed, and support Councils objectives.

CONSULTATION**Councillor Consultation**

- Councillor T Landsberg – Division 2 Divisional Councillor & Economic Development Portfolio Councillor
- Councillor J O’Pray – Economic Development Portfolio Councillor

Internal Consultation

- Director Major Projects and Strategic Property
- Coordinator Strategic Property, Strategic Property
- Principal Property Officer, Strategic Property

- Head of Property, Property Management
- Manager Leasing & Land Management, Property Management
- Senior Property Officer, Property Management
- Manager, Business & Innovation
- Solicitor, Legal Services

External Consultation

Council has engaged a commercial real estate and marketing agent to market the commercial tenancy and will engage a Valuer registered under the *Valuers Registration Act 1992* who is not an employee of the Local Government to prepare a commercial market rental assessment for the commercial tenancy and review and provide advice on any offers to lease received by Council.

Community Engagement

The commercial tenancy proposal does not impact the existing community space and as such no community engagement has been undertaken in relation to this report.

PROPOSAL

The land located at 186 Sugar Bag Road, Caloundra West and legally described as Lot 391 on CG2376 is State Land held in Trust by Council. The Council land comprises of mountain bike trails which are publicly accessible as shown in **Attachment 1 – Aerial Plan** and **Attachment 2 – Locality Plan**.

In April 2021 Council constructed a facility to accommodate a commercial tenancy suitable for the operation of a cafe and/or bike hire/repair tenancy located adjacent to the Sugar Bag Road mountain bike trails car park.

The proposed area available for lease comprises the whole of Leases A, B and C on SP324775 and are shown in **Attachment 3 – Lease Area Plan**.

The Premises comprises of three (3) lease areas which are being made available to the market for rent for the purpose of a cafe and/or bike repair/hire tenancy. Each lease has the following areas:

- Lease A: 34m²
- Lease B: 9m²
- Lease C: 16m²
- Leases A, B & C combined: 59m²

Council has offered the leases to the market on two (2) separate occasions via a public tender process. The intent of the public tender was to:

- seek a commercial tenant to operate a cafe and/or bike repair/hire tenancy; and
- comply with its legislative requirements under the *Local Government Regulation 2012*.

The first public tender closed in October 2021 and the second in April 2022. Following evaluations and negotiations, no successful respondents were either deemed suitable or formal leases did not progress.

On the basis that two separate public tender releases have resulted in unsuccessful outcomes, it is now considered appropriate to release the opportunity on the open market via Council's appointed commercial real estate and marketing agent. Council has the ability to

enter into a lease via a private treaty arrangement under Section 236 of the *Local Government Regulation 2012* as:

- the opportunity has been released via public tender; and
- no successful or suitable respondents resulted from the evaluations or negotiations.

To allow Council to enter into a lease via private treaty, Council is required to grant an exception under Section 236 of the *Local Government Regulation 2012* which provides that a disposal, other than by public tender or auction, may occur if an exception applies. An exception is permitted as it relates to this application as the grant of the lease has been previously offered by public tender, but a lease has not been entered into.

To ensure the disposal complies with Sections 236(3) and (5) of the *Local Government Regulation 2012* a market rental assessment will be undertaken to ensure that it is:

- assessed by a registered Valuer who is not an employee of the local government registered under the *Valuers Registration Act 1992*; and
- face rent will be set at or above the market valuation as determined by the registered Valuer.

An exception under the *Local Government Regulation 2012* is deemed applicable and appropriate in this instance as the land has previously been offered via public tender (on two (2) separate occasions) and no lease has been entered into. Leasing this Premises on the open market and entering into a private treaty agreement is expected to have the following benefits:

- expected to reduce the timeframe to obtain a tenant as opposed to releasing a third public tender;
- is more typical of the method used by the private sector and represents an offer and acceptance process which commercial operators are familiar;
- provides Council with the opportunity to negotiate and counter-offer with prospective tenants as well as engage during the offer process; and
- takes advantage of any momentum and marketing materials provided by the current real estate and marketing agent.

Legal

Legal Services have been consulted in relation to this report and will prepare and review the commercial lease document and register the dealings with Titles Queensland.

Policy

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

Risk

Whilst there are no significant risks relevant to this report, time is of the essence to secure a commercial tenant for the site and obtain revenue for Council and ensure that the Premises is occupied to activate the site for the benefit of the community.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

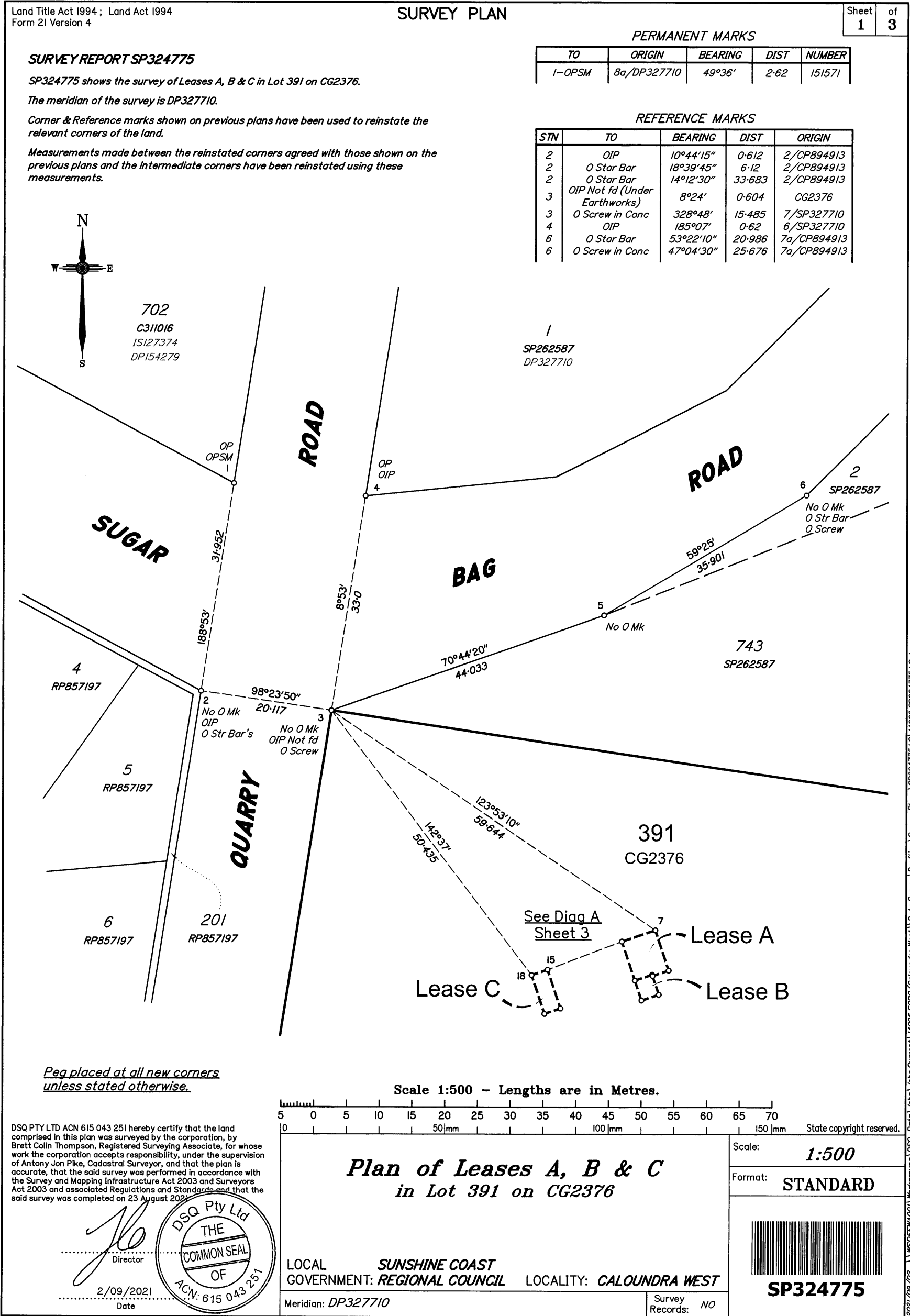
There are no critical dates relevant to this report, however, the commercial tenancy remains vacant and obtaining an exception will allow Council to enter into a lease over the premises which will provide additional amenity for the community as well as obtain a revenue return to Council.

Implementation

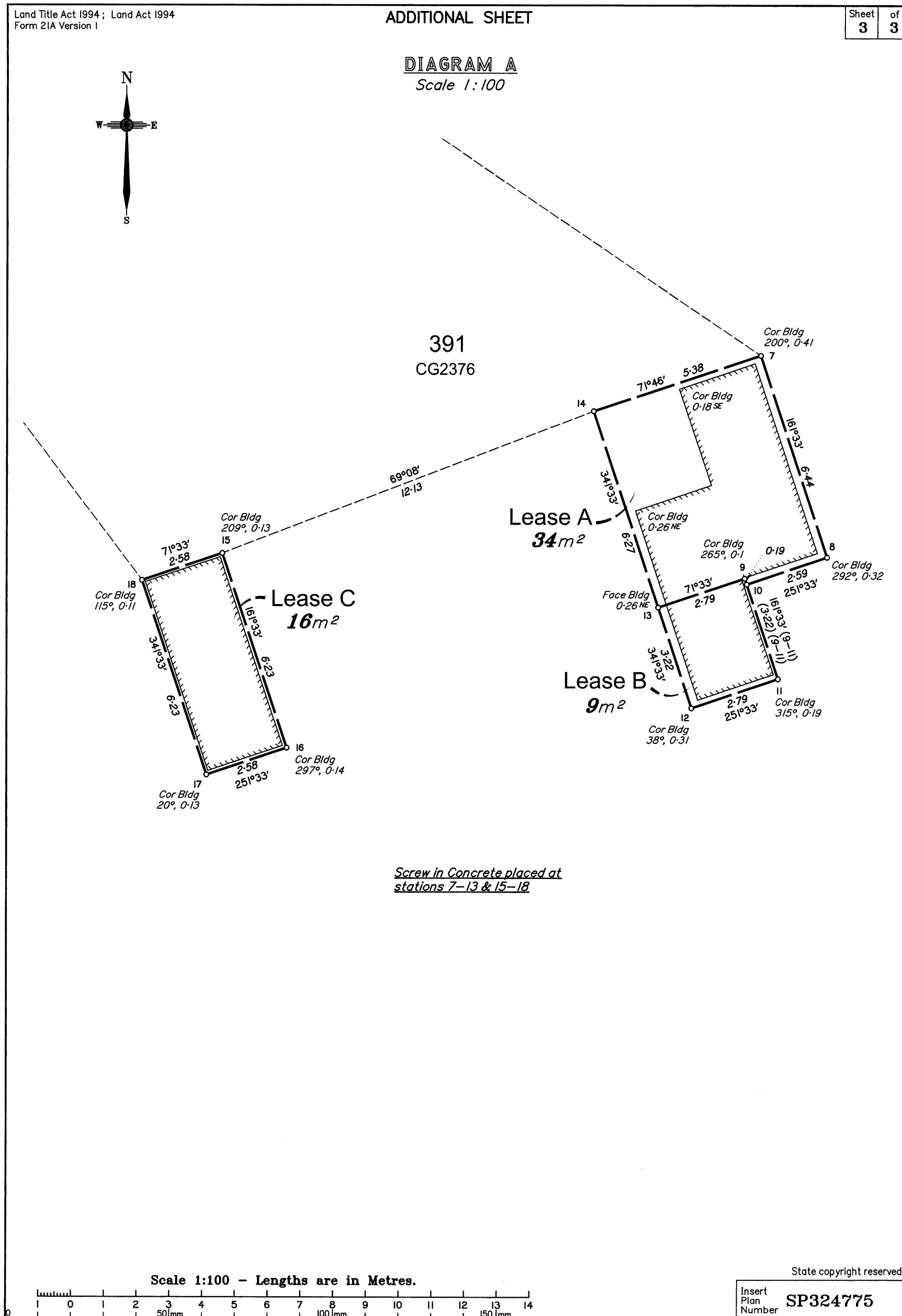
Should Council resolve to market the property on the open market seeking to enter into a private treaty agreement by granting an exception to the disposal of land (by way of lease applies), the Chief Executive Officer will delegate to Council's Delegated Officer the ability to execute a lease agreement to a suitable tenant and register the lease agreement with Titles Queensland.







2021/09/02	WSDEFWA001	Workgroups	DSQ_Data	Jobs	Jobs Current	14096 SCRC (Caloundra West)	Data Survey	Drafting	Survey Plans	SP324775.LS	14096 SP324775.LS.dwg
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8.7 CHANGES TO THE PROPOSED SITE SPECIFIC AND EDITORIAL MATTERS AMENDMENT - BUDDINA URBAN VILLAGE

File No: Council Meetings

Author: Interim Coordinator Planning Scheme Amendments
Customer Engagement & Planning Services Group

Attachments: Att 1 - Extract of Explanatory Memorandum..... 247  
Att 2 - Extract of Amendment Instrument..... 253  

PURPOSE

The purpose of this report is to present to Council the changes made to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters*, in response to Council's resolution OM22/24 relating to land at Buddina Urban Village, Kawana Waters.

EXECUTIVE SUMMARY

This report responds to a written notice received by the Chief Executive Officer from Councillor P Cox on 25 May 2022, under Section 6 (2) of the Standing Orders Sunshine Coast Council 2020. That notice requested that a report be provided to and considered by Council, outlining the content of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters* (the proposed amendment) relating to the Buddina Urban Village, prior to the proposed amendment being forwarded to the Planning Minister.

At the Ordinary Meeting, held on 28 April 2022, Council resolved (OM22/24) to make an amendment to the *Sunshine Coast Planning Scheme 2014*, referred to as the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Site Specific and Editorial Matters*.

Council also resolved at this meeting to delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the proposed amendment, in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*, subject to:

“also proposing to amend the planning scheme provisions applicable to that area included in the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village to include this area in the Medium density residential zone (from the High density residential zone) and to specify a maximum building height of 12 metres (from 21 metres) and make any necessary consequential amendments to give proper effect to and reflect these changes.”

In accordance with Council's resolution (OM22/24), the Explanatory Memorandum and Amendment Instrument for the proposed amendment, have been updated to reflect the proposed changes to the zoning and maximum building height for the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village.

Having regard to the notice received from Councillor P Cox, this report outlines the changes made to the proposed amendment relating to the Buddina Urban Village, for Council's information and noting (refer to **Attachment 1 – Extract of Explanatory Memorandum** and **Attachment 2 – Extract of Amendment Instrument**). For ease of reference, the proposed changes are highlighted in yellow on pages 1 to 2, page 8 and pages A1-3 to A1-4 of **Attachment 1 – Extract of Explanatory Memorandum** and page 3, page AB-16 and page AB-19 of **Attachment 2 – Extract of Amendment Instrument**.

The next step in the process is to forward the proposed amendment, as changed, to the Planning Minister for consideration of State interests and to seek approval for Council to proceed to public consultation.

OFFICER RECOMMENDATION

That Council receive and note the report titled “Changes to the proposed Site Specific and Editorial Matters Amendment - Buddina Urban Village”.

FINANCE AND RESOURCING

Sufficient funds are allocated in the Strategic Planning Branch 2021/22 budget for undertaking amendments to the *Sunshine Coast Planning Scheme 2014*.

CORPORATE PLAN

Corporate Plan Goal: *Our environment and liveability*
Outcome: We serve our community by providing this great service
Operational Activity: S14 - Sustainable growth and network planning – providing land use planning, social policy, infrastructure planning and charges, flood mapping, transportation planning and environmental initiatives.

CONSULTATION

Councillor Consultation

On 25 May 2022, the Chief Executive Officer received written notice from Councillor P Cox, under Section 6.2 of the Standing Orders Sunshine Coast Council 2020, for a report to be provided to and considered by Council at the next available Ordinary Meeting, outlining the content of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters* relating to the Buddina Urban Village, prior to the proposed amendment being forwarded to the Planning Minister.

Section 6 (2) (Agenda for ordinary meetings) of the Standing Orders Sunshine Coast Council 2020, states that:

“A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least fourteen days before the date nominated for the meeting.”

Internal Consultation

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

External Consultation

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

Community Engagement

There has been no community engagement undertaken in relation to this report. However, in accordance with the *Minister’s Guidelines and Rules 2020*, Council is required to undertake formal community consultation for a minimum of 20 business days in relation to the proposed amendment.

PROPOSAL

At the Ordinary Meeting, held on 28 April 2022, Council resolved (OM22/24) to make an amendment to the *Sunshine Coast Planning Scheme 2014*, referred to as the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters*.

At this meeting, Council also resolved to:

- “(c) *delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the following amendments, in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules 2020:*
- (i)
 - (ii) *the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters **subject to also proposing to amend the planning scheme provisions applicable to that area included in the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village to include this area in the Medium density residential zone (from the High density residential zone) and to specify a maximum building height of 12 metres (from 21 metres) and make any necessary consequential amendments to give proper effect to and reflect these changes.***

In accordance with Council’s resolution (OM22/24), the Explanatory Memorandum and Amendment Instrument for the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters*, have been updated to reflect item (c)(ii) above, relating to the zoning and maximum building height for the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village, and are now provided to Council for information and noting.

Attachment 1 – Extract of Explanatory Memorandum and **Attachment 2 – Extract of Amendment Instrument** provide details of the changes made to the proposed amendment. For ease of reference, the proposed changes are highlighted in yellow on pages 1 to 2, page 8 and pages A1-3 to A1-4 of **Attachment 1 – Extract of Explanatory Memorandum** and page 3, page AB-16 and page AB-19 of **Attachment 2 – Extract of Amendment Instrument**.

In accordance with Council’s current resolution, the proposed amendment is to be prepared and progressed in accordance with the *Planning Act 2016* and the *Minister’s Guidelines and Rules 2020*, which sets out the minimum requirements that Council must follow when making or amending a planning scheme.

The next step in the process is to forward the proposed amendment, as changed, to the Planning Minister for consideration of State interests and to seek approval for Council to proceed to public consultation. It is reasonable to allow up to 12 months or more for a planning scheme amendment of this type to be finalised.

Legal

No legal advice has been sought in the preparation of this report.

The *Planning Act 2016* and the *Minister’s Guidelines and Rules 2020* sets out the process that a local government must follow when amending a planning scheme. Where necessary, legal advice may be sought during the amendment process to ensure compliance with these statutory requirements.

Policy

The proposed amendment has been prepared in accordance with the *Planning Act 2016* and the *Minister’s Guidelines and Rules 2020*.

Risk

The proposed amendment will be subject to further consideration by the Planning Minister as part of the State interest review process, which could result in changes to the content of the proposed amendment or a direction not to proceed with all or part of the proposed amendment.

The changes to the proposed amendment also involve a change to a zone and overlay (i.e. Height of buildings and structures overlay) for specific sites. There is a risk that the changes will be of concern to some members of the community. The public consultation process provides an opportunity for any person to put forward submissions in this regard. Following consideration of submissions, Council may decide to proceed, proceed with changes or not proceed with the proposed amendment, thereby mitigating the risk of community concern.

Previous Council Resolution**Ordinary Meeting 28 April 2022 (OM22/24)**

That Council:

- (a) *receive and note the report titled “**Proposed Planning Scheme Amendments**”*
- (b) *decide to amend the Sunshine Coast Planning Scheme 2014 (including Planning Scheme Policies) under Section 20 (Amending planning schemes under Minister’s rules) of the Planning Act 2016*
- (c) *delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the following amendments, in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules 2020:*
 - (i) *the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) – Airport Environs Overlay*
 - (ii) *the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters subject to also proposing to amend the planning scheme provisions applicable to that area included in the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village to include this area in the Medium density residential zone (from the High density residential zone) and to specify a maximum building height of 12 metres (from 21 metres) and make any necessary consequential amendments to give proper effect to and reflect these changes*
- (d) *note that following public consultation on the proposed amendments and receipt of any submissions, a further report will be presented to Council for formal consideration.*

Related Documentation

Planning Act 2016

Minister’s Guidelines and Rules 2020

ShapingSEQ Regional Plan 2020

State Planning Policy 2017

Sunshine Coast Planning Scheme 2014

Critical Dates

There is a desire to progress and implement the proposed amendment as soon as practicable to ensure the planning scheme remains current and fit-for-purpose.

Implementation

In accordance with Council's current resolution, the Chief Executive Officer is authorised to take the following implementation actions:

- provide a notice to the Planning Minister of Council's decision to amend the *Sunshine Coast Planning Scheme 2014*, including a statement about the nature and details of the proposed amendment in accordance with the *Minister's Guidelines and Rules 2020*
- forward the proposed amendment, including required material for a major amendment under Schedule 3 of the Minister's Guidelines and Rules 2020, to the Planning Minister for consideration of State interests and to seek approval for Council to proceed to public consultation on the proposed amendment, and
- subject to receiving the Planning Minister's confirmation that Council may proceed to public consultation, publicly notify the proposed amendment in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*.



Explanatory Memorandum

Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) Amendment No. [to be inserted] - Site Specific and Editorial Matters

State interest review version

May 2022



1. Short title

The amendment instrument to which this explanatory memorandum relates is the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* relating to Site Specific and Editorial Matters.

2. Type of local planning instrument

The proposed amendment to the *Sunshine Coast Planning Scheme 2014* constitutes a 'major amendment' in accordance with Schedule 1 of the *Minister's Guidelines and Rules* (September 2020) made under the *Planning Act 2016*.


3. Entity making the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters




The entity making the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters*, is the Sunshine Coast Regional Council.

4. Land affected by the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters*, applies to land described in **Table 4.1**.

Table 4.1 Land affected by the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters

Site ID	Property Description	Address	Ownership Category	Map of Subject Land
Buddina	Lot 827 on B92942	15 Bermagui Crescent, Buddina	Private	
	Lot 304, 305, 306, 307, 308, 309, 310 and 311 on B92911	61, 63, 65, 67, 69, 71, 73, 75 Iluka Avenue, Buddina		
	Lot 825 on B92942, Lot 78 on B92936, Lots 71 - 77 on B92931, Lot 170 on B92930, Lots 0 - 25 on BUP102060, Lots 0 - 25 on BUP102619 and Lots 0 - 25 on BUP102984	44, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 1N/143 - 25N/143, 145, 1C/145 - 25C/145, 147, 1S/147 - 25S/147 Lowanna Drive, Buddina		
	Lot 826 on B92942	4 Narooma Court, Buddina		
	Lots 281 - 289 on B92911, Lots 29, 32 - 36 on B92923, Lots 0 - 2 on BUP4659, Lots 0 - 2 on BUP9297 and Lots 0 - 2 on BUP4997	84, 85, 86, 87, 88, 89, 90, 91, 92, 116, 117, 1/117, 2/117, 118, 1/118, 2/118, 119, 120, 121, 122, 123, 124, 1/124, 2/124 and 126 Pacific Boulevard, Buddina 2 and 6 Talinga Street, Buddina		

Site ID	Property Description	Address	Ownership Category	Map of Subject Land
	<p>Lot 280 on B92911 and Lot 1 on RP201319</p> <p>Lots 813 - 816 on B92941</p>	2, 4, 6, 8 Tumut Street, Buddina		
Buderim	<p>Lots 30 and 31 on SP293861</p> <p>Lot 70 on SP310631</p>	Power Road, Buderim and Starling Street, Buderim	Private and Public	
Buderim	<p>Lots 13, 14, 15 and 16 on RP839362</p> <p>Lots 17, 18, 19, 20, 24, 25, 26 on RP843835</p> <p>Lot 21 on RP845434</p> <p>Lot 1 on RP897336</p> <p>Lot 2 on RP184019</p> <p>Lots 7, 8, 9, 10, 11 on RP810552</p>	<p>15-17, 19-21, 23-27, 29-35, 39, 43, 49-51, 53, 59, 60-64, 54-58 Jorl Court, Buderim</p> <p>5 Roms Court, Buderim</p> <p>108, 114, 120, 124-126, 128-130, 132 and 134 Stringybark Road, Buderim</p>	Private	
Buderim	<p>Lots 2 and 12 on RP90687</p> <p>Lot 8 on RP95934</p>	3, 6 and 31 Lavarack Crescent, Buderim	Private	

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> Amend the precinct boundary of MAR LPSP-1 (Ocean Street Food and Music Sub-precinct) on the Maroochydhore/Kuluin Local Plan Precincts Map LPM22, to remove (Lot 0 on SP151751 and Lot 0 SP100069) (refer to Appendix 1 for details of the proposed planning scheme amendment); Amend the Height of buildings and structures overlay map to increase the maximum building height for 13 and 21 Smith Street, Mooloolaba and reduce the maximum building height for land included in the north-eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village, Kawana (refer to Appendix 1 for details of the proposed planning scheme amendment).

8. Compliance with the Planning Act 2016

In accordance with the Minister's Alignment Amendment Rules, the *Sunshine Coast Planning Scheme 2014* was amended for alignment with the *Planning Act 2016* on 3 July 2017. The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* – Site Specific and Editorial Matters does not materially affect this compliance.

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* has been prepared in accordance with: -

- (a) Section 20 (Amending planning schemes under the Minister's rules) of the *Planning Act 2016*; and
- (b) *Minister's Guidelines and Rules* (September 2020) made under the *Planning Act 2016*.

In accordance with Chapter 2, Part 4, section 17.2 of the *Minister's Guidelines and Rules*, the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* – Site Specific and Editorial Matters: -

- (a) advances the purpose of the Act, in that it allows for an efficient and effective future use of the specific sites nominated in **Appendix 1**;
- (b) is consistent with section 16(1) of the Act in that it: -
 - (i) continues to identify strategic outcomes for housing supply and diversity, and economic growth within the Sunshine Coast local government area;
 - (ii) continues the inclusion of measures that facilitate the achievement of the strategic outcomes in the planning scheme for housing supply and diversity, and economic growth;
- (c) is consistent with the regulated requirements prescribed in the *Planning Regulation 2017*; and
- (d) is well drafted and articulated.

9. Compliance with State planning instruments

At the time of the gazettal of the *Sunshine Coast Planning Scheme 2014* in May 2014, the Minister identified that the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy* were appropriately reflected in the planning scheme.


A new State Planning Policy (SPP) commenced on 3 July 2017 and a new Regional Plan, *ShapingSEQ South East Queensland Regional Plan 2017*, was released on 11 August 2017.

The proposed amendment to the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* – Site Specific and Editorial Matters does not adversely affect the planning scheme's compliance with State planning instruments. A review of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]* – Site Specific and Editorial Matters has confirmed that the proposed amendment complies with the relevant aspects of the new State planning instruments. In accordance with Schedule 3 (Required Material) of the *Minister's Guidelines and Rules*, particular aspects of the proposed amendment that have been identified as potentially relevant to State planning instruments are detailed in **Table 9.1** below.

Site ID	Sunshine Coast Planning Scheme 2014	Summary	Proposed Amendment
<p>15 Bermagui Crescent, Buddina</p> <p>61, 63, 65, 67, 69, 71, 73, 75 Iluka Avenue, Buddina</p> <p>44, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 1N/143 – 25N/143, 145, 1C/145 – 25C/145, 147, 1S/147 – 25S/147</p> <p>Lowanna Drive, Buddina</p> <p>4 Narooma Court, Buddina</p> <p>84, 85, 86, 87, 88, 89, 90, 91, 92, 116, 117, 1/117, 2/117, 118, 1/118, 2/118, 119, 120, 121, 122, 123, 124, 1/124, 2/124 and 126 Pacific Boulevard, Buddina</p> <p>2 and 6 Talinga Street, Buddina</p> <p>2, 4, 6, 8 Tumut Street, Buddina</p>	<p>Figure 1: Extract from the Sunshine Coast Planning Scheme 2014 – Local Plan Map LPM35 (Kawana Waters Local Plan Precincts)</p> <p>KAW LPP-4, Buddina Urban Village Sub-precincts</p> <p>KAW LPSP-4a, Urban Village Residential</p> <p>KAW LPSP-4b, Bermagui Crescent/Iluka Avenue</p> <p>KAW LPSP-4c, Pacific Boulevard</p>	<p>Council received a petition, with 228 signatories (tabled at the Ordinary Meeting of Council held on 28 March 2019) and individual representations, seeking an amendment to the <i>Sunshine Coast Planning Scheme 2014</i> in relation to the Buddina Urban Village in the Kawana Waters local plan area (refer to Figure 1). The petition/representations requested that the zoning and maximum building height of land included in Sub-precinct KAW LPSP-4a (Urban Village Residential) be amended to maintain the low-medium density residential character of the local area and to include specific provisions in the planning scheme in relation to the erosion prone area, native wildlife and turtle nesting areas.</p> <p>Under the <i>Sunshine Coast Planning Scheme 2014</i>, the land located within Sub-precinct KAW LPSP-4a (Urban Village Residential) is currently included in the High density residential zone (refer to Figure 2) and has a maximum building height of 12 metres and 21 metres (refer to Figure 3).</p> <p>Under the Kawana Water Local plan code, development in the Buddina Urban Village is intended to provide for higher density residential accommodation in the form of permanent and visitor accommodation buildings (with some retail and commercial activities) and provides an important link between the Kawana Shopping World and the Kawana Waters Surf Lifesaving Club.</p> <p>The Buddina Urban Village has been included in various planning schemes for the past 17 years. The first planning scheme to incorporate the concept of the Buddina Urban Village was the Draft Caloundra City Plan in 2003.</p> <p>Most of the land currently included in Sub-precinct KAW LPSP-4a (Urban Village Residential) has a maximum building height of 12 metres, with the exception of the northern part of the Sub-precinct adjoining Talinga Street, which has a maximum building height of 21 metres.</p> <p>To provide consistency between the height and zoning, it is considered appropriate for that part of the Sub-precinct with a maximum building height of 12 metres be included in the Medium density residential zone rather than the High density residential zone. It is also proposed to include specific</p>	<p>It is proposed that:</p> <ol style="list-style-type: none"> the zoning of all land in sub-precinct KAW LPSP-4a (Urban Village Residential) that is located within the 12 metre height category on the Height of buildings and structures overlay, is amended from the High density residential zone to the Medium density residential zone; the maximum building height of land included in the north-eastern section of Sub-precinct KAW LPSP-4a (Urban Village Residential) is amended from 21 metres to 12 metres; specific provisions are included in the Kawana Waters Local plan code to reflect the proposed zoning change; and Figure 7.2.14A (Kawana Waters Local Plan Elements) in the Kawana Waters local plan code, is amended so the extent of the 'Buddina Urban Village' matches the extent of Precinct KAW LPP-4, Buddina Urban Village on the Kawana

Explanatory Memorandum for the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]
Site Specific and Editorial Matters – State interest review version

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Site ID	Sunshine Coast Planning Scheme 2014	Summary	Proposed Amendment
<p>(Lot 827 on B92942</p> <p>Lot 304, 305, 306, 307, 308, 309, 310 and 311 on B92911</p> <p>Lot 825 on B92942, Lot 78 on B92936, Lots 71 - 77 on B92931, Lot 170 on B92930, Lots 0 - 25 on BUP102060, Lots 0 - 25 on BUP102619 and Lots 0 - 25 on BUP102984</p> <p>Lot 826 on B92942</p> <p>Lots 281 - 289 on B92911, Lots 29, 32 - 36 on B92923, Lots 0 - 2 on BUP4659, Lots 0 - 2 on BUP9297 and Lots 0 - 2 on BUP4997</p> <p>Lot 280 on B92911 and Lot 1 on RP201319</p> <p>Lots 813 - 816 on B92941)</p>	<p>Figure 2: Extract from the Sunshine Coast Planning Scheme 2014 – Current Zoning</p>  <p>Low Density Residential Zone</p> <p>Precinct LDR1 (Protected Housing Area)</p> <p>Medium Density Residential Zone</p> <p>High Density Residential Zone</p> <p>Tourist Accommodation Zone</p> <p>District Centre Zone</p> <p>Local Centre Zone</p> <p>Sport and Recreation Zone</p> <p>Open Space Zone</p> <p>Environmental Management and Conservation Zone</p> <p>Community Facilities Zone</p> <p>4. Community use</p> <p>6. Educational establishment</p> <p>12. Place of worship</p>	<p>provisions in the Kawana Waters Local plan code to reflect the proposed change in zoning.</p> <p>It is also proposed intended that the to amend the zoning and maximum building height of the land included in the north-eastern section of the Sub-precinct KAW LPSP-4a from the High density residential zone to the Medium density residential zone and from with a maximum building height of 21 metres to 12 metres, to provide consistency throughout the Sub-precinct is retained in the High density residential zone and no change is made to the maximum building height.</p> <p>It is also proposed to include specific provisions in the Kawana Waters Local plan code to reflect the proposed change in zoning.</p> <p>It is intended that a review of the provisions relating to native wildlife (including turtle nesting areas) and this land, as well as other parts of the Buddina Urban Village currently included in the High density residential zone with a maximum building height of 21 metres, is reviewed as part of the New Planning Scheme Project. This will also include a review of land within the erosion prone area (and subject to the Coastal protection overlay) will be reviewed as part of the New Planning Scheme Project, having regard to the outcomes of Council's Coastal Hazard Adaptation Strategy and a review of the provisions relating to native wildlife and turtle nesting areas.</p> <p>It is also noted that the extent of the 'Buddina Urban Village' noted on Figure 7.2.14A (Kawana Waters Local Plan Elements) – Buddina Inset (refer to Figure 4) is different to the extent of Precinct KAW LPP-4, Buddina Urban Village on the Kawana Waters Local Plan Area Precincts Map (refer to Figure 1). It is therefore proposed to amend the boundary of the Kawana Waters Local Plan Elements to be consistent with the Kawana Waters Local Plan Area Precincts Map.</p>	<p>Waters Local Plan Precincts Map LPM35.</p>

Explanatory Memorandum for the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]
Site Specific and Editorial Matters – State interest review version

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Amendment Instrument

Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted] – Site Specific and Editorial Matters

State interest review version

Made under the *Planning Act 2016*, section 20 (Amending planning schemes under Minister's rules)

This amendment has effect on and from [to be inserted]



Column 1	Column 2	Column 3
Planning scheme component	Planning scheme provision	Amendment
	(Performance outcomes and acceptable outcomes), Table 9.3.6.3.1 (Requirements for accepted development and performance outcomes and acceptable outcomes for assessable development).	
Schedule 2 (Mapping)	Zone Map ZM8 (Yandina Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM10 (Peregian South Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM27 (Woombye Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM32 (Buderim Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM33 (Sippy Downs Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM34 (Mooloolaba/Alexandra Headland Local Plan Area)	Amend as shown in Appendix B
Schedule 2 (Mapping)	Zone Map ZM35 (Kawana Waters Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Local Plan Map LPM22 (Maroochydore/Kuluin Local Plan Area).	Amend as shown in Appendix B
Schedule 2 (Mapping)	Overlay Map OVM34H (Mooloolaba/Alexandra Headland Local Plan Area) – Height of Buildings and Structures Overlay Map	Amend as shown in Appendix B
<u>Schedule 2 (Mapping)</u>	<u>Overlay Map OVM35 (Kawana Waters Local Plan Area) – Height of Buildings and Structures Overlay Map</u>	<u>Amend as shown in Appendix B</u>

As a consequence of the amendments in Table 1, this amendment instrument also makes consequential amendments to the component of the *Sunshine Coast Planning Scheme 2014* in Table 2, Column 1, in respect of the planning scheme provisions stated in Table 2, Column 2, in the manner stated in Table 2, Column 3.

Table 2 Consequential amendment table

Column 1	Column 2	Column 3
Planning scheme component	Planning scheme provision	Amendment
Part 3 (Strategic Framework), Schedule 2 (Mapping)	<ul style="list-style-type: none"> Strategic Framework Map SFM1 (Land Use Elements) Strategic Framework Map SFM2 (Economic Development) 	Amend, where relevant, the Urban Growth Management Boundary, Rural Residential Growth Management Boundary, Urban Area land use

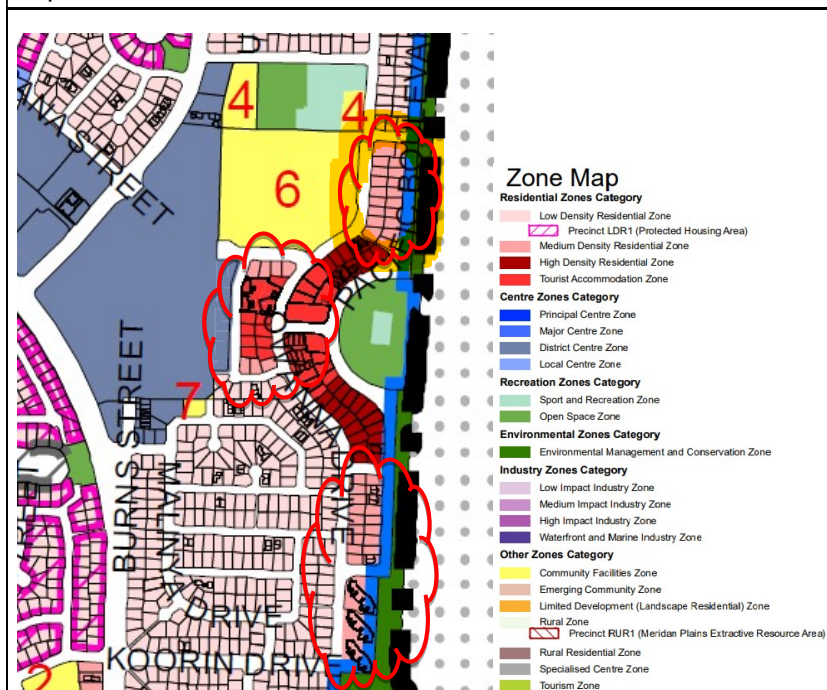
Item 8.7 Changes to the proposed Site Specific and Editorial Matters Amendment -
 Buddina Urban Village
 Attachment 2 Extract of Amendment Instrument

Extract of Zone Map ZM35 (Kawana Waters Local Plan Area)

Existing

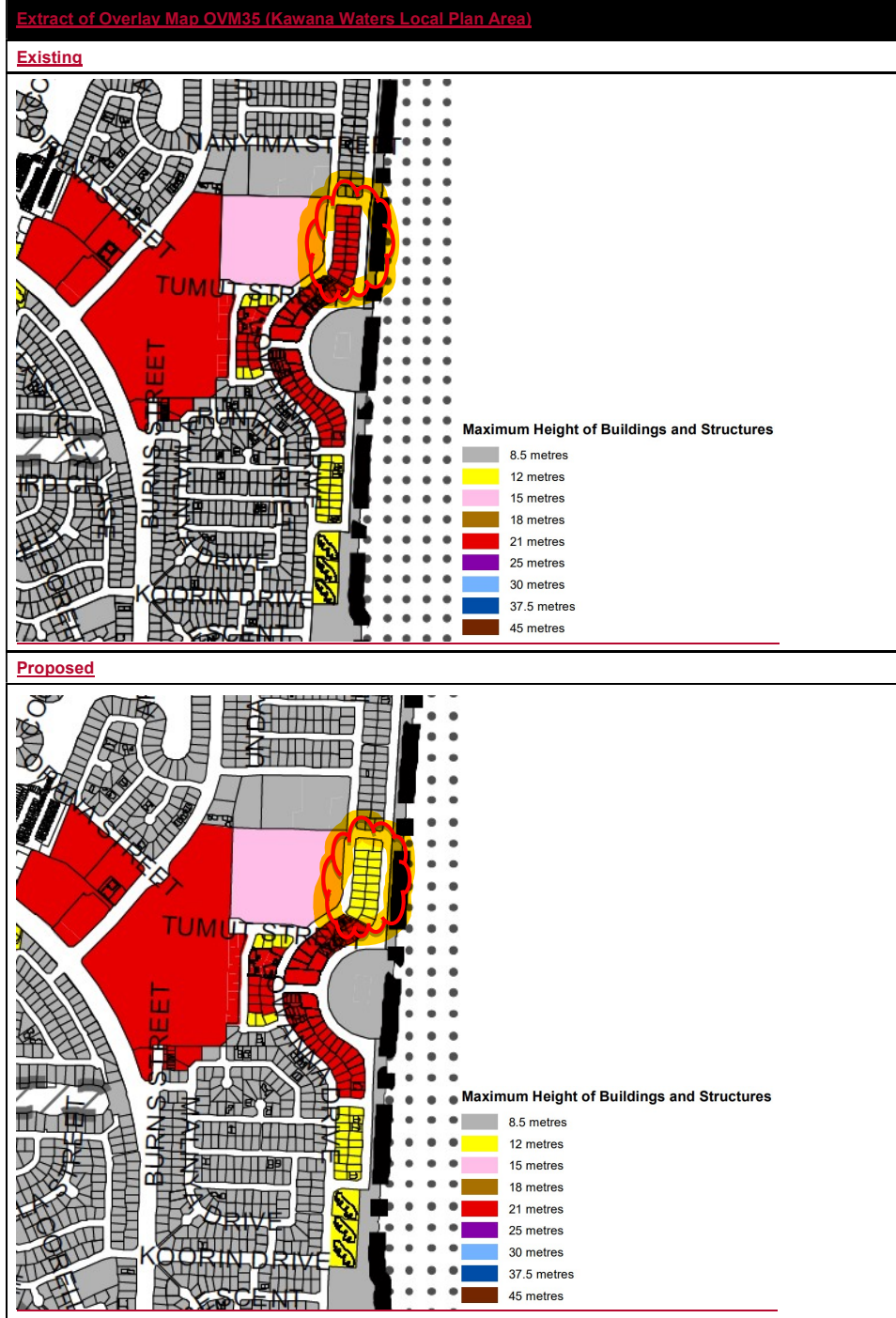


Proposed



Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]
 Site Specific and Editorial Matters – State Interest review version

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Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) No. [to be inserted]
 Site Specific and Editorial Matters – State Interest review version

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9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION**12 NEXT MEETING**

The next Ordinary Meeting will be held on 28 July 2022.

13 MEETING CLOSURE