

# Agenda

**Ordinary Meeting**  
**Thursday, 20 June 2024**

**commencing at 11:00am**

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING .....	7
2	WELCOME AND OPENING .....	7
3	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE .....	7
4	RECEIPT AND CONFIRMATION OF MINUTES.....	7
5	MAYORAL MINUTE.....	7
6	INFORMING OF CONFLICTS OF INTEREST .....	7
6.1	PREScribed CONFLICTS OF INTEREST .....	7
6.2	DECLARABLE CONFLICTS OF INTEREST .....	7
7	PRESENTATIONS / COUNCILLOR REPORTS.....	7
8	REPORTS DIRECT TO COUNCIL .....	9
8.1	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE TO ESTABLISH AN EXTENSION TO TOURIST ATTRACTION (CAR MUSEUM) - WARRAN ROAD, YAROOMBA.....	9
8.2	UPDATE AND AMENDMENT OF 2023-24 CONTRACTING PLAN .....	105
8.3	2024-25 PROCUREMENT POLICY AND PROCUREMENT AND DISPOSAL FRAMEWORK.....	125
8.4	APPLICATION OF NATIONAL COMPETITION POLICY 2024-25 .....	133
8.5	MAY 2024 FINANCIAL PERFORMANCE REPORT.....	161
8.6	AUDIT COMMITTEE MEETING 23 MAY 2024.....	179
8.7	DELEGATION TO THE CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW .....	223
8.8	SUNSHINE COAST COUNCIL INVESTIGATION POLICY -	



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	<b>COUNCILLORS .....</b>	<b>277</b>
<b>8.9</b>	<b>DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LAND AT LOT 9020 AURA BOULEVARD, BARINGA (LOT 9020 SP284348) .....</b>	<b>299</b>
<b>8.10</b>	<b>EXCEPTION UNDER LOCAL GOVERNMENT REGULATION FOR DISPOSAL OF PROPERTY IN CALOUNDRA .....</b>	<b>307</b>
<b>8.11</b>	<b>DISPOSAL (LEASE) TO COMMUNITY YOUTH EDUCATION OPTIONS LTD OVER THE WHOLE OF 2 LEWIS STREET, CALOUNDRA.....</b>	<b>313</b>
<b>9</b>	<b>NOTIFIED MOTIONS .....</b>	<b>335</b>
<b>10</b>	<b>TABLING OF PETITIONS .....</b>	<b>335</b>
<b>11</b>	<b>CONFIDENTIAL SESSION.....</b>	<b>335</b>
<b>12</b>	<b>NEXT MEETING.....</b>	<b>335</b>
<b>13</b>	<b>MEETING CLOSURE.....</b>	<b>335</b>





**ORDINARY MEETING**

**NOTICE**

7 June 2024

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

20 June 2024

commencing at 11.00am.

A handwritten signature in black ink, appearing to read "Emma Thomas", with a long horizontal stroke extending to the right.

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 30 May 2024 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**



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**8 REPORTS DIRECT TO COUNCIL****8.1 DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE TO ESTABLISH AN EXTENSION TO TOURIST ATTRACTION (CAR MUSEUM) - WARRAN ROAD, YAROOMBA****File No:** MCU23/0053**Author:** Senior Development Planner  
Customer & Planning Services Group**Attachments:** Att 1 - Detailed Officer Report..... 17    
Att 2 - Proposal Plans..... 69    
Att 3 - Department of State Development, Manufacturing,  
Infrastructure and Planning Concurrence Agency Response97  Link to [Development.i MCU23/0053](#)**PURPOSE**

The purpose of this report is to seek Council's determination for a Development Application for Material Change of Use to Establish an Extension to Tourist Attraction (Car Museum) at Warran Road, Yaroomba.

The application is before Council due to the level of community interest on the application.

**EXECUTIVE SUMMARY**

The application seeks approval for a Development Permit for Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum).

The proposal seeks a 4 storey, 32,019m<sup>2</sup> vintage car museum building providing 879 car display bays, 38 motorcycle display bays, a lobby area, a special display zone, lifts and a partial upper-level viewing terrace. The proposed car museum represents an extension to, and relocation of, the existing approved tourist attraction (MCU12/0190).

The vintage car museum, including the roof top terrace area, would be 18m high to the upper level of the building perimeter and 21.6m to the top of the roof terrace lobby and lift overruns from finished fill level.

The proposal has been assessed against the Hyatt Preliminary Approval for a Material Change of Use (MCU05/0245) which, when issued in February 2007, varied the effect of the planning scheme to establish the Coolum Hyatt Integrated Resort and Residential Community. In accordance with the Hyatt Preliminary Approval, both the Preliminary Approval and the Maroochy Plan 2000 provide assessment benchmarks for the application.

The proposed development has been found to conflict with a number of assessment benchmarks within the Hyatt Preliminary Approval Document and the Maroochy Plan 2000. These conflicts relate to the proposed building height, bulk and scale, character and amenity impacts and vehicle access issues as discussed in the Detailed Officer Assessment Report (**Attachment 1**).

The officer recommendation is that the application be refused based on the grounds outlined in this report.

## OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled “Development Application - Material Change of Use to Establish an Extension to Tourist Attraction (Car Museum) - Warran Road, Yaroomba” and**
- (b) REFUSE application no. MCU23/0053 for a Development Permit for Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum) situated at Warran Road, Yaroomba for the following reasons:-**
  - (i) The application conflicts with the Precinct 5a and 5b (Central Village) – Statement of Desired Precinct Character in the Preliminary Approval Document (Coolum Hyatt Resort - Master Plan Document) in that the proposed building height exceeds the Maximum Building Height of 8.5 metres (but not more than 1 storey) identified in the Supplementary Table for Building Height for Sub-Precinct 5B by 9.6m and 3 storeys.**
  - (ii) The proposed development does not achieve the Intent statement of Precinct 5B which is predominately for a (resort) residential development with a small component (up to 200m<sup>2</sup>) of commercial gross floor area. The proposed development is for commercial development with a gross floor area of 32,019m<sup>2</sup> with no residential component. A Tourist Attraction is not identified as a Preferred Use that is consistent with the planning intent for the precinct.**
  - (iii) The proposed development does not achieve the Landscape and Built Form statement of Precinct 5B which describes the intended character of the development site as resort residential buildings of a low to low-medium scale, with a visual appearance softened by landscaping and enjoying a golf course amenity. Visual impact assessment has demonstrated that the proposed development, with its large-scale commercial character, would appear prominent and incongruous in the surrounding landscape. The proposed development has a built form of a size that is significantly larger than any building in the surrounding area and that would be visible from numerous public and private locations, including from Mount Coolum.**
  - (iv) The proposed development does not achieve the Landscape and Built Form statement of Precinct 5B which describes vehicle access as being via a gated entry to Warran Road and requires no private vehicle access to the resort permitted from the precinct. The proposed development includes two entry points from Warran Road with vehicle access permitted to the resort.**
  - (v) The proposed development has not demonstrated the achievement of Performance Measure P3, (2) Road and Street Network, of the Code for Transport, Traffic and Parking in Volume 4 of the Maroochy Plan 2000 as intersection upgrades would be required to avoid adverse impacts on landuse and the external road and street system.**



- (vi) The proposed development conflicts with the Key Character Elements for the Mt Coolum Planning Area in Volume 3 of the Maroochy Plan 2000 which describes the planning area as comprising three residential neighbourhoods set amongst canelands, Mt Coolum National Park, the beach and two extensive areas of open space (being golf courses) and the intent to continue this structure with infill development which is consistent with the scale and density of existing housing, and protects and enhances the area's amenity. The proposed development is not consistent with the scale and density of existing housing and does not protect and enhance the area's amenity due to the proposed bulk and scale of the development.
- (vii) The proposed development conflicts with the Implementation Measures of the Tourism Strategy in Volume 2 Strategic Plan of the Maroochy Plan 2000. The proposed development does not exhibit characteristics of scale, site planning and design which are compatible with the natural features of the area. The proposed development would not provide for the enhancement of the character of tourist precinct as it is not compatible with that of the existing development and the desired character of the locality having regard to building height and bulk. The proposed built form is not consistent with the stated desired character and intent for the Planning Area and Precinct in which it is situated.
- (viii) The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
- (ix) The departures from the assessment benchmarks support refusal of the proposed development.
- (x) There are no other matters that warrant approval of the proposed development including the consideration of economic, community and planning need and having regard to existing approvals on the site and the current planning scheme provisions.
- (xi) Refusal of the proposed development advances the purpose of the Planning Act 2016 because the development would not facilitate the achievement of ecological sustainability in that it fails to maintain the cultural, economic, physical, and social wellbeing of people and communities.

## FINANCE AND RESOURCING

In the event of an approval, infrastructure charges would be applicable to the proposed development.

## CORPORATE PLAN

<b>Corporate Plan Goal:</b>	<b><i>Our service excellence</i></b>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S20 - Development services – planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals.

## CONSULTATION

### Councillor Consultation

The previous Divisional Councillor, Cr Jason O'Pray was consulted on the application prior to, and during, the Notification Process.

In relation to the Divisional Councillor, Councillor Taylor Bunnag has notified Council of a Prescribed Conflict of Interest in accordance with the *Local Government Act 2009*, and therefore he has not been involved in any meetings, discussions or communication in relation to making a decision on this matter.

To address Councillor consultation in making this officer recommendation, the adjoining Divisional Councillor / Deputy Mayor has been engaged and a discussion has taken place prior to this decision.

The Portfolio Councillors Councillor W Johnston & Councillor C Dickson have been consulted during the assessment process.

### Internal Consultation

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

- Team Leader Engineering and Construction, Specialist Services Team
- Principal Development Engineer - Traffic, Specialist Services Team
- Senior Development Engineer - Hydraulics, Specialist Services Team
- Principal Biodiversity Officer, Specialist Services Team
- Senior Environmental Management Officer, Specialist Services Team
- Senior Landscape Officer, Specialist Services Team
- 3D Project Officer, Urban Design and Architecture Team
- Senior Architect, Urban Design and Architecture Team

### External Consultation

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning for concurrence agency assessment in relation to state transport infrastructure.

The department responded by letter dated 15 March 2024 imposing conditions that must attach to any development approval (refer to **Attachment 3**).

The Chair of Council's Urban Design Advisory Panel provided comment on the proposal. The Chair provided a detailed assessment of the proposed design and recommended that the proposal not be approved in its current form due to the building bulk and scale being inconsistent with the character and amenity of the area.

**Community Engagement**

This impact assessment development application was subject to a public notification period of 15 business days between 28 November 2023 and 19 December 2023 in accordance with the requirements of the *Planning Act 2016*.

A total of 787 submissions were received, of which 732 were determined to be 'properly made' in accordance with the *Planning Act 2016*.

In total, there were 723 properly made submissions against the proposal, 7 properly made submissions in support of the proposal and 2 properly made submissions that did not state their support or objection.

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

**PROPOSAL**

The application seeks approval for a Development Permit for Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum).

The proposal seeks a 4 storey, 32,019m<sup>2</sup> vintage car museum building providing 879 car display bays (including turntables), 363 motorcycle display bays, a lobby area, a special display zone, lifts and a partial upper-level viewing terrace. Details of the proposed built form can be found in the Proposed Plans in **Attachment 2**. The proposed car museum represents an extension to, and relocation of, the existing approved tourist attraction (MCU12/0190).

The vintage car museum, including the roof top terrace area, would be 18m high to the upper level of the building perimeter and 21.6m to the top of the roof terrace lobby and lift overruns from finished fill level.

On 28 February 2007, Council issued a Preliminary Approval for a Material Change of Use (MCU05/0245) to vary the effect the planning scheme to establish the Coolum Hyatt Integrated Resort and Residential Community. The Hyatt Preliminary Approval overrides the Planning Scheme to control development within the Preliminary Approval area. The Hyatt Preliminary Approval contains the Preliminary Approval Document titled *Coolum Hyatt Resort - Master Plan Document*, which includes *Statements of Desired Precinct Character including provisions relating to Intent, Preferred Uses, Supplementary Tables of Assessment* and for each precinct/sub-precinct within the Preliminary Approval area.

The proposed development is for a Tourist Attraction (Car Museum) use in Sub-Precinct 5b (Resort Residential) of the Preliminary Approval Document with associated parking being located in Sub-Precinct 1b (Resort Carparking).

The proposal has been assessed against assessment benchmarks within the Hyatt Preliminary Approval for a Material Change of Use (MCU05/0245) and the Maroochy Plan 2000.

The assessment considered the following matters:

- Land use intent and preferred uses
- Maximum building height
- Visual impact assessment
- Site cover, boundary setbacks, maximum floor area, dwelling density

- Theme and character
- Traffic, access, vehicle movement and parking
- Ecology, Bushfire, Landscape, Acid Sulfate Soils, Lighting, Noise

The assessment also had regard for other relevant matters including economic, community and planning need and considered recent relevant approvals and current planning provisions.

The proposed height of 21.6m comprising 4 storeys (not including the rooftop terrace lobby) exceeds the maximum building height intended for the precinct by 9.6m and 1 storey.

Visual assessment found that while the colour and material treatments of the proposed built form will likely provide some recession and integration into the surrounding landscape, due to the size of the proposed buildings within the context of the surrounding area, the development will still result in an unacceptable visual impact when viewed from multiple locations external to the development site.

The proposed development has been found to conflict with a number of assessment benchmarks within the Hyatt Preliminary Approval Document and the Maroochy Plan 2000 and is recommend for refusal as outlined in this report, and in particular the attached detailed officer recommendation report (**Attachment 1**).

### **Legal**

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

### **Policy**

The application has been assessed against the Hyatt Preliminary Approval Document and Maroochy Plan 2000.

### **Risk**

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

### **Previous Council Resolution**

There is no previous Council resolution which is applicable to this application.

### **Related Documentation**

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

A copy of the proposed plans is included as **Attachment 2** to this report.

A copy of the Department of State Development, Manufacturing, Infrastructure and Planning for concurrence agency assessment is included as **Attachment 3** to this report.

**Critical Dates**

Council's decision for the application was due on 23 April 2024. Given a decision has not been made by this date, the applicant may elect to take a 'deemed refusal' of the application in accordance with the provisions in the *Planning Act 2016*.

**Implementation**

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.





## DETAILED OFFICER REPORT

### APPLICATION FOR DEVELOPMENT APPROVAL

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU23/0053>

<b>SUMMARY SHEET</b>	
<b>Applicant:</b>	Coeur De Lion Investments Pty Ltd
<b>Owner:</b>	Coeur De Lion Investments Pty Ltd
<b>Consultant:</b>	Adams & Sparkes Town Planning
<b>Proposal:</b>	Development Permit for Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum) and a multi-level car park
<b>Properly Made Date:</b>	25 May 2023
<b>Information Request Date:</b>	15 June 2023
<b>Information Response Received Date:</b>	1 November 2023
<b>Decision Due Date:</b>	23 April 2024
<b>Public Notification Dates:</b>	28 November 2023 and 19 December 2023
<b>Number of Properly Made Submissions:</b>	732 Properly Made Submissions (723 Against, 7 In Support, 2 Neutral) 55 Not Properly Made Submissions (50 Against, 4 In Support, 1 Neutral) Total of 787 submissions
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	8
<b>Property Address:</b>	Warran Road, YAROOMBA QLD 4573
<b>RP Description:</b>	Lot 28 SP 238215 and Lot 10 SP 238215
<b>Land Area:</b>	Lot 28 – 1.163 ha (proposed car museum site) Lot 10 – 14.49 ha (approx. 1.27 ha carpark site)
<b>Existing Use of Land:</b>	Palmer Resort and Resort Car Park
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Hyatt Preliminary Approval (MCU05/0245) and applicable Maroochy Plan 2000 codes (21 January 2005)
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Framework Land Use Category:</b>	Urban Land
<b>Local Plan Area:</b>	Planning Area No 10 (Mount Coolum)
<b>Zone:</b>	Resort Sub-precinct 5B (Central Village) Resort Sub-precinct 1B (Resort Parking)
<b>Assessment Type:</b>	Impact Assessment

## PROPOSAL:

The application seeks approval for a Development Permit for Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum).

The proposal seeks a 4 storey, 32,019m<sup>2</sup> gross floor area vintage car museum building providing 879 car display bays (including turntables), 363 motorcycle display bays, a lobby area, a special display zone, lifts and a partial upper-level viewing terrace. The proposed car museum represents an extension to, and relocation of, the existing approved tourist attraction (MCU12/0190).

The vintage car museum, including the roof top terrace area, would be 18m high to the upper level of the building perimeter and 21.6m to the top of the roof terrace lobby and lift overruns from finished fill level.

An approved Multi-Level Car Park on the adjoining site (Resort sub-Precinct 1B) has been included in the application to demonstrate the availability of onsite car parking for patrons visiting the Palmer Resort, golf course and/or car museum. The approval was issued on 9 January 2024 and provides 498 car bays plus 34 motorcycle parking spaces at the location of the existing at grade resort car park within Sub-Precinct 1B (resort car parking facility) at the Palmer Resort.

Vehicle access to both the multi-level car park and vintage car museum is proposed from the main resort entrance from Warran Road and another existing entrance from Warran Road (currently used for back-of-house facilities). Pedestrian access to the car museum would be provided via one prominent entrance at the southwest ground floor.

Existing mature vegetation around the periphery of the resort would be retained to buffer and screen the proposal from external viewpoints and road. Additional landscaping is proposed along the front of the development, between the built form and the main internal private entry road to the resort. Additional landscaping is proposed along the eastern edge of the site to soften the built form and screen the structure.





Figure 1. Multi-Level Car Park (south) and Palmer car museum (north)



Figure 2. Proposed vintage car museum – perspective 1



Figure 3. Proposed vintage car museum – perspective 2



Figure 4. Proposed vintage car museum – perspective 3



Figure 5. Multi-level car park (perspective)

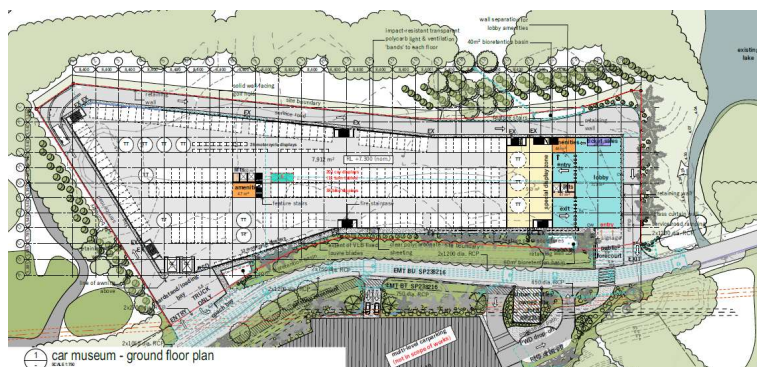


Figure 6. Palmer Car Museum (ground level)

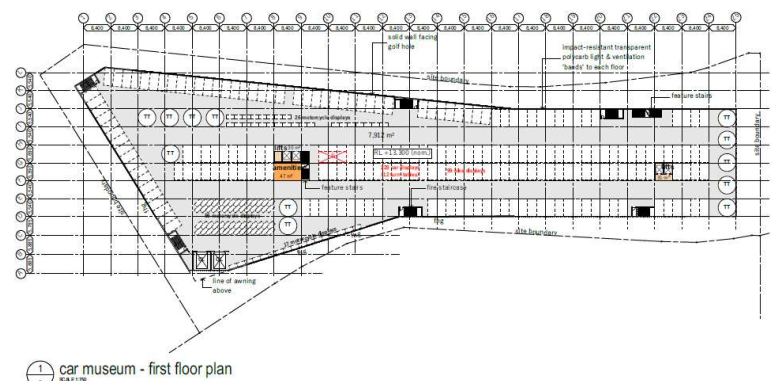


Figure 7. Palmer Car Museum (Level 1)

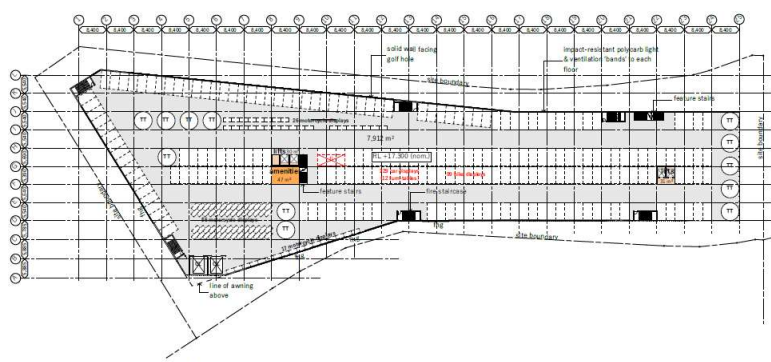
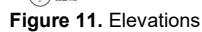
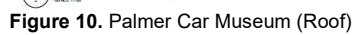
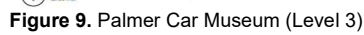


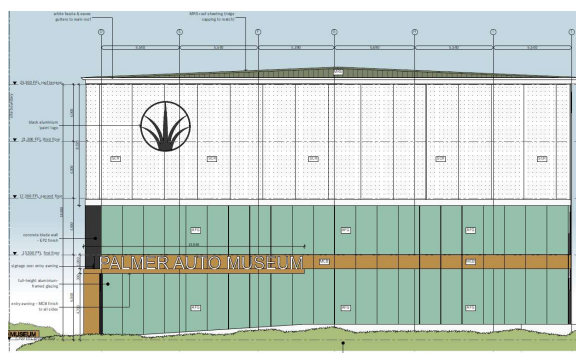
Figure 8. Palmer Car Museum (Level 2)







BILLY DAWSON detail elevation - north  
Figure 12. Elevation Details - North



BILLY DAWSON detail elevation - south  
Figure 13. Elevation Details - South



Figure 14. 3D Render 1



Figure 15. 3D Render 2



Figure 16. 3D Render 3

The following table describes the key development parameters for the proposal:

MATERIAL CHANGE OF USE	DEVELOPMENT PARAMETERS	
	Required	Proposed
Gross Floor Area	200m <sup>2</sup>	32,019m <sup>2</sup> (Proposed Car Museum Component)
Building Height/Storeys	8.5m	21.6m
Setbacks	Not specified	6.3m to the northern boundary. From 6.3m to 15.8m to the eastern boundary and 7.3m to the southern boundary. On the western side, building setbacks range from 3.3m to 18.47m to the boundary.
Site Cover	Not specified	Approx. 68% (Proposed Car Museum on Lot 28)
Landscaping	The visual appearance of buildings is softened through the retention of the existing mature landscaping.	Existing mature vegetation between the boundaries of the Master Plan area retained. Landscaping proposed along the front of the development and along the eastern edge of the site.

## SITE DETAILS:

### Site Features and Location

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	Lot 28 – 1.163 ha (proposed car museum site) Lot 10 – 14.49 ha (approx. 1.27 ha carpark site)
<b>Existing Use of Land:</b>	Vacant site- temporary marquees
<b>Road Frontage:</b>	N/A
<b>Significant Site Features:</b>	Site has been cleared, levelled and filled. The proposed car museum site currently accommodates three temporary marque structures.
<b>Topography:</b>	Flat
<b>Surrounding Land Uses:</b>	<p>Within the Master Plan Area, the development site is surrounded on all sides by golf course. Back-of-house facilities are located to the north and central resort facilities and accommodation buildings located to the south.</p> <p>The Palmer Coolum Resort is bordered by low density residential land to the north, west and south in the form of traditional residential lots, accommodating mainly detached dwellings. There is a medium density residential precinct comprising detached houses, dual occupancies and low-rise multiple dwelling units south of Tanah Street West at the southern extremity of the golf course. The Mount Coolum Local Centre is located at the intersection of the David Low Way and Suncoast Beach Drive to the south of the site. Mount Coolum National Park is located south of the resort precinct and is the dominant landform in the locality. The parabolic dune and Precinct 3 (Beachside) are located on the eastern side of the David Low Way.</p>

The location of the subject site in relation to its surrounds is shown below:





Figure 17. Aerial view

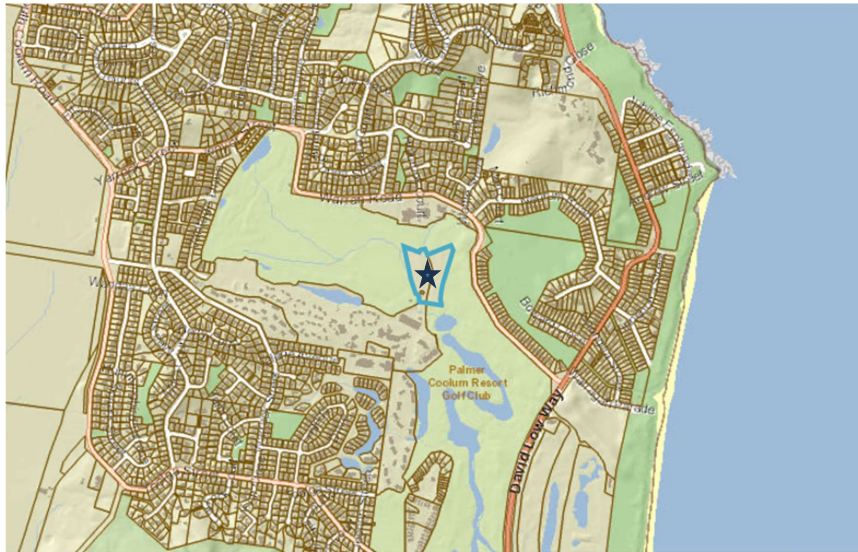


Figure 18. Locality plan

## Development History of Site

### Existing Use rights

The original Hyatt Health Resort site operates under the cumulative effect of existing use rights pursuant to several historic planning permits including, but not limited to:

- 14 May 1987 initial rezoning approval to rezone from Rural at the Hyatt site B to Special Facility Zone (Health Management Complex & Associated Accommodation and Ancillary Facilities) as identified on Sheet 39 Accompanied by Rezoning Deed dated 27/08/87 (14/05/1987).
- 29 October 1987 – A second rezoning (150 ha) from part Special Facilities, Part Rural B to “*Special Facilities – Health Management Complex, Four (4) Storey Hotel Resort of 300 Rooms, Associated Accommodation, Golf Course and Ancillary Facilities*” zone was gazetted over an expanded site in accordance with Drawings No 1-4 dated 03/02/1986 Job 85018 as amended by Master Plan 85018 dated 12/12/1986 and by the inclusion of Drawing No 7/85018 “Beach Hotel” dated 23/11/1986 (original A1 on file 20/5/072); Drawing No 8 / 85018 “villas” dated December 1986, which were gazetted and formed part of the scheme maps. The approval was accompanied by a Rezoning Headworks Agreement.
- 14 August 1998 – A third rezoning (151.39 ha) from Residential A, Rural B & Special Facilities to “*Special Facilities – Recreation and Tourism Resort, Conference Centre, Special Events & Ancillary Facilities*” zone based on a new Plan of Development (*Hyatt Regency Coolum Plan of Development and Plan of Development Schedule*) dated January 1998, which was gazetted and formed part of the scheme maps.

- On 5 May 1998, the Planning and Environment Court issued a Consent Order (Appeal No. 10/1997 - R9575-42902) to rezone Residential A, Rural B & Special Facilities – (Health Management) to Special Facilities – (Recreation and Tourism Resort, Conference Centre, Special Events and Ancillary Facilities zone). A number of further approvals followed which increased resort accommodation and conference facilities.
- On 6 August 2003 – Council resolved to allow the applicant to proceed (MCU02/0161) with the development of the subject land, pursuant to Section 3.2.5(1) (a) of the Superseded Planning Scheme (1985). Development was to include a 300 room Resort Hotel up to 4 storeys in height and 105 “villas” east of the David Low Way, plus 46 additional units with 2 tennis courts, an additional 9 hole golf course, a child care centre and outdoor entertainment (Special Events Program) west of the David Low Way in accordance with the approved 1998 Plan of Development. This decision under the superseded planning scheme allowed for these self-assessable uses to be undertaken for a period of 4 years of the date of issuance of the Acknowledgement Notice dated 05/09/03 (i.e. before 05/09/07). The Beachside hotel was not pursued.

#### Relevant Further Approvals – Hyatt Preliminary Approval

On 28 February 2007, Council approved the Hyatt Preliminary Approval (MCU05/0245) for a Material Change of Use establishing the Hyatt Cooloom Resort Community with 5 Precincts including a consolidated resort, a redesigned 18 hole golf course and 3 residential precincts (including Beachside, Central and Vantage) for up to 660 new dwelling units. Council also approved a Development Permit for Vantage Stage 2 (55 Lots). On 26 July 2007, a Negotiated Decision Notice was issued in respect of conditions relating to the above application. On 11 September 2007, the approval took effect.

A number of subsequent changes\* and associated applications to the Hyatt Preliminary Approval have occurred including:

Application Number	Details of Change to Approval
CCC08/0015	On 1 May 2008, Condition 11 (plan amendments) was amended to allow for a correction to the Level of Assessment Table contained within the Master Plan Document identifying Code Assessable Lot Reconfiguration where in accordance with “the Approved Plan of Development creating precinct and sub-precinct lots”.
CCC08/0042	On 24 October 2008, Condition 35 was amended to allow the grouping of multiple dwelling units in Beachside Precincts, where adjoining the northern and southern boundaries of Sub-Precinct 3F.
REC09/0049	On 25 November 2009, Council issued a Negotiated Decision Notice to the development permit for reconfiguration of a lot (6 Lots in 15 Lots) to create the precinct and sub-precinct management lots.
CCC09/0021	On 3 September 2009, Conditions 10, 85, 95, 100, 101, 116, 123, 128-131 & 158 were amended pursuant to Section 3.5.33 of IPA.
MCU12/0190	On 29 July 2013, an approval was issued for a Development Permit for Material Change of Use of Premises for an extension to an existing Integrated Tourist Facility to add new tourist attractions (vintage car museum and dinosaur theme park) within Precinct 1 (Resort Precinct).

	<p>The vintage car museum was established in 2013 and was located within Precinct 1A (Resort) located north of the resort clubhouse and south of the golf course driving range. In 2022, the Palmer Resort relocated the vintage car museum temporary marquees to Sub-Precinct 5B east of the resorts at grade car park (see Figure 19 below).</p> <div data-bbox="549 501 1212 842" data-label="Image"> </div> <p><b>Figure 19.</b> Original and current location of vintage car museum temporary marquees</p>
MCU05/0245.12	On 27 November 2013, Council issued a Change to Conditions to transfer the sale centre land to Council as a community lot and to allow for a monetary contribution in lieu of the rehabilitation of vegetation off-set areas for vegetation to be removed in the Beachside Precinct.
MCU05/0245.19	On the 20 July 2016, Council issued a Change to an Existing Approval and on the 31 August 2016, Council issued an Amended Change to an Existing Approval which involved renegotiating the concurrence agency response (Department of Transport and Main Roads). In particular, the signalling of David Low Way/Suncoast Beach Drive intersection.
MCU05/0245.23	On 31 January 2021, Council issued an approval for a minor change to endorse amended Hyatt Preliminary Approval plans identifying a new buggy parking area within Resort Sub-Precinct 1A.
MCU05/0245.25	On 28 March 2022, Council issued a minor change to approve a shed within Precinct 5A (Central - back of house facilities).
MCU05/0245.26	On 01 August 2023, Council issued an approval for a minor change to endorse amended Hyatt Preliminary Approval plans and amending conditions relating to the Beachside Resort Beach Club.
MCU23/0051	On 9 January 2024, Council issued an approval for a Material Change of Use to Establish a Multi-level Car Park within Sub-Precinct 1B (Resort car parking facility) at the Palmer Resort.

\*Note: Numerous Generally in Accordance applications have been approved, which relate to siting variations associated with the Plan of Development.

## ASSESSMENT:

### Framework for Assessment

#### Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

### Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u>
	<ul style="list-style-type: none"> <li>• Part E</li> </ul>
	<u>Schedule 10 of the Regulation</u>
	<ul style="list-style-type: none"> <li>• Part 10: Koala habitat in SEQ Region</li> </ul>

#### State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

#### Schedule 10 of the Regulation

##### Koala Habitat in SEQ Region (Part 10)

The site is not located in a Koala Priority Area (KPA) but is mapped as a containing Core Koala Habitat Area marginally extending into the in the extreme north part of the development site as shown below in Figure 20.



**Figure 20.** Extract from State Koala Mapping

The assessment benchmarks in Schedule 11 of the Planning Regulation 2017 only apply to sites located in a Koala Protected Areas (KPA).

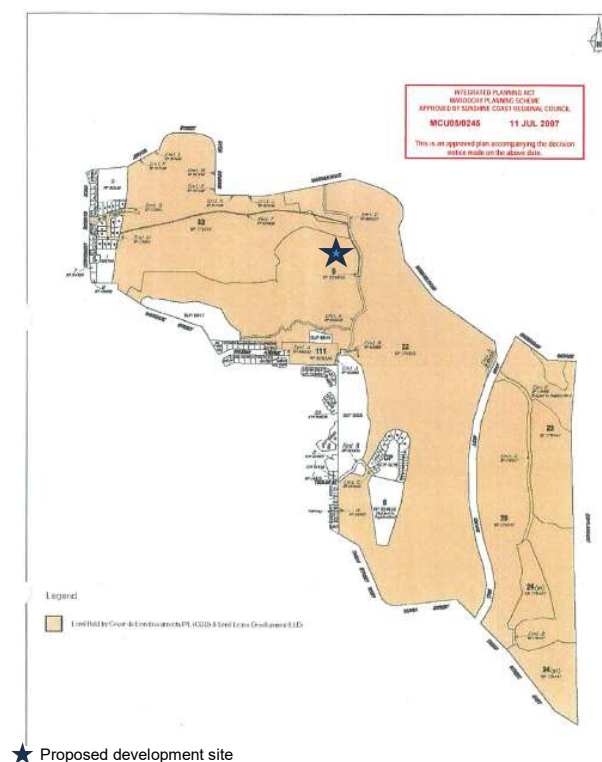
The State Assessment and Referral Agency (SARA) is the assessment manager for development in areas outside of mapped KPAs. The application was referred to SARA. Assessment in Southeast Queensland Koala Habitat Area is not required given the proposed clearing along the northern boundary lines of the site is exempt under Schedule 24 of the Planning Regulation 2017.

The application has been assessed against each of the assessment benchmarks and can be conditioned to comply.

#### **Assessment Benchmarks Related to a Variation Approval**

On 28 February 2007, Council issued a Preliminary Approval for a Material Change of Use (MCU05/0245) to vary the effect the planning scheme to establish the Coolum Hyatt Integrated Resort and Residential Community. The Preliminary Approval overrides the Planning Scheme to control development within the Preliminary Approval area (see Figure 21 below).





**Figure 21.** Application Area of Preliminary Approval (MCU05/0245.26)

The Preliminary Approval contains the Preliminary Approval Document titled *Coolum Hyatt Resort - Master Plan Document*, which includes *Statements of Desired Precinct Character* including provisions relating to *Intent, Preferred Uses, Supplementary Tables of Assessment* and for each precinct/sub-precinct within the Preliminary Approval area as follows.

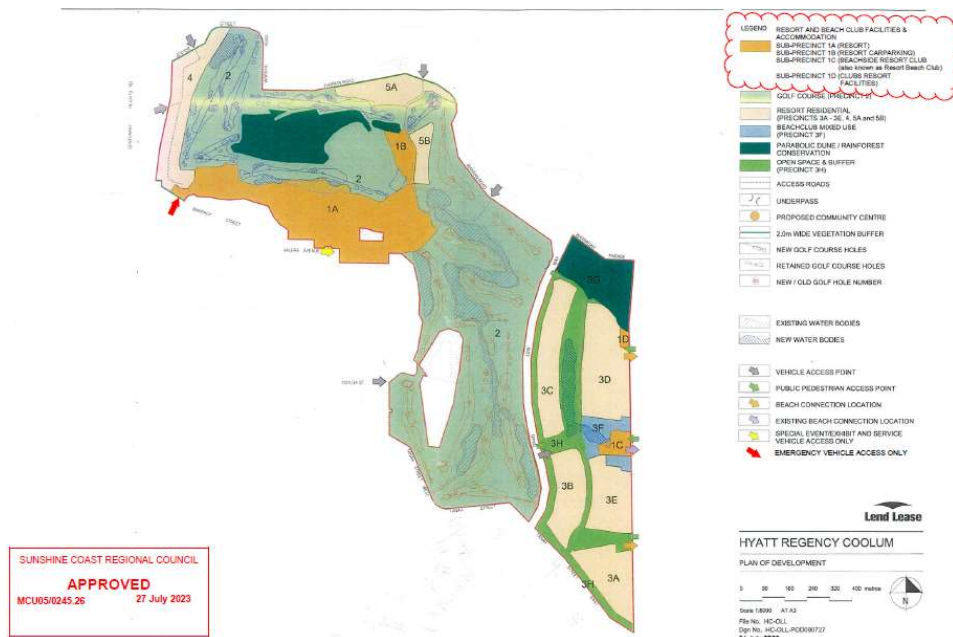


Figure 22. Plan of Development for Preliminary Approval (MCU05/0245.26)

The Preliminary Approval (Cooloolum Hyatt Resort Master Plan) remains current and enables the following over the subject site:

- Up to a maximum of 660 dwellings across the site in a range of configurations including multiple dwelling units, dual occupancies and detached houses.
- A mix of resort, residential and commercial/retail uses up to 1450m<sup>2</sup>.
- Maximum building heights throughout the precinct range from 8.5 metres/2 storeys to 16 metres/4 storeys.

The conditions of the Preliminary Approval and the wording within the Preliminary Approval Document identify the extent to which the Maroochy Plan 2000 provides assessment benchmarks for the assessment as follows:

- Strategic Plan
- Planning Area No 10 (Mount Cooloolum) - Precinct (8) Cooloolum Hyatt Resort (Special Purpose)
- Design Code for Community Safety and Security
- Code for Landscaping Design
- Code for Transport Traffic and Parking
- Operation Works Code
- Code for Integrated Water Management
- Code for Waste Management of Commercial and Community Uses
- Design for Climate Code
- Code for Nature Conservation and Biodiversity\*



- Code for Waterways and Wetlands\*
- Code for Assessment and Management of Acid Sulphate Soils\*
- Code for Development in Bushfire Prone Areas\* Code for Development in Vicinity of Sunshine Coast Airport\*

\*Note: In accordance with the Preliminary Approval Document (section 1.6), the values of any Special Management Areas applying to the land are taken to have been fully resolved by the Preliminary Approval, and are accordingly, waived pursuant to Section 4.3(2) of Volume 1 of Maroochy Plan 2000 for all subsequent development.

#### Assessment against Variation Approval

The application has been assessed against each of the applicable provisions within the Preliminary Approval instrument. The pertinent issues arising out of assessment are discussed below:

#### Land Use Intent and Preferred Uses

The proposed development is for a Tourist Attraction (Car Museum) use in Sub-Precinct 5b (Resort Residential) of the Preliminary Approval Document with associated parking being located in Sub-Precinct 1b (Resort Carparking).

The following excerpts from the Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the Preliminary Approval Document are relevant.

*"Precinct 5b is located on part of the area currently occupied by the 1st golf hole and will include a resort residential precinct within a community titles scheme achieving views of the adjacent golf course."*

*"Provision of a café/restaurant or shop up to but not exceeding 200m<sup>2</sup> commercial gross floor area is considered appropriate within Precinct 5b. These facilities will capitalize on the unique golf course amenity and predominantly service guests and residents within the resort."*

The proposed development does not achieve the intent of Precinct 5B which is predominately for a (resort) residential development with a small component (up to 200m<sup>2</sup>) of commercial gross floor area. The proposed development is for commercial development with a gross floor area of 32,019m<sup>2</sup> with no residential component. While the proposed Car Museum would have the capacity to service resort guests and residents, the intent of proposal is to predominately service visitors from the general public.

The Preliminary Approval Document identifies Preferred Uses consistent with the planning intent for Precinct 5b in the Supplementary Table of Development Assessment for Precinct 5 – Assessment of Material Change of Use. The Table identifies a Car Park, Detached House, Display Home, Dual Occupancy, Local Utility, Multiple Dwelling Units, Restaurant and Shop as Preferred Uses. A Tourist Attraction is not identified as a Preferred Use.

The car parking component of the proposed development is consistent with the intent of Precinct 1b – Car Parking Facility with a Car Park being identified as Preferred Use in the Supplementary Table of Development Assessment for Precinct 1 – Assessment of Material Change of Use.

The Preliminary Approval Document does not include a description or intent statement for the broader Master Plan site or for the broader Mt Coolum local area. As the Preliminary Approval Document is silent on the matters of broader local planning and regional strategic directions, provisions relating to these matters in the Maroochy Plan are assessment benchmarks. The following is an assessment against the relevant planning scheme provisions.

Volume 3 of the Maroochy Plan 2000 provides statements regarding the Location and Role and a Vision Statement for the Mt Coolum Planning Area. The following extracts are relevant to the consideration of the intended and preferred uses in Mt Coolum:

*This Planning Area is intended to provide for continuation of a compatible mix of a range of urban residential uses, regional, district and local recreational and tourist facilities and natural conservation.*

*(1) It is intended that:*

*The Planning Area continue to accommodate a mix of master planned residential communities and tourist facilities set beside the beach and against the visually dominant Mt Coolum...*

*The area will be characterised as a grouping of residential villages set amongst green open spaces that provide for nature conservation and recreational activities.*

*(2) This means that:*

*(a) The Coolum resort's existing and future activities are to be recognised and protected where in keeping with the environmental and community values of the area.*

At a strategic level, Volume 2 Strategic Plan of the Maroochy Plan 2000 includes a Tourism strategy which includes the following Objective:

*"8.4.2 To Focus Tourist Activity into the Preferred Areas of Mooloolaba, Coolum and Montville"*

Relevant Implementation Measures for this objective state:

*(2) Council will favourably consider development applications providing for the expansion or increased density of tourist or commercial centres in the identified Tourist Nodes where such applications are required to increase the area available for tourist activities.*

And:

*(5) The realisation of this objective means that some tourist facilities are incompatible with the tourist and urban development being encouraged in these locations. In such instances, Council will have regard to the proposal's theme, scale, character and compatibility with the existing or intended urban form and the relevant Planning Area intent and desired Precinct character.*

In summary, the Preliminary Approval Document identifies land use intent and preferred uses at a site-specific, sub-precinct level (Precinct 5B - Resort Residential) while the *Maroochy Plan 2000* identifies land use intent at a local area scale (Planning Area 10 – Mt Coolum) and at a strategic level for the region.

There is a conflict between the proposed use and the adopted land use intent at the site specific, sub-precinct level (Precinct 5b) as identified in the Preliminary Approval Document .

At the broader level addressed in the Maroochy Plan 2000, there is an intent for tourist uses, specifically an integrated resort, to occur on the master plan site, within the Mt Coolum local area. There is potential for tourist facilities to be established within the master plan site where development "respects the environmental and landscape values of the area" and is of scale that is considered ancillary to the primary use of the site as an integrated resort.

There is also potential for tourist facilities to be established within the Mt Coolum local area where "in keeping with the environmental and community values of the area".

As such, there is the potential for expanded or increased density of tourist centres in Coolum to be supported by Council where there is a need to increase the area available for tourist activities and also having regard to the proposal's theme, scale, character and compatibility with the existing or intended urban form and the relevant Planning Area intent and desired Precinct character.

Consequently, to determine the extent to which the proposed development conflicts with the intent for the broader precinct, planning area and strategic plan, the following matters must be considered:

- The scale, theme and character of the proposed development in the context of the intended resort use of the site.
- The need for additional area available for tourist activities.
- The impacts on the environmental, landscape and community values of the area.

These matters are discussed below.

#### Scale of development

##### **Maximum Building Height**

Condition 36 of the Preliminary Approval requires that:

*Building heights (in storeys and metres) must be in accordance with the Precinct and Sub-Precinct Supplementary Tables for Building Height identified in the approved Preliminary Approval Document.*

The Supplementary Table for Building Height for Sub-Precinct 5B identifies the following maximum building heights:

- Multiple Dwelling Units – 12 metres (but not more than 3 storeys)
- Detached House, Dual Occupancy – 8.5 metres (but not more than 2 storeys)
- All other development – 8.5 metres (but not more than 1 storey)

As the proposal is for a Tourist Attraction, the applicable maximum height is 8.5m and not more than 1 storey.

The proposed height of 21.6m comprising 4 storeys (not including the rooftop terrace lobby) exceeds the nominated building height by 13.1m and 3 storeys.

The Preliminary Approval Document does not provide a performance outcome relating to building height that can be assessed as an alternative to the prescriptive building height provided in the Supplementary Table for Building Height.

The following excerpt from the Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the *Coolum Hyatt Resort - Master Plan Document* is relevant:

*The height of buildings and structures within Precinct 5b will include number of buildings up to 3 storeys/12 metres in height, located along the eastern side of the existing access road.*

While the above statement should be considered within the context of the preferred land use for the precinct being residential uses, it nonetheless provides an indication of the maximum building height intended for the precinct.

It is also noted that the Preliminary Approval Document allows for multiple dwelling units up to 16 high in Sub-Precinct 3F of Beachside east of the David Low Way. West of the David Low Way, no precinct allows for buildings with a height greater than is 12m.

The proposed height of 21.6m comprising 4 storeys (not including the rooftop terrace lobby) exceeds the maximum building height intended for the precinct by 9.6m and 1 storey. The proposed height of the development therefore conflicts with the relevant assessment instruments.

#### **Visual Impact Assessment**

The applicant submitted a Visual Impact Assessment of the proposed car museum, which reviewed the potential impacts of the proposed car park and car museum on the surrounding area, having regard to existing temporary storage marquees within Sub-Precinct 5B.

The Visual Impact Assessment has been reviewed having regard given to Council's 3D-modelling prepared internally based on the building modelling data provided by the applicant.

In terms of bulk and scale, the Visual Impact Assessment argues that:

*The proposed development will increase the bulk and scale of the development on the Site; however, the visual impact of the increase will have very limited visibility to receptors outside of the Site and the Resort due to the existing landscaping and landform, which clearly dominate the visual character of the Site's within the Resort. However, where visible, the visual impact of the proposed built form will be mitigated by the distance provide by the separation of the proposed built form from Warran Road and the recessive colour appearance of the built form.*

Council's assessment found that while the colour and material treatments of the proposed built form will likely provide some recession and integration into the surrounding landscape, due to the size of the proposed buildings within the context of the surrounding area, the development will still result in an unacceptable visual impact when viewed from multiple locations external to the development site. Even with "recessive" colour treatments, when viewing the landscape, the building will clearly be seen as the largest subject building in landscape. The building size will appear incongruous with the relatively small scale of the building form in the surrounding area.

The following is a summary of the representations made in the applicants Visual Impact Assessment and Council's assessment in relation to views from locations internal and external to the development site.

#### Views from Mount Coolum

The Information Request Response (Visual amenity) provided by that applicant states that;

*The external colour scheme is generally visually recessive in relation to the surrounding context. The difference with respect to the visibility of the built form compared to the existing structure is marginal. The proposed building height and footprint do not result in a more visually intrusive outcome.*

The applicant points to Visual Impact Assessment drawing DD.3202 (prepared by Billy Dawson Architects, 14/7/2023) to support this argument (extract shown below in Figure 24).



**Figure 24.** Visual Impact Assessment "View from Mount Coolum Drawing extract

In Council's opinion, and as shown in Figure 25 (below), when the proposed building is viewed in the context of the wider landscape, the prominence of the building is significant. The proposed building is much larger in area and height than any building in the area. Even with the proposed application of recessive colours and landscape treatments on the roof, the development is still likely to have a visual prominence that draws focus and dominates the landscape.



Figure 25. View from Mount Coolum

#### Views from the east of the site

The applicant's Visual Impact Assessment states that the development will not be visible from Warran Road or properties along the northern side of the Warran Road frontage, due to the obstruction provided by the existing structures and vegetation within the Palmer Coolum Resort along the southern side of Warran Road. The Visual Impact Assessment also concludes that the proposed development will have limited visibility from the properties on the elevated slopes to the north of Warren Road.

It is agreed that, with adequate landscaping, there is likely to be limited visibility of the proposed development from Warran Road. However, Council's analysis did not support the conclusion of limited visibility from other locations to the north of the site. Several locations were identified, both public and private, from which the proposed building would be visible. Figure 26 (below) shows two modelled views from public locations on Donegal Drive and Holbrook Court in which the proposed building is visible above the existing tree canopy.



**Figure 26.** Modelled views from public locations on Donegal Drive and Holbrook Court

Other modelled views from private properties to north of the site also illustrate the proposed building being clearly visible and prominent within the landscape from this direction.



**Figure 27.** Modelled views from private properties on Binnea Street, Donegal Drive and Shanagolden Court

#### Views from the east of the site

The applicant's Visual Impact Assessment identifies that the proposed development will have limited visibility from Warran Road to the east of the site due to the screening of existing vegetation, the location and characteristics of the houses along this section of the Road and the intended dark colour of the building's eastern façade.

This finding is generally supported however, it is noted that the proposed building may be visible from some locations to the east of the site. This is shown by Figure 28 (below) which shows a modelled view from a private property on Neurum Road to the north-east of the site.





**Figure 28.** Modelled view from a private property on Neurum Road

#### **Views from the south and west of the site**

The applicant's Visual Impact Assessment identifies that the proposed development will be visible to very few distant properties to the south and west of the Palmer Coolum Resort and that the relative size of proposed development in relation to the panorama of the viewshed available from the properties, along with recessive colour appearance, will minimise the visual impact of the proposed development.

Council's assessment did not find that the location and colour treatment will minimise the visual impact of the development from the south or west of the site. Figure 29 (below) shows a modelled view from public location on Carrock Court approximately 1 kilometre to the south-west of the development site.



**Figure 29.** Modelled view from public location on Carrock Court

Other modelled views from private properties to south and west of the site also illustrate the proposed building being clearly visible within the landscape from this direction.





**Figure 30.** Modelled views from private properties on Carrock Court, Mora Court, Jenyor Street and Hilltop Crescent

In summary, the proposed development would appear as noticeable and prominent in the landscape with a built form of a size that is significantly larger than any building in the surrounding area and is visible from numerous public and private locations, including most notably, from Mount Coolum.

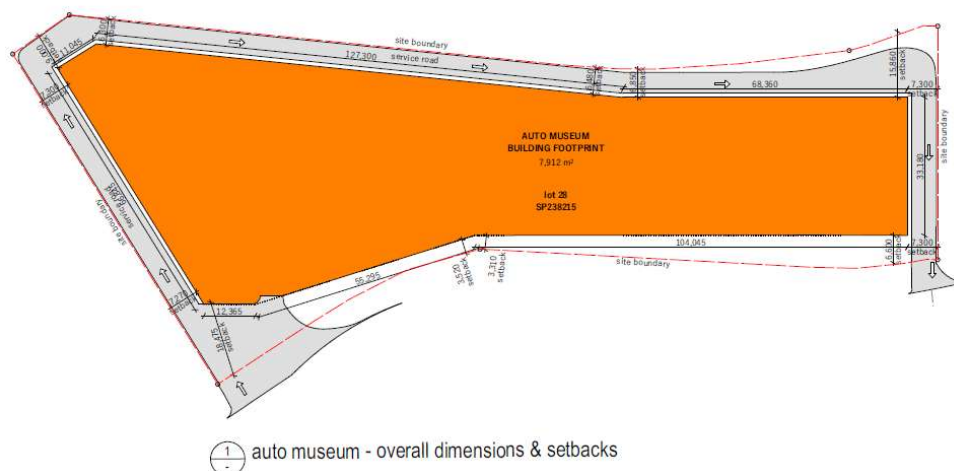
#### **Maximum Site Cover**

The total ground floor Gross Floor Area (GFA) of the proposed car museum building is 7,912m<sup>2</sup>. Within the Precinct 5b lot, this is site cover of approximately 68%.

Neither the Preliminary Approval and Preliminary Approval Document or the Maroochy Plan 2000 seeks to regulate the built form of development on the site or in the planning area through maximum site cover requirements.

#### **Minimum Boundary Setbacks**

The car museum building is generally setback from the Sub-Precinct 5B boundaries by the width of a perimeter road which skirts the building on northern, eastern, and southern sides. On these sides, the building setbacks range from 6.3m to the northern boundary, from 6.3m to 15.8m to the eastern boundary and 7.3m to the southern boundary. There is no setback between the building walls and perimeter road on these sides. On the western side, building setbacks range from 3.3m to 18.47m to the boundary.



**Figure 23. Proposed Setbacks to lot boundary**

In the context of the whole master plan site, the proposed car museum would be setback approximately 135m to the north, 300m to the south, 62m to the east and 800m to the west from the Resort's perimeter boundaries to the surrounding area.

Neither the Preliminary Approval and Preliminary Approval Document or the *Maroochy Plan 2000* seeks to regulate the siting of the built form of a commercial development in the Precinct through setback requirements.

To provide an indication of the building setbacks that would have been applicable for a multiple dwelling unit development proposed on the site, it is noted that the Acceptable Measure for a frontage setback identified in the *Code for Low-rise Multi-unit Residential Premises* in the Maroochy Plan 2000 is 6m from the road frontage to the building walls.

**Maximum Floor Area**

The Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the Preliminary Approval Document identifies the intent for the provision of a café/restaurant or shop up to but not exceeding 200m<sup>2</sup> commercial gross floor area (GFA).

The proposed total GFA of the car museum is 32,019m<sup>2</sup>. This is substantially larger than the GFA intended for the sub-precinct.

### ***Dwelling density***

Provisions in the Preliminary Approval Document relating to dwelling density in the Precinct 5b (Residential Village) are not relevant to the proposed development however they can provide an indication of the intensity of development intended for the site under the Master Plan. The Supplementary Table for Density identifies the maximum number of dwelling units permitted in Sub-Precinct 5b as 80 dwellings.

### Theme and Character

The proposed development is a vintage car museum housed in a multi-level commercial showroom-style building. The museum intends to collect, research, preserve and display some of the rarest working vintage cars from around the world.

The Statement of Desired Precinct Character for Precinct 5b (Central Village) in the Preliminary Approval Document describe the desired character as a *"resort residential precinct with views of the adjacent golf course"*. The precinct may have a small food and drink commercial component that will *"capitalise on the unique golf club amenity"*.

In relation to Landscape and Built Form within Precinct 5b, the Preliminary Approval Document states:

*"The height of the buildings and structures within Precinct 5b will include a number of buildings up to 3 storeys/12 metres in height, located along the eastern side of the existing access road. The visual appearance of buildings is softened through the retention of the existing mature landscaping and the site topography."*

Within the Preliminary Approval Document, the Statements of Desired Precinct Character for other precincts provide an indication of the desired character and amenity for the whole resort site. The precincts west of the David Low Way which comprise the main resort site are intended for resort accommodation and facilities, rainforest conservation, and resort residential buildings. It is intended that the resort central facilities and associated accommodation *"generally remain unchanged"* although some *"consolidation and refurbishment"* may occur and *"new buildings should contribute to a high level of amenity and exhibit a similar character and respect to the scale of existing premises"*. The golf course precinct is intended to operate as an 18-hole championship golf course with the existing vine forest retained and protected. The *"Vantage Village"* precinct at the west of the site is intended for residential development with buildings *"designed to compliment their natural setting"*.

The above provisions describe the intended character of the development site as resort residential buildings of a low to low-medium scale, softened by landscaping and enjoying a gold course amenity. At a broader resort scale, under the Preliminary Approval, the resort precinct is generally not intended to change from its existing character except to the extent some consolidation and refurbishment of resort facilities and accommodation may occur as well as the development of other low to low-medium scale residential development in precincts around the golf course and natural conservation areas that support and integrate with the resort.

The Preliminary Approval and Preliminary Approval Document are silent on the existing and intended character of the Mt Coolum local area.

As noted above in relation to land use intent, Volume 3 of the *Maroochy Plan 2000* provides a Vision Statement for the Mt Coolum Planning Area. The following extracts are relevant to the desired character of the Mount Coolum local area.

*It is intended that... The area will be characterised as a grouping of residential villages set amongst green open spaces that provide for nature conservation and recreational activities.*

*The Planning Area comprises three residential neighbourhoods set amongst canelands, the Mt Coolum National Park, the beach and two extensive areas of private open space*

*(being golf courses). This structure is intended to continue with the infill development which is consistent with the scale and density of existing housing, and protects and enhances the area's amenity.*

Volume 3 of the *Maroochy Plan 2000* also provides statements regarding the Key Character Elements for the Mt Coolum Planning Area. The following extracts are relevant to the intended scale of the built form in the Mt Coolum Planning Area:

- (1)(a) *The Planning Area comprises three residential neighbourhoods set amongst canelands, the Mt Coolum National Park, the beach and two extensive areas of private open space (being golf courses). This structure is intended to continue with infill development which is consistent with the scale and density of existing housing, and protects and enhances the area's amenity.*

Thematically, a vintage car museum tourist attraction could be considered consistent with the themes of tourism, resort and recreation. However, a large-scale, indoor car museum is not consistent with the themes of residential, open space, natural and landscaping that emerge from the reading of the Preliminary Approval and Vision Statements for the Mt Coolum Planning Area.

At a strategic level, Volume 2 Strategic Plan of the Maroochy Plan 2000 includes a Tourism strategy which includes the following Objective:

*8.4.1 To Promote the Growth of Tourism in Recognition of its Importance to the Shire's Economy in a Manner Compatible with the Natural Environment and the Existing Amenity*

This Objective is articulated further as follows:

*The long-term future of the tourist industry in the Shire and on the Sunshine Coast requires a commitment to enhancing the Shire's image. The image which appeals to tourists is that of a broad range of good quality accommodation, commercial facilities and tourist facilities and the preservation of the integrity of the natural environment and its precedence over the built environment.*

*Tourist facilities should exhibit characteristics of scale, site planning and design which are compatible with the natural features thereby taking advantage of the inherent tourist attraction and compatible with the developed amenity of an area.*

The Implementation Measures for this strategy include:

- (1) *The Council will preserve and retain the context of the Shire's natural features by:*
  - *Assessing the impact on the character and identity of a natural feature having regard to a proposal's scale, site planning and proximity, particularly in relation to the stated desired character and intent for the Planning Area and Precinct in which the development site is situated, and the environmental values intended to be protected by any Special Management Area relevant to the site;*
- (2) *The Council will provide for the enhancement of the character of tourist precincts by:*
  - *Assessing whether proposals are compatible with that of existing development and the desired character of the locality, having regard to the building height and bulk, street presentation and landscaping.*

- (3) *Council in considering applications for tourist facilities will have regard to the compatibility of these facilities with the amenity of the surrounding area and the character of the Sunshine Coast.*

The proposed development does not exhibit characteristics of scale, site planning and design which are compatible with the natural features of the area and therefore does not take advantage of the inherent tourist attraction and compatible with the developed amenity of an area.

The proposed development would not provide for the enhancement of the character of tourist precinct as it is not considered to be compatible with that of the existing development and the desired character of the locality having regard to building height and bulk. The proposed built form is not consistent with the stated desired character and intent for the Planning Area and Precinct in which the development site is situated.

Character matters are discussed further in the Other Matters section (below) within the consideration of Sunshine Coast Planning Scheme.

#### Traffic, Access, Vehicle Movement and Parking

##### ***Traffic impacts***

The applicant has provided a Traffic Impact Assessment which estimated the potential peak hour traffic demands generated by the development and undertook a qualitative assessment of potential development related traffic impacts.

The Traffic Impact Assessment advised that Sunday is likely to be the peak visitation day of a typical week. For an expected 100,000 visitors per year, this is forecast to typically generate up to approximately 673 visitors, or 420 vehicle trips, on a Sunday. During the morning and afternoon peak hours, this equates to approximately 64 to 76 vehicle trips per hour, which is slightly above a frequency of one vehicle trip per minute. The Traffic Impact Assessment advises this amount of traffic is unlikely to result in significant impacts to the existing road network.

In relation to the road network, the Maroochy Plan 2000 Code for Transport, Traffic and Parking requires that:

*P2 Development is in accordance with the road and street network.*

*P3 Development with high traffic generating potential minimises any adverse impacts on landuse and the external road and street system.*

The Traffic Impact Assessment has been reviewed by Council's Traffic Engineering Specialist and assessed against the provisions in the Code for Transport, Traffic and Parking. Council is satisfied that the proposed development is in accordance with the road and street network, however, intersection upgrades (discussed further below), would be required to comply with Performance Measure P3.

It is noted that the David Low Way is a State Controlled Road. Traffic matters relating to the David Low Way have been assessed through the State Assessment Referral Agency (SARA) through referral under Schedule 10 of the Planning Regulation 2017 (see Referral Agency section below).

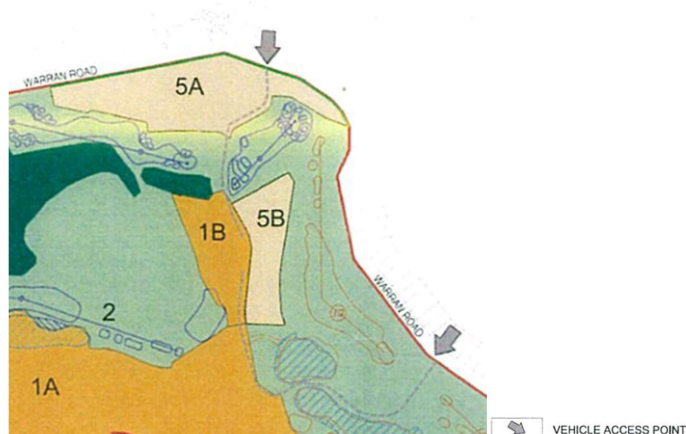
### Vehicle access and internal movement

The application proposes that vehicle access to the development will be achieved via the existing access points onto Warran Road and that no new access points or upgrades are proposed or required to accommodate the development.

Condition 52 of the Preliminary Approval requires that:

52. Vehicle access must be generally in accordance with the Plan of Development, Drawing No: HC-OLL-RFI POD060626, prepared by Lend Lease, 26 June 2006 (as amended)

Figure 31 (below) includes an extract from the current Plan of Development (dated 24 July 2023) which supersedes the Plan of Development reference in condition 52.



**Figure 31.** Extraction from Plan of Development showing Vehicle Access Points

Conditions 54 to 56 of the Preliminary Approval require that:

54. *Separate vehicular access to Precinct 1 (Resort) must continue from Warran Road in accordance with the approved Plan of Development, Road Hierarchy Plan and Mobility Plan as amended*
55. *Private vehicle access to each residential Precinct must be provided separately in accordance with the access identified on the approved Plan of Development, Drawing No: HC-OLL-RFI POD060626, prepared by Lend Lease, 26 June 2006, Mobility Plan, Drawing No: HC-OLL-RFI MOBP060623 and Road Hierarchy Plan, Drawing No: HC-OLL-RFI RH060913 (as amended)*
56. *No private vehicle access is permitted to Precinct 1A (Resort) or Precinct 2 (Golf Course) from Beachside, Central or Vantage Precincts*

The following excerpt from the Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the Preliminary Approval Document also seeks these outcomes:

*Vehicular access to this precinct is via a gated entry to Warran Road with internal traffic between the villages and the resort central facilities (via golf buggy) will be retained via the expanded pedestrian/buggy network. No private vehicle access to the resort is permitted from this precinct.*

*Clearly defined pedestrian/buggy linkages connect Precinct 5 to the Central Resort and Golf Course, and integrate with external pedestrian linkages moving beyond the boundaries of the precinct and the resort as a whole.*

The proposed access arrangements would not comply with the above conditions of the Preliminary Approval or the above provisions of the Preliminary Approval Document.

The application proposes private vehicle access from the main resort Vehicle Access Point (identified on the Plan of Development) and from a new Precinct 5 access point (to the west of the Vehicle Access Point identified on the Plan of Development). These access points would be connected to each other and the proposed car museum through an internal road. The outcome of this arrangement would be that:

- The Resort would no longer have separate vehicle access as required by Condition 54. The Resort would share the access with the Car Museum.
- Similarly, Precinct 5 would not have separate vehicle access as required by Condition 55 and the Preliminary Approval Document. The Resort would share this access.
- The internal road would allow private vehicle access from the Central Precinct to the Resort and Golf Course in breach of Condition 56 and the Preliminary Approval Document.

The application has not addressed the above conflicts with the conditions of the Preliminary Approval or the relevant sections of the Statement of Desired Precinct Character.

Further, Council's Traffic Engineering Specialist has advised that upgrades to both proposed access points would be required to avoid adverse impacts on landuse and the external road and street system and achieve compliance with Performance Measure P3 of the *Code for Transport, Traffic and Parking*.

#### **Vehicle parking**

An approved Multi-Level Car Park on the adjoining site (Resort sub-Precinct 1B) has been included in the application to demonstrate the availability of onsite car parking for patrons visiting the Palmer Resort, golf course and/or car museum.

The multi-level car park would provide 498 car bays plus 34 motorcycle parking spaces at the location of the existing at grade resort car park within Sub-Precinct 1B (resort car parking facility) at the Palmer Resort. The total GFA of the building would be 15,938m<sup>2</sup> over 3 levels (ground, level 1, and roof top).

If constructed prior to commencement of the use (which could be conditioned), the presence of the multi-level car park to service the proposed development has satisfied the *Code for Transport, Traffic and* Code requirements for onsite car parking. The car parking is provided with adequate capacity to accommodate peak parking demands and is designed to provide safe and convenient parking.

### ***Flooding and Stormwater***

Conditions 192 and 193 of the Preliminary Approval require works to be undertaken in accordance with the Flood Study prepared by Cardo dated 15 June 2006 and approved as part of the Preliminary Approval.

The applicant has demonstrated that the works associated with Conditions 192 and 193 have been completed satisfactorily. The applicant submitted the 'Hyatt Regency Coolum Flood Study' prepared by Cardo, 30 July 2010 which provides the final design detail of the site-specific Flood Study and, through the analysis of 'interim' and 'final' scenarios, forms the approved earthworks staging. The applicant has confirmed that the required flood mitigation works have been completed.

### **Environment**

#### ***Ecology***

The vegetation covenant areas within the site protect the highest ecological values, as determined at the time of the Preliminary Approval. There are no vegetation covenant areas within or directly adjacent to the proposed car museum site. The nearest vegetation area is approximately 30m from the north-western corner of the site.

The submitted Ecological Assessment Report and Vegetation Management Plan indicate there are number of trees being removed within the mapped native vegetation area along the northern and western boundaries of the proposed car museum site. The loss of mapped and unmapped trees within the site will have some impact on local urban ecology and landscape amenity.

It is noted that Performance Criteria 6 of the Code for Nature Conservation and Biodiversity of the *Maroochy Plan 2000* specifically requires development to ensure "*lighting is located and orientated to minimise negative impacts on wildlife and environmentally sensitive areas*". It is anticipated that the proposed museum will contribute to light pollution within the local area and will therefore have indirect impacts on local fauna habitats. Lighting impacts are further discussed under the heading "Lighting" (below).

On a broader scale there is the potential for light generated by the proposed museum to contribute to sea turtles and their nesting habitat impacts associated with Coolum Beach. Light pollution from sources over 50km from the coastline can have a detrimental impact on sea turtle orientation (Shimada et. al. 2023). The proposed car museum is located approximately 870m west of the coastline and will therefore contribute to the local levels of light pollution impacts. However, the potential exists to mitigate these impacts to an acceptable level through design solutions such as low light intensity, use of warm light, motion sensors and directional lighting with strong cut-offs. If the application were to be approved, turtle-sensitive design criteria would be conditioned.

#### ***Bushfire***

A site-specific bushfire hazard assessment was undertaken in relation to the adjacent carpark application (MCU23/0051). The submitted Bushfire Hazard Assessment and Management Plan provided a ground-truthed vegetation hazard class assessment that verified that the proposed car museum site is located in a low bushfire hazard potential area. Council's Principal



Ecologist has determined that assessment against the State Planning Policy (SPP) assessment benchmarks is therefore not required.

### **Landscape**

The following excerpt from the Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the Preliminary Approval Document addresses desired landscape outcomes in Precinct 5b:

*The visual appearance of buildings is softened through the retention of existing mature landscaping and the site topography.*

The applicant has submitted a Landscape Concept Plan Package prepared by Bird Landscape Design, 21 September 2023. This package has been reviewed by Council's Landscape Specialist who has advised that if the application were to be approved, conditions would be required to ensure screening and buffering of the built form from Warran Road. Compensatory planting within garden beds would also need to be provided to offset vegetation removal.

### **Acid Sulphate Soils**

Condition 176 of the Preliminary Approval requires acid sulphate soils be considered for development. The applicant submitted a *Preliminary Slope Stability and Acid Sulphate Soils Assessment*, prepared by Tectonics Geotechnical engineers to regulated development.

The report has been reviewed and finds that the application has satisfactorily demonstrated that the proposed development will minimise disturbance of acid sulphate soils and if disturbance of ASS is unavoidable, the release of acid and metal contaminants will be managed appropriately.

### **Lighting**

The applicant submitted a Specialist Lighting Impact Assessment Report prepared by ADP, 11 July 2023, to provide an assessment of environment health, specifically a lighting impact assessment due to potential adverse impact on nearby sensitive land uses. The report defines minimum design standards, outlines suitable guidelines, and recommends light spill mitigation strategies to achieve compliance with Australian Standard AS/NZS 4282:2019 (Control of the Effects of Outdoor Lighting).

The report has been reviewed and finds that the application has satisfactorily demonstrated that lighting and glare will not have any significant adverse amenity impacts or create nuisance to surrounding premises.

### **Noise**

Given the sites separation distance from nearby sensitive receivers and the proposal being contained within a building, it is unlikely that nuisance noise emissions will result from the proposal. The proposed development is considered to be located, designed, constructed and operated to ensure that noise emissions do not unreasonably impact on surrounding sensitive land uses having regard to the location and setting of the development.

If the application were to be approved, conditions relating to mechanical plant (air conditioning etc) noise and certification and limitations regarding hours of operation, delivery vehicles and amplified music would be required ensure that noise nuisance emissions are minimised.

#### Other Relevant Matters

Under the Planning Act 2016, section 45(5)(b), an impact assessment may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

The Planning and Environment Court have considered the below matters as "other relevant matters":

- planning, economic and community need;
- the absence of any unacceptable impacts; and
- whether conditions could be imposed to address areas of non-compliance.

The exercise of any discretion regarding "other relevant matters" involves a balancing exercise of matters that warrant an approval or a refusal.

This assessment has considered the following relevant matters:

- Economic, Community and Planning Need
- Consideration of changed circumstances including:
  - The existing Car Museum approval
  - Current planning provisions

Assessment of economic, community and planning need will ensure that any necessity or imperative to approve the proposal is considered which may justify approval despite the conflicts and impacts identified in the assessment against the Preliminary Approval.

It is also appropriate to consider recent relevant approvals and current planning provisions to determine whether there have been any significant changes in Council policy since the Preliminary Approval was first prepared and approved.

#### **Economic Need**

The applicant submitted an Economic Impact Assessment which found that there was an economic need for the car museum at this location as follows:

*Economic need is a function of market demand and the provision of supply. Based on historic museum attendance and the anticipated market share captured by the proposed development, visitation is expected to increase from 105,814 – 149,349 visitors in 2025 (assumed first year of operation) to 134,348 – 189,873 visitors in 2031, representing 4.0% growth in visitation each year. This suggests that the proposed car museum has the potential to draw in a substantial and growing number of visitors.*

*The proposed car museum is anticipated to generate a total output impact of between \$1.29 million to \$1.82 million in its first year of operation, increasing to between \$1.64 million to \$2.31 million by 2031. Furthermore, the value added to the Sunshine Coast*

*economy by the proposed facility is expected to range between \$1.38 million to \$1.95 million in 2031. Hence, the proposed development will produce sizeable economic contributions to the Sunshine Coast.*

It is acknowledged that the proposed development has the potential to generate significant economic benefits for the Sunshine Coast region.

However, this assessment does not agree, as implied by the Economic Impact Assessment, that if there is a level of demand for a product or service in the market that is not being matched by supply, there is an economic need for that product or service. The application has not demonstrated that there is a necessity or imperative for the development to proceed from an economic perspective. It is therefore recommended that Council consider that the proposal offers potentially significant economic benefits but does not address a demonstrated economic need.

### Community Need

The Economic Impact Assessment submitted by the applicant also found that there was a community need for the car museum at this location as follows:

*In terms of greater consumer choice, there is a very limited offering of car museums on the Sunshine Coast. Presently, there are two car museums which are co-located at 52 Lysaght Street, approximately 7.4 kilometres away from the subject site. However, these car museums provide a very limited offering (30 cars in total) and are not typically open to the general public; hence, the proposed development would provide a different experience to the existing facility as it would be open to the public and will incorporate a much larger fleet of vehicles.*

The Economic Impact Assessment goes on to identify existing and planned car museums in South East Queensland and concludes that the proposed car museum would offer South East Queensland residents, particularly Sunshine Coast residents, greater choice in car museums. As the facility would be open to the public and have a larger collection than the other two facilities on the Sunshine Coast, it would encourage competition and more competitive prices.

It is agreed that the proposed development would increase the offering of recreational activities available to be enjoyed by residents and visitors on the Sunshine Coast. Further, if commercially successful, the proposed car museum has the potential to offer substantial community benefits through increased employment and local business opportunities.

However, this assessment does not agree that there is a community need for additional car museums on the Sunshine Coast. Nor does it consider the potential community benefits a successful car museum as a demonstration of community need. Similar to the consideration of economic need discussed above, a necessity or imperative for the development from a community perspective has not been demonstrated.

### Planning Need

The Economic Impact Assessment also found that there was a planning need for the car museum at this location as follows:

*The uses provided by the proposed development will complement the existing activity generated by the Palmer Cooloom Resort Golf Course. Furthermore, the supply of land*

*within the Tourism Zone (the relevant zone for the proposed development) has been exhausted; hence, no other appropriate sites have been identified.*

*The proposed development is conveniently located on part of the Palmer Coolum Resort site which also houses the Palmer Coolum Resort Golf Course. This facility attracts both international and domestic visitors; hence, the co-location of these attractions provides a convenient offering for visitors to the golf course.*

It is agreed that the supply of land within the Tourism zone on the Sunshine Coast is limited. This is because the inclusion of land in the Tourism zone generally occurs as result of a master planning process or to reflect existing use rights. It does not follow however that there are equally limited land opportunities for establishing a new Tourist attraction in the region. The current planning scheme identifies a Tourist attraction as a use that is a potentially consistent use in the Tourist accommodation zone, the Principal centre zone, the Major centre zone and the Rural zone.

It is acknowledged that large-scale Tourist attractions can be difficult to locate however this does not mean that there is a planning need to locate large-scale Tourist attractions in places where assessment has found that the site is not suitable for the development proposed. There is no necessity or imperative for the proposed development to be approved on the site because alternative sites may be identified or changes made to the proposal that address matters of site suitability.

#### **Consideration of changed circumstances**

##### Existing vintage car museum approval (MCU12/0190)

On 29 July 2013, Council issued an approval for a Development Permit for Material Change of Use of Premises for an extension to an existing Integrated Tourist Facility to add new tourist attractions (vintage car museum and dinosaur theme park) within Precinct 1 (Resort Precinct).

The assessment for this application concluded that the proposal for limited additional tourist attractions, including a vintage car museum and a dinosaur exhibit within the Integrated Resort was considered to be reasonable to maintain the viability of the resort and was recommended for approval.

The following Conditions with the Approval are relevant:

3. The approved use is for Development Permit for Material Change of Use for an extension to an existing Integrated Tourist Facility to add 2 new tourist attractions in accordance with the approved plans to include:
  - (a) a vintage car museum/gallery/exhibition area (4 x 500m<sup>2</sup> temporary marquee structures & a 150m<sup>2</sup> theatre) or 1 x 2,000m<sup>2</sup> marquee and a 150m<sup>2</sup> marquee);
  - (b) a fenced dinosaur theme park to accommodate up to 160 animated dinosaur replicas.
4. The temporary museum/gallery/exhibition structures may not be replaced by permanent buildings until detailed building plans have been approved by Unitywater.
5. Future buildings housing the museum/gallery/exhibition must not exceed the height and gross floor area of the approved temporary structures and must be located within the

approved *Future Allowable Building Area* identified on the approved *Future Permanent Building Area Plans*.

The approved use for a vintage car museum within Sub-Precinct 1A (Resort) is still in effect. Temporary marquees are located within Precinct 1A (resort) and Precinct 5B (central).

The current application proposes to extend the existing car museum from the approved approximately 2,000m<sup>2</sup> to 32,000m<sup>2</sup> and relocate the facility from precinct 1A to precinct 5B.

The existing approval for a vintage car museum approval indicates that since the issuing of the Preliminary Approval, Council considered it appropriate to approve a car museum tourist attraction as part of the integrated resort complex. This does not represent a policy shift away from the planning outcomes sought within the Preliminary Approval or indicate a lessening of weight given to the Preliminary Approval as the statutory planning document for the site. The following characteristics of the tourist attraction approved in 2013 are noted:

- The tourist attraction was proposed in Precinct 1A which includes the central resort facilities including buildings for operations and ancillary activities. Indoor recreation uses with a total combined GFA of 1250m<sup>2</sup> and a maximum height of 8.5m (but not more than 2 storeys) were anticipated in the Preliminary Approval Document for this precinct.
- The tourist attraction was of a limited scale that was not considered to conflict with existing amenity and character of the resort or the surrounding local area.
- The tourist attraction would utilise the main resort entrance and not conflict with the intended mobility and access plan for the resort.

The existing vintage car museum approval therefore has limited relevance to the current proposal except that it demonstrates the scale of Tourist attraction that council has previously considered to be acceptable and in keeping with the intended development outcomes with the Preliminary Approval area.

#### Sunshine Coast Planning Scheme

A review of the current *Sunshine Coast Planning Scheme 2014* has not identified any changes in Council policy relevant to the assessment of the proposal.

The policy intent of the Tourism Strategy identified in Volume 2 of the *Maroochy Plan 2000* (discussed in the Planning Intent and Theme and Character sections of this Report) are reflected in the Strategic Outcomes and Specific Outcomes of the Strategic Framework of the current Planning Scheme.

The proposed development does not achieve Strategic Framework Specific Outcomes for tourism development as the proposed scale of the car museum is not compatible with, and would adversely impact upon the character, lifestyle and environmental attributes which contribute to the region's natural (competitive) advantage including impacts on scenic amenity and local character and amenity. The proposed development does not capitalise upon the natural values and key lifestyle attributes of the Sunshine Coast.

The proposed development would also not achieve a number of Strategic Outcomes under the theme of Community identity, character and social inclusion. The attributes of character, lifestyle and environment are not protected and enhanced. Views to and from Mount Coolum, a prominent landscape feature would be impacted. Mount Coolum is generally characterised

by a less intensive scale and form of development that should be recognised and respected. The proposed building would not create a built environment with a relaxed and settled subtropical ambience.

### Summary of Key Issues

The proposed development does not achieve the land use intent of Precinct 5B which is predominately for a (resort) residential development with a small component (up to 200m<sup>2</sup>) of commercial gross floor area. The proposed development is for commercial development with a gross floor area of 32,019m<sup>2</sup> with no residential component. A Tourist Attraction is not identified as a Preferred Uses consistent with the planning intent for Precinct 5b.

At the broader level addressed in the Maroochy Plan 2000, there is potential for tourist facilities to be established within the master plan site where development "respects the environmental and landscape values of the area" and is of scale that is considered ancillary to the primary use of the site as an integrated resort. There is also potential for tourist facilities to be established within the Mt Cooloom local area where "in keeping with the environmental and community values of the area".

At a strategic level, there is the potential for expanded or increased density of tourist centres in Cooloom to be supported by Council where there is a need to increase the area available for tourist activities and also having regard to the proposal's theme, scale, character and compatibility with the existing or intended urban form and the relevant Planning Area intent and desired Precinct character.

To determine the extent to which the proposed development conflicts with the intent for the broader precinct, planning area and strategic plan, this assessment has considered the impacts on the environmental, landscape and community values of the area and the scale, theme and character of the proposed development in the context of the intended resort use of the site.

The proposed height of 21.6m comprising 4 storeys (not including the rooftop terrace lobby) exceeds the maximum building height intended for the precinct by 9.6m and 1 storey. The proposed height of the development therefore conflicts with the relevant assessment instrument.

Visual assessment found that while the colour and material treatments of the proposed built form will likely provide some recession and integration into the surrounding landscape, due to the size of the proposed buildings within the context of the surrounding area, the development will still result in an unacceptable visual impact when viewed from multiple locations external to the development site. Even with "recessive" colour treatments, when viewing the landscape, the eye of the viewer will be easily drawn to the building as the largest subject in landscape. The building size will appear incongruous with the relatively small scale of the building form in the surrounding area.

Visual impact analysis using 3D modelling has found that, when visible from numerous public and private locations, including most notably, from Mount Cooloom, the proposed development would appear as noticeable and prominent in the landscape with a built form of a size that is significantly larger than any building in the surround area.

The Statement of Desired Precinct Character for Precinct 5a and 5b (Central Village) in the Preliminary Approval Document identifies the intent for the provision of a café/restaurant or

shop up to but not exceeding 200m<sup>2</sup> commercial gross floor area (GFA). The proposed total GFA of the car museum is 32,019m<sup>2</sup>. This is approximately 160 times larger than the GFA intended for the sub-precinct.

In accordance with the Tourism strategy within the Strategic Plan of the Maroochy Plan 2000 this assessment has considered that tourist facilities should exhibit characteristics of scale, site planning and design which are compatible with the natural features thereby taking advantage of the inherent tourist attraction and compatible with the developed amenity of an area.

The proposed development would not provide for the enhancement of the character of tourist precinct as it is not considered to be compatible with that of the existing development and the desired character of the locality having regard to building height and bulk. The proposed built form is not consistent with the stated desired character and intent for the Planning Area and Precinct in which the development site is situated.

Considered thematically, a vintage car museum tourist attraction is consistent with the themes of tourism, resort and recreation. However, a large-scale, indoor car museum is not consistent with the themes of residential, open space, natural and landscaping that emerge from the reading of the Preliminary Approval and Vision Statements for the Mt Coolum Planning Area.

The proposed development also conflicts with the access requirements and Mobility Plan identified in the Preliminary Approval. The application has not addressed the these conflicts with the conditions of the Preliminary Approval or the Statement of Desired Precinct Character.

Having regard to economic need, the proposed development has the potential to generate significant economic benefits for the Sunshine Coast region. The value added to the Sunshine Coast economy by the proposed facility is estimated to be in the order of \$1.38 million to \$1.95 million in 2031. However, the application has not demonstrated that there is a necessity or imperative for the development to proceed from an economic perspective.

Having regard to community need, the proposed development would increase the offering of recreational activities available to be enjoyed by residents and visitors on the Sunshine Coast and, if commercially successful, has the potential to offer substantial community benefits through increased employment and local business opportunities. However, recognizing the potential community benefits of a successful car museum does not demonstrate a community need. A community need for the proposed development has not been demonstrated.

Having regard to planning need, while the supply of land within the Tourism zone on the Sunshine Coast is somewhat limited, it is not agreed that there limited land opportunities for establishing a new Tourist attraction in the region. There is no necessity or imperative for the proposed development to be approved on the site because alternative sites may be found or changes made to the proposal that address matters of site suitability.

Having regard to changed circumstances, the existing approval for a vintage car museum approval does not represent a policy shift away from the planning outcomes sought within the Preliminary Approval or indicate a lessening of weight given to the Preliminary Approval as the statutory planning document for the site. The approved tourist attraction is of a limited scale that does not conflict with existing amenity and character of the resort or the surrounding local area. Further, there was no major conflict with the precinct intent or mobility plan as has been identified with the current proposal.

A review of the current *Sunshine Coast Planning Scheme 2014* did not identified any changes in Council policy relevant to the assessment of the proposal. The policy intent of the Tourism Strategy identified in Volume 2 of the *Maroochy Plan 2000* (discussed in the Land Use Intent and Theme and Character sections of this Report) are reflected in the Strategic Outcomes and Specific Outcomes of the Strategic Framework of the current Planning Scheme.

The proposed development does not achieve Strategic Framework Specific Outcomes for tourism development as the proposed scale of the car museum is not compatible with, and would adversely impact upon the character, lifestyle and environmental attributes which contribute to the region's natural (competitive) advantage including impacts on scenic amenity and local character and amenity. The proposed development would also not achieve a number of Strategic Outcomes under the theme of Community identity, character and social inclusion.

### Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

### Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.

#### South East Queensland Regional Plan (SEQRP)

The development is located within the Urban Footprint of the SEQRP. Having regard to the SEQRP, the development is consistent with the outcomes expressed and sought to be achieved by the SEQRP.

#### State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the planning scheme.

The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests subject to imposition of the conditions described earlier in relation to dealing with the assessment benchmarks contained within the SPP.

### CONSULTATION:

#### Referral Agencies

The application was referred to the following referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:



Department of State Development, Infrastructure, Local Government and Planning (SARA)

The department is a concurrence agency for:

- Development stated in Schedule 20 (Development impacting on state transport infrastructure and thresholds) thresholds; and
- Urban design for significant projects.

The department responded by letter dated 15 March 2024 stating that:

- Subject to conditions, the development achieves compliance with the performance outcomes of the State code 6: Protection of state transport networks of the State Development Assessment Provisions; and
- Three recommendations are provided for the applicant regarding the overall development design that will go to achieve urban design outcomes.

### Other External Referrals

The Chair of the Urban Design Advisory Panel provided comment on the proposal. The Chair concluded:

*The building bulk and mass of the proposal is excessive in every respect, it does not respond to climate determinants and is a poor piece of architectural composition which does not demonstrate the light tactile edges that would be as a result of designing a building appropriate to climate and place in this location.*

*The design of the building, regardless of its use should not be approved in its current form or floor area until these matters have been successfully addressed.*

### Public Notification

The application was publicly notified for 15 days between 28 November 2023 and 19 December 2023 in accordance with the requirements of the *Planning Act 2016*. A total of 787 submissions were received, of which 732 were determined to be 'properly made' in accordance with the *Planning Act 2016*. A total of 723 properly made submissions were made against the proposal. 7 properly made submissions were made in support of the proposal. 2 properly made submissions did not express support or opposition to the proposal.

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision:

ISSUES	COMMENTS
<p><b>Building height and scale:</b></p> <p>The proposal vastly exceeds the maximum building height.</p> <p>No high rise / no 7 storey buildings.</p> <p>If this development is allowed to exceed the building height then others will too.</p> <p>Height, mass and scale does not comply with Coolool Local Plan Code and Height of Buildings and Structures Overlay Code.</p> <p>Length of the building at 200 meters is longer than a rugby field.</p> <p>The proposed GFA of 32019m<sup>2</sup> vastly exceeds the allowable GFA for a commercial area in the precinct of 200m<sup>2</sup>.</p> <p>Proposal is an intensification of the site.</p> <p>Concerns that the nature, size and scale of the development does not satisfy Sections of the Planning Act 2016.</p>	<p>The proposed building height significantly exceeds the maximum building height identified in the Preliminary Approval and is not supported.</p> <p>The proposed building height issue is discussed in "Maximum Building Height" section of this Report.</p> <p>The proposed scale of the development in terms of height, bulk and area of commercial GFA is not supported as it is significantly larger than what is envisaged in the Preliminary Approval and what would be consistent with the predominant urban character in the area.</p> <p>The proposed scale of the development is discussed in the "Scale of Development" section of this Report.</p>
<p><b>Community benefits and impacts:</b></p> <p>There is no demonstrated need to justify non-compliance with the master plan</p> <p>No need to change the existing land use to the proposed land use</p> <p>Investment in the area should focus on new housing and supporting homelessness / road infrastructure</p> <p>Other existing local places need upgrading / investment (Coles, Bowls Club, schools, police, fire services, infrastructure)</p> <p>No community benefit</p> <p>Money should be spent on the golf course and resort</p> <p>No assessment on the impact upon the community, particularly regarding active transport</p> <p>Social problems</p> <p>Negative impact on the region</p>	<p>While the assessment recognises the potential for economic benefits and associated community benefits, the application has not demonstrated an economic, community or planning need for the development.</p> <p>The question of need and potential community benefits and impacts are discussed in "Other Relevant Matters" section of this Report.</p>

<p><b>Tourist attraction:</b></p> <p>The proposal will detract from the existing tourism focus of a resort</p> <p>Not in line with tourism focus of the coast</p> <p>Don't want the Sunshine Coast to turn into the Gold Coast</p>	<p>It is acknowledged that a tourist attraction is generally consistent with the tourism focus of the Sunshine Coast however, the theme and scale of the proposed development is not consistent with the desired character of the resort site and the surrounding area.</p> <p>The theme and character of the proposal is discussed in the "Theme and Character" section of this Report.</p>
<p><b>Character and amenity:</b></p> <p>Impact on surrounding low density residential</p> <p>Not appropriate in the proposed context</p> <p>Tourists come to the area for natural environment i.e. beach and mountain, not a car museum</p> <p>Maintain character of coastal towns</p> <p>Proposal would detract from the amenity of the broader site</p> <p>Goes against the current vibe / character</p>	<p>This assessment has found that the proposed design and scale of the development would be out of keeping with low-key and green character and amenity of the surrounding area.</p> <p>Potential character and amenity conflicts are discussed in the "Theme and Character" section of this Report.</p>
<p><b>Existing tourist attraction approval:</b></p> <p>The owner is not committed to enhance tourism ventures in the area (previously approved car museum on another site was not constructed and the associated resort closed)</p>	<p>The previous approval for a Car Museum is addressed in the "Other Relevant Matters" section of this Report.</p>
<p><b>Planning need:</b></p> <p>The proposal is a stand-alone tourist attraction that should be located with other like developments</p> <p>Proposal is more suited to an industrial zone or a larger suburb</p> <p>More appropriate in the new CBD</p> <p>Ideal location for the car museum</p>	<p>It is agreed that a more appropriate site could be found for the proposal.</p> <p>The proposed location of development is discussed in the "Planning Need" section of this Report.</p>
<p><b>Density:</b></p> <p>Do not want Coolumb to become a high density developed area</p>	<p>The issue of density is discussed in "Density" section of this Report.</p>

<p><b>Community expectations:</b></p> <p>Community doesn't approve or want this</p> <p>The proposal does not align with community expectations</p> <p>Local commitment to maintain Mt Coolum area</p> <p>Proposal will bring employment to the area</p>	<p>The community response to the proposal, as captured through the Public Notification process, has generally not been supportive.</p> <p>The community response expressed through submissions is discussed in the "Public Notification" section of the Report.</p>
<p><b>Views:</b></p> <p>The proposal will ruin a beautiful space</p> <p>The proposal will impede views</p> <p>The building will be seen from Mt Coolum / ruin the view from the mountain</p> <p>Protect natural beauty of the area</p> <p>No need for another man made ugly structure</p> <p>Natural beauty of the Mt Coolum / Yaroomba area will be affected</p> <p>Trees won't screen the proposed height</p> <p>The proposal will not impact views</p> <p>Reflection / glare from windows will affect neighbours, cars etc</p> <p>Visually unappealing / visual impacts not acceptable</p>	<p>Visual impacts are discussed in the "Visual Impact Assessment" section of this Report.</p>
<p><b>Planning Scheme:</b></p> <p>Stay within the town plan / inconsistent with planning scheme (and master plan)</p> <p>Does not comply with the Statement of Desired Precinct Character for Precinct 5B (Resort Residential)</p>	<p>The proposal has been found to be inconsistent with the Preliminary Approval and with the strategic intent of the current Sunshine Coast Planning Scheme 2014 (to which this assessment has had regard).</p> <p>The consistency of the proposal with the Preliminary Approval and the current Planning Scheme is discussed throughout this Report.</p>

<p><b>Traffic:</b></p> <p>The development will cause traffic</p> <p>Parking at the nearby school will be worse</p> <p>The submitted traffic study uses outdated data</p> <p>Limited infrastructure in the area to support the proposal</p> <p>Traffic impact to Centenary Heights Road</p> <p>Impacts of traffic on safety</p> <p>Speed limit should be 40km/hr o Warran st and Jenyor st</p> <p>Warran St access is problematic due to narrow winding nature</p> <p>Warran St and Jenyor St access would increase hazards to people and children. Entry should be provided at an alternative location (David Low Way or existing entry to golf course)</p> <p>Traffic impacts could be ameliorated with upgrading intersections and Suncoast Beach Drive which could be conditioned</p> <p>Traffic won't be impacted</p>	<p>Potential traffic impacts are discussed in the "Traffic Impacts" section of this Report.</p>
<p><b>Car parking:</b></p> <p>Car parking has not been appropriately considered</p> <p>Multi-level car park is inconsistent with the planning intent, landscape and built form under Precinct 1b: Resort Carparking)</p>	<p>Adequate car parking will be available on site through the construction of the approved car park.</p> <p>Provision of car parking is discussed in the "Vehicle Parking" section of this Report.</p>

<p><b>Economic need:</b></p> <p>The projected visitations numbers would make the development unviable</p> <p>Proposal is designed to fail so that it can later be changed into housing and apartments / designed to fail for tax purposes / designed to fail to back council into a corner</p> <p>The proposal does not bring more tourists to the area</p> <p>The development needs to bring revenue to the area</p> <p>Proposal would have limited economic benefit to the community</p> <p>Car museum will not be successful</p> <p>The proposal would only appeal to a limited amount of people and is not worth the impacts on surrounding environment</p> <p>Development has the potential to benefit locals and tourists</p> <p>There is a large number of motor vehicle enthusiasts on the coast who would visit the museum</p> <p>Car museum will be a tourism asset for the sunshine coast</p> <p>Many families enjoy visiting car museums (like Gilltraps Auto Museum (Gold Coast) and Mercedes Museum (Stuttgart))</p> <p>Proposal will boost tourism for the sunshine coast</p> <p>The Palmer car collection is world class fantastic</p> <p>This proposal would damage the reputation of the PGA Championship golf course</p>	<p>The Economic Impact Assessment is discussed in the "Other Relevant Matters" section of this Report.</p>
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<p><b>Land use:</b></p> <p>The site should be developed for a 5 star resort instead of a car museum</p> <p>Will be a place to store vehicles under the guise of a tourist attraction / use will change once approved</p> <p>The building will be used for other purposes when the car museum fails (casino)</p> <p>If this application is successful, more will be lodged over the former resort (sets precedent)</p>	<p>Planning intent for the site is discussed in the "Land Use Intent and Preferred Uses" section of this Report.</p> <p>In accordance with the Planning Act 2016, assessment is concerned only with the Material Change of Use proposed by the applicant. Any other proposed use would be subject to a separate assessment.</p>
<p><b>Environment:</b></p> <p>The proposal will not protect the environment (including wildlife and green space)</p> <p>No consideration to effect on waterways</p> <p>Development will contribute to sky glow and impact turtle nesting</p> <p>Potential to be a danger to the surrounding reefs around Mudjimba Island by causing silt</p> <p>The development would result in significant removal of mature vegetation</p> <p>The development will impact kangaroos and other animals in the area</p> <p>The proposed could have impacts on the environment and disrupt wildlife, water pollution. An Environmental impact assessment should be conducted to evaluate and mitigate these risks</p> <p>Light pollution would harm turtles</p> <p>The proposal would not advance the ecological sustainability objectives of the Planning Act</p> <p>The proposal would not advance the ecological sustainability vision of the sunshine coast council's strategic plan for yaroomba resort location</p>	<p>Potential impacts on the ecology and biodiversity values on the site is discussed in the "Environment" section of this Report.</p>

<p><b>Construction activities and noise:</b></p> <p>The site already produces constant work, traffic, and noise impacting neighbours which will be worse with the proposal</p> <p>The use will generate noise impacting upon the residential amenity</p>	<p>The potential for traffic and noise impacts are discussed in the "Traffic Impacts" and "Environment" sections of this Report (respectively).</p>
<p><b>Public consultation:</b></p> <p>Council should have engaged in public consultation with experts to answer resident questions</p> <p>Residents are asked to send submissions at Christmas which is not enough time</p> <p>Inadequate public notification / time for consideration</p>	<p>Details of the Consultation undertaken as part of the application are included in the "Public Notification" section of this Report.</p>
<p><b>Rooftop:</b></p> <p>Rooftop viewing platform will impact upon local resident privacy</p> <p>Limited information available on the proposed rooftop entertainment area</p>	<p>3D model analysis identified that where the rooftop would be visible from nearby residential premises, it is sufficiently distant such that there would be no privacy impacts.</p> <p>The proposed rooftop area is an ancillary food and drink area. If the application were to be approved.</p>
<p><b>Environmental Protection Act:</b></p> <p>Concerns that the nature, size and scale of the development does not satisfy the sections of the Environmental Protection Act 1994.</p>	<p>Noted, however the application under assessment is not assessable by Council under the Environmental Protection Act 1994.</p>

## CONCLUSION:

The proposed development does not comply with, nor can it be conditioned to comply with, the requirements of the Planning Scheme. There are no other relevant matters applicable to the application that justify approving the proposed development despite the non-compliances described in this report. As such, the application is recommended for refusal.

The reasons for the refusal are as follows:

1. The application conflicts with the Precinct 5a and 5b (Central Village) – Statement of Desired Precinct Character in the Preliminary Approval Document (Coolum Hyatt Resort - Master Plan Document) in that the proposed building height exceeds the Maximum Building Height of 8.5 metres (but not more than 1 storey) identified in the Supplementary Table for Building Height for Sub-Precinct 5B by 9.6m and 3 storeys.
2. The proposed development does not achieve the Intent statement of Precinct 5B which is predominately for a (resort) residential development with a small component (up to 200m<sup>2</sup>) of commercial gross floor area. The proposed development is for commercial development with a gross floor area of 32,019m<sup>2</sup> with no residential component. A



Tourist Attraction is not identified as a Preferred Use that is consistent with the planning intent for the precinct.

3. The proposed development does not achieve the Landscape and Built Form statement of Precinct 5B which describes the intended character of the development site as resort residential buildings of a low to low-medium scale, with a visual appearance softened by landscaping and enjoying a golf course amenity. Visual impact assessment has demonstrated that the proposed development, with its large-scale commercial character, would appear prominent and incongruous in the surrounding landscape. The proposed development has a built form of a size that is significantly larger than any building in the surrounding area and that would be visible from numerous public and private locations, including from Mount Coolum.
4. The proposed development does not achieve the Landscape and Built Form statement of Precinct 5B which describes vehicle access as being via a gated entry to Warran Road and requires no private vehicle access to the resort permitted from the precinct. The proposed development includes two entry points from Warran Road with vehicle access permitted to the resort.
5. The proposed development has not demonstrated the achievement of Performance Measure P3, (2) Road and Street Network, of the Code for Transport, Traffic and Parking in Volume 4 of the Maroochy Plan 2000 as intersection upgrades would be required to avoid adverse impacts on landuse and the external road and street system.
6. The proposed development conflicts with the Key Character Elements for the Mt Coolum Planning Area in Volume 3 of the Maroochy Plan 2000 which describes the planning area as comprising three residential neighbourhoods set amongst canelands, Mt Coolum National Park, the beach and two extensive areas of open space (being golf courses) and the intent to continue this structure with infill development which is consistent with the scale and density of existing housing, and protects and enhances the area's amenity. The proposed development is not consistent with the scale and density of existing housing and does not protect and enhance the area's amenity due to the proposed bulk and scale of the development.
7. The proposed development conflicts with the Implementation Measures of the Tourism Strategy in Volume 2 Strategic Plan of the Maroochy Plan 2000. The proposed development does not exhibit characteristics of scale, site planning and design which are compatible with the natural features of the area. The proposed development would not provide for the enhancement of the character of tourist precinct as it is not compatible with that of the existing development and the desired character of the locality having regard to building height and bulk. The proposed built form is not consistent with the stated desired character and intent for the Planning Area and Precinct in which it is situated.
8. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
9. The departures from the assessment benchmarks support refusal of the proposed development.

10. There are no other matters that warrant approval of the proposed development including the consideration of economic, community and planning need and having regard to existing approvals on the site and the current planning scheme provisions.
11. Refusal of the proposed development advances the purpose of the Planning Act 2016 because the development would not facilitate the achievement of ecological sustainability in that it fails to maintain the cultural, economic, physical, and social wellbeing of people and communities.

# Proposed Auto Museum, Palmer Coolum Resort



Artist Impression

drawing schedule	
DD.0001	title page
DD.0002	site locality plan
DD.1001	site plan - proposed
DD.2001	auto museum - ground floor plan
DD.2002	auto museum - first floor plan
DD.2003	auto museum - second floor plan
DD.2004	auto museum - third floor plan
DD.2005	auto museum - roof plan
DD.2006	auto museum - overall dimensions & setbacks
DD.3001	elevations - auto museum
DD.3002	finishes schedule
DD.3003	detail elevation - north
DD.3004	detail elevation - east 1
DD.3005	detail elevation - east 2
DD.3006	detail elevation - south
DD.3007	detail elevation - west 1
DD.3008	detail elevation - west 2
DD.3009	detail elevation - west 3
DD.3201	3D perspective views - auto museum
DD.3202	Visual Impact Assessment - sheet 1
DD.3203	Visual Impact Assessment - sheet 2
DD.3204	Visual Impact Assessment - sheet 3
DD.3205	Visual Impact Assessment - sheet 4
DD.3206	3D views 1
DD.3207	3D views 2
DD.3208	3D views 3
DD.3209	3D views 4

site description

Palmer Coolum Resort

Address: 1 Warran Road,  
Yaroomba QLD 4573

rpd:

Lot 28 SP238215

Site Area: 11,644 m<sup>2</sup>

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drawing title title page  
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 e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
 client Clive Palmer

drawing no. DD.0001  
 job no. 2204  
 issue. P8  
 do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date JULY 2023  
 scale nts @ A3  
 drawn SK

issue	date	revision
P8	14/07/23	general updates
P7	29/06/23	Preliminary RFI Issue
P6	31/03/23	Revised DA Issue
P5	01/03/23	Revised Issue to Client
P4	03/02/23	Revised Issue to Client





locality plan  
 (not to scale)

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drawing title site locality plan

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 client Clive Palmer

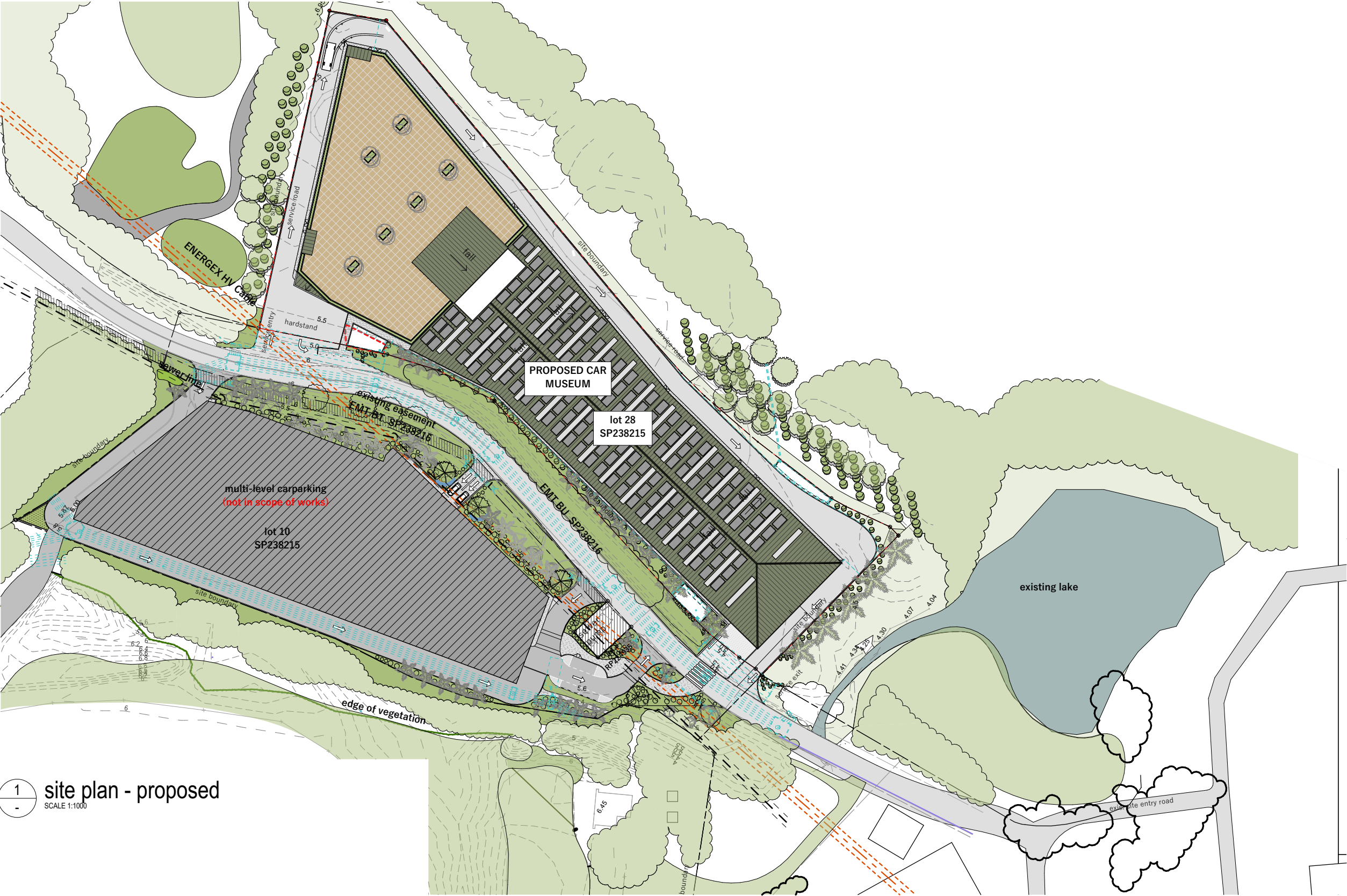
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issue	date	revision
P8	14/07/23	general updates
P7	29/06/23	Preliminary RFI Issue
P6	31/03/23	Revised DA Issue
P5	01/03/23	Revised Issue to Client
P4	03/02/23	Revised Issue to Client





1 site plan - proposed  
SCALE 1:1000

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drawing title **site plan - proposed**

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client Clive Palmer

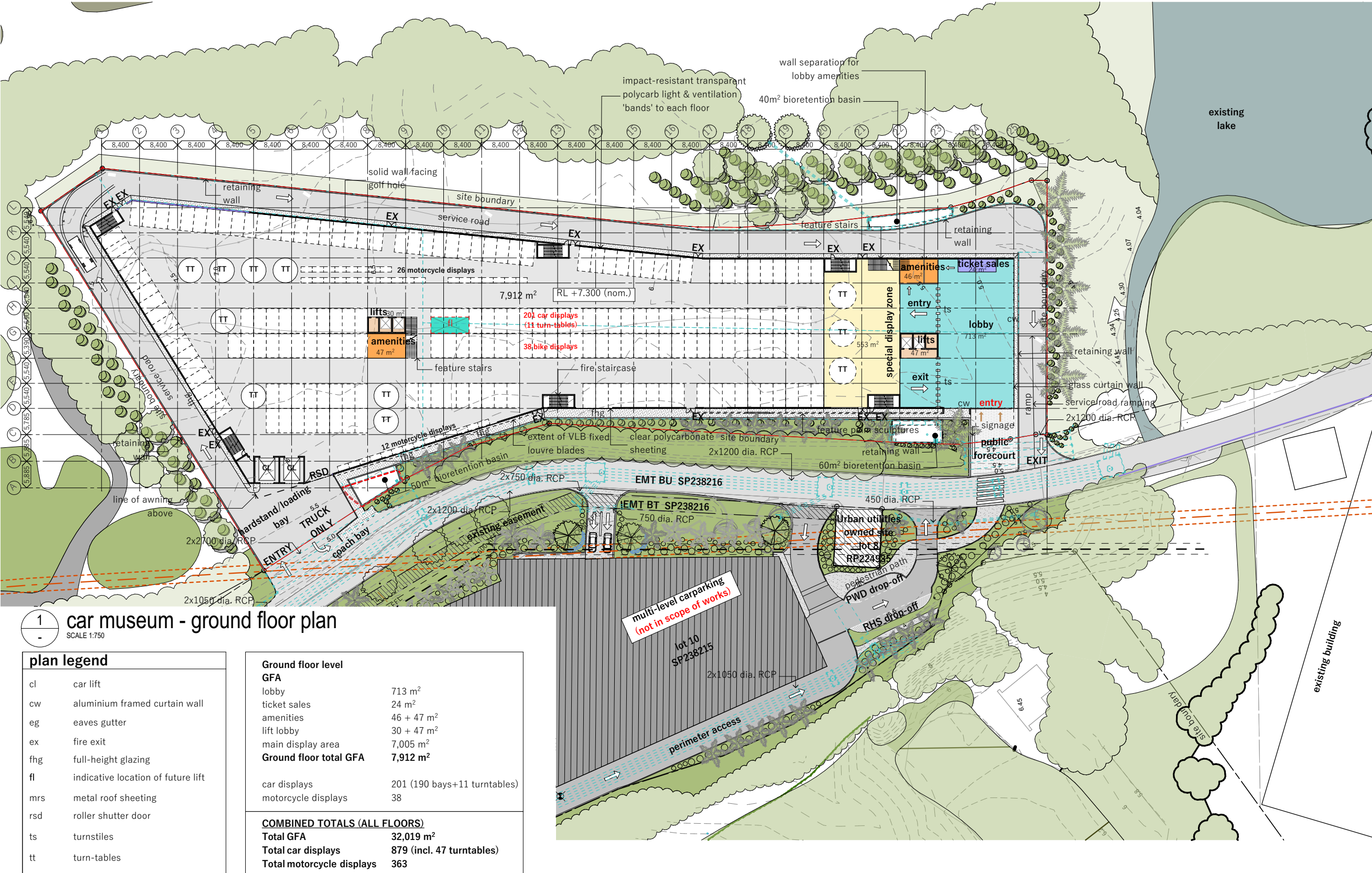
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date **SEPT 2023**  
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issue	date	revision
P12	22/09/23	revised issue to consultants
P11	22/09/23	revised issue to consultants
P10	14/09/23	revised issue to consultants
P9	14/07/23	general updates
P8	29/06/23	Preliminary RFI Issue





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drawing title **auto museum - ground floor plan**

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project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.2001** job no. **2204** issue. **P14**

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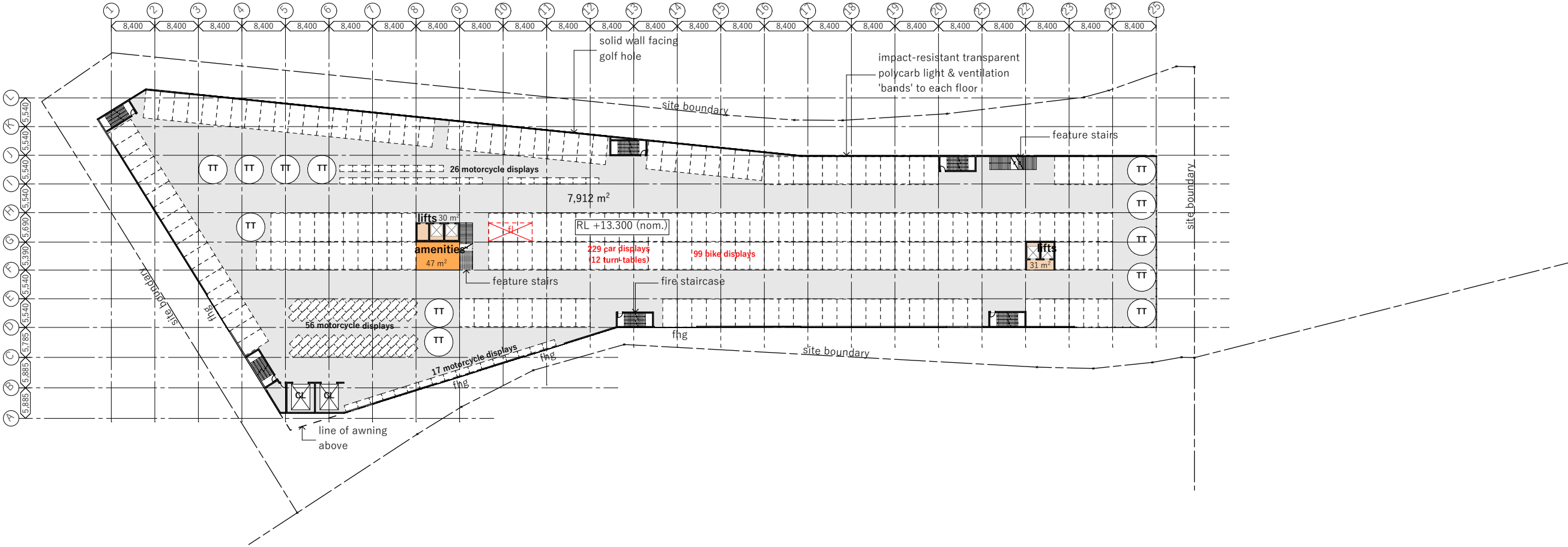


date **SEPT 2023**

scale **1:750 @ A3**

drawn **SK**

P14	22/09/23	revised issue to consultants
P13	14/09/23	revised issue to consultants
P12	26/07/23	general updates
P11	14/07/23	general updates
P10	29/06/23	Preliminary RFI Issue
issue	date	revision



1 car museum - first floor plan  
SCALE 1:750

plan legend	
cl	car lift
cw	aluminium framed curtain wall
eg	eaves gutter
ex	fire exit
fhg	full-height glazing
fl	indicative location of future lift
mrs	metal roof sheeting
rsd	roller shutter door
ts	turnstiles
tt	turn-tables

First floor level	
GFA	
lift lobby	31 + 30 m²
amenities	46 + 47 m²
main display area	7,758 m²
First floor total GFA	7,912 m²
COMBINED TOTALS (ALL FLOORS)	
Total GFA	32,019 m²
Total car displays	879 (incl. 47 turntables)
Total motorcycle displays	363

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drawing title **auto museum - first floor plan**  
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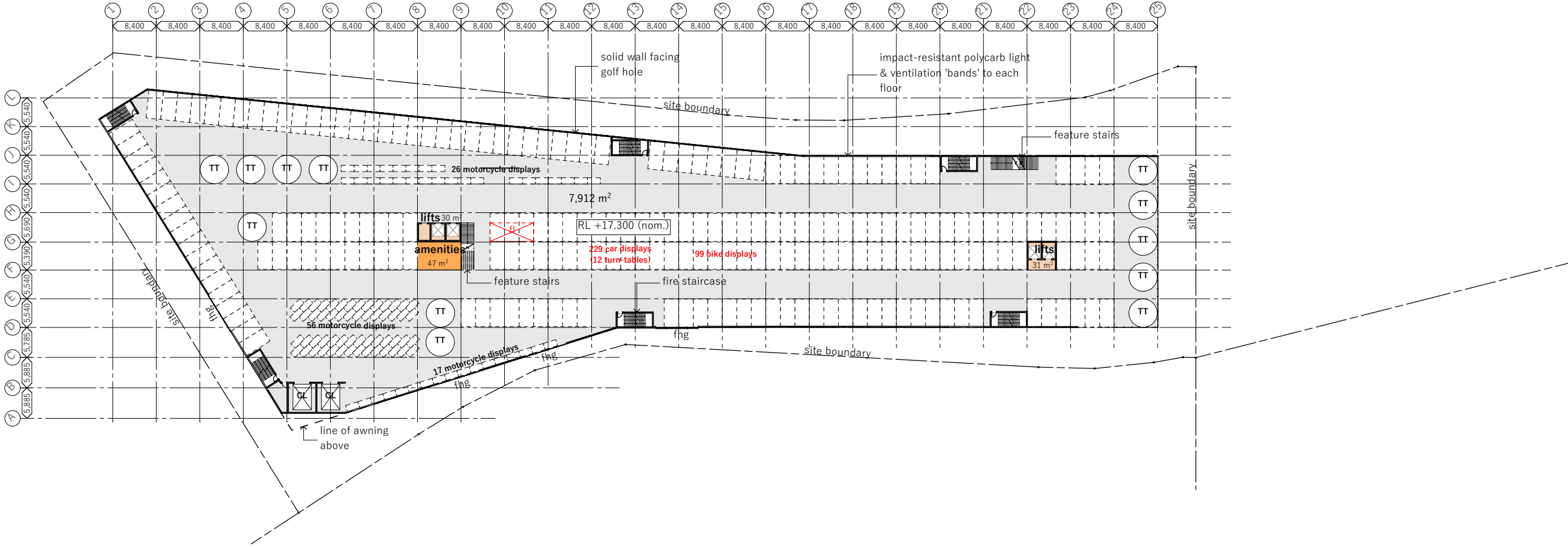
project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

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scale **1:750 @ A3**  
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P14	22/09/23	revised issue to consultants
P13	22/09/23	revised issue to consultants
P12	14/09/23	revised issue to consultants
P11	14/07/23	general updates
P10	29/06/23	Preliminary RFI Issue
issue	date	revision



1 car museum - second floor plan  
SCALE 1:750

plan legend	
cl	car lift
cw	aluminium framed curtain wall
eg	eaves gutter
ex	fire exit
fhg	full-height glazing
fl	indicative location of future lift
mrs	metal roof sheeting
rsd	roller shutter door
ts	turnstiles
tt	turn-tables

Second floor level	
GFA	
lift lobby	31 + 30 m <sup>2</sup>
amenities	46 + 47 m <sup>2</sup>
main display area	7,758 m <sup>2</sup>
<b>Second floor total GFA</b>	<b>7,912 m<sup>2</sup></b>
car displays	229 (216 bays+12 turntables)
motorcycle displays	99
COMBINED TOTALS (ALL FLOORS)	
<b>Total GFA</b>	<b>32,019 m<sup>2</sup></b>
<b>Total car displays</b>	<b>879 (incl. 47 turntables)</b>
<b>Total motorcycle displays</b>	<b>363</b>

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drawing title **auto museum - second floor plan**  
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**project** Auto Museum - Palmer Coolum Resort  
**client** Clive Palmer

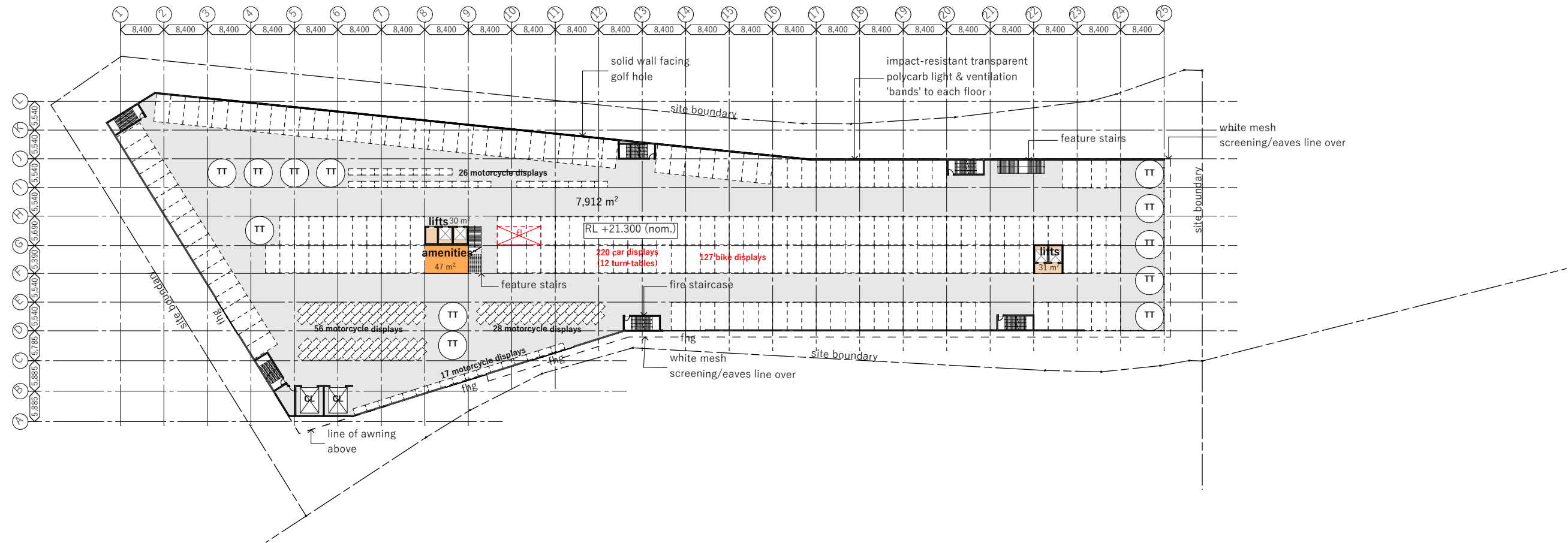
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drawn **SK**

P14	22/09/23	revised issue to consultants
P13	22/09/23	revised issue to consultants
P12	14/09/23	revised issue to consultants
P11	14/07/23	general updates
P10	29/06/23	Preliminary RFI Issue
issue	date	revision





1  
- car museum - third floor plan  
SCALE 1:750

plan legend	
cl	car lift
cw	aluminium framed curtain wall
eg	eaves gutter
ex	fire exit
fhg	full-height glazing
fl	indicative location of future lift
mrs	metal roof sheeting
rsd	roller shutter door
ts	turnstiles
tt	turn-tables

<b>Third floor level</b>	
<b>GFA</b>	
lift lobby	31 + 30 m <sup>2</sup>
amenities	46 + 47 m <sup>2</sup>
main display area	7,758 m <sup>2</sup>
<b>Second floor total GFA</b>	<b>7,912 m<sup>2</sup></b>
car displays	220 (207 bays+12 turntables)
motorcycle displays	127
<b><u>COMBINED TOTALS (ALL FLOORS)</u></b>	
<b>Total GFA</b>	<b>32,019 m<sup>2</sup></b>
<b>Total car displays</b>	<b>879 (incl. 47 turntables)</b>
<b>Total motorcycle displays</b>	<b>363</b>

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drawing no.	job no.	issue.
<b>DD.2004</b>	<b>2204</b>	<b>P11</b>
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date **SEPT 2023**  
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P11	22/09/23	revised issue to consultants
P10	22/09/23	revised issue to consultants
P9	14/09/23	revised issue to consultants
P8	14/07/23	general updates
P7	29/06/23	Preliminary RFI Issue
<b>issue</b>	<b>date</b>	<b>revision</b>



1 car museum - roof plan  
 SCALE 1:750

plan legend	
cl	car lift
cw	aluminium framed curtain wall
eg	eaves gutter
ex	fire exit
fhg	full-height glazing
fl	indicative location of future lift
mrs	metal roof sheeting
rsd	roller shutter door
ts	turnstiles
tt	turn-tables

<b>Roof level</b>	
<b>GFA</b>	
foyer	337 m <sup>2</sup>
lift lobby	34 m <sup>2</sup>
<b>Roof level total GFA</b>	<b>371 m<sup>2</sup></b>
viewing terrace	2,827 m <sup>2</sup>
<b>COMBINED TOTALS (ALL FLOORS)</b>	
<b>Total GFA</b>	<b>32,019 m<sup>2</sup></b>
<b>Total car displays</b>	<b>879 (incl. 47 turntables)</b>
<b>Total motorcycle displays</b>	<b>363</b>



drawing title auto museum - roof plan

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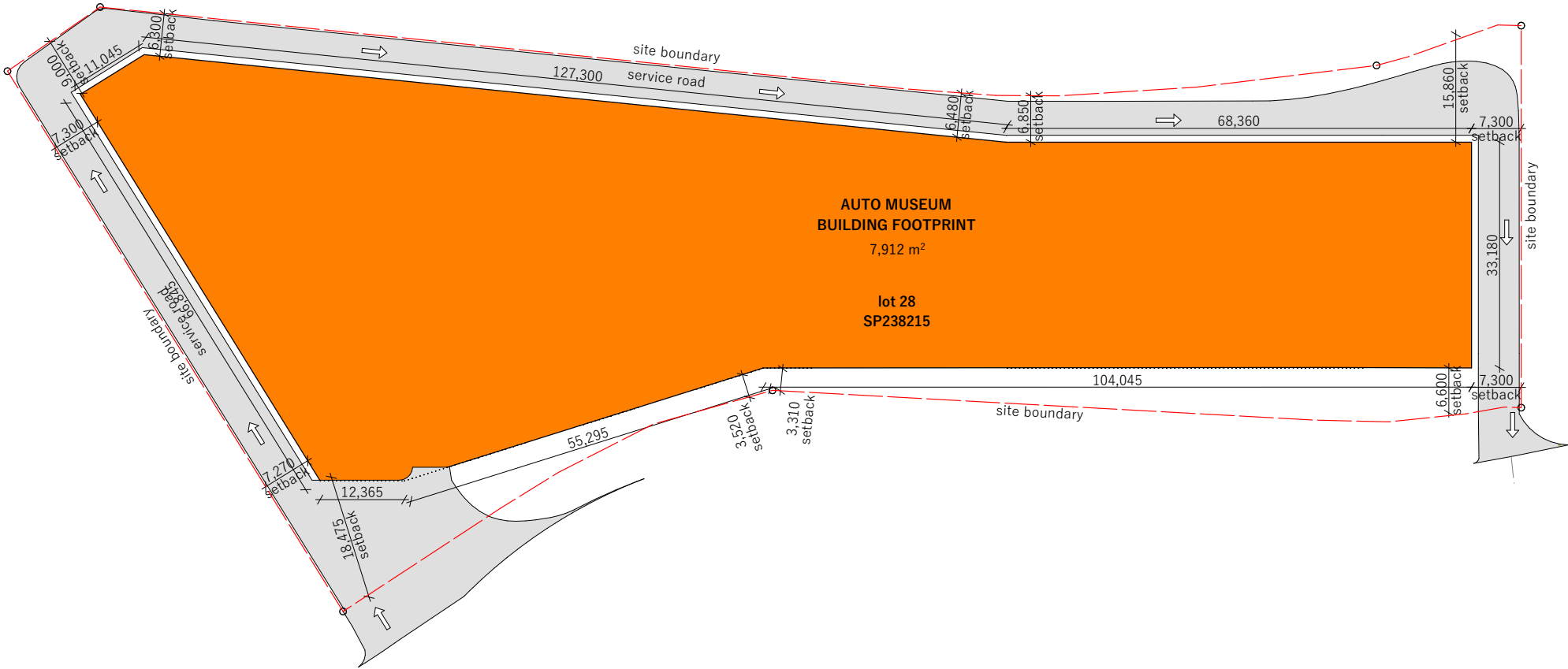
project Auto Museum - Palmer Coolum Resort  
 client Clive Palmer

drawing no. DD.2005  
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P10	29/06/23	Preliminary RFI Issue
issue	date	revision



1  
 -  
 auto museum - overall dimensions & setbacks

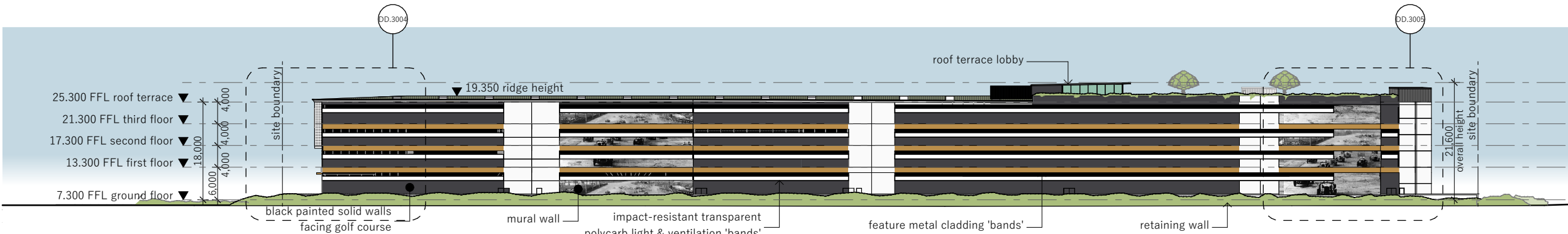
**BILLY DAWSON**  
 ARCHITECTS

drawing title **auto museum - overall dimensions & setbacks**  
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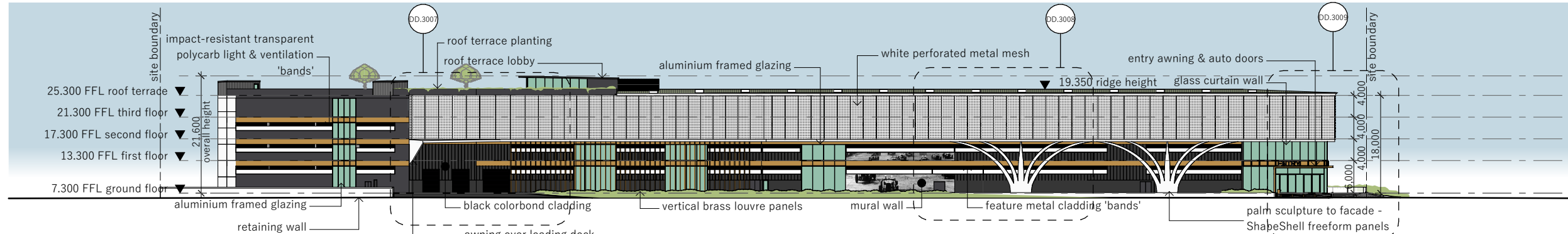
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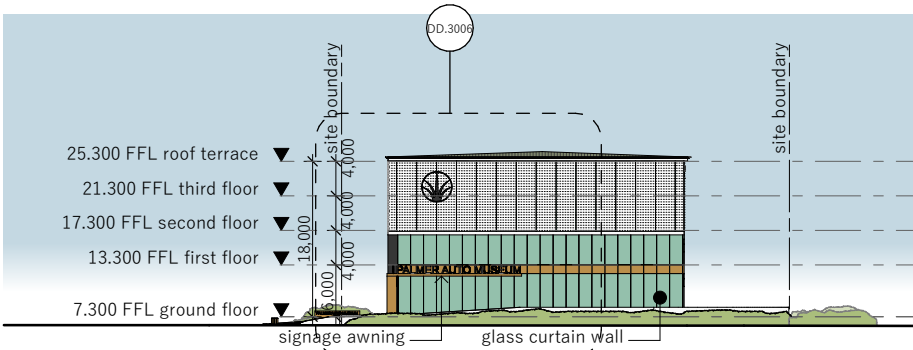
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P2	29/06/23	Preliminary RFI Issue
P1	31/03/23	Revised DA Issue



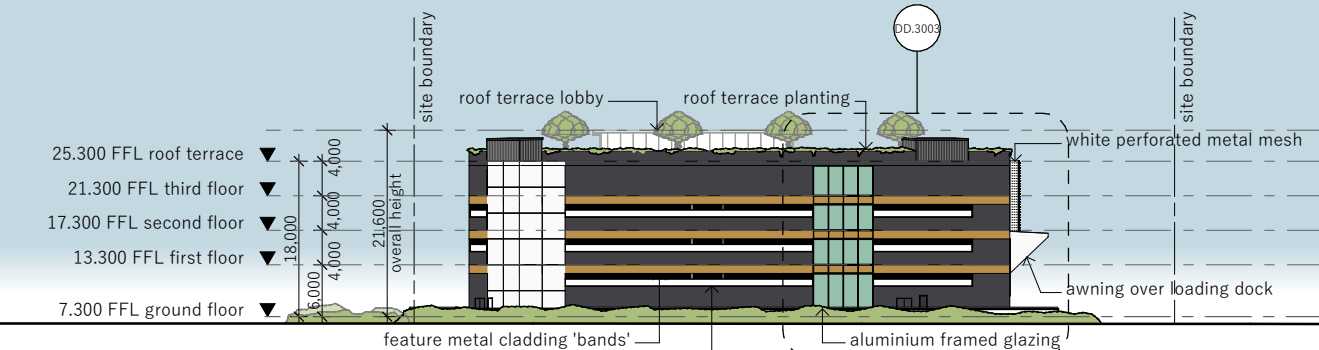
1 east elevation  
SCALE 1:750



2 west elevation  
SCALE 1:750



3 south elevation  
SCALE 1:750



4 north elevation  
SCALE 1:750

**BILLY DAWSON**  
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drawing title elevations - auto museum

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p 0412 886 013  
e billy@billydawsonarchitects.com


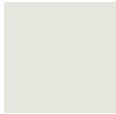









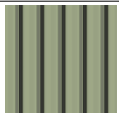


project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

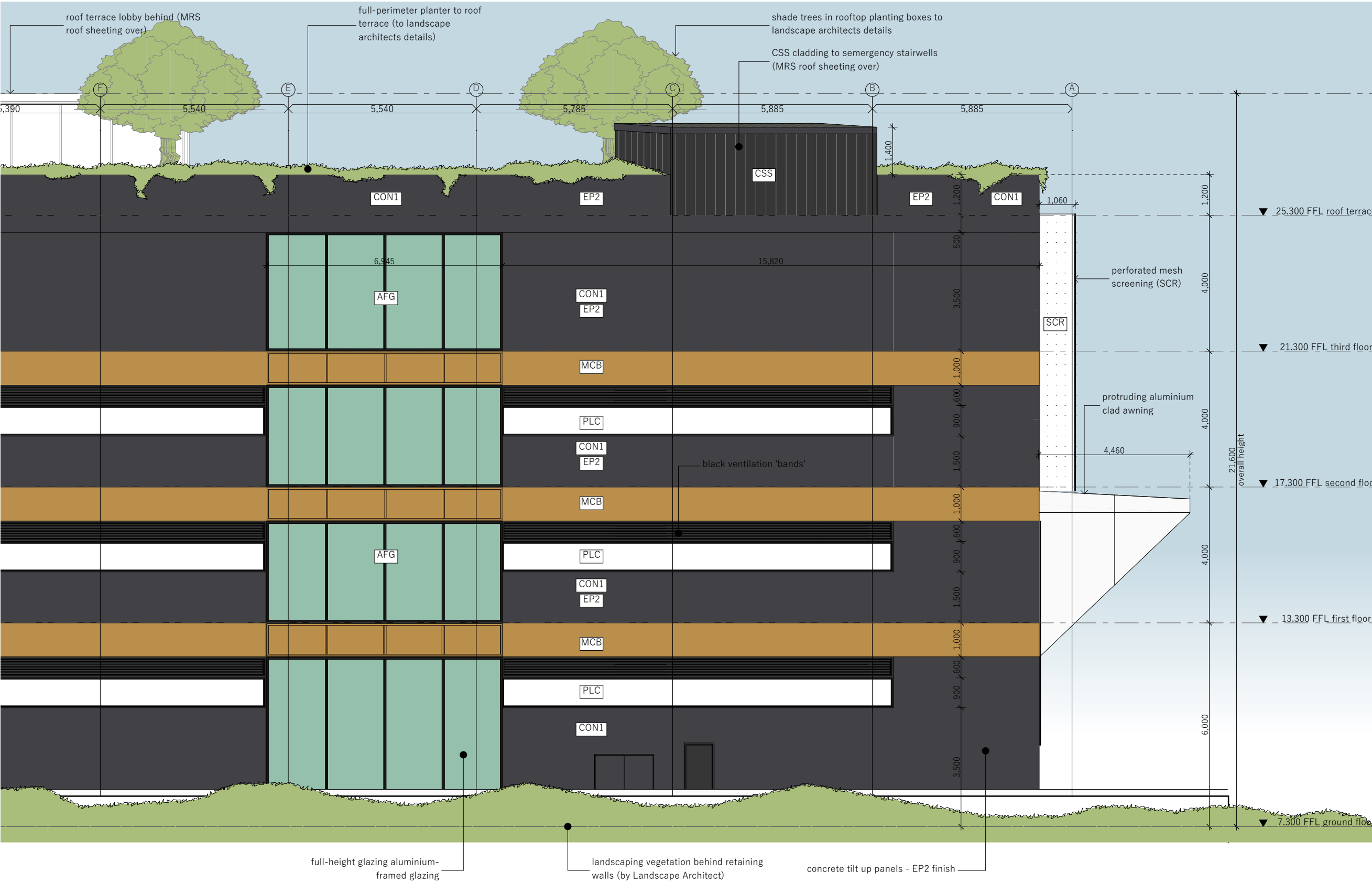
drawing no. DD.3001  
job no. 2204  
issue. P6  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date JULY 2023  
scale 1:750 @ A3  
drawn SK

issue	date	revision
P6	14/07/23	general updates
P5	29/06/23	Preliminary RFI Issue
P4	31/03/23	Revised DA Issue
P3	01/03/23	Revised Issue to Client
P2	03/02/23	Revised Issue to Client

auto museum finishes schedule

code	description	image	code	description	image	code	description	image	code	description	image
CSS	Colorbond standing seam cladding - monument matte finish		EP1	external paint finish type 1 - Dulux 'Snowy Mountains' external grade paint finish		PLC	translucent polycarb sheeting		CON1	concrete tilt panel - paint finish as specified	-
SCR	Locker Group perforated mesh - Odyssey in white powdercoat finish (50% open area) or similar alternative		EP2	external paint finish type 1 - Dulux ' Monument' external grade paint finish		PLB	custom glass-fibre reinforced concrete planter beds by Quattro design group (1000h) - CCS Moss Green finish by manufacturer		MUR	custom mural decal applied to concrete tilt panel wall (exact image TBC)	
PLM	(white palm sculpture) ShapeShell Monocoque - white finish to match 'Vivid White' paint finish		EP3	external paint finish type 1 - Dulux ' Alluvial Inca' external grade paint finish		MCB	aluminium cladding - gold metallic colour		MCW	aluminium cladding - white colour	
MRS	Colorbond Trimdek profile metal roof sheeting - pale eucalypt finish		ET1	terrazzo tiles (selection TBC)		VLB	Louvreclad - Merlin Series Vertical Fixed Elliptical Louvres - powdercoat finish to best match EP3 paint finish				



**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - north**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

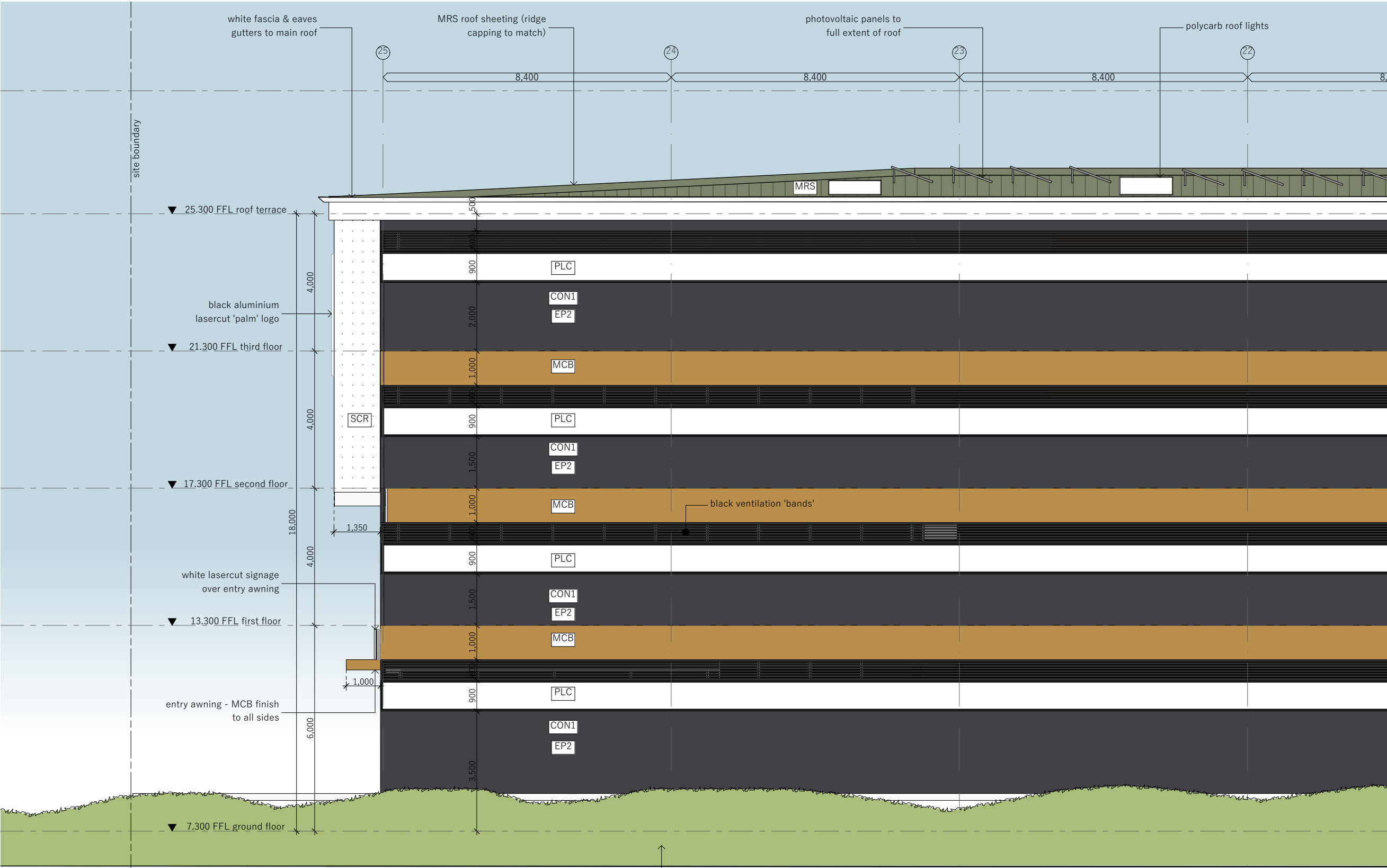
project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3003**  
job no. **2204**  
issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue





**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - east 1**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawnsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3004** job no. **2204** issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue



**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - east 2**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3005**  
job no. **2204**  
issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue







**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - west 1**

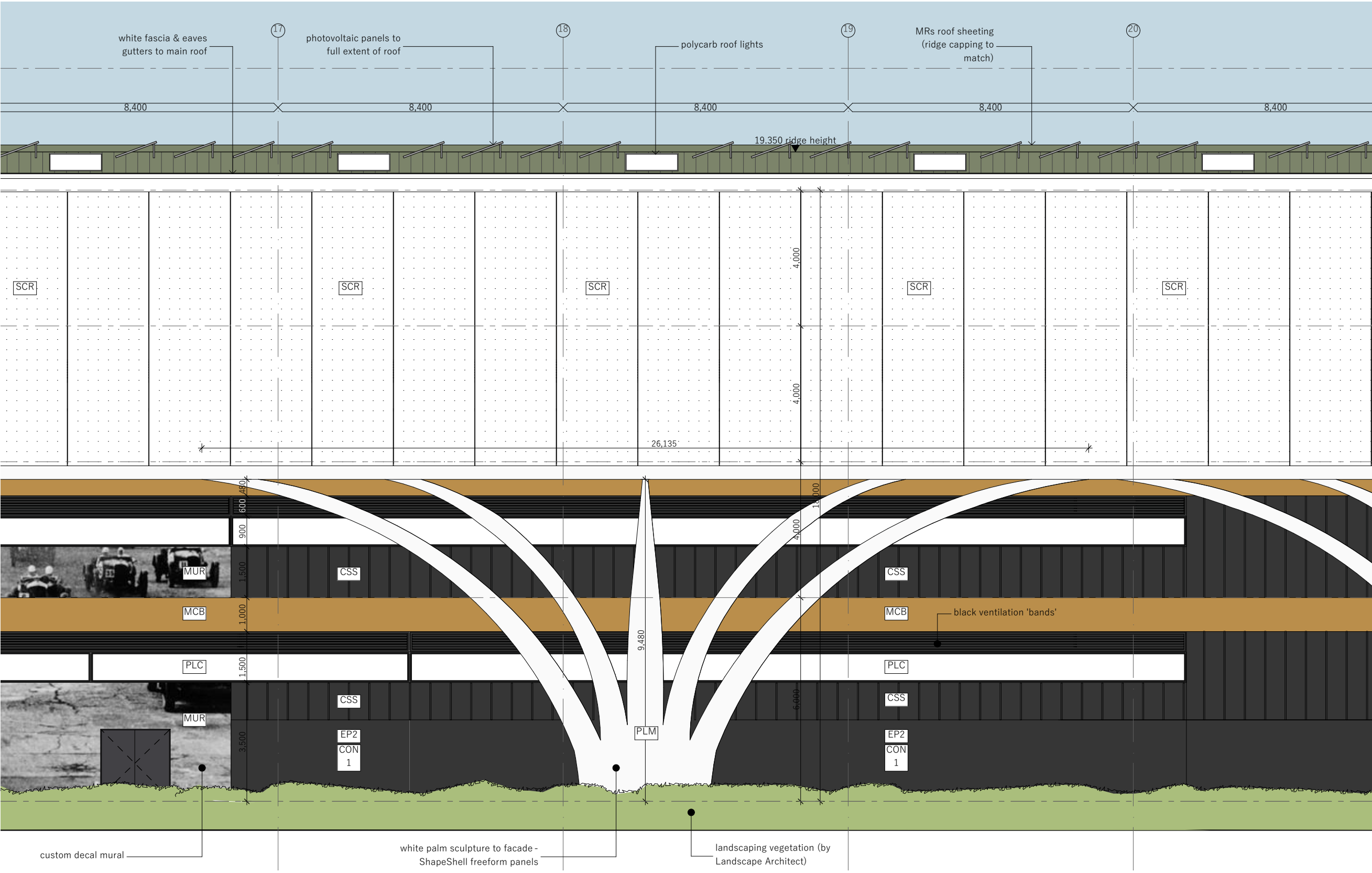
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ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3007**  
job no. **2204**  
issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue



**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - west 2**

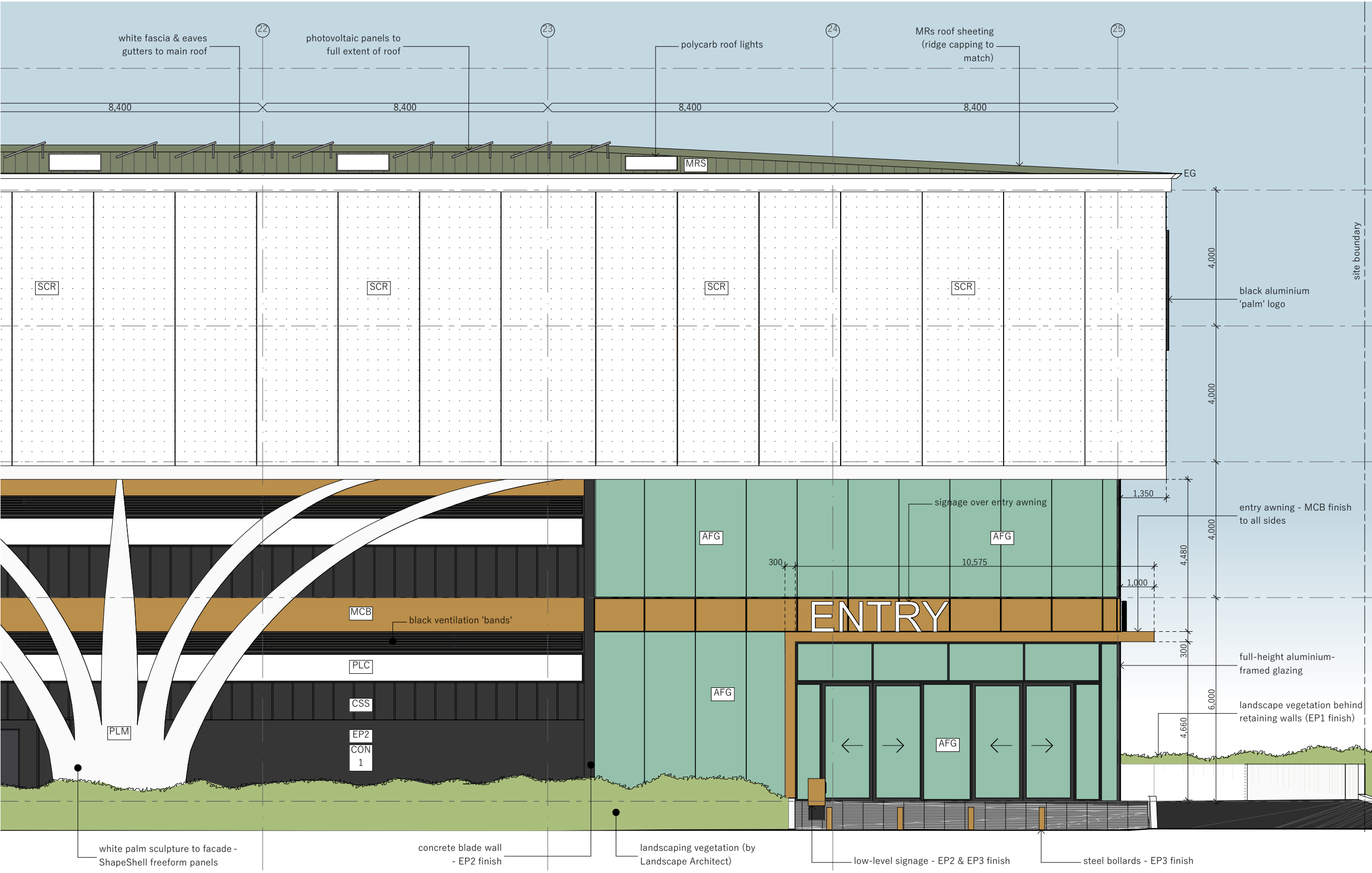
BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3008**  
job no. **2204**  
issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue



**BILLY DAWSON**  
ARCHITECTS

drawing title **detail elevation - west 3**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3009** job no. **2204** issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **1:100 @ A3**  
drawn **SK**

issue	date	revision
P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue





1 Auto Museum perspective 1  
SCALE 1:5.46



2 Auto Museum perspective 2

**BILLY DAWSON**  
ARCHITECTS

drawing title **3D perspective views - auto museum**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3201** job no. **2204** issue. **P6**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale - **@ A3**  
drawn **SK**

P6	14/07/23	general updates
P5	29/06/23	Preliminary RFI Issue
P4	31/03/23	Revised DA Issue
P3	01/03/23	Revised Issue to Client
P2	03/02/23	Revised Issue to Client
issue	date	revision





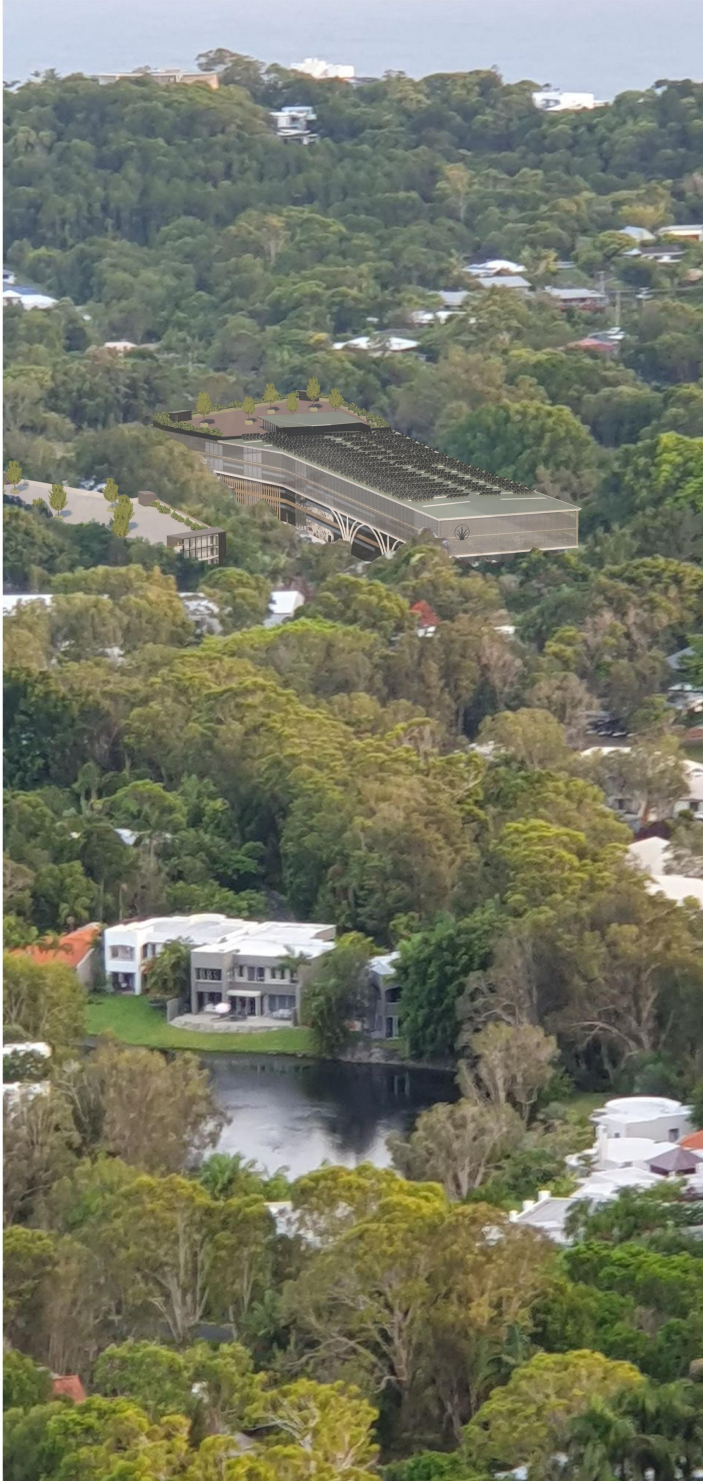
existing context



proposed context



existing context



proposed context

1  
 -  
 low angle view from southern side of site

2  
 -  
 view from Mount Coolum

**BILLY DAWSON**  
 ARCHITECTS

drawing title    **Visual Impact Assessment - sheet 1**

BILLY DAWSON ARCHITECTS PTY LTD  
 ACN: 634 540 622  
 p 0412 886 013  
 e billy@billydawsonarchitects.com

project   Auto Museum - Palmer Cooloom Resort  
 client   Clive Palmer

drawing no.    job no.    issue.  
**DD.3202    2204    P5**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date    **JULY 2023**  
 scale    **- @ A3**  
 drawn    **SK**

P5	14/07/23	general updates
P4	29/06/23	Preliminary RFI Issue
P3	31/03/23	Revised DA Issue
P2	01/03/23	Revised Issue to Client
P1	24/02/23	Issue to client
issue	date	revision





existing context



existing context



proposed context

3 high angle view from northern side of site



proposed context

4 high angle view from north eastern side of site

**BILLY DAWSON**  
ARCHITECTS

drawing title **Visual Impact Assessment - sheet 2**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3203** job no. **2204** issue. **P3**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale - **@ A3**  
drawn **SK**

issue	date	revision
P3	14/07/23	general updates
P2	29/06/23	Preliminary RFI Issue
P1	31/03/23	Revised DA Issue





existing context



existing context



proposed context



proposed context



high angle view from south eastern side of site



high angle view from north western side of site

**BILLY DAWSON**  
ARCHITECTS

drawing title **Visual Impact Assessment - sheet 3**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3204** job no. **2204** issue. **P3**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale - **@ A3**  
drawn **SK**

issue	date	revision
P3	14/07/23	general updates
P2	29/06/23	Preliminary RFI Issue
P1	31/03/23	Revised DA Issue





existing context



existing context



proposed context



proposed context



close up view of building from north eastern side of site



low angle view of building from northern side of site

**BILLY DAWSON**  
ARCHITECTS

drawing title **Visual Impact Assessment - sheet 4**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

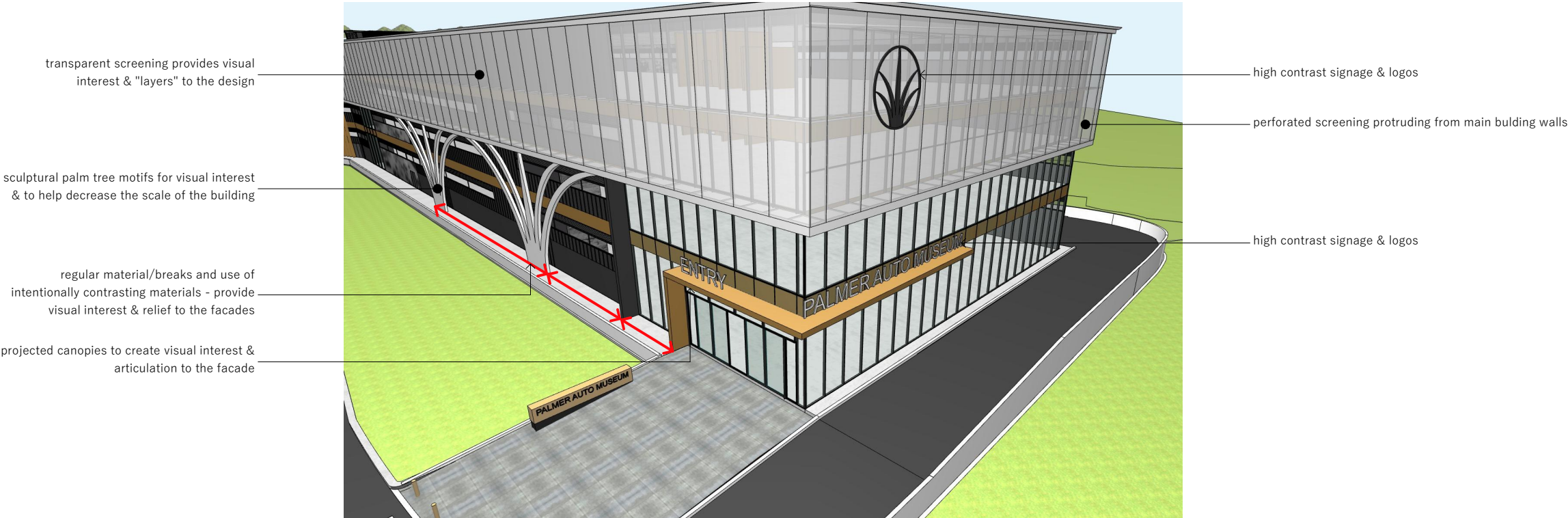
project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3205** job no. **2204** issue. **P3**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

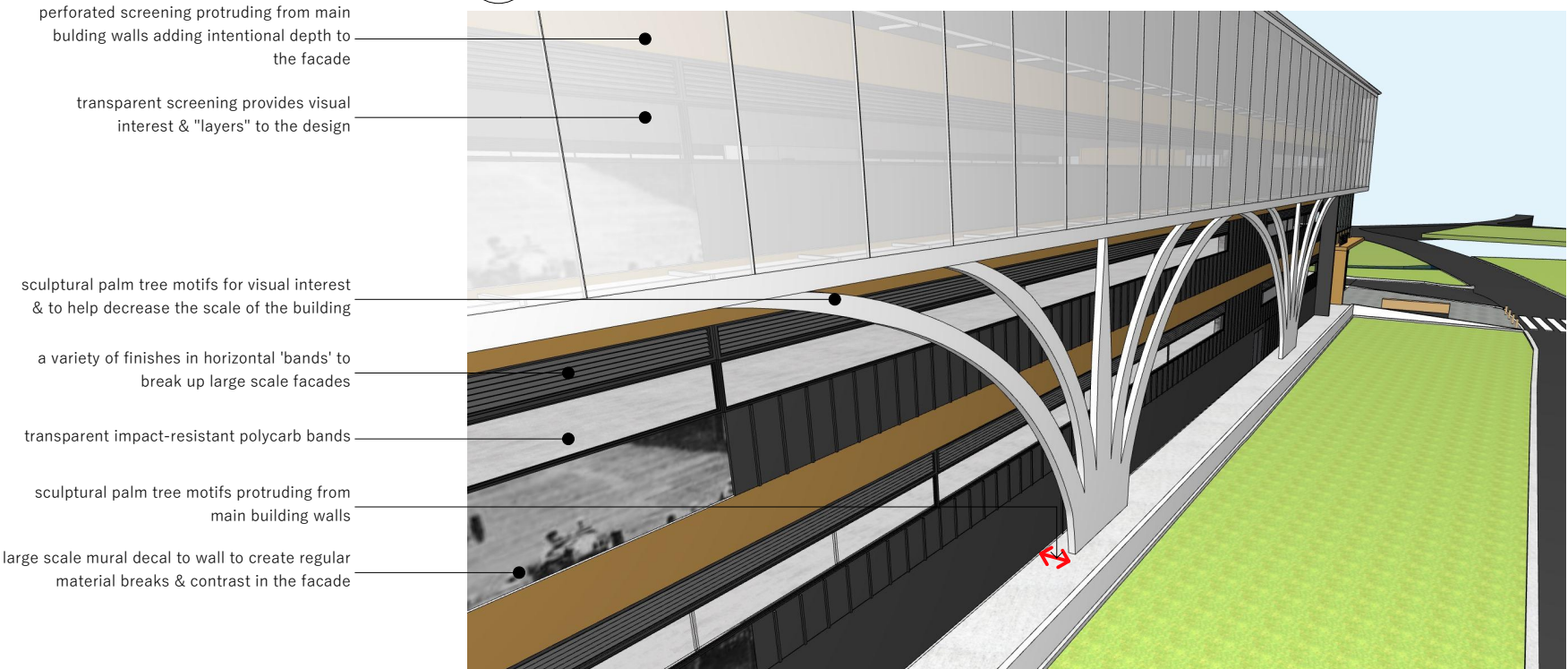
date **JULY 2023**  
scale - **@ A3**  
drawn **SK**

P3	14/07/23	general updates
P2	29/06/23	Preliminary RFI Issue
P1	31/03/23	Revised DA Issue
issue	date	revision





1 3D view 1 - southern facade  
SCALE 1:360.76



2 3D view 2 - western facade  
SCALE 1:362.95

**BILLY DAWSON**  
ARCHITECTS

drawing title **3D views 1**  
BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

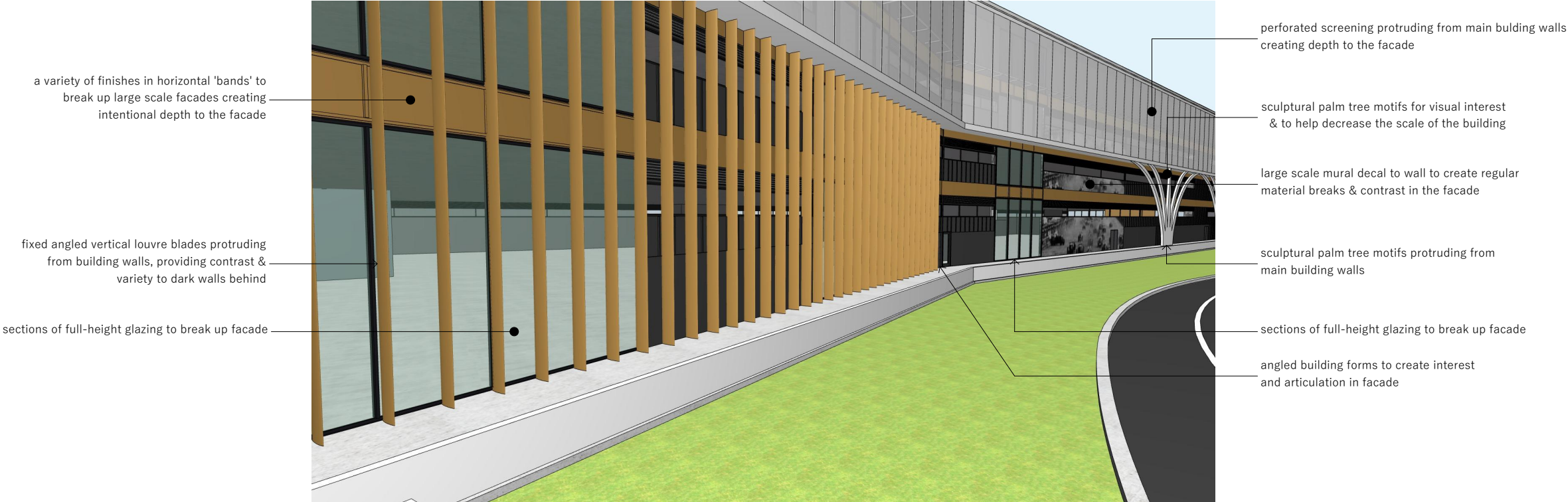
project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3206** job no. **2204** issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **nts**  
drawn **SK**

P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue
issue	date	revision





3  
 -  
 3D view 3 - western facade  
 SCALE 1:360.76



4  
 -  
 3D view 4 - northern facade  
 SCALE 1:360.73

**BILLY DAWSON**  
 ARCHITECTS

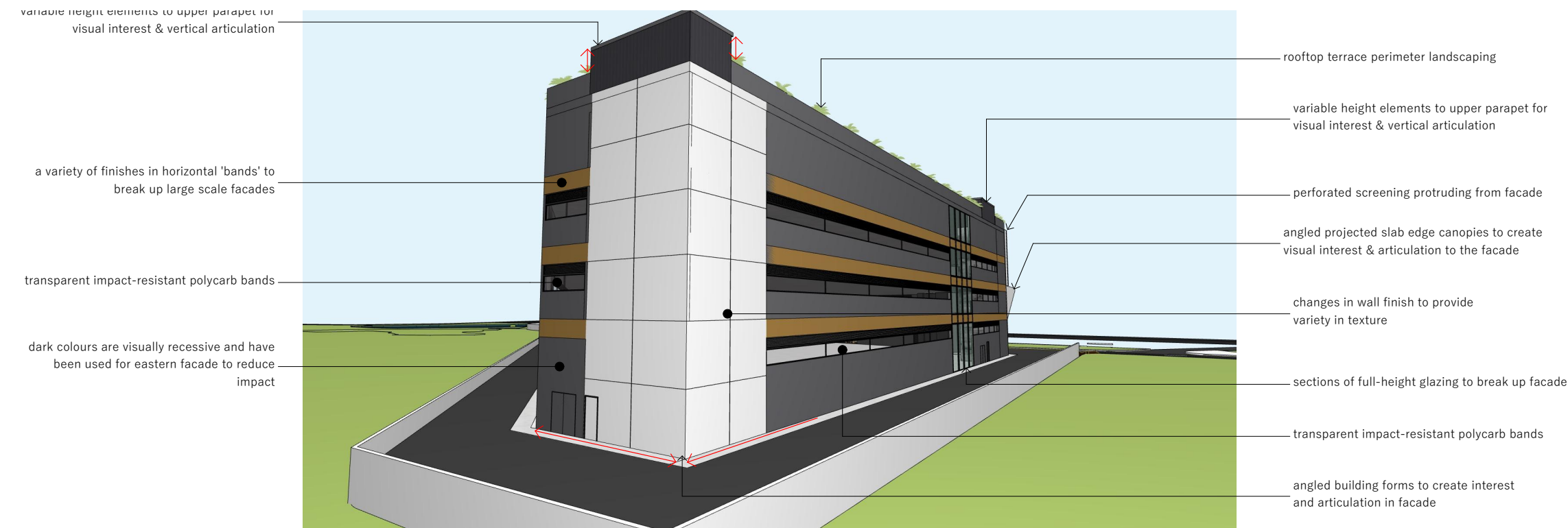
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 BILLY DAWSON ARCHITECTS PTY LTD  
 ACN: 634 540 622  
 p 0412 886 013  
 e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
 client Clive Palmer

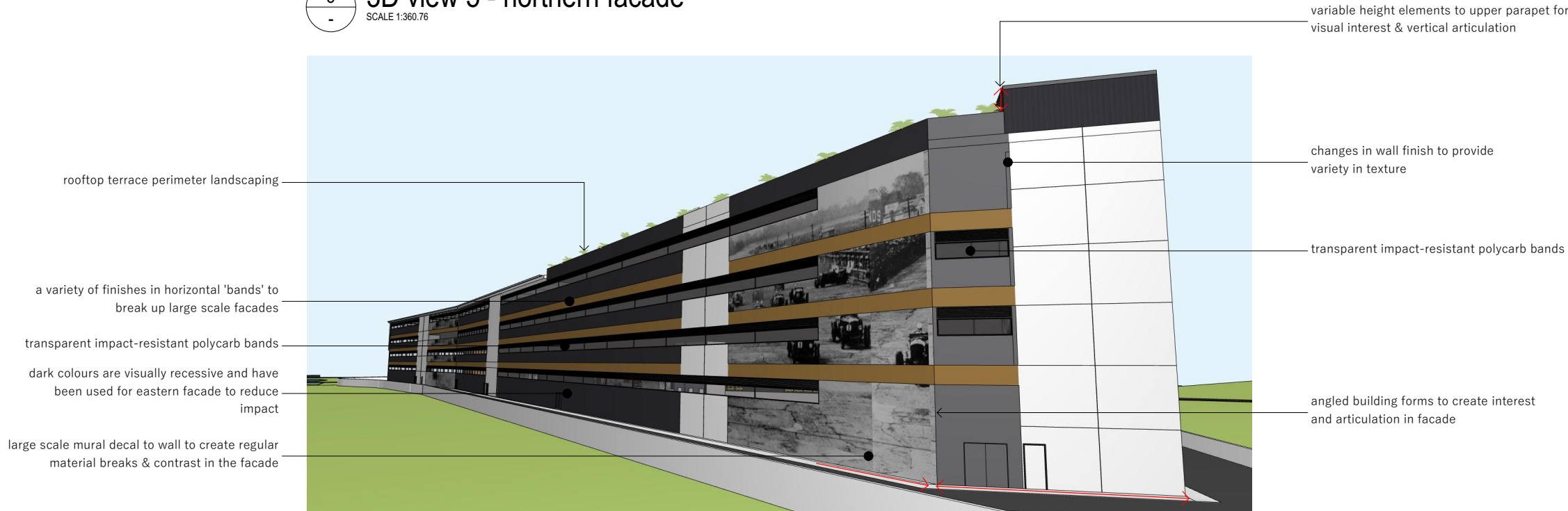
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 job no. **2204**  
 issue. **P2**  
 do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
 scale **nts**  
 drawn **SK**

P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue
<b>issue</b>	<b>date</b>	<b>revision</b>



5 3D view 5 - northern facade  
SCALE 1:360.76



6 3D view 6 - eastern facade  
SCALE 1:346.97

**BILLY DAWSON**  
ARCHITECTS

drawing title **3D views 3**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

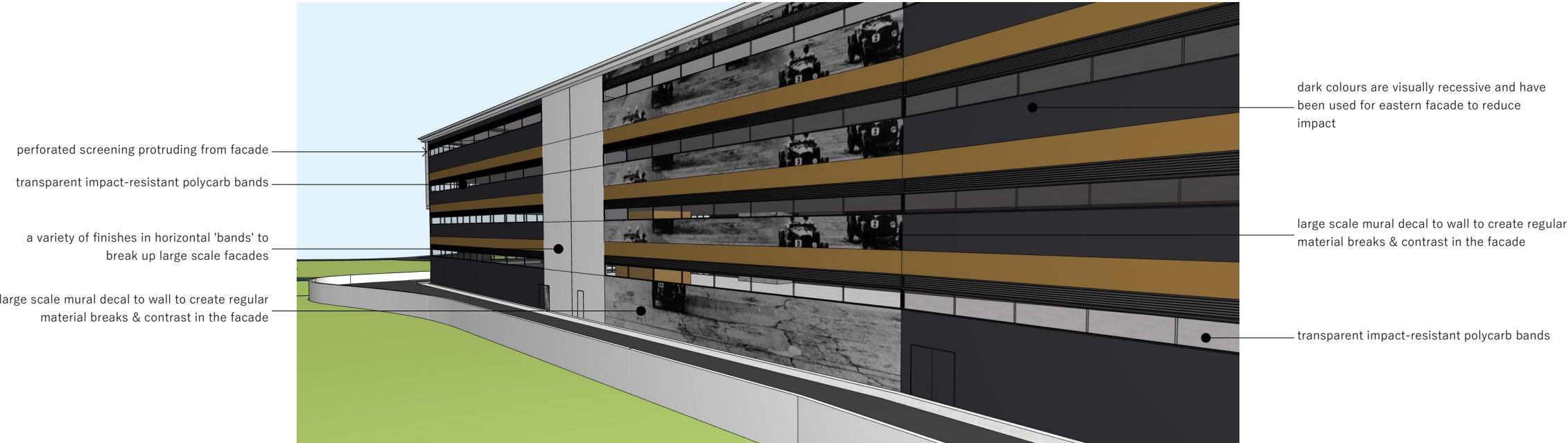
project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3208** job no. **2204** issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

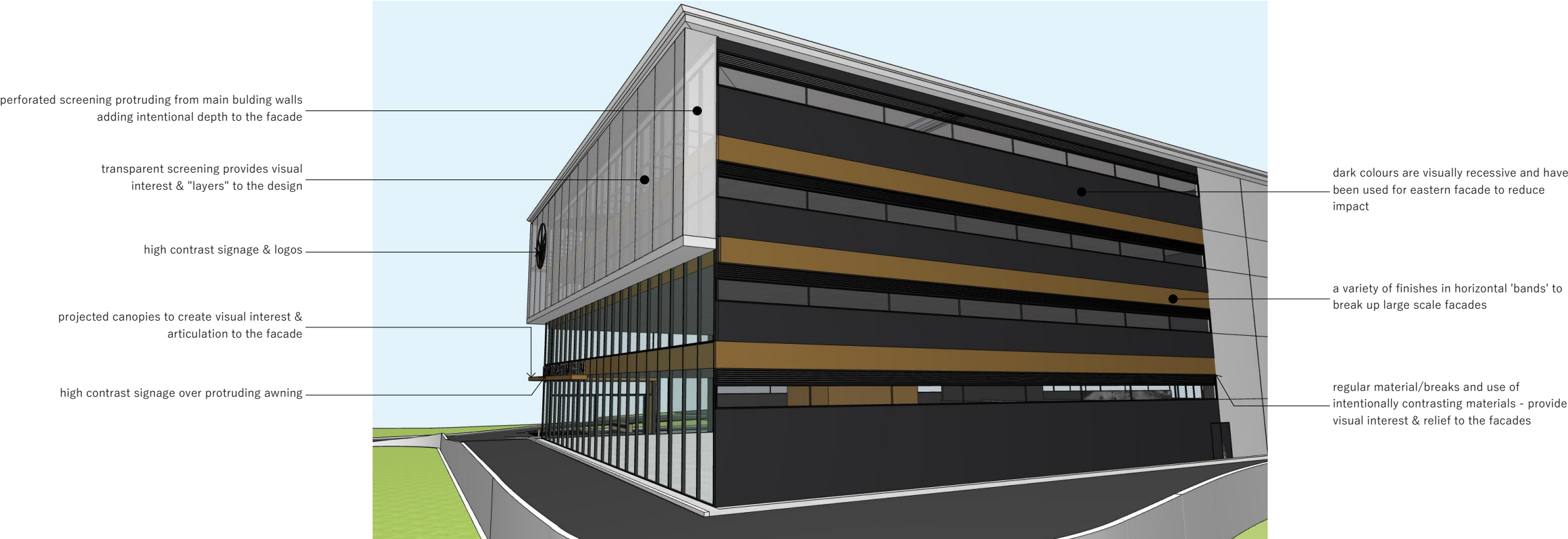
date **JULY 2023**  
scale **nts**  
drawn **SK**

P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue
issue	date	revision





7 3D view 7 - eastern facade  
SCALE 1:360.88



8 3D view 8 - eastern facade  
SCALE 1:300.98

**BILLY DAWSON**  
ARCHITECTS

drawing title **3D views 4**

BILLY DAWSON ARCHITECTS PTY LTD  
ACN: 634 540 622  
p 0412 886 013  
e billy@billydawsonarchitects.com

project Auto Museum - Palmer Coolum Resort  
client Clive Palmer

drawing no. **DD.3209** job no. **2204** issue. **P2**  
do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.

date **JULY 2023**  
scale **nts**  
drawn **SK**

P2	14/07/23	general updates
P1	29/06/23	Preliminary RFI Issue
issue	date	revision



RA6-N



SARA reference: 2306-34947 SRA  
Council reference: MCU23/0053  
Applicant reference: 220207

15 March 2024

Sunshine Coast Regional Council  
Locked Bag 72  
Sunshine Coast Mail Centre QLD 4560  
mail@sunshinecoast.qld.gov.au

Attention: Emily Rehm

Dear Ms Rehm

## SARA referral agency response—Warran Road, Yaroomba

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 6 June 2023.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	15 March 2024
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit	Material change of use to extend to tourist attraction (car museum and car park)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)	Development stated in schedule 20 thresholds

2306-34947 SRA

Schedule 10, Part 18, Table 1 (Planning Regulation 2017)  
Urban design for significant projects

SARA reference: 2306-34947 SRA  
Assessment manager: Sunshine Coast Regional Council  
Street address: Warran Road, Yaroomba  
Real property description: Lot 28 on SP238215 and Lot 10 on SP238215  
Applicant name: Coeur De Lion Investments Pty Ltd  
Applicant contact details: C/- Adam Seaton  
PO Box 1000  
BUDDINA QLD 4575  
admin@astpd.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Sean Elvines, Senior Planning Officer, on 07 5352 9719 or via email SEQNorthSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson  
Principal Planning Officer

cc Coeur De Lion Investments Pty Ltd, admin@astpd.com.au  
enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions



## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use to establish an extension to a tourist attraction (car museum and car park)</b>		
10.9.4.2.4.1 – Material change of use of premises near a State transport corridor or that is a future State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Deputy Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Provide a dedicated bus setdown facility for private/chartered buses at the location shown on the Auto Museum – Ground Floor Plan, prepared by Billy Dawson Architects, dated 22/09/2023, drawing number DD.2001, revision P14, as amended in red by SARA on 15 March 2024.</p> <p>(b) The bus setdown facility in part (a) of this condition, must be in accordance with the <i>Disability Standards for Accessible Public Transport 2002</i> made under subsection 31(1) of the <i>Disability Discrimination Act 1992</i> and include the following components:</p> <ul style="list-style-type: none"> <li>(i) a bus zone with minimum capacity for the setdown of 1 x single unit rigid bus of 14.5m in length or 2 x mini buses</li> <li>(i) bus zone signs R5-20 at the southern end of the bus zone and at the northern side of the service road entry, and pavement marking in accordance with <i>Queensland Manual of uniform traffic control devices, Part 11: Parking controls</i></li> <li>(ii) lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements</li> <li>(iii) access and hardstand for waiting and boarding/alighting passengers</li> <li>(iv) a raised kerb with fencing or screening to delineate and separate the bus setdown hardstand area for waiting and boarding/alighting passengers from the hardstand / loading bay.</li> </ul> <p>(c) Provide a dedicated bus layover facility for private/chartered buses at the location shown on the Auto Museum – Ground Floor Plan, prepared by Billy Dawson Architects, dated 22/09/2023, drawing number DD.2001, revision P14, as amended in red by SARA on 15 March 2024. This is a separate facility to the bus setdown facility in item (a).</p> <p>(d) RPEQ certification, with supporting documentation, must be provided to the North Coast Region (<a href="mailto:North.Coast.IDAS@tmr.qld.gov.au">North.Coast.IDAS@tmr.qld.gov.au</a>) within the Department of</p>	<p>(a), (b) and (c) Prior to the commencement of use and to be maintained at all times</p> <p>(d) Prior to the commencement of use</p>

	Transport and Main Roads confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	
2.	<p>(a) Provide two dedicated passenger loading zones at the locations shown on the Auto Museum – Ground Floor Plan, prepared by Billy Dawson Architects, dated 29/06/2023, drawing number DD.2001, revision P14, as amended in red by SARA on 15 March 2024.</p> <p>(b) The dedicated passenger loading zones in part (a) of this condition, must be designed and constructed to include the following:</p> <ul style="list-style-type: none"> <li>(i) a passenger loading zone with minimum capacity for the parking of 1 x wheelchair accessible taxi in total, parallel to kerb adjacent to the museum entrance, plus entry and exit tapers</li> <li>(ii) a passenger loading zone with minimum capacity for the parking of 2 x B99 standard vehicles in total, parallel to kerb adjacent to the exit of the multi-storey car park, configured in one continuous zone, plus entry and exit tapers</li> <li>(iii) the wheelchair accessible parking bay must be designated by signage and pavement marking in accordance with: <ul style="list-style-type: none"> <li>• AS1428.1 - Design for access and mobility</li> <li>• AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities</li> <li>• Chapter 7 – Taxi Facilities of the <i>Public Transport Infrastructure Manual 2015</i></li> <li>• the Disability Standards for Accessible Public Transport 2002 - subsection 31(1) of the <i>Disability Discrimination Act 1992</i></li> <li>• the disability user limitation requirements in Section 3.3.4 of Queensland Manual of uniform traffic control devices, Part 11: Parking controls.</li> </ul> </li> <li>(iv) part of hour parking signs - R5-15 (¼P), placed at either end of the PWD passenger loading zone and line marking in accordance with Queensland Manual of uniform traffic control devices, Part 11: Parking controls</li> <li>(v) passenger loading zone signs - R5-23 (passengers – 2 minute), placed at either end of the passenger loading zone adjacent to the multi-storey car park, and line marking in accordance with Queensland Manual of uniform traffic control devices, Part 11: Parking controls and the Queensland Manual of Uniform Traffic Control Devices, Part 11: Traffic Controls, namely Figure C2.2</li> <li>(vi) lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements</li> <li>(vii) access and hardstand, for waiting and boarding/alighting</li> </ul>	<p>(a) &amp; (b) Prior to the commencement of use and to be maintained at all times</p> <p>(c) Prior to the commencement of use</p>

	<p>passengers.</p> <p>(c) Provide RPEQ certification, with supporting documentation, to the North Coast Region (North.Coast.IDAS@tmr.qld.gov.au), within the Department of Transport and Main Roads confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	
3.	<p>(a) Provide an internal pedestrian network on the site with connections from the car museum entry to the bus setdown and dedicated passenger loadings zones generally in accordance with Auto Museum – Ground Floor Plan, prepared by Billy Dawson Architects, dated 29/06/2023, drawing number DD.2001, revision P14, as amended in red by SARA on 15 March 2024.</p> <p>(b) Provide pedestrian priority treatments from the car park exit to the car museum main entry generally in accordance with Auto Museum – Ground Floor Plan, prepared by Billy Dawson Architects, dated 29/06/2023, drawing number DD.2001, revision P14, as amended in red by SARA on 15 March 2024.</p> <p>(c) The pedestrian priority treatments required in part (b) of this condition must be in accordance with the following:</p> <ul style="list-style-type: none"> <li>• raised pedestrian crossings (zebra) in accordance with Queensland Manual of uniform traffic control devices, Part 10: Pedestrian control and protection</li> <li>• coloured and/or textured pavement in accordance with AS4049.5-2007 - Paints and related materials – Pavement marking materials, Part 5: Performance assessment of pavement markings</li> <li>• speed limit signage facing vehicles entering the private access road prior to the crossings with a maximum speed limit of 10km/hour in accordance with AS1742.4 – Manual of uniform traffic control devices, Part 4: speed controls and AS 2890.1 – Parking Facilities Part 1: Off-street car parking</li> <li>• tactile ground surface indicators on both pedestrian approaches in accordance with AS 1428.4 Design for Access and Mobility Part 4.1 Means to assist the orientation of people with visual impairment – Tactile ground surface indicators</li> <li>• lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements</li> <li>• disability access requirements</li> <li>• Sunshine Coast Council standards.</li> </ul>	<p>(a), (b) &amp; (c) Prior to the commencement of use for and to be maintained at all times</p>

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
Urban design	
2.	The applicant should adopt passive design strategies that significantly reduce or eliminate the need for mechanical systems to be further explored supporting year-round passive cooling to the proposed structure consistent with Brisbane City Council's excellent Buildings that Breathe document.
3.	The applicant maintain a superior level of finishes, materials and details through the development of the design to ensure a high-quality outcome, particular at the ground plane. The applicant is encouraged to incorporate 'cues' from the locality to reinforce a unique integrated built form response.
4.	The applicant incorporate additional measures to improve pedestrian environments around the site to enhance connections to the surrounding community, and open space to: <ul style="list-style-type: none"> <li>- ensure continuous shade is provided either via street trees or awnings along all footpath frontages especially along walking routes from the car park to the museum</li> <li>- enhancing driveway crossing points to footpaths to mitigate safety risks for pedestrians and cyclists.</li> </ul>
State – controlled roads	
5.	<b>Public utility works and connection approval:</b> The applicant is advised that if any works and/or connections are required to public utility services within a State-controlled road reserve, approval must be given by the Department of Transport and Main Roads under the relevant public utility legislation (electricity, water/sewer, telecommunication), and in accordance with TMR technical standards (TN163). Approvals must be obtained prior to commencing any utility works within the state-controlled road reserve. Please contact the public utility team via <a href="mailto:northcoast@tmr.qld.gov.au">northcoast@tmr.qld.gov.au</a> for further information on the application and approval process.

### Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the SARA's decision are:**

- The proposal is for a development permit for material change of use to extend a tourist attraction for car museum and associated car parking.
- The application was referred to SARA as the development exceeds the thresholds for state transport infrastructure under Schedule 20 of the Planning Regulation 2017. The application also required referral to SARA for advice for urban design as the proposed development exceeded the thresholds stated in Schedule 10, Part, 18, Table 1, Item 1.
- SARA assessed the development application against State code 6: Protection of state transport networks of the State Development Assessment Provisions (SDAP), version 3.0 and determined that subject to conditions the development achieves compliance with the performance outcomes of the State code 6.
- SARA assessed the development against State code 24: Urban design outcomes for significant projects of the SDAP, version 3.0 and made 3 recommendations to the applicant regarding the overall development design that will go to achieve urban design outcomes.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

### Attachment 4—Representations about a referral agency response provisions

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## Attachment 5—Documents referenced in conditions

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## 8.2 UPDATE AND AMENDMENT OF 2023-24 CONTRACTING PLAN

<b>File No:</b>	<b>Council Meetings</b>
<b>Author:</b>	<b>Acting Manager Business and Innovation Business Performance Group</b>
<b>Appendices:</b>	<b>App A - Amended 2023-24 Contracting Plan ..... 109</b>  
<b>Attachments:</b>	<b>Att 1 - Progress and amendment to 2023-24 Contracting Plan 121</b>  

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### PURPOSE

The purpose of this report is to:

- provide an update on progress of the Significant Contracts identified in the 2023-24 Contracting Plan and
- present for the consideration of Council amendments to the 2023-24 Contracting Plan to ensure it accurately reflects the Significant Contracts for the 2023-24 financial year.

### EXECUTIVE SUMMARY

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

Having adopted the Strategic Contracting Procedures the *Local Government Regulation 2012* requires Council to make and adopt a contracting plan each financial year. The contracting plan must include the contracts that Council considers will be significant.

Amendments to the list of Significant Contracts identified in the 2023-24 Contracting Plan are required to ensure the list accurately reflects the Significant Contracts that Council has, or will enter into, during the 2023-24 Financial Year.

Council can, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates.

The amended 2023-24 Contracting Plan is provided for Council's consideration as **Appendix A**.

### OFFICER RECOMMENDATION

**That Council:**

- receive and note the report titled "Update and Amendment of 2023-24 Contracting Plan" and**
- adopt the amended 2023-24 Contracting Plan (Appendix A).**



**FINANCE AND RESOURCING**

There are no financial or resourcing implications associated with the amendment of the 2023-24 Contracting Plan.

**CORPORATE PLAN****Corporate Plan Goal:****Outcome:****Operational Activity:*****Our outstanding organisation***

We serve our community by providing this great service  
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 E Hungerford – Outstanding Organisation Portfolio Councillor
- Councillor J Broderick – Outstanding Organisation Portfolio Councillor

**Internal Consultation**

Consultation has been undertaken with the Group Executive Business Performance on matters outlined in this report.

**External Consultation**

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

**Community Engagement**

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

**PROPOSAL****Contracting Plan**

At the Ordinary Meeting of 22 June 2023, Council resolved to adopt the 2023-24 Contracting Plan as part of the adoption of the 2023-24 Procurement Policy and Procurement and Disposal Framework.

The Contracting Plan is a document which outlines the types of contracts that Council proposes to enter into during the financial year, including principles and strategies for performing 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.

The Contracting Plan must include the contracts that Council considers will be significant together with a policy about the making of a Significant Contracting Plan.

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.

### **Amendments to 2023-24 Contracting Plan**

The Business and Innovation Branch works closely with all stakeholders to deliver the Significant Contracts identified in the Contracting Plan. This engagement provides a considered approach to the procurement structure and strategy, together with timing to market for each of the Significant Contracts in order to deliver better outcomes for Council. As a result of this process amendments to the adopted Contracting Plan have been identified. Progress for each of the Significant Contracts listed in the 2023-24 Contracting Plan and the amendments to the 2023-24 Contracting Plan is detailed in Attachment 1.

### **Legal**

Section 220(2) of the *Local Government Regulation 2012* requires Council to make and adopt a contracting plan each financial year.

Section 220(7) of the *Local Government Regulation 2012* allows Council, by resolution to amend a contracting plan at any time before the end of the financial year to which the plan relates.

#### *Human Rights Act 2019*

There are no human rights implications relevant to Council's decision in this matter.

### **Policy**

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

The amendments to the 2023-24 Contracting Plan do not conflict with the Procurement Policy or any other current policy positions or documents of Council.

### **Risk**

The 2023-24 Contracting Plan is not reflective of the Significant Contracts that Council has or will enter into during the 2023-24 Financial Year. While a failure to adopt the Amended 2023-24 Contracting Plan will not impact any procurement activities, it is considered best practice to align the Contracting Plan with the Significant Contract activities that have occurred during the 2023-24 Financial Year.

### **Previous Council Resolution**

#### **Ordinary Meeting 22 June 2023 (OM22/45)**

*That Council:*

- receive and note the report titled "2023/24 Procurement Policy and Procurement and Disposal Framework" and*
- 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) and*
- (viii) *Environment and Sustainability in Procurement Guideline (Appendix H).*

**Related Documentation**

*Local Government Act 2009*

*Local Government Regulation 2012*

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

**Critical Dates**

Section 220(7) of the *Local Government Regulation 2012* allows Council, by resolution to amend a contracting plan at any time before the end of the financial year to which the plan relates.

**Implementation**

There are no implementation details to include in this report.

## Amended 2023-24 Contracting Plan | Guidelines

Amended 2023-24 Contracting Plan		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

### Guideline purpose

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.

### Guideline scope

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

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

- An effective and efficient framework that delivers sound contracting outcomes;
- A manner that complies with the Procurement Policy; and
- 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 undertaken under the framework 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.

### Guideline application

#### Application of Contracting Plan

This Contracting Plan identifies:

- the types of Contracts Council proposes to make in the 2024/25 financial year;
- the principles and strategies for performing the Contracts;

## Amended 2023-24 Contracting Plan | Guidelines

- 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 2022-23 financial year to 31 March 2023, Council spent \$329m across the six Procurement Categories as follows:

Categories	Approximate Total Spend
Engineering and Works	\$110m
Facilities	\$76.1m
Services	\$62.7m
Waste Services	\$35.3m
Fleet and Plant	\$33.0m
ICTS	\$12.2m

For the 2023-24 financial year, Council anticipates spending \$423m across the below categories:

Categories	Anticipated Total Spend
Engineering and Works	\$173m
Facilities	\$55m
Services	\$86m
Waste Services	\$59m

## Amended 2023-24 Contracting Plan | Guidelines

ICTS	\$20m
Other (incl Fleet and Plant and Planning)	\$30m

### Principles and Strategies

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

The Sound Contracting Principles are:

- value for money;
- open and effective competition;
- the development of competitive local business and industry;
- environmental protection; and
- 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

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.

A list of the Contracts that Council considers will be Significant Contracts for the 2023-24 financial year are as follows:

## Amended 2023-24 Contracting Plan | Guidelines

Contract	Reason for Significant Contract	Proposed Procurement Strategy
Stringybark Rd Footbridge	>\$5M	Public Tender
Kawana Waters Regional Aquatic Centre	>\$5M	Public Tender
Resource Recovery Centre Operations	>\$5M	Public Tender
Landfill Operations	>\$5M	Public Tender
QRA Works – Unsealed Roads Maintenance	>\$5M	Public Tender
Landslip Remediation Works	>\$5M	Public Tender
QRA Works – Sealed Roads	>\$5M	Public Tender
Local Government Systems Contract	>\$5M	Exception

### Policy about the making of a Significant Contracting Plan

Significant Contracting Plans will be prepared for all Significant Contracts prior to the commencement of the Contract. 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.

The Significant Contracting Plan will be prepared by the Business & Innovation Branch in consultation with the Contract Administrator and any other relevant stakeholders identified in the Procurement Plan.

The Significant Contracting Plan will be endorsed by the Manager of the Branch seeking the Significant Contract and their Group Executive.

The Significant Contracting Plan will be approved by the Chief Executive Officer prior to the commencement of the Contract to which it relates.



## Amended 2023-24 Contracting Plan | Guidelines

### Guideline review

This guideline will be reviewed annually.

### Roles and responsibilities

Role	Responsibility
Council	Endorsement authority for setting this policy and for all material changes to this policy. Able to endorse non-material changes. Maintains awareness of organisational manuals where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Manual Sponsor.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this manual and any proposed material changes to the manual, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. 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	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
All Officers	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.

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## Amended 2023-24 Contracting Plan | Guideline

### Appendix

Guideline information		
Title	Amended 2023-24 Contracting Plan	
Purpose	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.	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	Goal Pathway  Service Output	Resilient economy / Outstanding Organisation High value economy of choice drives business performance, investment and enduring employment.  Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2023	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	Council has authority to endorse material changes.	
Related documents		
Legislation	<ul style="list-style-type: none"><li>Public Sector Ethics Act 1994 (Qld)</li><li>Local Government Act 2009 (Qld)</li><li>Local Government Regulation 2012 (Qld)</li><li>Statutory Bodies Financial Arrangements Act 1982 (Qld)</li><li>Public Sector Ethics Act 1994 (Qld)</li><li>Disaster Management Act 2003 (Qld)</li><li>Human Rights Act 2019 (Qld)</li></ul>	
Policy	<ul style="list-style-type: none"><li>2024/25 Procurement Policy</li><li>2024/25 Contract Manual</li><li>2024/25 Contracting Plan</li><li>Significant Contracting Plan/s</li><li>Sunshine Coast Council's Corporate Plan 2024-2028</li></ul>	

Operational documents	<ul style="list-style-type: none"> <li>• Local Preference in Procurement Guideline</li> <li>• Social Benefit Procurement Guideline</li> <li>• First Nations Procurement Guideline</li> <li>• Innovation and Market-Led Engagement Guideline</li> <li>• Environment and Sustainability in Procurement Guideline</li> <li>• Employee Code of Conduct</li> <li>• Code of Conduct for Councillors</li> <li>• Councillors Acceptable Request Guidelines</li> <li>• Council's current delegations</li> <li>• Purchase Cards Guideline</li> </ul>
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Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

## Annexure A - Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2022-23 financial year to 31 March 2023, is as follows:

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
Engineering and Works	4,076	599	\$110M	<ul style="list-style-type: none"> <li>• Tender</li> <li>• RFQ</li> <li>• Exception</li> </ul>	<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 and asphalt materials and services, technical and engineering consulting services, playground, open space and recreational infrastructure and traffic management services.</p> <p>According to ABS, the construction sector (as measured by the value of construction done) is estimated to have increased by 1.0-1.5% in December 2022 compared to the same time the previous year. While the sector saw a downward trend in residential and non-residential building, the increase was driven by engineering construction work which was 4% higher. Indeed, the Australian Industry Group Performance of Construction Index indicates contraction across the construction sector throughout 2022 although the rate of decline eased towards the end of 2022. New orders increased for engineering but contracted for housing, apartments, and commercial activity. Interest rate increases and uncertainty about the economic outlook kept orders in contraction as constructors reported a slow-down in interest and customers delaying or cancelling projects.</p> <p>The ABS Producer Price Indexes (PPI) indicates that input prices to the construction sector increased 10% over the 12 months to the March 2023 quarter, primarily driven high energy and transportation costs and demand remaining high for materials due the volume of work already in the pipeline. Consequently, output prices increased 9% over the same period. Shortages of skilled and unskilled labour, in addition to material price increases continued to drive price growth. Other heavy and civil engineering construction prices rose due to concrete price increases resulting from high energy and manufacturing costs, and wage cost rises from labour shortages. Falls in steel prices and the impact of the USD exchange rate partially offset these increases. Road and bridge construction prices rose due to increased costs for concrete and bitumen, driven by</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>high energy and manufacturing costs, coupled with strong global demand and limited supply. Heavy and civil engineering construction prices rose 7.5% over the 12-month period.</p> <p>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 available both regionally and locally.</p>
Facilities	2,142	345	\$76.1M	<ul style="list-style-type: none"> <li>• Tender</li> <li>• RFQ</li> <li>• Exception</li> </ul>	<p>The Facilities category covers expenditure related to the construction, maintenance and operations of Council facilities excluding technical and engineering professional services.</p> <p>Overall Services annual inflation of 6% over the 12 months to the March 2023 quarter is the highest since 2001. Engineering and technical services rose 4% due to high demand for engineering services across infrastructure programs, and the tight labour market. Rents rose 5% annually, which is the highest annual rise since 2010, reflecting strong demand amid low vacancy rates across the country. The annual rise in Electricity reflects price reviews in the September quarter 2022, which were driven by higher wholesale prices. However, price rises in the September quarter 2022 were partially offset by the introduction of electricity rebates in QLD, as well as WA and ACT. The unwinding of these rebates has seen the full effects of higher electricity prices reflected in the March quarter. Gas and other household fuels rose in all capital cities. The annual rise in Gas prices of 26% is the largest on record.</p> <p>In this category, Council is to continue consolidating its expenditure for facilities management services and offer 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. 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.</p>
Services	4,373	1,517	\$62.7M	<ul style="list-style-type: none"> <li>• Tender</li> <li>• RFQ</li> </ul>	<p>Overall Services annual inflation of 6% over the 12 months to the March 2023 quarter is the highest since 2001. Over the same period, management advice and related consulting services prices rose 4%. legal and accounting services prices rose 3%. The</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
				<ul style="list-style-type: none"> <li>Exception</li> </ul>	<p>price growth was primarily driven by the tight labour market, competition in the skilled labour market for staff, and annual pricing reviews.</p> <p>As an indicator of activities in the Australian services sector, the Australian Industry Group Australian Performance of Services Index (Australian PSI®) declined falling 2.1 points to 45.6 points (seasonally adjusted) in November 2022 indicating contraction for a third month. Results below 50 points indicate contraction in the Australian PSI®, with lower numbers indicating a stronger rate of contraction.</p> <p>NAB Quarterly Business Survey March 2023 indicates that constraints are still tight, however prices may be past their peak. Most businesses continued to report facing constraints on output in Q1 of 2023. Labour shortages eased only slightly, despite the strong rebound in migration, with some 87% of firms reporting availability of labour as a constraint on output (down from a peak of 91% in 2022). Cost and price growth measures showed some signs of moderation, supporting expectations that inflation may have peaked in Q4. Labour cost growth ticked down to 1.4% in Q1 (from 1.6%), although wage growth is still clearly the most significant issue affecting business confidence and the share of firms expecting wage pressures to increase over the next six months ticked higher, to 75%.</p> <p>Council will continue to seek to procure services competitively and leverage existing panel arrangements when possible to secure various types of services and achieve value for money outcomes.</p>
Waste Services	139	22	\$35.3M	<ul style="list-style-type: none"> <li>Tender</li> <li>RFQ</li> <li>Exception</li> </ul>	<p>The market size of the Waste Services industry in Australia has grown 3% per year on average between 2017 and 2022. It has increased faster than the utilities sector overall. The size of the population and the demand from construction heavily influence consumption volumes, which affect waste volumes. Broadly, Australia's population is expected to increase in 2022-23, providing an opportunity for industry expansion.</p> <p>Pricing within this category have generally increased in the market due to the high barrier to entry and developing regulations. 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</p>



Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					fairly competitive with a number of capable and experienced suppliers which still enables Council to procure services competitively.
Fleet and Plant	853	169	\$33M	<ul style="list-style-type: none"> <li>• Tender</li> <li>• RFQ</li> <li>• Exception</li> </ul>	<p>The Fleet &amp; 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.</p> <p>Generally, the ABS Consumer Price Index (CPI) rose 7% over the 12 months to the March 2023 quarter. Specifically, transport prices rose 4% quarter. Motor vehicles (+6%), spare parts and accessories (+14%) and maintenance and repair of motor vehicle (+5%) were the main contributors to the growth. Motor vehicles manufacturers continue to pass on input cost pressures due to material shortages and increased overhead costs. Automotive fuel prices remain high, however, the March quarter represents one year since Ukraine was invaded, which saw prices rise 11.0 per cent in the March 2022 quarter. Insurance (+4%) recorded the strongest quarterly rise since 2000. Broadly, insurance costs rose for motor vehicle, home, and home content insurance. Other goods and equipment rental and hiring rose by 1%, due to increased labour and equipment purchase costs. Other goods and equipment rental and hiring prices rose 5% over the 12-month period.</p> <p>Council is to continue to procure services competitively and leverage existing panel arrangements when possible, to secure various types of services and achieve value for money outcomes. 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.</p>
ICT	402	126	\$12.2M	<ul style="list-style-type: none"> <li>• Tender</li> <li>• RFQ</li> <li>• Exception</li> </ul>	<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-</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>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 panel arrangements to secure various types of services and achieving value for money outcomes.</p>

Contract	Progress	Amendment Required	Justification
Oval Avenue and Gosling St Upgrade	No tender released in 2023-24.	Removal from Contracting Plan	Procurement activity now scheduled to be undertaken during the 2024-25 Financial Year. Will be included in the 2024-25 Contracting Plan
Stringybark Rd Footbridge-Pathway	Tender Invited: September 2023 Tender Closed: October 2023 Contract awarded: December 2023	No amendment required	Contact awarded during 2023-24 Financial Year.
Alexandra Headland MDS Strat 2 Stage 1	No tender released in 2023-24.	Removal from Contracting Plan	No procurement activity in 2023-24 Financial Year.
Kawana Waters Regional Aquatic Centre	Tender Invited: October 2023 Tender Closed: November 2023 Contract awarded: January 2024	No amendment required	Contact awarded during 2023-24 Financial Year.
Mooloolaba Foreshore Central Meeting Place	Tender Invited: September 2023 Tender Closed: October 2023 Currently under evaluation	Removal from Contracting Plan	Anticipate contract award during 2024-25 Financial Year. Will be included in the 2024-25 Contracting Plan.
Mooloolaba Transport Corridor	No tender released in 2023-24.	Removal from Contracting Plan	No procurement activity in 2023-24 Financial Year.
Natural Area Management Services	Tender Invited: February 2024 Tender Closed: March 2024 Contract awarded: May 2024	Removal from Contracting Plan	Approach to market resulted in the award of multiple contracts to multiple contractors. No awarded contract met the threshold for a significant contract.
Vehicle Leases	Tender Invited: November 2023 Tender Closed: November 2023 Contract Awarded: January 2024	Removal from Contracting Plan	Review of procurement strategy resulted in Council establishing an Arrangement for the Lease of Light Vehicles and Trucks. Each engagement utilising the Arrangement is a separate contract and do not meet the threshold for a significant contract.
B2N Rail Upgrade Offset Project	No tender released in 2023-24.	Removal from Contracting Plan	Anticipate contract award during 2024-25 Financial Year. Will be included in the 2024-25 Contracting Plan

Contract	Progress	Amendment Required	Justification
DRFA Works - Unsealed Roads Maintenance	Tender Invited: July 2023 Tender Closed: August 2023 Contract awarded: October 2023	No amendment required	Contact awarded during 2023-24 Financial Year.
First Avenue Streetscape	Tender Invited: September 2023 Tender Closed: October 2023 No contract awarded	Removal from Contracting Plan	Procurement activity did not result in contract award.
Food Organic and Garden Organic Waste Processing Service	Tender Invited: February 2024 Tender Closed: April 2024 Currently under evaluation	Removal from Contracting Plan	Currently under evaluation. Anticipate contract award during 2024-25 Financial Year. Will be included in the 2024-25 Contracting Plan
Resource Recovery Centre Operations	Tender Invited: July 2023 Tender Closed: August 2023 Contract awarded: September 2023	No amendment required	Contact awarded during 2023-24 Financial Year.
Landfill Operations	Tender Invited: September 2023 Tender Closed: January 2024 Currently under evaluation.	No amendment required	Anticipate contract award during 2023-24 Financial Year.
Cooney Road Bli Bli Road Intersection Signalisation	Tender Invited: August 2023 Tender Closed: September 2023 Contract awarded: October 2023	Removal from Contracting Plan	Awarded contract did not meet threshold for significant contract.
Landslip Remediation Works	Tender Invited: May 2023 Tender Closed: June 2023 Contract awarded: July 2023	No amendment required	Contact awarded during 2023-24 Financial Year.
QRA Works – Sealed Roads	Tender Invited: September 2023 Tender Closed: October 2023 Contract awarded: January 2024	Addition to Contracting Plan	Awarded contract met the threshold for a Significant Contract









Contract	Progress	Amendment Required	Justification
Local Government Systems Contract	Currently under evaluation	Additional to Contracting Plan	Contract greater than \$5M now anticipated to be entered into during 2023-24 Financial Year.





8.3

2024-25 PROCUREMENT POLICY AND PROCUREMENT AND DISPOSAL FRAMEWORK

File No:	Council Meetings
Author:	Acting Manager Business and Innovation Business Performance Group
Appendices:	<div>App A - Procurement Policy .....5/118 </div> <div>App B - Contract Manual .....21/118 </div> <div>App C - Contracting Plan .....55/118 </div> <div>App D - Local Preference in Procurement Guideline .....69/118 </div> <div>App E - Social Benefit Procurement Guideline .....77/118 </div> <div>App F - First Nations Procurement Guideline .....83/118 </div> <div>App G - Innovation and Market-Led Engagement Guideline .....91/118 </div> <div>App H - Environment and Sustainability in Procurement Guideline .....105/118 </div>

PURPOSE

The purpose of this report is to present for the consideration of Council the 2024-25 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 require the Procurement Policy and the procurement and disposal framework to be reviewed and adopted on an annual basis. Adoption of the Procurement Policy requires Council to also adopt:

- A Contract Manual
- A Contracting Plan

The framework incorporates the following associated guidelines:

- Local Preference in Procurement Guideline – facilitates Council’s preference for local suppliers.
- Social Benefit Procurement Guideline – guides Council’s approach to the use of procurement processes and purchasing power to generate positive social and economic outcomes by facilitating a preference for social benefit providers.
- First Nations Procurement Guideline – supports Council’s Reconciliation Action Plan commitment to increase First Nations supplier diversity to support improved economic and social outcomes. The guideline facilitates a preference for First Nations businesses and supply chains.

- Innovation and Market-Led Engagement Guideline – allows Council to receive and consider proposals from suppliers offering innovative or unique solutions.
- Environment and Sustainability in Procurement Guideline – details Council's approach to conducting contracting activities in an environmentally considerate and sustainable manner.

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 "2024-25 Procurement Policy and Procurement and Disposal Framework" and**
- (b) **adopt the Procurement and Disposal Framework inclusive of:**
  - (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**
  - (viii) **Environment and Sustainability in Procurement Guideline (Appendix H).**

## 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 2024-25 budget.

## CORPORATE PLAN

**Corporate Plan Goal:**

**Outcome:**

**Operational Activity:**

### ***Our outstanding organisation***

We serve our community by providing this great service  
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 – Resilient Economy Portfolio Councillor
- Councillor J Natoli – Resilient Economy Portfolio Councillor
- Councillor E Hungerford – Outstanding Organisation Portfolio Councillor
- Councillor J Broderick – Outstanding Organisation Portfolio Councillor

**Internal Consultation**

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

- Group Executive Business Performance
- Project Manager Civic Governance
- Manager Project Delivery
- Head of Property Management
- Head of Communication
- Manager Parks and Gardens
- Manager Sport and Community Venues
- Manager Civil Asset Management
- Sunshine Coast Program Lead – Brisbane 2032
- Manager Waste and Resource Management
- Manager Strategic Planning
- Manager Development Services
- Manager Design and Placemaking
- Coordinator Contracts and Supply Services
- Coordinator Strategic Procurement and Commercial Opportunities
- Coordinator Procurement and Contract Performance.

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.

**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 17 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.

The Contracting Plan must include the contracts that Council considers will be significant together with a policy about the making of a Significant Contracting Plan.

### **Supporting Guidelines**

The procurement and disposal framework is supported by five 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 \$250 million with local suppliers for the current financial year (to 30 April 2024), which represents 72% 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 centred 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 principal 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 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 principal 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**) creates 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 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 make a Significant Contracting Plan for each significant contract before the contract starts.

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.

Council has identified those Contracts which it considers will be Significant Contracts in the Contracting Plan. Each of these will require a Significant Contracting Plan to be prepared in accordance with the Contracting Plan prior to their commencement.

**Amendments from 2023-24 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:

- **Exceptions** – inclusion of four additional exceptions to recognise the restricted markets for some goods and services, and the operation of the Information Communication and Technology solution market.
- **Minor Amendments** – minor amendments to framework documents to provide additional clarity.

**Further development during 2024-25**

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

- **Monitor and Embed Previous Framework Changes**  
Changes made to the 2023-24 Procurement Policy and Framework, namely the increase to the Procurement Thresholds and changes to evaluation criteria and weightings, will continue to be embedded and monitored.
- **Environment and Sustainability in Procurement**  
Sustainability in procurement is evolving rapidly, and for Council encompasses social, economic and environmental sustainability. During the coming year, work will continue to advance Council's approach and requirements for identifying, measuring and improving sustainability in Council's Contracting Activities.
- **First Nations Procurement**  
With development of Council's Stretch Reconciliation Action Plan currently taking place, opportunity exists for the inclusion of procurement initiatives and actions to increase the use of First Nations suppliers within Council's supply chain.

**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 the proposed Procurement Policy and the procurement and disposal framework. This advice supports the policy and framework as being compliant and appropriate for Council.

*Human Rights Act 2019*

The Procurement Policy and associated guidelines are consistent with the *Human Rights Act 2019 (Qld)* and make a contribution towards the protection and promotion of the right to recognition and equality before the law, and the cultural rights of Aboriginal and Torres Strait Islander peoples.

**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 22 June 2023 (OM23/58)**

*That Council:*

- (a) *receive and note the report titled "**2023/24 Procurement Policy and Procurement and Disposal Framework**" and*
- (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) and*

(viii) *Environment and Sustainability in Procurement Guideline (Appendix H).*

**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 2024 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 and
- each contracting activity, which has a Significant Contracting Plan, is undertaken in a manner consistent with the plan.

## 8.4 APPLICATION OF NATIONAL COMPETITION POLICY 2024-25

<b>File No:</b>	<b>Council Meetings</b>
<b>Author:</b>	<b>Coordinator Commercial Analysis Business Performance Group</b>
<b>Appendices:</b>	<b>App A - Justification for not applying the Code of Competitive Conduct..... 143</b> <a href="#">↓</a> 
<b>Attachments:</b>	<b>Att 1 - Legislative Requirements 2024-25..... 149</b> <a href="#">↓</a> 
	<b>Att 2 - Business Activity Identification 2024-25..... 155</b> <a href="#">↓</a> 
	<b>Att 3 - Full Cost Performance 2022-23 ..... 159</b> <a href="#">↓</a> 

### PURPOSE

The purpose of this report is to make recommendations for the application of National Competition Policy reforms for the 2024-25 financial year.

### EXECUTIVE SUMMARY

The key recommendations for the 2024-25 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 2024-25 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 2022-23 is shown in **Attachment 3**.

### OFFICER RECOMMENDATION

**That Council:**

- receive and note the report titled "Application of National Competition Policy 2024-25"**
- apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2024-25 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 2024-25 financial year, in accordance with section 47 of the *Local Government Act 2009*:
- (i) Sunshine Coast Holiday Parks and
  - (ii) Quarries and
- (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 Complexes 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 and
  - (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 of 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:** 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 was undertaken with Councillor E Hungerford, Councillor J Natoli and Councillor J Broderick.

### **Internal Consultation**

- Executive Leadership Team
- Chief Financial Officer
- Coordinator Business Operations
- Coordinator Cemeteries
- Coordinator Corporate Planning & Performance
- Coordinator Financial Accounting
- Coordinator Financial Services
- Coordinator Healthy Places
- Coordinator Smart City Framework
- Coordinator Sports Venues & Development
- Head of Economic Development
- Head of Property
- Manager Arts Heritage & Libraries
- Manager Asset Management
- Manager Business and Innovation
- Manager Transport Network Operations
- Manager Customer Response
- Manager Development Services
- Manager Environmental Operations
- Manager Parks & Gardens
- Manager Sport & Community Venues
- Manager Transport Network Management
- Manager Waste and Resources Management
- Parking and Transport Manager
- Contracts Manager (Holiday Parks)
- 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, the reform options 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 2022-23 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 2024-25 thresholds are as follows:

- Significant business activities have expenditure over the \$9.7 million threshold
- Business activities have expenditure over the \$340,000 threshold.

The classification of Council's business activities are listed in the Table 1 below for 2024/2025.

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 NCP reform**

Group	Business Activity	Classification	Full Cost Pricing	Code of Competitive Conduct
Built Infrastructure	Off-street Parking	Prescribed		✖
	Quarries	Prescribed		✓
Business Performance	Retail Electricity Strategy and Sunshine Coast Solar Farm	Prescribed		✖
Customer and Planning Services	Cemeteries	Prescribed		✖
Economic and Community Development	Aquatic Centres	Prescribed		✖
	Caloundra Indoor Stadium	Prescribed		✖
	Caloundra Regional Gallery	Prescribed		✖
	Cultural Heritage	Prescribed		✖
	Festivals (Caloundra Music)	Prescribed		✖
	Festivals (Horizon)	Prescribed		✖
	Multisports Complexes & Showgrounds	Prescribed		✖

Group	Business Activity	Classification	Full Cost Pricing	Code of Competitive Conduct
	Sunshine Coast Holiday Parks	Prescribed		✓.
	Sunshine Coast International Broadband Cable Network	Prescribed		✗.
	Sunshine Coast Stadium and Kawana Sports Precinct	Prescribed		✗.
	Venue 114 & Community Spaces	Prescribed		✗.
Liveability and Natural Assets	Waste and Resources Management	Significant	✓.	

### 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 2024-25 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 Complexes 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 22 June 2023 (OM23/57)**

*That Council:*

- (a) *receive and note the report titled "**Application of National Competition Policy 2023/2024**"*
- (b) *apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2023/2024 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 2023/2024 financial year, in accordance with section 47 of the Local Government Act 2009:*
  - (i) *Sunshine Coast Holiday Parks and*
  - (ii) *Quarries and*
- (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 Complexes 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 and*
  - (xi) *Venue 114 and Community Spaces.*

**Related Documentation**

There is no related documentation relevant to this report.

**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 2024-25 financial year. As the recommended business activity structure for 2024-25 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 2025-2029.	<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 2025-2029.	<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 Creative Arts Plan 2023 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2025-2029 including:</p> <ul style="list-style-type: none"> <li>A shared future that embraces culture, heritage and diversity; and</li> <li>a creative identity that supports community, cohesiveness development and wellbeing</li> </ul>	<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 2025-2029, 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 commercial 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 not a deterrent to new businesses entering the market.</p>
Festivals	<p>The Sunshine Coast Creative Arts Plan 2023 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2025-2029 including:</p> <ul style="list-style-type: none"> <li>A shared future that embraces culture, heritage and diversity; and</li> <li>a creative identity that supports community, cohesiveness development and wellbeing</li> </ul>	<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 Creative Arts Plan specifically:</p> <p>Goal 1 – Empowering and celebrating self-determined First Nations creativity and contemporary cultural expression.</p> <p>Goal 2- building the capacity of the region's creatives, artists and sector so that they are professional, skilled and connected.</p> <p>Goal 3 – growing arts audiences through participation and diverse, meaningful and tailored experiences</p> <p>Goal 5 – cultivating the Sunshine Coast identity as a creative region that attracts attention, talent and investment.</p> <p>The market for festival events is heavily influenced by time, place and content. 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, 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's cultural festivals are a specific sector development and local showcase opportunity.</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
		<p>Council's 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 the ability of all ages and diversities to attend and enjoy such cultural and community events. It also decreases the ability to achieve the Arts Plan goals.</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>
Multisport Complexes and 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 2025-2029.	<p>Multisport Complexes and 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>Multisport 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>



Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
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"> <li>Sunshine Coast Council Corporate Plan 2025-2029</li> <li>Sunshine Coast Sustainable Transport Strategy 2011-2031</li> <li>Sunshine Coast Smart City Framework</li> <li>Sunshine Coast Planning Scheme 2014.</li> </ul>	<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>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>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.</p> <p>While some private sector parking providers may provide off-street parking, they are at different locations provided for different purposes and/or provided for free.</p> <p>Prices charged by Council are benchmarked against private sector providers.</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 2025-2029.</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"> <li>the Queensland spot price for electricity generated</li> <li>the market price for large-scale generation certificates.</li> </ul>
Sunshine Coast International Broadband Cable Network	<p>The Sunshine Coast International Broadband Cable 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>	<p>The Sunshine Coast International Broadband Cable Network project helps to stimulate local business, generate new investment and improve 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</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
		<p>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 2025-2029.	<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 2025-2029 including:</p> <ul style="list-style-type: none"> <li>A shared future that embraces culture, heritage and diversity; and</li> <li>a creative identity that supports community, cohesiveness development and wellbeing</li> </ul>	<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>



## NATIONAL COMPETITION POLICY

### CURRENT STATUTORY REQUIREMENTS AND REFORM OPTIONS

In April 1995, the Australian Government and all states and territories agreed to the implementation of a National Competition Policy (NCP). The NCP represents a commitment from governments to reduce restrictions to competition to enhance the overall efficiency of Australia's economic performance.

At the local government level, the underlying philosophy is to improve service delivery efficiency and reduce costs to both government and the community through competitive neutrality, while removing any competitive advantage enjoyed by Council purely due to its nature.

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 with operational expenditure exceeding \$9.7 million 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 (the Code) to smaller, prescribed business activities that are not "significant" business activities, but which meet a \$340,000 expenditure threshold. Should Council decide to not apply the Code, then it is required to provide detail of the reasons for not doing so.

Additionally, under the *Local Government Act 2009* and *Local Government Regulations 2012*, specific National Competition Policy disclosures of business activities are required in the Budget documents, Annual Report and Financial Statements.

#### 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
- The threshold for significant business activities in operating expenditure excluding depreciation and competitive neutrality adjustments plus interest plus loan redemption. Refer section 19 & 20 *Local Government Regulations 2012*.

- The threshold for prescribed business activities in operating expenditure plus interest plus cost of sales plus depreciation. Refer section 39 *Local Government Regulations 2012*.
- 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.

### **1. Significant Business Activities**

The significant business activity expenditure threshold 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)*.

## **2. Code of Competitive Conduct Business Activities**

- The business activity expenditure threshold 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.

## **3. 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 2023/24* and the
- *Development Services Register of Cost-recovery Fees and Commercial Charges 2023/24*.

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 2024-2025

Threshold analysis is based on the 2023-2024 budget operating expenditure data.

**Table 1: Significant business activity – full cost pricing reform**

(Expenditure threshold \$9.7 million)

Group	Significant Business Activity	FY2024 Expenditure \$'000
Liveability and Natural Assets	Waste and Resources Management	\$75,648

**Table 2: Prescribed business activities – reform option code of competitive conduct**

(Expenditure threshold \$340,000)

Group	Prescribed Business Activity	FY2024 Expenditure \$'000
Built Infrastructure	Quarries	\$2,824
	Off-street Parking	\$1,585
Business Performance	Retail Electricity Strategy and Sunshine Coast Solar Farm	\$4,830
Customer and Planning Services	Cemeteries	\$2,200
Economic and Community Development	Caloundra Regional Gallery	\$1,254
	Cultural Heritage	\$1,078
	Festivals (Horizon)	\$841
	Festivals (Caloundra Music)	\$3,609
	Aquatic Centres	\$2,704
	Venue 114 & Community Spaces	\$2,419
	Caloundra Indoor Stadium	\$865
	Multisport Complexes and Showgrounds	\$1,440
	Sunshine Coast Holiday Parks	\$9,535
	Sunshine Coast Stadium and Kawana Sports Precinct	\$3,990
	Sunshine Coast International Broadband Cable Network	\$345

Note: For the threshold test for significant business activities the budget expenditure excludes depreciation and competitive neutrality costs that are not actually incurred plus loan redemption payments.

### 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 \$116,000 in FY 2022/23 which is below the prescribed business activity threshold.

**Table 3: Prescribed business activities – corporatisation reform**

Company	FY2023 Operating Expenditure \$'000
SunCentral Maroochydore Pty Ltd	\$2,964
Sunshine Coast Events Centre Pty Ltd	\$4,530

### 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).

- 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
  - The constrained cost base of these activities is not consistent with the competitive neutrality adjustments required by the pricing provisions
  - 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**

Group	Activity	Attributes above	FY2024 Opex \$'000
Built Infrastructure	Fleet Management	2	\$8,909
	Roads	3, 4	\$67,666
	Parks & Gardens	3, 4	\$50,521
Business Performance	Property Information*	1	\$9,202
	Property Management	2, 3	\$25,115
Civic Governance	Right to Information*	1	\$7,700
Customer and Planning Services	Healthy Places, Response Services, Community Land Permits and Parking*	1	\$21,978
	Development Services*	1	\$23,852
Economic and Community Development	Arts, Heritage and Libraries	3, 4	\$21,669
Liveability and Natural Assets	Natural Areas Management	3, 4	\$26,645

\* FY2024 Operating Expenditure is for the Branch of Council that provides that activity. It is not the cost of specific services where cost recovery fees are charged.

## 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 FY2024/2025**

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 Complexes 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 FULL COST PERFORMANCE 2022-23

2022/23 Actual Financial Data	Waste and Resource Management \$'000	Sunshine Coast Holiday Parks \$'000	Quarries \$'000
Operating revenue	96,117	23,079	1,712
Community service obligations	1,650	0	
<b>Total operating revenue</b>	<b>97,767</b>	<b>23,079</b>	<b>1,712</b>
Operating expenditure excluding interest	65,060	11,066	-4,368
Depreciation	7,082	1,157	255
Competitive neutrality costs excluding income tax equivalent	423	676	48
<b>Total operating expenditure</b>	<b>72,565</b>	<b>12,899</b>	<b>-4,066</b>
<b>Earnings before interest and tax (EBIT)</b>	<b>25,202</b>	<b>10,180</b>	<b>5,777</b>
Return (pre-tax nominal) %	18.7%	11.6%	115.3%
<b>Target return</b>	<b>9,916</b>	<b>4,859</b>	<b>427</b>
Pre-tax nominal weighted average cost of capital %	7.1%	10.1%	8.9%
Income tax equivalent	6,544	2,559	1,684
<b>Surplus/(Shortfall) EBIT to target return</b>	<b>15,286</b>	<b>5,321</b>	<b>5,350</b>
<b>Value of Council's investment in the Business Activity</b>	<b>90,108</b>	<b>54,852</b>	<b>4,883</b>



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**8.5 MAY 2024 FINANCIAL PERFORMANCE REPORT****File No:** Council Meetings**Author:** Acting Coordinator Financial Services  
Business Performance Group**Attachments:** Att 1 - May 2024 Financial Performance Report ..... 167 [↓](#)   
Att 2 - Capital Grant Funded Project Report May 2024..... 177 [↓](#) 

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**PURPOSE**

To meet Council's legislative obligations, a monthly report must 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 2024, in terms of the operating result and delivery of the capital program.

**Operating Performance****Table 1: Operating Budget as at 31 May 2024**

	<b>Original Budget \$000</b>	<b>Current Budget \$000</b>
Total Operating Revenue	590,615	595,258
Total Operating Expenses	566,003	573,241
<b>Operating Result</b>	<b>24,612</b>	<b>22,017</b>

Details of the monthly financial report are contained in **Attachment 1 (to be provided)**.

**OFFICER RECOMMENDATION**

**That Council receive and note the report titled "May 2024 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 2024, 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 Portfolio Councillors, E Hungerford and J Broderick.

### Internal Consultation

This report has been written in conjunction with advice from:

- Acting 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 2023/24 Investment Policy, and  
Sunshine Coast Council's 2023/24 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 14 December 2023 (OM23/149)

*That Council:*

- (a) receive and note the report titled "Budget Review 2 2023/2024"

- 
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2023/24 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) Council's 2023/24 Capital Works Program, endorse the indicative four-year program for the period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- (c) *note the following documentation applies as adopted 22 June 2023*
- (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, and*
  - (iv) the Revenue Statement*
  - (v) the rates and charges to be levied for the 2023/24 financial year and other matters as adopted 22 June 2023*
  - (vi) the Strategic Environment Levy Policy*
  - (vii) the Strategic Arts and Heritage Levy Policy*
  - (viii) the Strategic Transport Levy Policy*
  - (ix) the Derivatives Policy and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

**Ordinary Meeting 21 September 2023 (OM23/104)**

*That Council:*

- (a) receive and note the report titled "Budget Review 1 – 2023/24" and*
- (b) adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2023/24 financial year incorporating:*
  - i. the statement of income and expenditure*
  - ii. the statement of financial position*
  - iii. the statement of changes in equity*
  - iv. the statement of cash flow*
  - v. the relevant measurers of financial sustainability*
  - vi. the long-term financial forecast*



- vii. *Council's 2023/24 Capital Works Program, endorse the indicative four-year program for a period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- (c) *note the following documentation applies as adopted 22 June 2023*
  - i. *the Debt policy*
  - ii. *the Revenue policy*
  - iii. *the total value of 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*
  - v. *the rates and charges to be levied for the 2023/24 financial year and other matters as adopted 22 June 2023*
  - vi. *the Strategic Environment Levy Policy*
  - vii. *the Strategic Arts and Heritage Levy Policy*
  - viii. *the Strategic Transport Levy Policy*
  - ix. *the Derivates Policy and*
- (d) *endorse the Minor Capital Works Program (Appendix B)*

**Special Meeting 22 June 2023 (SM23/2)**

*That Council:*

**1. STATEMENT OF ESTIMATED FINANCIAL POSITION**

*receive and note Appendix A, pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect to the 2022/23 financial year*

**2. ADOPTION OF BUDGET**

*adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2023/24 financial year incorporating:*

- i. *the statement of income and expenditure*
- ii. *the statement of financial position*
- iii. *the statement 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 25 May 2023)*
- viii. *the Revenue Policy (adopted by Council resolution on 25 May 2023)*
- 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 2023/24 Capital Works Program, endorse the indicative four-year program for the period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- xii. the rates and charges to be levied for the 2023/24 financial year and other matters as detailed below in clauses 3 to 10*
- xiii. the 2023/24 Minor Capital Works Program*
- xiv. the Strategic Environment Levy Policy*
- xv. the Strategic Arts and Heritage Levy Policy*
- xvi. the Strategic Transport Levy Policy and*
- xvii. the Derivatives Policy*

**Related Documentation**

2023/24 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

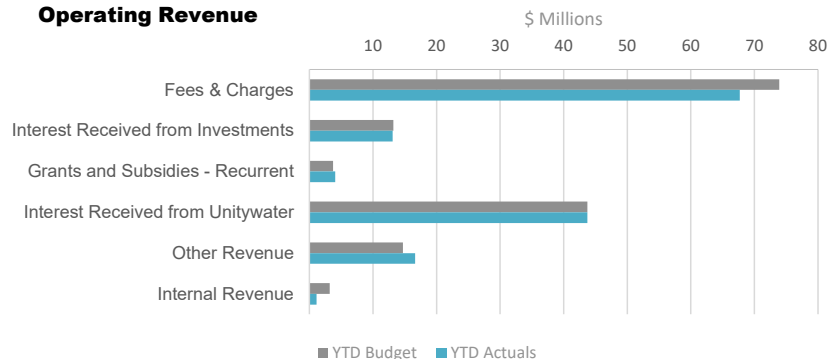


At the end of May 2024, Council has an operating result of \$43.7 million, revenue is below budget by \$6.6 million, and expenses were also below budget by \$4 million, resulting in a \$2.5 million unfavourable variance.

Statement of Income & Expenses							
	Annual		YTD				Annual
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	Forecast Budget \$000
<b>Operating Revenue</b>							
General Rates	298,265	298,265	298,593	298,537	(56)	(0.0%)	298,265
Cleansing Charges	78,328	78,328	78,328	78,328	-	-	78,328
Levies	28,756	30,352	29,727	29,386	(341)	(1.1%)	30,352
Fees and Charges	82,335	79,254	73,916	67,688	(6,228)	(8.4%)	79,254
Interest Received from Investments	13,850	15,350	13,196	13,081	(115)	(0.9%)	15,350
Operating Grants and Subsidies	14,977	18,537	3,716	4,074	358	9.6%	18,537
Operating Contributions	320	320	316	259	(57)	(18.2%)	320
Unitywater Participation	52,438	52,438	43,718	43,718	0	0.0%	52,438
Other Revenue	17,787	18,436	14,723	16,617	1,894	12.9%	18,436
Internal Sales/Recoveries	3,560	3,977	3,182	1,138	(2,044)	(64.2%)	3,977
<b>Total Operating Revenue</b>	<b>590,615</b>	<b>595,258</b>	<b>559,415</b>	<b>552,827</b>	<b>(6,588)</b>	<b>(1.2%)</b>	<b>595,258</b>
<b>Operating Expenses</b>							
Employee Costs	176,203	176,994	159,947	161,398	1,451	0.9%	176,994
Materials and Services	235,600	242,231	211,475	203,201	(8,274)	(3.9%)	242,231
Finance Costs	13,137	12,809	11,770	11,261	(510)	(4.3%)	12,809
Company Contributions	4,657	4,657	4,657	4,656	(1)	(0.0%)	4,657
Depreciation Expense	105,674	105,674	98,335	98,337	2	0.0%	105,674
Other Expenses	26,732	26,874	23,009	24,057	1,048	4.6%	26,874
Recurrent Capital Expenses	4,000	4,000	4,000	6,201	2,201	55.0%	4,000
<b>Total Operating Expenses</b>	<b>566,003</b>	<b>573,239</b>	<b>513,193</b>	<b>509,112</b>	<b>(4,082)</b>	<b>(0.8%)</b>	<b>573,239</b>
<b>Operating Result</b>	<b>24,612</b>	<b>22,019</b>	<b>46,222</b>	<b>43,715</b>	<b>(2,507)</b>	<b>(5.4%)</b>	<b>22,019</b>
<b>Capital Revenue</b>							
Capital Grants and Subsidies	70,836	99,758	53,247	53,247	0	0.0%	99,758
Capital Contributions - Cash	32,384	32,481	24,312	24,312	0	0.0%	32,481
Capital Contributions - Fixed Assets	82,820	82,820	18,439	18,439	0	0.0%	82,820
<b>Total Capital Revenue</b>	<b>186,040</b>	<b>215,059</b>	<b>95,998</b>	<b>95,998</b>	<b>0</b>	<b>0.0%</b>	<b>215,059</b>
<b>Non-recurrent Expenses</b>							
Profit/Loss on disposal, revaluation & impairment	-	-	-	3,875	3,875	-	-
Movements in landfill and quarry provisions	2,982	2,982	2,733	2,733	-	-	2,982
Recurrent Capital Expenses - Prior Year	-	-	-	6,206	6,206	-	-
Assets Transferred to Third Parties	-	-	-	-	-	-	-
<b>Total Non-recurrent Expenses</b>	<b>2,982</b>	<b>2,982</b>	<b>2,733</b>	<b>12,814</b>	<b>10,081</b>	<b>368.8%</b>	<b>2,982</b>
<b>Net Result</b>	<b>207,671</b>	<b>234,096</b>	<b>139,487</b>	<b>126,899</b>	<b>(12,587)</b>	<b>(9.0%)</b>	<b>234,096</b>

## Operating Result – May 2024

### Operating Revenue



### Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	590,615	595,258	559,415	552,827	(6,588)	(1.2%)
Operating Expenses	562,003	569,239	509,193	502,910	(6,283)	(1.2%)
Recurrent Capital Expenses	4,000	4,000	4,000	6,201	2,201	55.0%
<b>Operating Result</b>	<b>24,612</b>	<b>22,019</b>	<b>46,222</b>	<b>43,715</b>	<b>(2,507)</b>	<b>(5.4%)</b>
Capital Revenue	186,040	215,059	95,998	95,998	0	0.0%
Non-recurrent Expenses	2,982	2,982	2,733	12,814	10,081	368.8%
<b>Net Result</b>	<b>207,671</b>	<b>234,096</b>	<b>139,487</b>	<b>126,899</b>	<b>(12,587)</b>	<b>(9.0%)</b>

### Substantial Revenue Variance for the Period Ending May 2024

	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
<b>Operating Revenue</b>							
Fees and Charges	82,335	79,254	73,916	67,688	(6,228)	(8.4%)	79,254
Other Revenue	17,787	18,436	14,723	16,617	1,894	12.9%	18,436

As at 31 May 2024, \$552.8 million operating revenue has been achieved resulting in a variance of \$6.6 million (1.2%) below budget.

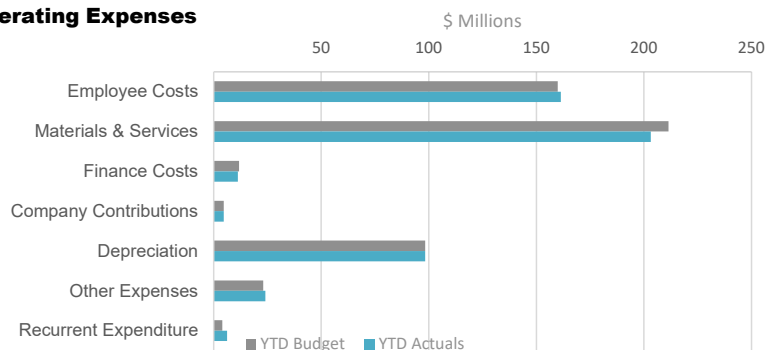
Significant revenue variances include:

- **Fees and Charges** – Plumbing applications and inspections \$2.7 million below budget, Quarry Services sales \$2.5 million below budget, Caloundra Music Festival \$1.6 million below budget.
- **Other Revenue** – Additional revenue received for environmental offsets with commercial properties lease revenue higher than budget plus Sale of electricity easements to Energex providing a one-time boost to the bottom line.



## Operating Result – May 2024 (continued)

### Operating Expenses



### Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	590,615	595,258	559,415	552,827	(6,588)	(1.2%)
Operating Expenses	562,003	569,239	509,193	502,910	(6,283)	(1.2%)
Recurrent Capital Expenses	4,000	4,000	4,000	6,201	2,201	55.0%
<b>Operating Result</b>	<b>24,612</b>	<b>22,019</b>	<b>46,222</b>	<b>43,715</b>	<b>(2,507)</b>	<b>(5.4%)</b>
Capital Revenue	186,040	215,059	95,998	95,998	0	0.0%
Non-recurrent Expenses	2,982	2,982	2,733	12,814	10,081	368.8%
<b>Net Result</b>	<b>207,671</b>	<b>234,096</b>	<b>139,487</b>	<b>126,899</b>	<b>(12,587)</b>	<b>(9.0%)</b>

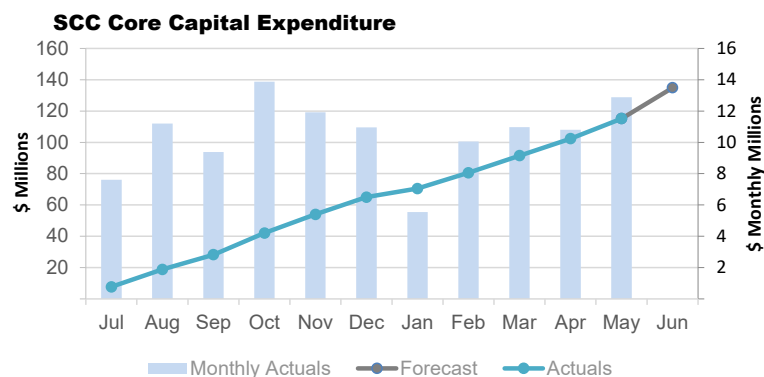
### Substantial Expenditure Variance for the Period Ending May 2024

	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
<b>Operating Expenses</b>							
Materials and Services	235,600	242,231	211,475	203,201	(8,274)	(3.9%)	242,231
Other Expenses	26,732	26,874	23,009	24,057	1,048	4.6%	26,874

As at 31 May 2024, \$509 million had been expended resulting in a variance of \$4 million (0.8%) below budget.

- **Materials and Services** – Lower than expected contractor expenses have been realised throughout various areas of Council resulting in lower than budget expenditure in Waste \$1.75 million, Solar Farm energy charges \$1.4 million, Quarry Services \$1.9 million and Caloundra Music Festival \$644,000.
- **Other expenses** – Contributions and Donations are above budget and reactive maintenance expenses for council fleet vehicles is \$196,000 higher than budget. Software licences \$99,000 above budget.

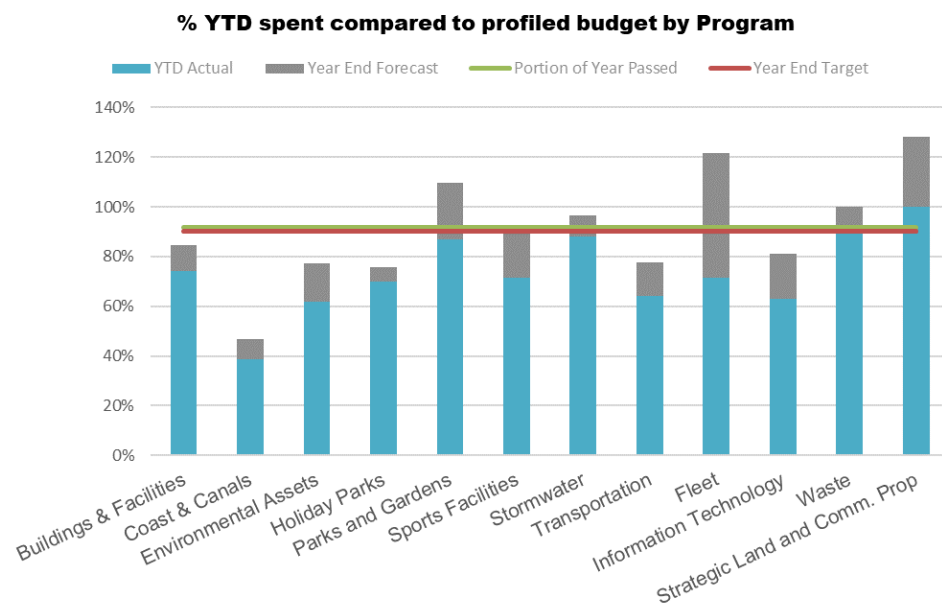
# Capital Expenditure - May 2024



- On 31 May 2024, \$248.8 million (74.8%) of Council's \$332.6 million Capital Works Program had been financially expended.
- The Core Capital Program has progressed 68% of budget, an actual spend of \$115 million.
- Corporate Major Projects has progressed 83%
- A range of significant projects continue to progress with construction during first half of 2024 including
  - Caloundra Centre Activation – Library
  - Honey Farm Road Sports and Recreation Precinct works
  - Stringybark Road Pedestrian and Cycle Bridge
  - Charles Clarke Park Revetment Wall
  - Outrigger Park Boat Ramp and Carpark

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
<b>Core Capital Works Program</b>						
Aerodromes	845	995	1,122	112.8%	1,122	127
Buildings and Facilities	31,331	20,905	15,516	74.2%	17,654	(3,251)
Coast and Canals	2,087	6,523	2,532	38.8%	3,043	(3,479)
Environmental Assets	3,497	3,857	2,381	61.7%	2,973	(884)
Minor Works	5,020	5,726	2,804	49.0%	4,136	(1,591)
Holiday Parks	2,556	1,643	1,148	69.9%	1,246	(397)
Parks and Gardens	12,176	12,024	10,463	87.0%	13,182	1,158
Sports Facilities	19,438	10,621	7,594	71.5%	9,496	(1,125)
Quarries	-	-	62	-	62	62
Stormwater	15,515	11,230	9,886	88.0%	10,853	(377)
Transportation	87,862	96,087	61,703	64.2%	74,690	(21,398)
<b>Total SCC Core Capital Program</b>	<b>180,328</b>	<b>169,612</b>	<b>115,211</b>	<b>67.9%</b>	<b>138,457</b>	<b>(31,154)</b>
Disaster Recovery Funding Arrangements	40,089	41,553	24,360	58.6%	35,992	(5,561)
Fleet	5,242	4,000	2,861	71.5%	4,864	864
Information Technology	10,000	9,631	6,071	63.0%	7,801	(1,830)
Waste	25,203	49,503	45,527	92.0%	49,424	(79)
Corporate Major Projects	32,975	28,007	23,222	82.9%	25,233	(2,774)
Strategic Land and Commercial Properties	36,880	30,075	30,039	99.9%	38,517	8,442
Maroochydore City Centre	-	275	120	43.5%	120	(155)
Sunshine Coast Airport Runway	-	-	1,396	-	1,396	1,396
<b>Total Other Capital Program</b>	<b>150,389</b>	<b>163,044</b>	<b>133,596</b>	<b>81.9%</b>	<b>163,346</b>	<b>302</b>
<b>TOTAL</b>	<b>330,716</b>	<b>332,656</b>	<b>248,807</b>	<b>74.8%</b>	<b>301,803</b>	<b>(30,852)</b>

## Capital Expenditure – May 2024 (continued)



### Coast and Canals

- \$2.5 million budget for Charles Clarke Park, works started February 2024, 59% expensed.

### Building and Facilities

- \$20.7 million budget including community and corporate facilities has progressed 74%, with a spend of \$15.5 million

### Fleet

- \$4.2 million on order, with \$2.9 million of fleet received so far. Some fleet on order will be received next financial year.

### Parks and Gardens

- \$2.88 million Coastal Pathways has progressed to 133% with a spend of \$4.8 million with higher than budgeted costs for pathway between access 233 to 229 in Warana.
- \$8 million Recreational Parks program has progressed 59% with a spend of \$5.6 million

### Sports Facilities

- \$5.8 million Honey Farm Road Project has progressed 48% with a spend of \$2.8 million

### Strategic Land and Commercial Properties

- Acquisitions and negotiations for land associated with Council's trunk road infrastructure and open space requirements will continue through the financial year, currently 99% expensed

### Transportation

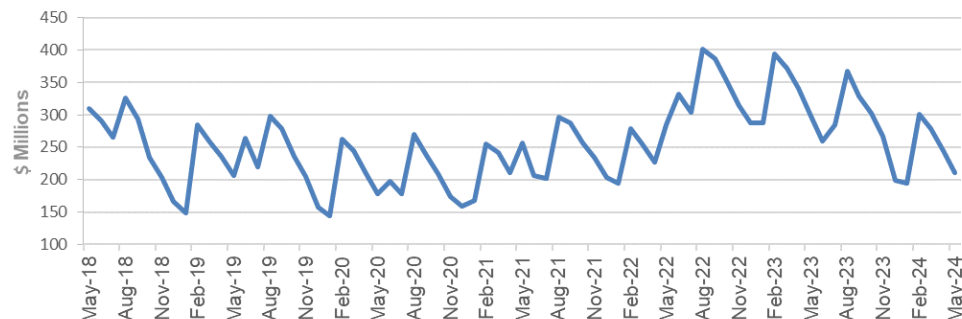
- Council's \$25 million road resurfacing and rehabilitation program has progressed 87% with a spend of \$22 million
- Council's \$9.8 million Unsealed Road Upgrades program has progressed 96% with a spend of \$9.4 million
- Council's \$1.2 million bus stop program has progressed 78% with a spend of \$944,000
- Pedestrian and Cycling Enabling Facilities has progressed 86% with a spend of \$3.4 million

### Waste

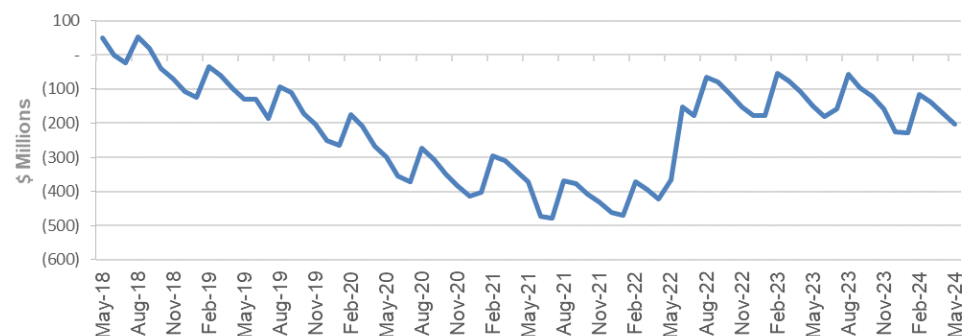
- Waste Program is 92% spent with construction complete on the new Material Resource Facility (MRF) and the facility is now operational at the Nambour Waste Precinct
- The Landfill Expansion at Nambour has expensed \$12 million this financial year

# Cash Flows and Balance Sheet

**Cash Balance**



**Net Cash**



Cash and Balance Sheet 2023-24	
	Current Budget \$'000s
<b>CASH FLOWS</b>	
Opening Cash	260,120
Net Cash Inflow/(Outflows) from:	
Operating Activities	85,682
Investing Activities	(144,892)
Financing Activities	4,457
<b>Net Increase/(decrease) in Cash Held</b>	<b>(54,753)</b>
<b>Cash at year end</b>	<b>205,367</b>
<b>BALANCE SHEET</b>	
Current Assets	279,734
Non Current Assets	7,332,142
<b>Total Assets</b>	<b>7,611,876</b>
Current Liabilities	178,915
Non Current Liabilities	509,749
<b>Total Liabilities</b>	<b>688,664</b>
<b>Net Community Assets/Total Community Equity</b>	<b>6,923,212</b>

- Council's cash at 31 May 2024 is \$212 million
- Council's debt at 31 May 2024 is \$418 million

# Debt

Sunshine Coast Council's debt program is governed by the 2023/24 Debt Policy, which was adopted with the Original Budget adoption on 22 June 2023.

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.

Council's anticipated borrowings for the 2023-24 financial year are forecast at \$28.5 million and relate to:

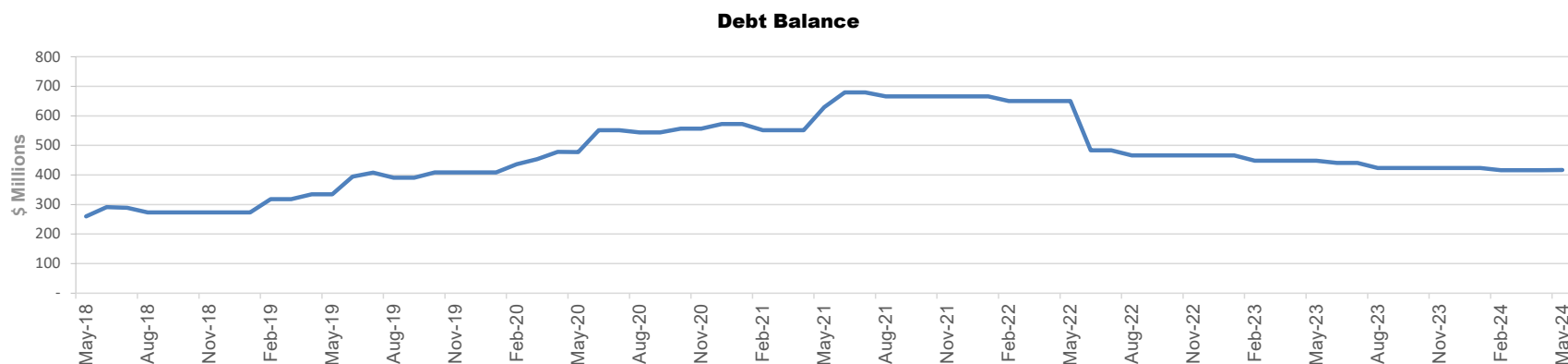
- \$26.6 million for Waste
- \$1.9 million for Holiday Parks

These borrowings will be drawn down during the month of June.

Council's current debt as at 31 May 2024 is \$418 million. Council repays debt twice yearly in August and February.

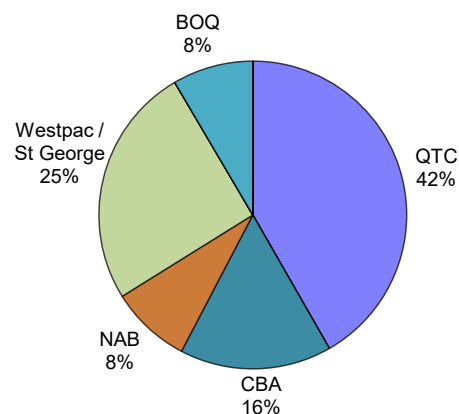
Debt - 2023/24				
	Opening Balance \$000	Debt Redemption \$000	New Borrowings \$000	Closing Balance \$000
Sunshine Coast Council Core	335,286	18,103	28,542	345,724
Maroochydore City Centre	106,481	6,042	-	100,439
<b>Total</b>	<b>441,767</b>	<b>24,145</b>	<b>28,542</b>	<b>446,164</b>

Table 1: 2023/24 Adopted Debt Balance

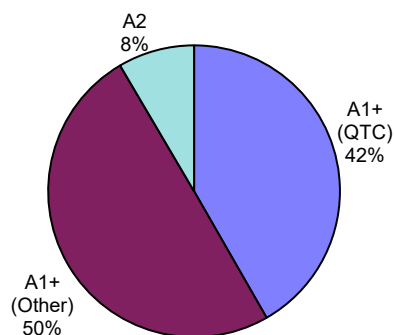


# Investment Performance

Investment per financial institution (%)



Investment by Standard & Poor's (Short Term Credit Rating)



Investment Performance - May 2024			
Liquidity as at:		31/05/2024	
		\$'000's	
At-call accounts			
QTC + CBA (excl. trust)	112,252	47.51%	
Maturities within 7 days	-	0.00%	
<b>Total at-call</b>	<b>112,252</b>	<b>47.51%</b>	
Investment Policy Target		10.00%	

Term deposits maturing:		\$'000's		Count
within 30 days		40,000		4
30-59 days		30,000		3
60-89 days		-		-
90-179 days		30,000		3
180-364 days		-		-
1 year - 3 years		-		-
<b>Total</b>		<b>100,000</b>		<b>10</b>

INVESTMENT SUMMARY (including Trust) as at:							Investment Policy	
	31/05/2024		29/02/2024		31/05/2023		Individual Limit	Group Limit
A1+ (QTC)	98,552	42%	92,662	28.6%	129,710	43.2%	100%	100%
A1+ (Other)	117,701	50%	211,712	65.3%	140,634	40.2%	100%	100%
A1	-	0%	-	0.0%	30,000	10.0%	60%	100%
A2	20,000	8%	20,000	6.2%	20,000	6.7%	60%	90%
A3	-	0%	-	0.0%	-	0.0%	10%	30%
Total Funds	236,253		324,374		320,343			
FUND SUMMARY								
General Funds	212,252		301,382		308,504			
Trust Funds	24,001		22,991		11,839			
Total Funds	236,253		324,374		320,343			

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 31 May 2024 Council had \$212 million cash (excluding Trust Fund), with an average interest rate of 5.0%, being 0.65% above benchmark. This is compared to the same period last year with \$308.5 million cash (excluding Trust Fund) with an average interest rate of 4.52%, being 0.97% above benchmark.
- The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill index (BAUBIL).





2023/24 Financial Year Grant Funding							
	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
<b>Federal Government</b>						<b>(\$14,662)</b>	<b>\$6,230</b>
1	<b>Roads to Recovery Program</b>					(\$3,644)	
	<b>Local Road and Community Infrastructure Grant Funding - Round 2 - Agreement end date 30 June 2022</b>					(\$400)	\$442
2	H3799 - LRCIP2 - Zgrajewski Road Gravel Road Upgrade	Division 09	Yandina Creek	January 2022	November 2022	(\$400)	\$442
	<b>Local Road and Community Infrastructure Grant Funding - Round 3 - Agreement end date 30 June 2023</b>					(\$770)	\$747
3	H5465 - LRCIP3 Lake Weyba Foreshore Trail Upgrade	Division 09	Lake Weyba			(\$370)	\$397
4	K2732 - LRCIP3 WOR LED Streetlighting Upgrades	Whole of Council			June 2024	(\$400)	\$350
	<b>Black Summer Bushfire Recover Grants Program</b>					(\$459)	\$804
5	K3402 - Nambour Showgrounds PA System	Division 10	Nambour			(\$459)	\$804
	<b>Urban Congestion Fund</b>					(\$4,337)	\$4,237
6	H3747 - Mooloolaba Transport Corridor - D and C	Division 04	Mooloolaba		November 2023	(\$4,337)	\$4,237
	<b>7 Recycling Modernisation Fund</b>					(\$5,072)	
<b>State Government</b>						<b>(\$79,580)</b>	<b>\$13,059</b>
8	<b>Disaster Recovery Funding Arrangements</b>					(\$41,806)	
	<b>Blackspot Funding</b>					(\$2,802)	\$619
9	K3443 - Blackspot Old Gympie Road Beerwah to Landsborough	Division 01	Beerwah			(\$66)	\$41
10	K3444 - Blackspot Ilkley Road Ilkley - Hazard Signage and Delineation Upgrade	Division 05	Ilkley			(\$258)	\$109
11	K3445 - Blackspot Brisbane Road Mooloolaba - Signal Upgrade	Division 04	Mooloolaba	February 2024	March 2024	(\$77)	\$17
12	K4894 - Blackspot - Beerburum Street and Cooroy	Division 02	Dicky Beach	March 2024	July 2024	(\$1,305)	\$220
13	K4895 - BlackSpot - Old Gympie Road	Division 01	Beerwah	May 2024	June 2024	(\$1,000)	\$52
14	K2085 - BlackSpot Edmund Street and William Street Intersection	Division 02	Shelly Beach			(\$97)	\$181
	<b>Local Government Alliance</b>					(\$11)	\$0
15	B1514 - TMR Local Government Alliance	Whole of Council				(\$11)	\$0
	<b>2022-24 Local Government Grants and Subsidies Program</b>					(\$686)	\$2,480
16	H5637 - Caloundra Headland Coastal Pathway	Division 02	Kings Beach	May 2023	July 2024	(\$686)	\$2,480
	<b>Queensland Transport MOU</b>					(\$1,620)	\$111
17	H8786 - Design and Permits Outrigger Boat Ramp	Division 04	Minyama			(\$1,620)	\$111
	<b>Queensland Transport Cycle Network Program</b>					(\$2,819)	\$1,046
18	H3839 - LGIP Stringybark Rd Footbridge-Pathway	Division 07	Sippy Downs	September 2023	December 2023	(\$2,800)	\$971
19	H4851 - LGIP Ballinger Rd Active Transport Link	Division 07	Buderim			(\$19)	\$75
	<b>Community Recreational Assets Recovery Resilience Program</b>					(\$750)	\$797
20	H1977 - CRARRP - Maroochy Multi-Sports Development	Division 07	Maroochydhore			(\$297)	\$301
21	K4238 - CRARRP - Maroochydhore Regional Football	Division 07	Kunda Park			(\$40)	\$79
22	K4240 - CRARRP - Suncoast Hinterland BMX Club	Division 05	Landsborough	September 2023	September 2023	(\$81)	\$42
23	K4243 - CRARRP - Sugar Bag Eastern Trail Repairs	Division 02	Caloundra West			(\$279)	\$363
24	K4244 - CRARRP - Parklands Conservation Park Trails Restoration	Division 09	Bli Bli			(\$52)	\$12
	<b>25 Passenger Transport Accessible Infrastructure Program</b>					(\$330)	
	<b>26 Passenger Transport Infrastructure Investment Program</b>					(\$250)	
	<b>Minor Infrastructure Program</b>					(\$840)	\$1,690
27	K3519 - Nambour Yandina United Football Club change rooms designs	Division 10	Yandina			(\$590)	\$1,647
28	H3892 - Lions-Norrie Job Park, Coolum Landscape Plan	Division 09	Coolum Beach			(\$250)	\$44
	<b>School Transport Infrastructure Program</b>					(\$940)	\$944
29	K4380 - STIP - Chancellor State College - Columbia Street	Division 06	Sippy Downs	November 2023	February 2024	(\$300)	\$400
30	K4382 - STIP - Currimundi State School Buderim	Division 03	Battery Hill			(\$253)	\$282
31	K4383 - STIP - Buderim Mountain State School Lindsay Road	Division 07	Buderim	March 2024	May 2024	(\$205)	\$37
32	K4384 - STIP - Peachester Primary School Peachester	Division 01	Peachester			(\$182)	\$225
	<b>Transport Infrastructure Development Scheme</b>					(\$1,964)	\$1,074
33	H4615 - Sippy Downs School Precinct	Division 06	Sippy Downs			(\$690)	\$287
34	H4617 - Mooloolaba School Precinct	Division 04	Mooloolaba			(\$10)	\$0
35	H8416 - Emu Mountain Road Pathway Construction	Division 09	Coolum Beach			(\$120)	\$111
36	K2723 - Camp Flat Road Upgrade Stage 4	Division 09	Bli Bli	September 2023		(\$1,144)	\$677

2023/24 Financial Year Grant Funding							
	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
<b>South East Queensland Community Stimulus Program - Agreement end date 30 June 2024</b>						<b>(\$2,512)</b>	<b>\$4,027</b>
37	H1670 - SEQCSP First Avenue Streetscape	Division 04	Maroochydore	February 2024	June 2025	(\$910)	\$233
38	K1618 - SEQCSP Caloundra Indoor Sports Stadium - Roof Replacement	Division 02	Caloundra	July 2023	December 2023	(\$357)	\$2,550
39	H7141 - SEQCSP Jack Morgan Park Amenities	Division 04	Minyama			(\$178)	\$494
40	H7863 - SEQCSP Coolum Sports Complex Intersection	Division 09	Coolum Beach	September 2023	November 2023	(\$647)	\$667
41	H4602 - SEQCSP Woombye Streetscape Placemaking	Division 05	Woombye	October 2022	April 2024	(\$420)	\$83
<b>Qcoast 2100</b>						<b>(\$250)</b>	<b>\$271</b>
42	K4295 - Esplanade Golden Beach Foreshore Rehabilitation	Division 02	Golden Beach			(\$250)	\$271
43	<b>Recycling and Jobs Fund</b>					<b>(\$22,000)</b>	
<b>Project Complete</b>							

**8.6 AUDIT COMMITTEE MEETING 23 MAY 2024****File No:** Council Meetings**Author:** Manager Audit, Assurance and Risk Advisory Services  
Civic Governance**Appendices:** App A - Audit Committee Minutes 22 May 2023 ..... 185 [!\[\]\(23d9fc146e83b5c3013cfa32c784f8d5\_img.jpg\)](#) [!\[\]\(f5c463b8c1554ac5049d611bd8e33a51\_img.jpg\)  
App B - 2024 – 2025 Internal Audit Program of Work ..... 207 \[!\\[\\]\\(54f1390f33a36173a1b97c4b6eb40204\\_img.jpg\\)\]\(#\) \[!\\[\\]\\(1301e78e125668a3a0cedabdef0db7f3\\_img.jpg\\)\]\(#\)](#)**PURPOSE**

To provide Council with a report on matters considered at the Audit Committee ("the Committee") meeting held on 23 May 2024 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. As at the date of the most recent Audit Committee meeting held on 23 May 2024, Council's Audit Committee comprised Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Ms Sue Tindal (Independent Member), Councillor E Hungerford and Councillor J Natoli.

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 Audit Committee on 23 May 2024 covered a number of matters:

- Meeting Minutes and Audit Committee Resolutions/Action Items
- Chief Executive Officer's Update
- Finance: Annual Financial Statement Risk and Planning Assessment
- Finance: Program of Work for Asset Valuation
- Queensland Audit Office: First Interim Report for 2023/24
- People: Wellbeing Health and Safety Report
- Governance: Strategic Risk Update
- Governance: Operational Risk Profile Overview
- Governance: Internal Audit Program of Work update
- Governance: Proposed Internal Audit 2024-2025 Program of Work
- Governance: Recommendation Monitoring
- Governance: Internal Audit Reports
- People and Culture: Gender Pay Equity Briefing
- Governance: Audit Committee Performance Assessment.

**OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Audit Committee Meeting 23 May 2024”**
- (b) endorse the Minutes of the Audit Committee meeting of 23 May 2024 at Appendix A to this report and**
- (c) accept the recommendation of the Audit Committee dated 23 May 2024 and in doing so, approve the 2024 – 2025 Internal Audit Program of Work at Appendix B.**

**FINANCE AND RESOURCING**

There are no financial or resourcing issues specifically associated with this report. The report fulfils the statutory reporting obligations of Council.

**CORPORATE PLAN**

<b>Corporate Plan Goal:</b>	<b><i>Our outstanding organisation</i></b>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

**CONSULTATION****Councillor Consultation**

Councillor J Broderick, Councillor J Natoli and Councillor E Hungerford attended the Audit Committee meeting on 23 May 2024.

All Councillors received the Audit Committee agenda and papers prior to the meeting.

**Internal Consultation**

The Chief Executive Officer and other Executive Leadership Team (ELT) members participated in the Committee meeting and contributed to the development of the Committee Agenda papers. Other officers consulted in the preparation of papers for consideration at the Audit Committee meeting on 23 May 2024 included:

- Chief Financial Officer
- Coordinator Financial Accounting
- Manager Asset Management Branch
- Wellbeing, Health and Safety Manager
- Head of People and Culture
- Coordinator Risk and Insurance

The Chief Executive Officer and all Executive Leadership Team members received the Audit Committee agenda and papers prior to the meeting.

**External Consultation**

The independent external members of the Committee were present at the Committee meeting on 23 May 2024.

**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;
  - (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.

At the time of the Audit Committee meeting on 23 May 2024, the Committee comprised Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Ms Sue Tindal (Independent Member), Councillor E Hungerford and Councillor J Natoli.

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.

The most recent meeting of the Audit Committee took place on 23 May 2024. The minutes of the Committee meeting are provided at **Appendix A** to this report.

**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 7 March 2024 (OM24/15)**

*That Council:*

- (a) receive and note the report titled "**Audit Committee Meeting 26 February 2024**" and
- (b) endorse the Minutes of the Audit Committee meeting of 26 February 2024 at Appendix A to this report.

**Ordinary Meeting 14 December 2023 (OM23/151)**

*That Council:*

- (a) receive and note the report titled "**Audit Committee Meeting 9 November 2023**" and
- (b) endorse the Minutes of the Audit Committee meeting of 9 November 2023 at Appendix A to this report.

**Ordinary Meeting 26 October 2023 (OM23/118)**

*That Council:*

- (a) receive and note the report titled "Audit Committee Meetings of 7 September 2023 and 6 October 2023"
- (b) endorse the Minutes of the Audit Committee meeting of 7 September 2023 at Appendix A to this report and
- (c) endorse the Minutes of the Audit Committee meeting of 6 October 2023 at Appendix B to this report

**Ordinary Meeting 22 June 2023 (OM23/60)**

*That Council:*

- (a) receive and note the report titled "**Audit Committee Meeting 22 May 2023**"
- (b) endorse the Minutes of the Audit Committee meeting of 22 May 2023 (Appendix A)
- (c) accept the recommendation of the Audit Committee dated 22 May 2023 of the proposed 2023 – 2024 Audit and Assurance Program of Work (Appendix B) and
- (d) approve the realigned annual meeting schedule for the Audit Committee as follows, to commence from 1 July 2023:
  - February
  - May
  - Late August/Early September
  - October - teleconference to consider annual financial statements
  - November

**Related Documentation**

Audit Committee Agenda and papers for 23 May 2024



**Sunshine Coast Council Audit Committee Charter****Implementation**

Implementation of the Audit Committee resolutions and the 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

Thursday, 23 May 2024

Council Chambers, 54 First Avenue, Maroochydore

### AUDIT COMMITTEE MEMBERS

Councillor J Natoli	Division 4
Councillor E Hungerford	Division 7
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member
Ms S Tindal	External Member





AUDIT COMMITTEE MINUTES

23 MAY 2024

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING .....	5
2	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE .....	5
3	INFORMING OF CONFLICTS OF INTEREST .....	6
3.1	PREScribed CONFLICTS OF INTEREST .....	6
3.2	DECLARABLE CONFLICTS OF INTEREST .....	6
4	REPORTS DIRECT TO AUDIT COMMITTEE .....	7
4.1	MEETINGS MINUTES AND AUDIT COMMITTEE RESOLUTIONS/ACTION ITEMS.....	7
4.2	CHIEF EXECUTIVE OFFICER'S UPDATE.....	8
4.3	FINANCE: ANNUAL FINANCIAL STATEMENT RISK AND PLANNING ASSESSMENT .....	9
4.4	FINANCE: PROGRAM OF WORK FOR ASSET VALUATION .....	10
4.5	QUEENSLAND AUDIT OFFICE: FIRST INTERIM REPORT FOR 2023/24.....	11
4.6	PEOPLE: WELLBEING, HEALTH AND SAFETY REPORT .....	12
4.7	GOVERNANCE: STRATEGIC RISK UPDATE .....	13
4.8	GOVERNANCE: OPERATIONAL RISK PROFILE OVERVIEW .....	14
4.9	GOVERNANCE: INTERNAL AUDIT PROGRAM OF WORK UPDATE.....	15
4.10	GOVERNANCE: PROPOSED INTERNAL AUDIT 2024- 2025 PROGRAM OF WORK.....	16
4.11	GOVERNANCE: RECOMMENDATION MONITORING.....	17

AUDIT COMMITTEE MINUTES	23 MAY 2024
4.12	GOVERNANCE: INTERNAL AUDIT REPORTS..... 19
4.13	PEOPLE & CULTURE: GENDER PAY EQUITY BRIEFING ..... 20
4.14	GOVERNANCE: AUDIT COMMITTEE PERFORMANCE ASSESSMENT ..... 21
5	NEXT MEETING..... 22
6	MEETING CLOSURE..... 22

Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Audit Committee.

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

**1      DECLARATION OF OPENING**

The Chair declared the meeting open at 2:04pm.

Councillor E Hungerford 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
Ms S Tindal	External Member

**COUNCIL OFFICERS**

Chief Executive Officer  
Group Executive Built Infrastructure  
Group Executive Business Performance  
Group Executive Civic Governance  
Group Executive Customer and Planning Services  
Group Executive Economic and Community Development  
Group Executive Liveability and Natural Assets  
Manager Audit, Assurance and Risk Advisory Services  
Chief Financial Officer  
Coordinator Financial Accounting  
Coordinator Corporate Risk & Insurance  
Head of People & Culture  
Manager Asset Management Branch

**APOLOGIES**

Manager, Wellbeing Health and Safety

**ATTENDEES**

Councillor J Broderick	Division 1 (Via Teams)
Engagement Manager	Queensland Audit Office



**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**3      INFORMING OF CONFLICTS OF INTEREST**

**3.1      PRESCRIBED CONFLICTS OF INTEREST**

Pursuant to Section 150EL of the *Local Government Act 2009*, no notifications 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 notifications of declarable conflicts of interest were made during this meeting.

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4      REPORTS DIRECT TO AUDIT COMMITTEE**

**4.1      MEETINGS MINUTES AND AUDIT COMMITTEE RESOLUTIONS/ACTION ITEMS**

**File No:**                      **Audit Committee**

**Author:**                    **Manager Audit, Assurance and Risk Advisory Services**  
                                     **Civic Governance**

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**EXECUTIVE SUMMARY**

**Audit Committee Meeting Minutes**

The Committee was advised that the Minutes of the Audit Committee meeting of 26 February 2024 were presented to Council for consideration at its Ordinary Meeting on 7 March 2024.

**Audit Committee Resolutions and Action Items**

Resolutions and action items recorded at Audit Committee meetings refer to specific approvals, recommendations, tasks, actions, or responsibilities assigned to individuals or teams.

**Committee Recommendation** (AC24/17)

**Moved:**                    **Councillor J Natoli**

**Seconded:**                **Councillor E Hungerford**

*That the Audit Committee receive and note the report titled "Meetings Minutes and Audit Committee Resolutions/Action Items".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

---

**4.2      CHIEF EXECUTIVE OFFICER'S UPDATE**

**File No:**                      **Audit Committee**  
**Author:**                    **Manager, Strategy and Policy**  
                                      **Civic Governance**

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**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 provided information on the following items for consideration by the Audit Committee:

- Financial performance update as of 31 March 2024
- Capital Works Program delivery update as of 31 March 2024
- Workplace Health and Safety update as of 31 March 2024
- Significant achievements delivered between 1 January 2024 – 31 March 2024 (Quarter 3 of 2023/24) and
- Summary of Operational Plan performance by exception as of 31 March 2024

**Committee Recommendation** (AC24/18)

**Moved:**            **S Tindal**  
**Seconded:**      **Councillor E Hungerford**

*That the Audit Committee receive and note the report titled "Chief Executive Officer's Update".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.3      FINANCE: 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.

**Committee Recommendation** (AC24/19)

**Moved:**            P McCallum  
**Seconded:**       Councillor E Hungerford

*That the Audit Committee receive and note the report titled "Finance: Annual Financial Statement Risk and Planning Assessment."*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.4      FINANCE: PROGRAM OF WORK FOR ASSET VALUATION**

**File No:**                      **Audit Committee**  
**Author:**                    **Coordinator Financial Accounting**  
                                     **Business Performance Group**

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**EXECUTIVE SUMMARY**

annual basis in line with the *Local Government Act 2009*, *Local Government Regulation 2012* and the Australian Accounting Standards. These financial statements are audited by the Queensland Audit Office or their representative.

Council's Land, Buildings, Transportation, Stormwater and Other Infrastructure asset classes are recorded in the financial statements at fair value. Remaining financial asset classes i.e., Plant & Equipment and Intangibles are held at historical cost.

As per legislation and Australian Accounting Standards, Council is required to comprehensively revalue assets held at fair value at least once every 5 years or when a material change has occurred to an asset class as per industry indices. In the interim years, the index movement is reviewed.

Council will complete comprehensive asset revaluations for Stormwater and Other Infrastructure in 2023/24, along with Transportation which is also due this year. Indexation will be reviewed for Buildings and Land.

A monthly Asset Revaluation Update to the Independent Audit Committee members, Queensland Audit Office and the Executive Leadership Team commenced in December 2023.

Weekly updates are being provided to the CEO and relevant internal stakeholders, along with regular consultation with the Queensland Audit Office.

Regular updates will continue to be provided to Queensland Audit Office and internal stakeholders to ensure risks are mitigated throughout the process.

**Committee Recommendation** (AC24/20)

**Moved:**            **P McCallum**  
**Seconded:**      **S Tindal**

*That the Audit Committee receive and note the report titled "Finance: Program of work for Asset Valuation."*

**Carried unanimously.**

---

**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.5      QUEENSLAND AUDIT OFFICE: FIRST INTERIM REPORT FOR 2023/24**

**File No:**                      **Audit Committee**  
**Author:**                    **Coordinator Financial Accounting**  
                                     **Business Performance Group**

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**EXECUTIVE SUMMARY**

The Queensland Audit Office conducted the First Interim Audit for the 2023/24 financial statement process during March 2024.

In this phase, Queensland Audit Office assessed the design and implementation of Council's internal controls relevant to the financial report, and whether they are operating effectively. They assessed the key controls they intend to rely on in auditing Council's financial statements.

Based on the results of Queensland Audit Office testing completed to date and the resolution of some of the prior year issues, they have determined Council's internal control environment does support an audit strategy where they can rely on Council's controls.

**Committee Recommendation** (AC24/21)

**Moved:**            **Councillor E Hungerford**  
**Seconded:**      **Councillor J Natoli**

*That the Audit Committee receive and note the report titled "Queensland Audit Office: First Interim Report for 2023/24".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.6      PEOPLE: WELLBEING, HEALTH AND SAFETY REPORT**

**File No:**                      **Audit Committee**  
**Author:**                    **Wellbeing Health and Safety Manager**  
                                     **Business Performance Group**

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**EXECUTIVE SUMMARY**

As part of our continuous safety improvement, the Health and Safety Intranet pages have been refreshed to improve employee user-experience and access to safety information. The Wellbeing Intranet page redesign is underway to align with the 'FRESH' Program (5 pillars approach to wellbeing – Fit, Refreshed, Energised, Safe and Happy).

The Wellbeing Health and Safety (WHS) team has held "Listen and Learn" discovery sessions at our libraries.

Improvements to the safety management system and Council's safety culture has achieved ongoing reduction in Lost Time Injuries and Frequency Rates (LTIFR):

- Lost Time Injuries in the 2023/24 financial year from Quarter 3 (n=4) remained consistent with Quarter 2 (n=4)
- A 5% decrease in the severity rate averages from Quarter 2 (n=87.7) to Quarter 3 (n=83.4).

In the third quarter, there was one (1) major incident notifiable to Work Health and Safety Queensland. All actions are completed, and the Incident has been closed.

**Committee Recommendation** (AC24/22)

**Moved:**                    **Councillor J Natoli**  
**Seconded:**              **Councillor E Hungerford**

*That the Audit Committee receive and note the report titled "People: Wellbeing, Health and Safety Report".*

**Carried unanimously.**



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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.7 GOVERNANCE: STRATEGIC RISK UPDATE**

**File No:** Audit Committee  
**Author:** Coordinator Corporate Risk & Insurance  
Civic Governance

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**EXECUTIVE SUMMARY**

The review of the Mitigation Strategies and Controls for each of Council's strategic risks has now been completed. The review included updating the causes and consequences, the mitigation strategies and the controls to reflect the evolution and impacts on Council's current operating environment. The review of mitigations and controls were reviewed, with these categorised on the following basis:

- Operational – day to day functions that take place within operational areas (up to one to two years)
- Tactical – Plans or actions that run up to three years;
- Strategic – Plans or actions that run past three years to advance Council's strategic objectives.

This is in line with the progression of the Strategic Risk Roadmap.

A Risk Appetite Statement and Tolerance Table has also been prepared for consultation with and consideration by the Executive Leadership Team. The methodology used for developing the Risk Appetite Statement and Tolerance Table was based on the Risk Appetite Methodology proposed by Jardine Lloyd Thompson (JLT) for councils across Australia. The framework below was created by JLT to assist local governments with the creation of a sound Risk Appetite Statement.

**Committee Recommendation** (AC24/23)

**Moved:** P McCallum  
**Seconded:** Councillor E Hungerford

*That the Audit Committee receive and note the report titled "**Governance: Strategic Risk Update**".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.8      GOVERNANCE: OPERATIONAL RISK PROFILE OVERVIEW**

**File No:**              **Audit Committee**  
**Author:**            **Coordinator Corporate Risk & Insurance**  
                             **Civic Governance**

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**EXECUTIVE SUMMARY**

During the third quarter of this financial year, there were further operational risk reviews completed in partnership with teams and branches across the organisation.

The Operational Risk Registers will continue to change as the environment and nature of the work Council performs adjusts to the changing operational needs of the Sunshine Coast.

**Committee Recommendation** (AC24/24)

**Moved:**            **S Tindal**  
**Seconded:**      **Councillor E Hungerford**

*That the Audit Committee receive and note the report titled "**Governance: Operational Risk Profile Overview**".*

**Carried unanimously.**

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AUDIT COMMITTEE MINUTES

23 MAY 2024

4.9 GOVERNANCE: INTERNAL AUDIT PROGRAM OF WORK UPDATE

File No: Audit Committee  
Author: Manager Audit, Assurance and Risk Advisory Services  
Civic Governance

EXECUTIVE SUMMARY

The table below provides a progress summary of Internal Audit engagements as at 22 April 2024:

Status	FY2023		FY2024	
Completed	10	91%	3	33%
Reporting	1	9%	2	22%
Fieldwork	0	0%	2	22%
Planning	0	0%	2	22%
Not Started	0	0%	0	0%
Total No. of A&A Activities	11	100%	9	100%

Reports

- Four reports were reported at the 26 February 2024 Audit Committee Meeting
- The following two reports are proposed to be considered at this Audit Committee meeting (see 14.12 Governance: Internal Audit Reports):
  - 2023 - Road Maintenance Program
  - 24-03 - Gender Pay Gap review

Committee Recommendation (AC24/25)

Moved: Councillor E Hungerford  
Seconded: P McCallum

*That Audit Committee receive and note the report titled "Governance: Internal Audit Program of Work Update".*

Carried unanimously.

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.10    GOVERNANCE: PROPOSED INTERNAL AUDIT 2024-2025 PROGRAM OF WORK**

**File No:**                      **Audit Committee**  
**Author:**                    **Manager Audit, Assurance and Risk Advisory Services**  
                                     **Civic Governance**

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**EXECUTIVE SUMMARY**

Contemporary audit planning requires the head of internal audit to identify each year, the audit topics on a strategic, cross-organisational and functional basis, drawing on risk management information.

The proposed 2024-2025 Internal Audit Program of Work for the Audit, Assurance and Risk Advisory Services Branch has been developed in consultation with the Chief Executive Officer, Group Executives and business areas to provide timely, relevant, responsive, and risk-based coverage for aspects of the operations of Council - with the integration of internal audit with risk management and strategic planning.

Whilst most audit topics in the proposed Program of Work are focused on assurance, there is increasing provision for advisory services.

The format for the proposed Program of Work has been expanded this year to provide a more holistic view of the activities with which the Audit, Assurance and Risk Advisory Services Branch is involved.

Once considered by the Audit Committee and endorsed by Council, the Program of Work will become the operating plan for the Internal Audit resources in the Audit, Assurance and Risk Advisory Services Branch.

**Committee Recommendation** (AC24/26)

**Moved:**        **P McCallum**  
**Seconded:**   **S Tindal**

*That the Audit Committee:*

- (a) *receive and note the report titled "Governance: Proposed Internal Audit 2024-2025 Program of Work" and*
- (b) *recommend to Council that the Proposed FY2025 Program of Work be endorsed.*

**Carried unanimously.**

## AUDIT COMMITTEE MINUTES

23 MAY 2024

### 4.11 GOVERNANCE: RECOMMENDATION MONITORING

**File No:** Audit Committee  
**Author:** Manager Audit, Assurance and Risk Advisory Services  
Civic Governance

### EXECUTIVE SUMMARY

As at 31 March 2023, there were 21 active audit recommendations. The table below summarises the status of Audit Recommendations.

		Number	Notes
Reconciliation	<b>Audit Recommendations</b>		
	<b>Being Reviewed and Monitored</b> (ACTIVE at start of period)	21	
	Due to be implemented by 31 March 2024; date extension approved by the responsible Group Executive (Open Audit Recommendation)	0	
	Revised implementation date is proposed for recommendation to Chief Executive Officer (Open Audit Recommendation)	0	
	Implementation date not yet due (Open Audit Recommendation)	16	(See Attachment 1)
	Completed and marked as closed in period. (Closed Audit Recommendation)	5	(See Attachment 2)
Balance	<b>Balance of Open Active Audit Recommendations</b> (at end of period)	16	
	<b>Added</b> – eleven (11) new audit recommendations	11	(See Attachment 3)
	<b>LESS</b> new audit recommendations closed	1	
	<b>Active Audit Recommendations</b> to follow-up for next quarter	26	Balance

**NOTE:** Two (2) Audit Recommendations remain without a due date. However, the two (2) Audit Recommendations are being worked on by the business.

**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

**Committee Recommendation** (AC24/27)

**Moved:**        P McCallum

**Seconded:**    Councillor E Hungerford

*That the Audit Committee receive and note the report titled "Governance: Recommendation Monitoring".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.12    GOVERNANCE: INTERNAL AUDIT REPORTS**

**File No:**                      **Audit Committee**  
**Author:**                    **Manager Audit, Assurance and Risk Advisory Services**  
                                     **Civic Governance**

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**EXECUTIVE SUMMARY**

One report – Road Maintenance – Compliance with Legislation and Best Practice - has recently been completed addressing residual matters from the 2022-2023 Internal Audit program. A report on the current status of two matters identified in the 2023-2024 Internal Audit program – Gender Pay Equity Review and the Employee Central (EC) and Employee Central Payroll (ECP) Dayforce technical review was also presented for the information of the committee.

In each case, audit recommendations have been submitted to and have been considered – or are being considered - by the relevant Group Executive. The assistance of the branch managers and their teams involved in each of these audit assignments and that of their respective Group Executives is appreciated.

Accepted audit recommendations, the responsible officer and nominated completion dates will be captured in the Audit Recommendations Register within the Pulse System.

The implementation of Management Actions is monitored on an ongoing basis by the Audit Committee and the Executive Leadership Team.

**Committee Recommendation** (AC24/28)

**Moved:**            **Councillor J Natoli**  
**Seconded:**      **P McCallum**

*That the Audit Committee receive and note the report titled "Governance: Internal Audit Reports".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.13    PEOPLE & CULTURE: GENDER PAY EQUITY BRIEFING**

**File No:**                      **Audit Committee**  
**Author:**                    **Head of People & Culture**  
                                      **Business Performance Group**

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**EXECUTIVE SUMMARY**

Sunshine Coast Council is not presently covered by the obligations pursuant to the *Workplace Gender Equality Act of 2012*.

At the request of the Chief Executive Officer, the Internal Audit team has engaged MinterEllison to conduct an independent, external review to assess the adequacy and effectiveness of controls independently and objectively in relation to whether there is any evidence of a Gender Pay Gap at SCC (Audit Internal review). This review is also intended to assist with preparing Council for the requirements of the amendments to the *Workplace Gender Equality Act 2012* (WGE Act).

The Chief Executive Officer has expressed interest in self-reporting as soon as practicable.

At a high-level, Council's approach and practices regarding gender equity are found to be sound and Council is appropriately complying with Workplace Gender Equality Act standards.

Council's People and Culture Branch will work with the Internal Audit team to agree on a set management action plans to address the recommendations in the draft report.

**Committee Recommendation** (AC24/29)

**Moved:**            **S Tindal**  
**Seconded:**      **Councillor E Hungerford**

*That the Audit Committee receive and note the report titled "People & Culture: Gender Pay Equity Briefing".*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

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**4.14 GOVERNANCE: AUDIT COMMITTEE PERFORMANCE ASSESSMENT**

**File No:**                      **Audit Committee**  
**Author:**                    **Manager Audit, Assurance and Risk Advisory Services**  
                                     **Civic Governance**

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**EXECUTIVE SUMMARY**

The Audit Committee Self-Assessment Survey is suggested best practice by Queensland Treasury and recommended for use by the Queensland Audit Office (QAO).

An Audit Committee should regularly assess its own performance – and the adequacy of its terms of reference, work plans, forums for discussion and communication – with a view to highlighting skills and/or knowledge gaps and identifying areas in which the committee and its processes might be more effective.

The survey was conducted in the March-April time period, with the following aspects noted:

- The survey responses were treated as anonymous
- The survey had 55 questions
- There were 13 replies received. Not all participants responded to all questions
- One question Q48, was missed out when Q47 was accidentally repeated.
- 80 comments were received across 39 Scored questions.
- 5 comments were received for the one Open-Ended question.
- 73.7% of responses were Agree (361) or Strongly Agree (88).
- 22.7% of responses were Neutral (138).
- 3.5% of responses were Disagree (21).
- Less than 1% of responses were Strongly Disagree (1).

**Committee Recommendation** (AC24/30)

**Moved:**            **P McCallum**  
**Seconded:**      **Councillor J Natoli**

*That the Audit Committee:*

- (a) *receive and note the report titled "Governance: Audit Committee Performance Assessment" and*
- (b) *the chair of the committee will form an action plan with the CEO for consideration at the next meeting.*

**Carried unanimously.**

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**AUDIT COMMITTEE MINUTES**

**23 MAY 2024**

**5 NEXT MEETING**

The next Audit Committee Meeting will be held on 2 September 2024 at the Council Chambers, 54 First Avenue, Maroochydore.

**6 MEETING CLOSURE**

The Audit Committee Chair wishes to acknowledge that this is the Chief Executive Officer's last meeting before leaving council, and to thank her for her contribution to the Audit Committee over the period of his being Chair.

The Audit Committee Chair wishes to acknowledge that this is the Councillor J Natoli's last meeting as one of the two Councillor members of the Committee, and thanks the Councillor for his contribution to the Audit Committee over the period of the last four years.

The meeting closed at 4:24pm.

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# FY2025 PROGRAM OF WORK

## FINAL DRAFT

### INTERNAL AUDIT

01 July 2024 to 30 June 2025

Version	FY2025 Program of Work v0.1
Status	FINAL DRAFT
Last update	2024-05-15
Author	Internal Audit

## Internal Audit FY2025 Program of Work

### Introduction

#### Context

The International Standards for the Professional Practice of Internal Auditing (the standard) define that a risk-based plan is to be established to determine the priorities of the internal audit activity, consistent with the council's goals.

Internal Audit team (IA) provides independent and objective, audit services and advice to management, and the Audit Committee (AC) over the operations, projects, initiatives, and activities that underpin the Sunshine Coast Council's delivery of its corporate plan and strategies.

Looking to increase the role and impact of IA, the Branch will:

FY2024	• Encourage business to engage Audit & Assurance for assurance activities
	• Provide advisory internal audit services to add value
	• Continuing the use of external internal audit providers
	• Working together with business to assess and manage risks, controls, and compliance obligations to enhance and protect the Council.
FY2025	• Leverage off internal audit reviews undertaken in FY2024
	• Fully move to manage action plans as business area response
	• Continuing the use of external internal audit providers
	• Working together with business to assess and manage risks, controls, and compliance obligations to enhance and protect the Council.

IA is looking to increase the insights provided to the CEO across the council, and to increase the value and impact of our work within the business areas.

In this context IA seeks to provide advice and support for business processes and internal controls to strengthen the control environment. There will be opportunities to:

- deliver real time "audit" insights over key projects/reforms, focus reviews in areas of higher risk, leveraging on the work undertaken by the risk management team
- complete key compliance audit reviews
- respond to business needs for audit, process, and internal control advice
- drive an improved internal control environment through education, self-assessment, and advice.

#### How the internal audit topics are chosen

To identify the areas of focus for audit, the following activities were performed:

- Continuing with themed, Council wide and auditing service enabler areas
- Discussion on the audit universe within the team and insights provided
- Formal discussions with the Chief Executive Officer and Group Executives (and Branch Managers if required)

Internal Audit team (IA) will for FY2024 introduce a system of **Substitutions, Deferrals, Additions and Reallocations** needing to be documented for any changes to the FY2024 Program of Work. If a program change is required during the year and IA assessment agrees it is to be added to the Program; capacity will be reviewed, and a current review assessed as being of lower risk or importance will be substituted/replaced.

#### What are the internal audit topics?

Each audit review topic has been overlaid against the Strategic Risk Register to provide the risk context for the audit. Further, initial scoping considerations are outlined to provide the context of the high-level objectives for the audit. The detail of the audit area will be defined at the time of detailed audit planning.

Sensitive

Page 2 of 16

## Internal Audit FY2025 Program of Work

Not all individual audit topics are directly reflected in the strategic risk register or the group/branch risk registers. This is due to the difference in the risk levels being assessed.

IA activity may be separated into six (6) types being:

- **Insights** – mini-reviews to perform a quick health-check, take the pulse of any project, process or activity and deliver an insight report(s) to SCC Council, CEO and ELT.
- **IA Reviews** - Base level compliance reviews focused on core elements of the internal control environment. Conduct end-to-end process walkthrough; then testing or sampling of transactions. Identify opportunities for process or control improvement.
- **IA Services** – Audit and/or advisory based services over initiatives/business processes designed to add value by assessing the effectiveness and efficiency of the project/process. Engagement through a variety of methods such as up-front advice, health checks or on-going monitoring and real time feedback (i.e. following along & acting as a touch point).
- **Program and Project Audit** – reviewing that major projects are managed to deliver the intended benefits, are on time and on budget.
- **Control Environment Initiatives** – continuous improvement program of activities, tasks, events, and actions that should be undertaken and reviewed at regular intervals to ensure progress is being made and that standards are increasing.
- **Audit Administration and IA projects** – activity or project work that is internally focused to the IA function, it is not performed with a "client" focus.

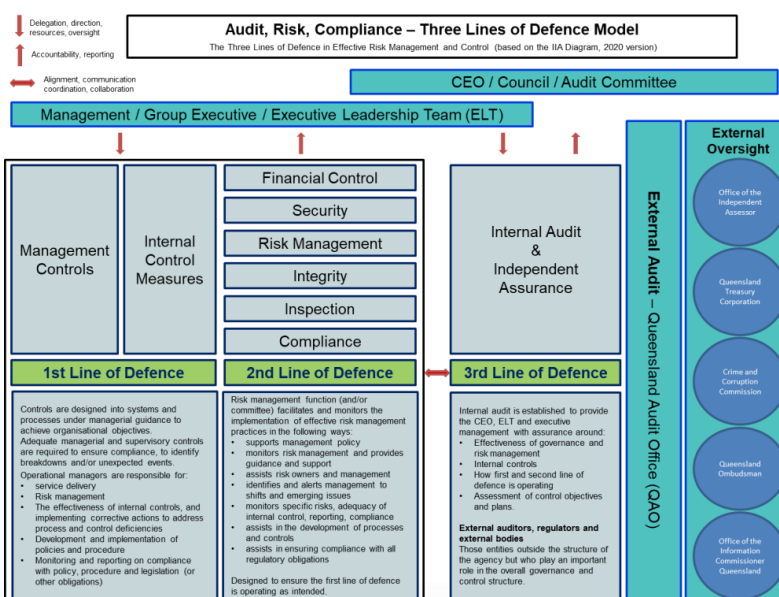
### Three lines of defence

The program of work linkage with the three lines of defence provides line of sight to the Audit Committee (AC) and management of the ways in which key process areas are controlled and risks mitigated.

**First Line of Defence** is by the business units. Control assurance at this level is primarily obtained through segregation of duties, control self-assessment, monitoring and reporting.

**Second Line of Defence** includes management and internal oversight functions.

**Third Line of Defence** is independent assurance. This relates to a third-party evaluation of the effectiveness of management systems and/or specific controls. It also includes the activities performed by IA, independent specialist auditors, other IA functions and external audit.



### Connecting with Risk Management (RM)

IA uses the RM strategic risk register as a key input into defining its focus and activities. This input is influenced by the maturity of the council's risk management framework.

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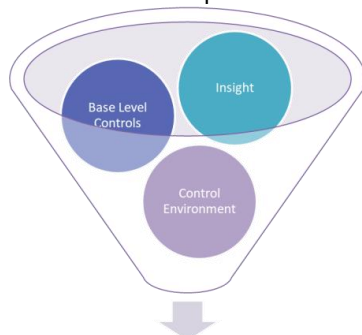
Page 3 of 16

## Internal Audit FY2025 Program of Work

Group/branch risk registers will also be reviewed, where available.

### Value of Internal Audit Activities

**Base Level Controls** – compliance reviews focused on providing fundamental audit review over



**FY2025 IAPoW**

core elements, activities, and functions.

Audit will assess the baseline of internal controls for both financial and non-financial.

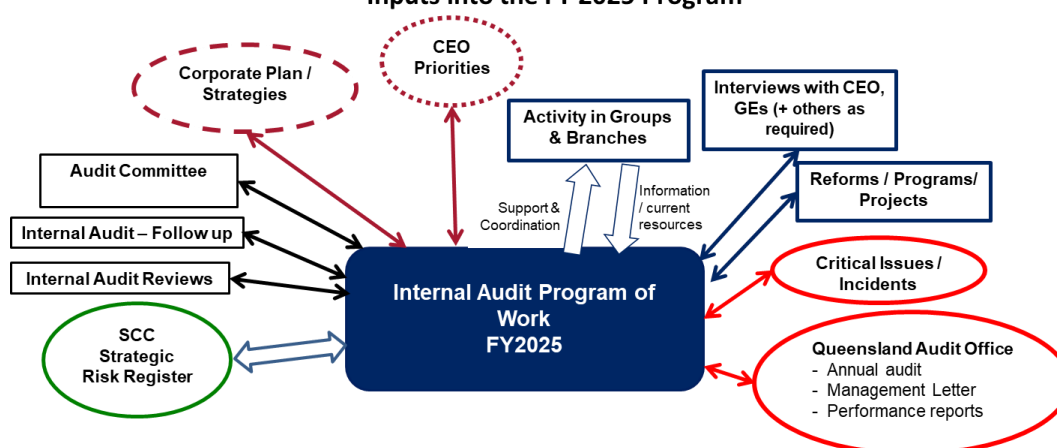
**Insight** – formative reviews designed to be more forward-looking and aware, briefer and more layered, more visual and dynamic. Forward-looking, insightful reports focus on the risks and issues of most concern to stakeholders.

**Control Environment** – Internal audit will assess the set of standards, processes, and structures that provide the basis for carrying out internal control across the council.

### Key Drivers and Inputs

To develop the full year program of work for FY2024 a robust process was undertaken to consider various drivers, inputs, and sources to define the program of work.

### Inputs into the FY 2025 Program



### List of Key Inputs

- **Core** – systems, processes, functions, and compliance coverage – ensure that the program of work includes coverage/assurance across the SCC's core activities and processes
- **Governance, Risk and Compliance (GRC)** – good practice to meet requirements of good governance, risk, and compliance.
- **Risks** and risk management – stakeholders require adequate and effective mitigation strategies over strategic and operational risks to reduce both the likelihood of these risks occurring and the consequences. Reviews on the associated business operations, projects and activities are considered.

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Page 4 of 16



## Internal Audit FY2025 Program of Work

- **CEO Priorities (CEO)** – key priorities that will make council even better and enhance living on the Sunshine Coast.
- **Projects, Programs and Reforms (PPR)** – Assurance that key initiatives are managed and on track to deliver quality, on time and on budget outcomes. It is important for audit to engage with the projects, programs and/or reforms from the early stages of business case, through benefits identification, mobilisation, execution and closure.
- **Requests SCC & AC (RMA)** – we meet with all members of SCC ELT to understand the key objectives which they rely on and areas where they would value audit. Interviews will be used to validate the inclusion in the program of reviews driven by risks and coverage of key process areas, plus identified additional potential reviews. Together with the SCC corporate plan and strategies
- **Internal Audit Analysis (IA)** –IA uses its professional judgement and understanding of SCC, its risks, good practice expectations and other relevant information to identify areas for internal audits. Plus may be for follow-up audit requirements.
- **Statutory Obligation and/or Requirement (SOR)**– Statutory or right to access/use obligation or requirement. I.e. Annual access review for or rates.

Audit requirements identified through the above drivers were considered for inclusion in the program. Audit then discusses the proposed program with the CEO, ELT and the AC to balance audit needs with available resources.

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Page 5 of 16

## Internal Audit FY2025 Program of Work

### PROPOSED FY2025 REVIEWS

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
<b>COMPLETE FROM 2023-2024 Reviews</b>						
24-05	<b>Council Wide Contract management &amp; Contract delegations</b> - Key controls and processes are working to ensure appropriate and compliant contract management	SR7	Internal	Contract Management Frameworks to understand key areas: <ul style="list-style-type: none"> <li>• Procurement</li> <li>• Varying a contract <ul style="list-style-type: none"> <li>- Contract variations</li> <li>- Scope change</li> <li>- Additional requirements</li> </ul> </li> <li>• Business processes in place (including process maps)</li> <li>• Policies, procedures, and guidance in use</li> <li>• Review processes in place (including identifying benefits from contracts in place)</li> <li>• Level of spend and number of contracts.</li> </ul>	45-30	FY24-Q4/
<b>FY2024 Reviews</b>					<b>TOTAL</b> 45 30	

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
<b>2024-2025 Reviews</b>						
25-01	<b>Business Performance</b> - Rates	GRC, Risk	Co-source	Review each year on an aspect or area relating to council rates. <ul style="list-style-type: none"> <li>• <b>Transport Levy</b></li> </ul> Compliance, where required either revenue, or expenditure, or both.	30	Q2
25-02	<b>External</b> - Cherbourg Aboriginal Shire Council	CEO	Internal	AUDIT 2025	30	Q2
25-03	<b>Council Wide</b> - Environmental/sustainability claims	SR2, Risk	TBC	Scoping exercise looking at reporting and measurement criteria frameworks. Assess the commitments being made by management. Setting the right protocols and adjusting commitments as new protocols that are announced e.g. by the UN, or others. Check to see that progress and performance are being reported accurately and consistently internally, and that appropriate metrics are being fully, accurately, and honestly reported externally with appropriate context. Avoiding "Green Washing".	20	TBC
25-04	<b>Business Performance</b> - Payroll Audit	SR6/ Core, SOR	Internal /Co-source	TBC. To assess the design adequacy and operating effectiveness of key controls in relation to Payroll May be a follow-up review of prior internal audits.	20	Q4
25-05	<b>Liveability &amp; Natural Assets</b> - Capital Works Program Development	SR1, SR11, Risk	Internal /Co-source	To be scoped with management input. Key areas: <ul style="list-style-type: none"> <li>- Model Check / Case Study</li> <li>- Evaluation Check</li> <li>- Methodology and Business Case process</li> <li>- Prioritisation</li> </ul>	35	Q1

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Page 6 of 16

## Internal Audit FY2025 Program of Work

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
25-06	<b>Council Wide</b> - Asset handover and recognition of Constructed/Contributed Assets (Capitalisation)	SR11, SR1, Risk	Internal	Look at a completed major project/projects, asset handover process/commissioning, physical verification, and reconciliation to Confirm and Financial Asset Register. Key areas: - Financial Accuracy, Completeness, Sustainability - Asset Tracking and Accountability - Risk, Operations, Service Quality, Efficiency	40	
25-07	<b>Liveability &amp; Natural Assets</b> - WHS of Contractor Services	SR7, SOR, Risk	Internal /Co-source	Provide assurance that processes, procedures, and controls surrounding Council WHS program are in place and operating with evidence contractors. How does contractor acquit their WHS to Council. Key areas: - Compliance, Risk Management - Contractual Obligations, Legal & Reputational Protection - Workplace Safety Culture, Incident Prevention	30	
25-08	<b>Customer &amp; Planning Services</b> - Cash Handling Review	SR6, SR7	Internal	To be scoped with management input. Key areas: - Financial Accuracy, Leakage Prevention (Fraud) - Risk Management - Operations, Efficiency, Internal Controls - Training and Awareness, Reputation	30	
25-09	<b>Economic and Community Development</b> - Grants and Sponsorships review	SR5, GRC	Internal	Review Sponsorship and recent Grant processes and acquittals. Follow-up of CCC review recommendations Determine what QAO will look at to avoid duplication. Key areas: - Financial Accountability, Compliance - Risk Management, Due Diligence - Practices & Procedures, Internal Controls	30	
25-10	<b>Council Wide</b> - Compliance Chain of Responsibility (Heavy Vehicle National Law)	SR7, SOR, Risk	Internal /Co-source	Key areas: - Safety & Regulatory Compliance - Driver & Vehicle Safety, Training & Competency - Emergency Response Preparedness	30	
25-11	<b>Business Performance</b> – DIS Project Management Methodology & Delivery - (include OPEX Projects and Council Programs)	SR11, SR6, GRC	Internal	Management of projects is key to providing value for money and demonstrating sound stewardship in program delivery. The objective of the audit is to assess the effectiveness of the project management framework and controls to support the delivery of projects, including governance, risk and compliance with the policy and procedures.	35	
	<b>FY2025 Reviews</b>			Sub-Total	330	

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Page 7 of 16

## Internal Audit FY2025 Program of Work

Ref	Review title	Key Input	Provider	Description	Work Days	Start Quarter
<b>Internal Audit - Control Environment Initiatives / Administrative Tasks</b>						
24-80	IA Quality Assurance and Continuous Improvement Program (QAIP)	Core	Internal	Independent assurance for compliance	10	1-4
24-81	Fraud Prevention/Control Program	Core	Internal	Support and advisory assistance.	10	1-4
24-82	Management Initiated Services	Core	Internal	Services provided or reviews undertaken by Internal Audit specifically at the request of management.	0	1-4
24-90	Audit Committee attendance, paper preparation, issues reporting & follow-up	Core	Internal		10	1-4
24-91	Preparation Planning for FY2025	Core	Internal		10	Q3-4
24-92	Quality Assurance Reviews	Core	Internal		10	Q1-4
	<b>Internal Audit Activities</b>			<b>Sub Total</b>	<b>50</b>	

### SUMMARY for FY2025

FY2024 Reviews	30	
FY2025 Reviews	330	
Internal Audit Activities	50	
<b>Total for Year</b>	<b>410</b>	

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Page 8 of 16

## Internal Audit FY2025 Program of Work

### Resources available

The combined co-sourced IA function has the following resources available to deliver the reviews (total available time less estimated leave, training and other non-review time).

Resources	Days Planned	FY2025 Days Available
Estimated/Planned Work Effort in Days	410	
<i>A: Audit and Assurance – Internal Days</i>		275
<i>B: Internal Audit and Risk Service Provider – External Days<sup>++</sup></i>		120 <sup>&amp;&amp;</sup>
<b>Total Available Days = A + B</b>		395
<b>FY2025 Days Available</b>	410	395
<b>Additional Days Available (surplus)</b>	0	
<b>Additional Days Required<sup>\$\$</sup> (shortage)</b>	15	

<sup>++</sup> Service provider days based on average daily rate of \$1,250 approximately.

### Notes:

- There are 0 internal days available for ad-hoc requests from management. If a management request is received or if a business change occurs during the year and IA assessment deems it to be required to be added to the Program; capacity will be reviewed, and a current review assessed as being of lower risk or importance will be substituted/replaced.
- <sup>++</sup> If additional external days were required would need budgetary approval
- <sup>\$\$</sup> Days required will be found within current available work-days and from savings (plus any under and over estimations)
- <sup>&&</sup> provided an estimated equivalent amount of work days (4 reviews by 30 days)

Sensitive

Page 9 of 16

## Internal Audit FY2025 Program of Work

### 3 Year indicative audit program

Group	FY2025 - Current	FY2026	FY2027	FY2028
Council Wide	Rates Compliance - Transport Levy  Asset handover and recognition of Constructed/Contributed Assets (Capitalisation)  Environmental/sustainability claims (Scope)  Compliance Chain of Responsibility (Heavy Vehicle National Law)	Rates Compliance - Environment Levy and Special and Heritage Arts  Useful asset lives & depreciation  Facilities management (TBC)	Rates Compliance - General Rates  Gifts and Benefits policy and procedures  Compliance with Electrical Safety testing  Staff Retention & Recruitment	Rates Compliance - Waste Utility Charge    Secondary Employment Policy and Compliance Review
Civic Governance				
Business Performance	Payroll Process Audit (follow-up) Project Management Methodology & Delivery	Leave and Allowance Recording and Processes	Procurement Controls – end to end	
Built Infrastructure		Council Car Parks Operations  Review of internal process and procedures for QRA Acquittal	Other areas of Fleet Vehicle Processes and procedures  Plant Hire Processes and procedures	Capitalisation of the road reseal program
Liveability & Natural Assets	WHS Contractor Services Capital Works Program Development	Waste management continuity of services	Waste Contract Evaluation & Tender Award	Waste recycling
Economic and Community Development	Grants and Sponsorships review	Aquatic Centres	Review of Caloundra Music Festival	
Customer & Planning Services	Cash Handling review	Disaster Recovery and Business Continuity of DA computer system	Pest and Vector Management	
External Support	Cherbourg Aboriginal Shire Council			
Audit Activities & Control Environment Initiatives	As per program of work (time permitting)	As per program of work (time permitting)	As per program of work (time permitting)	As per program of work (time permitting)
	12 (reviews for FY2024)	10 (other Reviews to be considered)	11 (other Reviews to be considered)	5 (other Reviews to be considered)

Sensitive

Page 10 of 16

## Internal Audit FY2025 Program of Work

### Strategic Risks

Strategic Risk (SR) Register	
SR Ref	Risk
1	Inability to achieve and maintain financially sustainable operations, asset management and service delivery to the community into the future
2	Inability to reduce emissions, adapt and respond to extreme weather conditions, climate impacts
3	Failure to provide and maintain infrastructure to agreed standards and to meet population growth
4	Failure to plan and manage the impacts of rapid population growth on livability and natural environment
5	Failure to deliver on key community and economic strategies and projects
6	Inadequate corporate governance and internal controls to support a culture that effectively manages fraud prevention or ethical conduct, compliance and performance
7	Oversight in processes to ensure the safety and wellbeing of our community, staff and contractors that result in fatality, damages and reputational loss
8	Culture not aligned to values which lead to inappropriate behaviours and adverse performance
9	Lack of preparedness for significant disruptions to the ability to service the needs of the community, including through an act of terrorism and or natural disasters/pandemics
10	Inability to maintain sufficient and ongoing protection against unauthorised or erroneous access to computer systems and data
11	Major projects fail to deliver desired outcomes and value for money due to oversight and capability

Sensitive

Page 11 of 16



## Internal Audit FY2025 Program of Work

### Control Environment Initiatives:

We would like to begin to introduce a conceptual framework to enhance IA, its role, performance, and value to the business. The goal is to lift the impact and effect of IA on the business and establish a program of continuous improvement.

To achieve this, proposed initiatives for FY2025 are run alongside the Program of Work.

Time permitting these are the activities and initiatives that we would like to start and progress:

#### Initiative: Led by Internal Audit Outputs/outcomes

Baseline controls education	<ul style="list-style-type: none"> <li>Series of training sessions with financial and other teams across various business units.</li> <li>Increased awareness of risk and controls and an improvement in the control environment (together with Risk Management Team)</li> </ul>
Connectivity with Executive	<ul style="list-style-type: none"> <li>Feedback to Internal Audit team on issues, challenges, concerns and areas where Internal Audit can assist the business</li> <li>Influence of Executive to seek Internal Audit opinion, views and audit</li> <li>Flexibility in Internal Audit Program demonstrated through changes made to respond to business needs</li> </ul>
Internal Audit methodology and reporting templates review	<ul style="list-style-type: none"> <li>Regular review and update for continuous improvement opportunities, resulting in more effective Internal Audit delivery</li> </ul>
Trend/maturity analysis	<ul style="list-style-type: none"> <li>Analysis of Internal Audit reports and other intelligence gained through interaction with the business, to identify themes and issues that require consideration by Internal Audit.</li> </ul>
Client satisfaction questionnaire (CSQ) feedback	<ul style="list-style-type: none"> <li>Feedback obtained from auditee/sponsor on Internal Audit reviews, summarised and considered by the Internal Audit team for action where required; reported to AC 6 monthly</li> </ul>
Develop assurance maps/audit universe	<ul style="list-style-type: none"> <li>Robust set of assurance maps for business units, providing effective overview of sources of assurance over key risks, controls, processes</li> </ul>
Auditors from the business	<ul style="list-style-type: none"> <li>Identified and used guest auditors from the business of Internal Audit review teams</li> <li>Improved awareness of risks and controls within the business</li> </ul>
Controls self-assessment (CSA) process	<ul style="list-style-type: none"> <li>Introduce entry-level CSA's into selected areas of the business.</li> </ul>
Project implementation audit framework	<ul style="list-style-type: none"> <li>Develop as part of the Project/Program Management Framework</li> <li>Greater level of timely audit over key projects</li> </ul>
Develop partnership with our IARSPs	<ul style="list-style-type: none"> <li>Using our Internal Audit and Risk Service providers (IARSPs) to support IA services to the SCC</li> <li>Utilise IARSPs range of skills to extend the range of reviews IA</li> </ul>
Present thought leadership and global connectivity with subject matter experts (SME's)	<ul style="list-style-type: none"> <li>Facilitated sessions between SCC and SME's on relevant topics, aiming to provide insights to management on challenges and issues</li> </ul>
Quality assurance of Audit engagements	<ul style="list-style-type: none"> <li>More robust application of Internal Audit methodology, higher quality delivery of Internal Audit results, compliance with good practice internal audit standards</li> </ul>

Sensitive

Page 12 of 16

## Internal Audit FY2025 Program of Work

### FULL LIST OF INTERNAL AUDITS UNDER CONSIDERATION

Review title	Description
<b>Business Performance</b> - Rates – Compliance, where required either revenue, or expenditure, or both.	Review each year on an aspect or area relating to council rates. <ul style="list-style-type: none"> <li><b>Transport Levy</b></li> </ul> Compliance, where required either revenue, or expenditure, or both.
<b>Cherbourg Aboriginal Shire Council</b>	AUDIT 2025
<b>Environmental/sustainability claims</b>	Assess the commitments being made by management. Setting the right protocols and adjusting commitments as new protocols that are announced e.g. by the UN, or others. Check to see that progress and performance are being reported accurately and consistently internally, and that appropriate metrics are being fully, accurately, and honestly reported externally with appropriate context. Avoiding "Green Washing".
<b>Business Performance</b> - Payroll Process Audits (TBC)	TBC. To assess the design adequacy and operating effectiveness of key controls in relation to Payroll May be a follow-up review of prior internal audits.
<b>Post Capital Works Program</b> - Model Check / Case Study - Evaluation Check - Methodology and Business Cases - Prioritisation	To be scoped with management input. Key areas: - Model Check / Case Study - Evaluation Check - Methodology and Business Case process - Prioritisation
<b>Council Car Parks Operations</b>	To be scoped with management input. Key areas: - Revenue Assurance & Leakage Prevention (Fraud) - Risk, Operations, Service Quality, Efficiency - Asset conditions and utilisation
<b>Asset handover and recognition of Constructed Assets (Capitalisation)</b>	Look at a completed major project/projects, asset handover process/commissioning, physical verification, and reconciliation to Confirm and Financial Asset Register. Key areas: - Financial Accuracy, Completeness, Sustainability - Asset Tracking and Accountability - Risk, Operations, Service Quality, Efficiency
<b>WHS of Contractor Services</b>	Provide assurance that processes, procedures, and controls surrounding Council WHS program are in place and operating with evidence contractors. How does contractor acquit their WHS to Council. Key areas: - Compliance, Risk Management - Contractual Obligations, Legal & Reputational Protection - Workplace Safety Culture, Incident Prevention
<b>Compliance with Electrical Safety testing</b>	Review of compliance, flagged to ELT. Changes to Community leases, and inspection/condition assessments. Key areas: - Legal and Regulatory Compliance, Risk - Workplace Safety - Equipment Reliability, Preventive Maintenance
<b>Cash Handling review</b>	To be scoped with management input. Key areas: - Financial Accuracy, Leakage Prevention (Fraud) - Risk Management - Operations, Efficiency, Internal Controls - Training and Awareness, Reputation
<b>Grants and Sponsorships review - ECD</b>	Review Sponsorship and recent Grant processes and acquittals. Follow-up of CCC review recommendations

Sensitive

Page 13 of 16

## Internal Audit FY2025 Program of Work

Review title	Description
	Determine what QAO will look at to avoid duplication. Key areas: - Financial Accountability, Compliance - Risk Management, Due Diligence - Practices & Procedures, Internal Controls
<b>Council Wide - Compliance Chain of Responsibility (Heavy Vehicle National Law)</b>	Key areas: - Safety & Regulatory Compliance - Driver & Vehicle Safety, Training & Competency - Emergency Response Preparedness
<b>Project Management Methodology &amp; Delivery</b>  <b>Include OPEX Projects and Council Programs</b>	Management of projects is key to providing value for money and demonstrating sound stewardship in program delivery. The objective of the audit is to assess the effectiveness of the project management framework and controls to support the delivery of projects, including governance, risk and compliance with the policy and procedures.
<b>Gifts and Benefits policy and procedures and training</b>	To assess the design adequacy and operating effectiveness of key controls in relation to Gifts and Benefits policy and procedures
<b>Disaster Recovery and Business Continuity of DA computer system</b>	To assess the effectiveness and efficiency of systems, processes and controls surrounding the DA computer system. Requirements for high availability.
<b>Other areas of Fleet Vehicle Processes and procedures</b> <ul style="list-style-type: none"> <li>Fleet Processes and reporting</li> <li>Fleet inventory</li> <li>Fleet models</li> <li>Objectives and reality of commitments being made</li> </ul> <b>FBT Review for fleet.</b>	Review of SCC fleet management  Review of SCC owned vehicle management (vehicle booking and return, log book maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.
<b>Review of internal process and procedures for QRA Acquittal</b>	The objectives of this internal audit are to: provide reasonable assurance that the QRA grants were expended for the purposes for which they were given; and assess the adequacy and effectiveness of internal controls in relation to managing the QRA funding.
<b>Facilities management</b> <i>Review of SAMP, OPEX costs</i>	Facilities management helps ensure the functionality, comfort, safety and efficiency of buildings and grounds, infrastructure and real estate.
<b>Staff Retention &amp; Recruitment</b>	Framework to improve Staff Retention is operational and working effectively
<b>Secondary Employment Policy and Compliance Review</b>	With tougher economic times staff are seeking secondary employment more often. COI and risks to business need to be assessed to support staff to economically
<b>Useful asset lives &amp; depreciation</b>	Review of recent exercise in Finance and asset custodians (depends on what QAO are doing)? Determine what QAO will look at to avoid duplication
<b>Service review follow-up</b>	Anything coming out of service reviews that we should be looking at??
<b>capitalisation of the road reseal program</b>	Road reseal program and continued problems with accuracy and completeness of capitalisation. Impact on financial sustainability
<b>Fraud and Corruption Control Self-Assessment</b>	Determine the organisation's overall position in relation to fraud control and compliance with better practice and standards using the QAO's (Nov 2023) self-assessment tool. New QAO tool developed to assess overall fraud control environment in Local Councils. Would be useful exercise for the new Manager Ethical Standards

Sensitive

Page 14 of 16

## Internal Audit FY2025 Program of Work

Review title	Description
<b>Plant Hire Processes and procedures</b>	This review may also take in plant hire. Provide assurance that processes, procedures, and controls surrounding Council plant hire.
<b>Procurement Controls – end to end</b>	Effectiveness of controls in managing procurement. Compliance with procurement policy (e.g. Vendor selection, shortlisting ad etc.) Follow on from past reviews to look at imbedding changes work.
<b>Staff Retention &amp; Recruitment</b>	Framework to improve Staff Retention is operational and working effectively
<b>Waste management continuity of services</b>	Services list, plus contracts dates. BIA/Risk Assessment Review adequacy of business continuity for waste services. Contract review and associated controls to ensure continuity of services
<b>WHS of Contractor Services</b>	Provide assurance that processes, procedures and controls surrounding Council WHS program are in place and operating with evidence contractors. How does contract acquit their WHS to Council.
<b>Waste recycling</b>	Elements of procurement and contract management and performance (WH&S?) Not reviewed in over 10 years, sustainability is a strategic objective.

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Page 15 of 16

## Internal Audit FY2025 Program of Work




### FY2024 YEAR's RESULT

Ref	Review title	Key Input#	Provider	Description
• COMPLETED 2022-2023 Reviews				
23-20	<b>Council Wide</b> - Climate Performance (2022-23)	SR7	Internal	Corporate contract management processes relating to health and safety and critical risk management.
23-21	<b>Council Wide</b> - WH&S - Contractor Management	SR7	Internal	Corporate contract management processes relating to health and safety and critical risk management.
23-22	<b>Built Infrastructure</b> - Road Maintenance – Compliance with Legislation and best practice	SR3/ Core	Co-source	Compliance with legislation and good practice to stay ahead of the curve
COMPLETED 2023-2024 Reviews				
24-01	<b>Business Performance</b> - Rates Compliance	GRC	Co-source	Review each year on an aspect or area relating to council rates.
24-02	<b>External</b> - Cherbourg Aboriginal Shire Council	CEO	Internal	AUDIT 2024
24-03	<b>Business Performance</b> - Gender Pay Gap review	SR8 SOR	Co-source	Compliance with legislation and good practice
24-04	<b>Business Performance</b> - RPEQ review	SR3/ SR6	Co-source	To be scoped together with external provider
24-05	<b>NOTE:</b> Carry forward into FY25	SR3 SR6 SR9 Core	Internal	Contract Management Frameworks to understand key areas: • Procurement • Varying a contract - Contract variations - Scope change - Additional requirements • Business processes in place (including process maps) • Policies, procedures, and guidance in use • Review processes in place (including identifying benefits from contracts in place) • Level of spend and number of contracts.
	<b>Council Wide Contract management</b> - Key controls and processes are working to ensure appropriate and compliant contract management			
	<b>Council Wide - Contract delegations</b>			Review the design, approval, and communication of the delegated authority matrix. Sample testing to ensure delegations are being used and adhered to.
24-06	<b>Council Wide</b> - Fleet Management & Branch Obligations	SR6	Internal	Review of SCC owned vehicle management (vehicle booking and return, logbook maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.
24-07	<b>Business Performance</b> - Payroll EC-ECP-Ceridian Technical Review	SR6/ Core	Internal /Co-source	To assess the design adequacy and operating effectiveness of key controls in relation to Payroll – technical review
24-08	<b>Built Infrastructure</b> - Tree Mgmt. review follow-up	SR6/S R7	Internal	Follow up to the Tree management review in December 2022
24-09	<b>Built Infrastructure</b> - Asset management process and systems	SR1/S R3/ SR6/ PR	Internal	Follow along the project to Asset Management Transformation

Sensitive

Page 16 of 16

8.7 DELEGATION TO THE CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW

File No:	Council Meetings
Author:	Governance Policy Lead Civic Governance
Appendices:	App A - 2016-73 (v9) Delegation to the Chief Executive Officer ..... 229 <a href="#">↓</a> 
Attachments:	Att 1 - Delegations Guiding Principles Policy (Delegations from Council to the Chief Executive Officer) ..... 251 <a href="#">↓</a>  Att 2 - 2016-73 (v9) Delegation to the Chief Executive Officer Tracked Changes ..... 253 <a href="#">↓</a> 

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PURPOSE

The purpose of this report is to satisfy the requirement in section 257 (5) of the *Local Government Act 2009* (Qld) to annually review and update the Council’s delegation instrument to the Chief Executive Officer.

EXECUTIVE SUMMARY

Council performs a range of functions and exercises authority under a wide range of legislation, associated subordinate legislation and its own local laws. Council can delegate its powers to the Chief Executive Officer to implement and enforce some of these responsibilities under section 257 of the *Local Government Act 2009* (the Act), where it is lawful for Council to delegate that authority.

Under section 257 (3) of the Act, Council must not delegate authority to decide or determine a matter where the matter is expressly required by an Act to be determined by resolution of Council.

Section 257(5) of the Act requires the local government to review all delegations to the Chief Executive Officer annually. The last review and adoption of the Sunshine Coast Council’s Delegation to the Chief Executive Officer occurred at the Ordinary Meeting of 22 June 2023.

To comply with section 257 (5) of the Act and ensure the currency of the Delegation to the Chief Executive Officer, a review has been conducted to ensure consistency between the Local Government Association of Queensland’s (LGAQ) delegations register (informed by King and Company Solicitors), Council’s delegations register, and source legislation.

This year’s annual review also presents an opportunity to consolidate the Delegations Guiding Principles Policy within the actual Instrument of Delegation for ease of reference. Currently, the Guiding Principles, which set the parameters within which the Chief Executive Officer may exercise their delegated powers, are contained within a separate policy document, jointly endorsed by the Chief Executive Officer and Mayor.

Incorporating the Guiding Principles within the Instrument of Delegation will necessitate the retirement of the Delegations Guiding Principles Policy (Delegations from Council to the CEO) at **Attachment 1**.

Recommended updates to Council's current Instrument of Delegation to the Chief Executive Officer, based on the review, are identified and tracked in the proposed Instrument of Delegation at **Attachment 2**.

## OFFICER RECOMMENDATION

### That Council:

- (a) **receive and note the report titled "Delegation to the Chief Executive Officer - Annual Review"**
- (b) **adopt Delegation 2016-73 (V9), Delegation to the Chief Executive Officer (Appendix A), noting that this Delegation replaces and supersedes Delegation 2016-73 (v8) Delegation to the Chief Executive Officer adopted by Council on 22 June 2023**
- (c) **revoke Council's strategic policy document titled "Delegations Guiding Principles Policy (Delegations from Council to the Chief Executive Officer), noting that the guiding principles have been incorporated into Delegation 2016-73 (V9), to the Chief Executive Officer and**
- (d) **note that all other specific and individual delegations of authority to the Chief Executive Officer which have been authorised by Council through previous resolutions, are retained.**

## FINANCE AND RESOURCING

The cost of conducting the review of the Instrument of Delegation and the preparation of this report has been funded through the existing budget allocation for the Governance and Executive Services Branch.

## CORPORATE PLAN

<b>Corporate Plan Goal:</b>	<b><i>Our outstanding organisation</i></b>
<b>Outcome:</b>	5.3 - Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council
<b>Operational Activity:</b>	5.3.2 - Provide advice on, and support the effective management of, Council's legal risks and statutory compliance activities.

## CONSULTATION

### Portfolio Councillor Consultation

The Outstanding Organisation Portfolio Councillors have been consulted regarding the annual review of delegations and the recommendations proposed in this report.

### Internal Consultation

Internal consultation occurred with the following officers:

- Group Executive Civic Governance
- Manager Governance and Executive Services



**External Consultation**

Consultation was undertaken with the Local Government Association of Queensland (LGAQ) to obtain their most current advice regarding statutory delegation review documentation from King and Company Solicitors.

**Community Engagement**

No community engagement is required for the preparation of this report as it relates to an internal administrative activity and the conduct of the operational responsibilities of Council.

**PROPOSAL**

The LGAQ, together with King and Company Solicitors, provides updates of statutory delegations of authority under relevant legislation twice a year. This includes advice on those matters which cannot be delegated by a local government, due to the requirement for those matters to be determined by resolution of Council.

As part of Council's annual review of delegations, an analysis was undertaken of the legislation identified in the existing Delegation to the Chief Executive Officer, the LGAQ's delegation register (informed by King and Company Solicitors), source legislation, and Council's delegation register. This work helps to facilitate the currency, consistency and completeness of Council's delegation framework.

**Guiding Principles**

The annual review presents an opportunity to consolidate the Delegations Guiding Principles Policy (**Attachment 1**) within the actual Instrument of Delegation for ease of reference.

Currently, the Guiding Principles, which set the parameters within which the Chief Executive Officer may exercise the delegated powers, are contained in a separate policy document to support the Instrument of Delegation.

The seven (7) guiding principles are as follows:

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.

Incorporating these key guiding principles within the Instrument of Delegation itself takes a practical approach and ensures there is a single source of truth when referencing the delegations to the Chief Executive Officer. The most appropriate section of the delegation to include the guiding principles is under the Delegation Conditions section, which has now been amended to Delegation Conditions and Guiding Principles (refer to track-changed version of the Instrument of Delegation at **Attachment 2**).

### **Legislative updates**

The following additional legislation has been identified as a result of this review and is recommended for inclusion in the list of Acts delegated in Schedule 1 of the Delegation to the Chief Executive Officer, as set out in **Appendix A** to this report:

- *Justices Act 1886* (Qld)

This legislation is contained on the LGAQ delegation register and relates to summons and complaints.
- *Petroleum and Gas (Production and Safety) Act 2004* (Qld) and *Petroleum and Gas (Production and Safety) Regulation 2018* (Qld)

This legislation and regulation are contained on the LGAQ delegation register and relates to production and safety of petroleum activities as a public road authority and public land authority.
- *Corporations Act 2001* (Cth)

This legislation is contained on Council's delegation register and relates to Council representatives on Council owned companies.
- *Statutory Bodies Financial Arrangements Regulation 2019* (Qld)

This regulation is contained on Council's delegation register and is a source of authority for the Statutory Bodies Financial Arrangements Delegation of Authority (No. C-023-2019). Addition is recommended for completeness of this record.

The review identified the following regulation requiring removal (previously included) in Council's current Instrument of Delegation to the Chief Executive Officer as the regulation has been repealed:

- *Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020* (Qld)
- *Retail Shop Leases and Other Commercial Leases (COVID Emergency Response) Regulation 2020* (Qld)

The review also identified seven legislative references requiring updating, with these being outlined in **Attachment 2**.

Schedule 2 of **Appendix 1** has been updated with reference to the most current LGAQ advice regarding matters which require a resolution of Council and cannot be delegated. Any amendments to Schedule 2 are tracked in the version at **Attachment 2**.

## Legal

Section 257 of the *Local Government Act 2009* authorises a local government to make a resolution to delegate its powers to:

- the Mayor
- Chief Executive Officer
- a standing committee, or
- a joint standing committee.

While delegations provide expediency to facilitate the daily operations of a local government, a delegation is revocable and does not prevent Council at any time, from acting on a matter that is the subject of a delegation of authority. In such cases, the delegate must not act under the authority of the delegation where Council has elected to exercise its authority itself. Put simply, a delegation of authority from Council is not an abrogation of Council's legal authority to make a decision or determine a matter that is the subject of a delegation.

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 *Local Government Act 2009* 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.

To comply with section 257(3) of the Act, provisions of an Act or subordinate legislation not capable of delegation are identified in Schedule 2 of the proposed new Delegation to the Chief Executive Officer in **Appendix A** to this report. A delegation is not permissible if the relevant Act specifically provides that the power must be exercised by a resolution of the local government. This restriction applies where legislation uses the specific words 'by resolution'. Moreover, by virtue of the definition of 'adopt' the same limitation applies to a number of statutory provisions where that term is used, and as such, the authority must be exercised by the elected Council.

Where legislation simply gives Council the ability to 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.

Facilitating appropriate delegations to the Chief Executive Officer is consistent with the *Human Rights Act 2019* (Qld). Actions and decisions which seek to maintain the operational efficiency and effectiveness of the local government contribute to the protection of the right of an individual to take part in public life (section 23).

**Policy**

The proposed Instrument of Delegation to the Chief Executive Officer at **Appendix A** to this report incorporates the seven guiding principles currently contained within the Delegations Guiding Principles Policy (Delegations from Council to the Chief Executive Officer) at **Attachment 1**.

With the 2024 Annual Review of Delegations it is considered timely and appropriate to incorporate the Guiding Principles within the Instrument of Delegation for adoption by Council. This will necessitate the retirement of the Delegations Guiding Principles Policy (Delegations from Council to the CEO).

**Risk**

The proposed amendment to the Instrument of Delegation has been prepared to mitigate the risk of any gaps in delegated powers and to ensure the Chief Executive Officer has appropriate authority to manage the operational activities of Council under any relevant legislation. Where required, the Chief Executive Officer can subdelegate certain authorities to appropriately qualified officers, which occurs separately through the Delegations of Authority from the Chief Executive Officer under Section 259 of the Act.

All delegated officers are required to complete mandatory delegation awareness training to ensure they are aware of their delegated responsibilities and apply the principles of good decision making when exercising delegated powers.

**Previous Council Resolution****Ordinary Meeting 22 June 2023 (OM23/62)**

*That Council:*

- (a) receive and note the report titled "Delegation to the Chief Executive Officer"*
- (b) resolve to adopt Delegation 2016-73 (v8) Delegation to the Chief Executive Officer (Appendix A) and*
- (c) note that all other specific and individual delegations of authority to the Chief Executive Officer which have been authorised by Council through previous resolutions, are retained.*

**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* which requires annual review of the Delegation to the Chief Executive Officer. The Delegation to the Chief Executive Officer was last endorsed by Council on 22 June 2023 (OM23/62).

**Implementation**

Should the recommendations in this report be accepted by Council, it is noted the Chief Executive Officer will:

- update Council's Delegation Register, and
- update relevant section 259 Delegations of Authority from the Chief Executive Officer to Council officers.



## DELEGATION AUTHORITY

DELEGATION NO.	2016-73 (v9.0)
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.

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 and Guiding Principles

1. 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.
2. 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).
3. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
4. 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.
5. The following guiding principles apply:
  - a) 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.
  - b) 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.
  - c) 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.

- d) 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.
- e) The Chief Executive Officer is not obliged to exercise a delegation.
- f) 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.
- g) 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:
  - i. generate significant community concern; and/or
  - ii. result in significant financial, resource or policy implications for Council

#### **Delegation Criteria - *Planning Act 2016***

1. 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*;
  - 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.
2. 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.
3. 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*:**

1. 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 2019 (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>Corporations Act 2001 (Cth)</i>
25	<i>Crime and Corruption Act 2001 (Qld)</i>
26	<i>Development Assessment Rules (Qld)</i>
27	<i>Disaster Management Act 2003 (Qld)</i>
28	<i>Disaster Management Regulation 2014 (Qld)</i>
29	<i>Economic Development Act 2012 (Qld)</i>
30	<i>Electricity Act 1994 (Qld)</i>
31	<i>Electricity Regulation 2006 (Qld)</i>
32	<i>Electrical Safety Act 2002 (Qld)</i>
33	<i>Electrical Safety Regulation 2013 (Qld)</i>

No.	Name of Act
34	<i>Environmental Offsets Act 2014 (Qld)</i>
35	<i>Environmental Offsets Regulation 2014 (Qld)</i>
36	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
37	<i>Environmental Protection Act 1994 (Qld)</i>
38	<i>Environmental Protection Regulation 2019 (Qld)</i>
39	<i>Evidence Act 1977 (Qld)</i>
40	<i>Fire and Emergency Service Act 1990 (Qld)</i>
41	<i>Fisheries Act 1994 (Qld)</i>
42	<i>Food Act 2006 (Qld)</i>
43	<i>Food Production (Safety) Act 2000 (Qld)</i>
44	<i>Forestry Act 1959 (Qld)</i>
45	<i>Fossicking Act 1994 (Qld)</i>
46	<i>Gaming Machine Act 1991 (Qld)</i>
47	<i>Geothermal Energy Act 2010 (Qld)</i>
48	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
49	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
50	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
51	<i>Heavy Vehicle National Law (Queensland)</i>
52	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
53	<i>Housing Act 2003 (Qld)</i>
54	<i>Housing Regulation 2015 (Qld)</i>
55	<i>Human Rights Act 2019 (Qld)</i>
56	<i>Industrial Relations Act 2016 (Qld)</i>
57	<i>Industrial Relations Regulation 2018 (Qld)</i>
58	<i>Information Privacy Act 2009 (Qld)</i>
59	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
60	<i>Integrity Act 2009 (Qld)</i>
61	<i>Integrated Planning Act 1997 (Qld)</i>
62	<i>Integrated Resort Development Act 1987 (Qld)</i>
63	<i>Justices Act 1886 (Qld)</i>
64	<i>Judicial Review Act 1991 (Qld)</i>
65	<i>Labour Hire Licensing Act 2017 (Qld)</i>
66	<i>Land Access Ombudsman Act 2017 (Qld)</i>
67	<i>Land Act 1994 (Qld)</i>
68	<i>Land Regulation 2020 (Qld)</i>
69	<i>Land Title Act 1994 (Qld)</i>

No.	Name of Act
70	<i>Land Valuation Act 2010 (Qld)</i>
71	<i>Libraries Act 1988 (Qld)</i>
72	<i>Liquor Act 1992 (Qld)</i>
73	<i>Local Government Act 2009 (Qld)</i>
74	<i>Local Government Electoral Act 2011 (Qld)</i>
75	<i>Local Government Regulation 2012 (Qld)</i>
76	<i>Manufactured Homes (Residential Parks) Act 2003 (Qld)</i>
77	<i>Marine Parks Act 2004 (Qld)</i>
78	<i>Medicines and Poisons (Pest Management Activities) Regulation 2021 (Qld)</i>
79	<i>Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Qld)</i>
80	<i>Medicines and Poisons Act 2019 (Qld)</i>
81	<i>Mineral &amp; Energy Resources (Common Provisions) Act 2014 (Qld)</i>
82	<i>Mineral Resources Act 1989 (Qld)</i>
83	<i>Mining and Quarrying Safety and Health Act 1999 (Qld)</i>
84	<i>Mining and Quarrying Safety and Health Regulation 2017 (Qld)</i>
85	<i>Minister's Guidelines and Rules Under the Planning Act 2016 (Qld)</i>
86	<i>Mixed Use Development Act 1993 (Qld)</i>
87	<i>Nature Conservation (Administration) Regulation 2017 (Qld)</i>
88	<i>Nature Conservation (Animals) Regulation 2020 (Qld)</i>
89	<i>Nature Conservation (Plants) Regulation 2020 (Qld)</i>
90	<i>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)</i>
91	<i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i>
92	<i>Nature Conservation Act 1992 (Qld)</i>
93	<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i>
94	<i>Peaceful Assembly Act 1992 (Qld)</i>
95	<i>Petroleum and Gas (Production and Safety) Act 2004 (Qld)</i>
96	<i>Petroleum and Gas (Production and Safety) Regulation 2018 (Qld)</i>
97	<i>Planning Act 2016 (Qld)</i>
98	<i>Planning Regulation 2017 (Qld)</i>
99	<i>Planning Act 2016 – Development Assessment Rules (Qld)</i>
100	<i>Planning and Environment Court Act 2016 (Qld)</i>
101	<i>Planning and Environment Court Rules 2018 (Qld)</i>
102	<i>Plumbing and Drainage Act 2002 (Qld)</i>
103	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
104	<i>Plumbing and Drainage Act 2018 (Qld)</i>
105	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
106	<i>Property Law Act 1974 (Qld)</i>

No.	Name of Act
107	<i>Prostitution Act 1999 (Qld)</i>
108	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>
109	<i>Public Health Act 2005 (Qld)</i>
110	<i>Public Health Regulation 2018 (Qld)</i>
111	<i>Public Interest Disclosure Act 2010 (Qld)</i>
112	<i>Public Records Act 2002 (Qld)</i>
113	<i>Public Sector Ethics Act 1994 (Qld)</i>
114	<i>Queensland Building and Construction Commission Act 1991 (Qld)</i>
115	<i>Queensland Heritage Act 1992 (Qld)</i>
116	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
117	<i>Rail Safety National Law (Qld)</i>
118	<i>Regional Planning Interests Act 2014 (Qld)</i>
119	<i>Residential Services (Accreditation) Act 2002 (Qld)</i>
120	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i>
121	<i>Retail Shop Leases Act 1994 (Qld)</i>
122	<i>Retail Shop Leases Regulation 2016</i>
123	<i>Right to Information Act 2009 (Qld)</i>
124	<i>River Improvement Trust Act 1940 (Qld)</i>
125	<i>Safety in Recreational Water Activities Act 2011 (Qld)</i>
126	<i>Soil Conservation Act 1986 (Qld)</i>
127	<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>
128	<i>Standard Plumbing and Drainage Regulation 2003 (Qld)</i>
129	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
130	<i>State Penalties Enforcement Act 1999 (Qld)</i>
131	<i>State Penalties Enforcement Regulation 2014 (Qld)</i>
132	<i>Statutory Bodies Financial Arrangements Act 1982 (Qld)</i>
133	<i>Statutory Bodies Financial Arrangements Regulation 2019 (Qld)</i>
134	<i>Stock Act 1915 (Qld)</i>
135	<i>Stock Route Management Act 2002 (Qld)</i>
136	<i>Stock Route Management Regulation 2003 (Qld)</i>
137	<i>Strong and Sustainable Resource Communities Act 2017 (Qld)</i>
138	<i>Summary Offences Act 2005 (Qld)</i>
139	<i>Summary Offences Regulation 2016 (Qld)</i>
140	<i>Survey and Mapping Infrastructure Act 2003 (Qld)</i>
141	<i>Sustainable Planning Act 2009 (Qld)</i>

No.	Name of Act
142	<i>Sustainable Planning Regulation 2009 (Qld)</i>
143	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>
144	<i>Tobacco and Other Smoking Products Act 1998 (Qld)</i>
145	<i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
146	<i>Transport Infrastructure (Busway) Regulation 2002 (Qld)</i>
147	<i>Transport Infrastructure (Public Marine Facilities) Regulation 2023 (Qld)</i>
148	<i>Transport Infrastructure (Rail) Regulation 2006 (Qld)</i>
149	<i>Transport Infrastructure (State Controlled Roads) Regulation 2017 (Qld)</i>
150	<i>Transport Infrastructure Act 1994 (Qld)</i>
151	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
152	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
153	<i>Transport Operations (Marine Safety) Regulation 2016 (Qld)</i>
154	<i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i>
155	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
156	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 (Qld)</i>
157	<i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 (Qld)</i>
158	<i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 (Qld)</i>
159	<i>Transport Planning and Coordination Act 1994 (Qld)</i>
160	<i>Trusts Act 1973 (Qld)</i>
161	<i>Waste Reduction and Recycling Act 2011 (Qld)</i>
162	<i>Waste Reduction and Recycling Regulation 2023 (Qld)</i>
163	<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>
164	<i>Water Act 2000 (Qld)</i>
165	<i>Water Regulation 2016 (Qld)</i>
166	<i>Water Supply (Safety and Reliability) Act 2008 (Qld)</i>
167	<i>Work Health and Safety Act 2011 (Qld)</i>
168	<i>Work Health and Safety Regulation 2011 (Qld)</i>
169	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>
170	<i>Workers Compensation and Rehabilitation Regulation 2014 (Qld)</i>
171	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>

## Schedule 2

Matters that require a resolution of Council.

The powers of Sunshine Coast Regional Council which are not able to be delegated are set out in the tables below.

<b>Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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. However, the period must not be more than 3 years.
74 – Requirements for application (Restricted Dog Permits) and 83 – Requirements for renewal application	Restricted dog permits and renewals must be accompanied by the fee fixed by resolution of Council.
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.

<b>Biosecurity Act 2014</b>	
<b>Section</b>	<b>Cannot be delegated</b>
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

<b>Building Act 1975 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Building Regulation 2021 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
8 – Designation of area liable to flooding	Council may, by resolution: <ul style="list-style-type: none"> <li>(a) designate part of its area as a flood hazard area; and</li> <li>(b) declare the following for all or part of a flood hazard area: <ul style="list-style-type: none"> <li>(i) the defined flood level;</li> <li>(ii) the maximum flow velocity of water;</li> </ul> </li> </ul>

<b>Building Regulation 2021 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
	<ul style="list-style-type: none"> <li>(iii) an inactive flow or backwater area;</li> <li>(iv) a freeboard that is more than 300mm;</li> <li>(v) the finished floor level of class 1 buildings built in all or part of the flood hazard area.</li> </ul> <p>If the local government makes a designation or declaration, the local government must state in the planning scheme, temporary local planning instrument under the Planning Act or resolution, that the designation or declaration is made under this section.</p>
45 – Local governments may exempt particular assessable building work from particular stages of inspection	<p>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:</p> <ul style="list-style-type: none"> <li>(a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and</li> <li>(b) is not for a swimming pool or fencing around it.</li> </ul>

<b>Economic Development Act 2012 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
169 – Delegations	<p>Council may not subdelegate a function or power of the Minister for Economic Development Queensland (<b>MEDQ</b>) delegated to it where MEDQ has, when delegating the function or power to Council, directed that the function or power cannot be subdelegated.</p>

<b>Environmental Protection Act 1994 (Qld) (EPA)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
514 – Devolution of powers	<ul style="list-style-type: none"> <li>(a) 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 prescribing a different fee, whether higher or lower.</li> </ul>
518 – Delegation by administering authority	<p>Where Council is an administering authority, it may, by resolution, delegate its powers under the Environmental Protection Act to an appropriately qualified entity.</p>

<b>Food Act 2006 (Qld) (Food Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
31 – Fees payable to local governments	<p>Council may make a resolution about the fees payable to it for providing a service or taking action under the Food Act.</p>

<b>Land Act 1994 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
56 – Model by-laws	<p>Decide where the local government is trustee of trust land to adopt a model by-law.</p>

<b>Libraries Act 1988 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
55 – Library committees	Council may direct, by resolution, the functions, powers and duties to be fulfilled by a library committee.

<b>Liquor Act 1992 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Local Government Act 2009 (Qld) (Local Government Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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 public benefit	Council must conduct a public benefit assessment of any new significant business activity that is identified in the annual report. Council 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. Council 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.



<b>Local Government Act 2009 (Qld) (Local Government Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
74 – Roads map and register	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 because of the establishment, modification or closing of a mall by the local government
84 – Meetings about trust land generally open to the public	All meetings relating to trust land must be open to the public, unless the trustee council decides, by resolution, that the meeting be closed to the public.
93 – Land on which rates are levied	Land, primarily used for showgrounds or horseracing or charitable purposes 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 150AE 150AF 150ES 150EU 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; Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government; Decision to investigate a councillor's conduct in another way than as provided above; 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; 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; 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

<b>Local Government Act 2009 (Qld) (Local Government Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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 or middle of Council's term, Council must, by resolution, fill the vacant office by either: (a) a by-election; or (b) by following the procedure under section 166A. 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.
197A – Councillor advisors	Council must, by resolution, allow 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:

<b>Local Government Act 2009 (Qld) (Local Government Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
	(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 laws	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 Process if no investigation policy	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 councillors inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

<b>Local Government Regulation 2012 (Qld) (Local Government Regulation)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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 competition authority's report	Council must decide, by resolution, whether to implement the recommendations in a report by the competition authority.
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.

<b>Local Government Regulation 2012 (Qld) (Local Government Regulation)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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 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 must prepare a 5-year Corporate Plan and must adopt its 5-year Corporate Plan. Council may also amend its 5-year corporate plan at any time by resolution.
167 – Preparation of long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council must adopt a budget and 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 must adopt an annual operational plan and may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – Preparation of 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	Council must adopt a policy about the local government's spending on entertainment or hospitality.
197 – Advertising spending	Council must adopt a policy about the local government's spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.

<b>Local Government Regulation 2012 (Qld) (Local Government Regulation)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
201- Transferring money to or from a trust fund	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 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 - Effect of choice	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 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. Note that section 236 (1) (f) (seeking a Ministerial exemption) is not subject to the requirement for a Council resolution in accordance with s236(2) and is thereby delegated to the Chief Executive Officer
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 must adopt and may amend its expenses reimbursement policy at any time by resolution.

<b>Local Government Regulation 2012 (Qld) (Local Government Regulation)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
254 - Exemption of minutes and close a meeting	Council may exempt an advisory committee from the requirement to take minutes of its proceedings by resolution. 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 – Process for resolving administrative actions complaints	Council must adopt a complaints management process and written policies and procedures supporting the process.

<b>Minister's Guidelines and Rules for amending a planning scheme for section 20 of the Planning Act 2016</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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, 6.1	For the purposes of section 25(3) 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 .7.9

<b>Planning Act 2016</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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	Council may repeal a TLPI, or planning scheme policy, by resolution.

<b>Planning Act 2016</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.
113 – Adopting Charges by Resolution	Council may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.
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.

<b>Planning Regulation 2017</b>	
<b>Section</b>	<b>Cannot be delegated</b>
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	Council may, by resolution, set a fee for considering a superseded planning scheme request.
Schedule 6 Part 2 – Material change of use for particular buildings or structures – s 3(b)	For a class 1(a) 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 1)	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"> <li>(a) have an extremely adverse effect on the amenity or likely amenity of the locality;</li> <li>(b) or be in extreme conflict with the character of the locality.</li> </ul>
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

<b>Plumbing and Drainage Regulation 2019 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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).

<b>Plumbing and Drainage Regulation 2019 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Queensland Heritage Act 1992 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Residential Services (Accreditation) Act 2002 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.
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.

<b>Stock Route Management Act 2002</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.



<b>Stock Route Management Act 2002</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Sustainable Planning Act 2009</b>	
<b>Section</b>	<b>Cannot be delegated</b>
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: <ul style="list-style-type: none"> <li>(a) propose to prepare a new scheme; or</li> <li>(b) propose to amend the scheme; or</li> <li>(c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.</li> </ul>
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'.

<b>Sustainable Planning Regulation 2009</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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: <ul style="list-style-type: none"> <li>(a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or</li> <li>(b) be in extreme conflict with the character of the locality.</li> </ul>

<b>Transport Operations (Road Use Management) Act 1995 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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: <ul style="list-style-type: none"> <li>(a) a disabled or other parking permit issued by Council; and</li> <li>(b) a commercial vehicle identification label allowing a vehicle to park in a loading zone.</li> </ul>

Delegation No. 2016-73  
Version 9.0

<b>Waste Reduction and Recycling Act 2011 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
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.

<b>Waste Reduction and Recycling Regulation 2023 (Qld)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
5 – 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.

<b>Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)</b>	
<b>Section</b>	<b>Cannot be delegated</b>
161 – Declaration of service area if Council supplies a reticulated water service or sewerage service in all or part of the local government 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:

The Mayor, Cr. Mark Jamieson

The Chief Executive Officer, Emma Thomas





## DELEGATION AUTHORITY

<b>DELEGATION NO.</b>	2016-73 (v9.0)
<b>DELEGATION TITLE:</b>	Delegation to the Chief Executive Officer
<b>Delegation from Council to:</b> <b>Date and Resolution No.</b>	Chief Executive Officer
<b>Source of Authority:</b> <i>Local Government Act 2009 (Qld)</i> <i>Refer Schedule 1</i> <i>Refer Schedule 2</i>	

### 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.

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 and Guiding Principles

- ~~6.1.~~ 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.
- ~~6.2.~~ 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).
- ~~7.3.~~ The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
4. 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.
5. The following guiding principles apply:
  - a) 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.
  - b) 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.
  - c) 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.

- d) 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.
- e) The Chief Executive Officer is not obliged to exercise a delegation.
- f) 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.
- g) 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:
  - i. generate significant community concern; and/or
  - ii. result in significant financial, resource or policy implications for Council

#### **Delegation Criteria - *Planning Act 2016***

- ~~8.1.~~ 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*;
  - 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.
- ~~9.2.~~ 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.
- ~~4.3.~~ 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*:**

- ~~40.1.~~ 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 <del>2009</del> 2019 (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>
<del>24</del>	<del><i>Corporations Act 2001 (Cth)</i></del>
<del>24</del> <del>25</del>	<del><i>Crime and Corruption Act 2001 (Qld)</i></del>
<del>25</del> <del>26</del>	<del><i>Development Assessment Rules (Qld)</i></del>
<del>26</del> <del>27</del>	<del><i>Disaster Management Act 2003 (Qld)</i></del>
<del>27</del> <del>28</del>	<del><i>Disaster Management Regulation 2014 (Qld)</i></del>
<del>28</del> <del>29</del>	<del><i>Economic Development Act 2012 (Qld)</i></del>
<del>29</del> <del>30</del>	<del><i>Electricity Act 1994 (Qld)</i></del>
<del>30</del> <del>31</del>	<del><i>Electricity Regulation 2006 (Qld)</i></del>
<del>31</del> <del>32</del>	<del><i>Electrical Safety Act 2002 (Qld)</i></del>
<del>32</del> <del>33</del>	<del><i>Electrical Safety Regulation 2013 (Qld)</i></del>
<del>33</del> <del>34</del>	<del><i>Environmental Offsets Act 2014 (Qld)</i></del>

No.	Name of Act
<del>34</del> 35	<i>Environmental Offsets Regulation 2014 (Qld)</i>
<del>35</del> 36	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
<del>36</del> 37	<i>Environmental Protection Act 1994 (Qld)</i>
<del>37</del> 38	<i>Environmental Protection Regulation 2019 (Qld)</i>
<del>38</del> 39	<i>Evidence Act 1977 (Qld)</i>
<del>39</del> 40	<i>Fire and Emergency Service Act 1990 (Qld)</i>
<del>40</del> 41	<i>Fisheries Act 1994 (Qld)</i>
<del>41</del> 42	<i>Food Act 2006 (Qld)</i>
<del>42</del> 43	<i>Food Production (Safety) Act 2000 (Qld)</i>
<del>43</del> 44	<i>Forestry Act 1959 (Qld)</i>
<del>44</del> 45	<i>Fossicking Act 1994 (Qld)</i>
<del>45</del> 46	<i>Gaming Machine Act 1991 (Qld)</i>
<del>46</del> 47	<i>Geothermal Energy Act 2010 (Qld)</i>
<del>47</del> 48	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
<del>48</del> 49	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
<del>49</del> 50	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
<del>50</del> 51	<i>Heavy Vehicle National Law (Queensland)</i>
<del>51</del> 52	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
<del>52</del> 53	<i>Housing Act 2003 (Qld)</i>
<del>53</del> 54	<i>Housing Regulation 2015 (Qld)</i>
<del>54</del> 55	<i>Human Rights Act 2019 (Qld)</i>
<del>55</del> 56	<i>Industrial Relations Act 2016 (Qld)</i>
<del>56</del> 57	<i>Industrial Relations Regulation 2018 (Qld)</i>
<del>57</del> 58	<i>Information Privacy Act 2009 (Qld)</i>
<del>58</del> 59	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
<del>59</del> 60	<i>Integrity Act 2009 (Qld)</i>
<del>60</del> 61	<i>Integrated Planning Act 1997 (Qld)</i>
<del>61</del> 62	<i>Integrated Resort Development Act 1987 (Qld)</i>
<del>62</del> 63	<i>Judicial Review Act 1991 (Qld)</i>
<del>63</del> 64	<i>Justices Act 1886 (Qld)</i>
<del>64</del> 65	<i>Labour Hire Licensing Act 2017 (Qld)</i>
<del>65</del> 66	<i>Land Access Ombudsman Act 2017 (Qld)</i>
<del>66</del> 67	<i>Land Act 1994 (Qld)</i>
<del>67</del> 68	<i>Land Regulation 2020</i>
<del>68</del> 69	<i>Land Title Act 1994 (Qld)</i>
<del>69</del> 70	<i>Land Valuation Act 2010 (Qld)</i>
<del>70</del> 71	<i>Libraries Act 1988 (Qld)</i>

No.	Name of Act
<del>71</del> 72	<i>Liquor Act 1992 (Qld)</i>
<del>72</del> 73	<i>Local Government Act 2009 (Qld)</i>
<del>73</del> 74	<i>Local Government Electoral Act 2011 (Qld)</i>
<del>74</del> 75	<i>Local Government Regulation 2012 (Qld)</i>
<del>75</del> 76	<i>Manufactured Homes (Residential Parks) Act 2003 (Qld)</i>
<del>76</del> 77	<i>Marine Parks Act 2004 (Qld)</i>
<del>77</del> 78	<i>Medicines and Poisons (Pest Management Activities) Regulation 2021 (Qld)</i>
<del>78</del> 79	<i>Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Qld)</i>
<del>79</del> 80	<i>Medicines and Poisons Act 2019 (Qld)</i>
<del>80</del> 81	<i>Mineral &amp; Energy Resources (Common Provisions) Act 2014 (Qld)</i>
<del>81</del> 82	<i>Mineral Resources Act 1989 (Qld)</i>
<del>82</del> 83	<i>Mining and Quarrying Safety and Health Act <del>2017</del> 1999 (Qld)</i>
<del>83</del> 84	<i>Mining and Quarrying Safety and Health Regulation 2017 (Qld)</i>
<del>84</del> 85	<i>Minister's Guidelines and Rules</i>
<del>85</del> 86	<i>Mixed Use Development Act 1993 (Qld)</i>
<del>86</del> 87	<i>Nature Conservation (Administration) Regulation 2017 (Qld)</i>
<del>87</del> 88	<i>Nature Conservation (Animals) Regulation 2020 (Qld)</i>
<del>88</del> 89	<i>Nature Conservation (Plants) Regulation 2020 (Qld)</i>
<del>89</del> 90	<i>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)</i>
<del>90</del> 91	<i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i>
<del>91</del> 92	<i>Nature Conservation Act 1992 (Qld)</i>
<del>92</del> 93	<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i>
<del>93</del> 94	<i>Peaceful Assembly Act 1992 (Qld)</i>
<del>95</del>	<i><u>Petroleum and Gas (Production and Safety) Act 2004</u></i>
<del>96</del>	<i><u>Petroleum and Gas (Production and Safety) Regulation 2018</u></i>
<del>94</del> 97	<i>Planning Act 2016 (Qld)</i>
<del>95</del> 98	<i>Planning Regulation 2017 (Qld)</i>
<del>96</del> 99	<i>Planning Act 2016 – Development Assessment Rules</i>
<del>97</del> 100	<i>Planning and Environment Court Act 2016 (Qld)</i>
<del>98</del> 101	<i>Planning and Environment Court Rules 2018 (Qld)</i>
<del>99</del> 102	<i>Plumbing and Drainage Act 2002 (Qld)</i>
<del>100</del> 103	<i>Plumbing and Drainage Regulation <del>2003</del> 2019 (Qld)</i>
<del>101</del> 104	<i>Plumbing and Drainage Act 2018 (Qld)</i>
<del>102</del> 105	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
<del>103</del> 106	<i>Property Law Act 1974 (Qld)</i>
<del>104</del> 107	<i>Prostitution Act 1999 (Qld)</i>
<del>105</del> 108	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>

No.	Name of Act
<del>106</del> 109	Public Health Act 2005 (Qld)
<del>107</del> 110	Public Health Regulation 2018 (Qld)
<del>108</del> 111	Public Interest Disclosure Act 2010 (Qld)
<del>109</del> 112	Public Records Act 2002 (Qld)
<del>110</del> 113	Public Sector Ethics Act 1994 (Qld)
<del>111</del> 114	Queensland Building and Construction Commission Act 1991 (Qld)
<del>112</del> 115	Queensland Heritage Act 1992 (Qld)
<del>113</del> 116	Queensland Reconstruction Authority Act 2011 (Qld)
<del>114</del> 117	Rail Safety National Law
<del>115</del> 118	Regional Planning Interests Act 2014 (Qld)
<del>116</del> 119	Residential Services (Accreditation) Act 2002 (Qld)
<del>117</del> 120	Residential Tenancies and Rooming Accommodation Act 2008 (Qld)
<del>118</del> 121	<del>Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020 (Qld)</del>
<del>119</del> 122	Retail Shop Leases Act 1994 (Qld)
<del>120</del> 123	Retail Shop Leases Regulation 2016
<del>121</del> 124	<del>Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 (Qld)</del>
<del>122</del> 125	Right to Information Act 2009 (Qld)
<del>123</del> 126	River Improvement Trust Act 1940 (Qld)
<del>124</del> 127	Safety in Recreational Water Activities Act 2011 (Qld)
<del>125</del> 128	Soil Conservation Act 1986 (Qld)
<del>126</del> 129	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld) Delegation by Northern SEQ Distributer Retailer Authority (Unitywater) to Moreton Bay Regional Council, Sunshine Coast Regional Council and Noosa Shire Council – 30 June 2014
<del>127</del> 130	Standard Plumbing and Drainage Regulation 2003 (Qld)
<del>128</del> 131	State Development and Public Works Organisation Act 1971 (Qld)
<del>129</del> 132	State Penalties Enforcement Act 1999 (Qld)
<del>130</del> 133	State Penalties Enforcement Regulation 2014 (Qld)
<del>131</del> 134	Statutory Bodies Financial Arrangements Act 1982 (Qld)
135	<del>Statutory Bodies Financial Arrangements Regulation 2019</del>
<del>132</del> 136	Stock Act 1915 (Qld)
<del>133</del> 137	Stock Route Management Act 2002 (Qld)
<del>134</del> 138	Stock Route Management Regulation 2003 (Qld)
<del>135</del> 139	Strong and Sustainable Resource Communities Act 2017 (Qld)
<del>136</del> 140	Summary Offences Act 2005 (Qld)
<del>137</del> 141	Summary Offences Regulation <del>2006-2016</del> (Qld)
<del>138</del> 142	Survey and Mapping Infrastructure Act 2003 (Qld)
<del>139</del> 143	Sustainable Planning Act 2009 (Qld)

Delegation No. 2016-73  
Version 9.0

No.	Name of Act
<del>140</del> 144	<i>Sustainable Planning Regulation 2009 (Qld)</i>
<del>141</del> 145	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>
<del>142</del> 146	<i>Tobacco and Other Smoking Products Act 1998 (Qld)</i>
<del>143</del> 147	<i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
<del>144</del> 148	<i>Transport Infrastructure (Busway) Regulation 2002 (Qld)</i>
<del>145</del> 149	<i>Transport Infrastructure (Public Marine Facilities) Regulation <del>2011</del> 2023 (Qld)</i>
<del>146</del> 150	<i>Transport Infrastructure (Rail) Regulation 2006 (Qld)</i>
<del>147</del> 151	<i>Transport Infrastructure (State Controlled Roads) Regulation 2017 (Qld)</i>
<del>148</del> 152	<i>Transport Infrastructure Act 1994 (Qld)</i>
<del>149</del> 153	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
<del>150</del> 154	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
<del>151</del> 155	<i>Transport Operations (Marine Safety) Regulation 2016 (Qld)</i>
<del>152</del> 156	<i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i>
<del>153</del> 157	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
<del>154</del> 158	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 (Qld)</i>
<del>155</del> 159	<i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 <del>2021</del> (Qld)</i>
<del>156</del> 160	<i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 (Qld)</i>
<del>157</del> 161	<i>Transport Planning and Coordination Act 1994 (Qld)</i>
<del>158</del> 162	<i>Trusts Act 1973 (Qld)</i>
<del>159</del> 163	<i>Waste Reduction and Recycling Act 2011 (Qld)</i>
<del>160</del> 164	<i>Waste Reduction and Recycling Regulation <del>2011</del> 2023 (Qld)</i>
<del>161</del> 165	<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>
<del>162</del> 166	<i>Water Act 2000 (Qld)</i>
<del>163</del> 167	<i>Water Regulation 2016 (Qld)</i>
<del>164</del> 168	<i>Water Supply (Safety and Reliability) Act 2008 (Qld)</i>
<del>165</del> 169	<i>Work Health and Safety Act 2011 (Qld)</i>
<del>166</del> 170	<i>Work Health and Safety Regulation 2011 (Qld)</i>
<del>167</del> 171	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>
<del>168</del> 172	<i>Workers Compensation and Rehabilitation Regulation 2014 (Qld)</i>
<del>169</del> 173	<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.

<b>Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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. <u>However, the period must not be more than 3 years.</u>
<u>74 – Requirements for application (Restricted Dog Permits) and</u> <u>83 – Requirements for renewal application</u>	<u>Restricted dog permits and renewals must be accompanied by the fee fixed by resolution of Council.</u>
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.

<b>Biosecurity Act 2014</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

<b>Building Act 1975 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Building Regulation <del>2019</del>06 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
<del>7 – Additional water saving targets</del>	<del>Council may, by resolution, impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under the Queensland Development Code part 4.2.</del>
<del>13-8 – Designation of area liable to flooding and</del> <del>liable to flooding</del>	Council may, by resolution: (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:

Delegation No. 2016-73  
Version 9.0

Building Regulation <del>2011006</del> (Qld)	
Section	Power not subject to delegation
	<ul style="list-style-type: none"> <li>(i) the defined flood level;</li> <li>(ii) the maximum flow velocity of water;</li> <li>(iii) an inactive flow or backwater area;</li> <li>(iv) a freeboard that is more than 300mm;</li> <li><del>(v) the finished floor level of class 1 buildings built in all or part of the flood hazard area.</del></li> </ul> <p><del>(v) If the local government makes a designation or declaration, the local government must state in the planning scheme, temporary local planning instrument under the Planning Act or resolution, that the designation or declaration is made under this section.</del></p>
<del>25-45</del> – Local governments <del>power</del> <del>to</del> <del>may</del> exempt particular assessable building work from particular stages of inspection	<p>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:</p> <ul style="list-style-type: none"> <li>(a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and</li> <li>(b) is not for a swimming pool or fencing around it.</li> </ul>

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 ( <b>MEDQ</b> ) 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	<p><del>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 prescribing a different fee, whether higher or lower. 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:</del></p> <ul style="list-style-type: none"> <li><del>(a) the whole or part of an environmental protection policy; or</del></li> <li><del>(b) the issue of environmental authorities;</del></li> <li><del>(c) another matter under the EPA (other than Chapter 2 or Chapter 7, Part 8); or</del></li> <li><del>(d)(a) a matter relating to an area below the high or low water mark forming the boundary of a local government's area</del></li> </ul>
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.

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 <del>the</del> public benefit	<del>A local government</del> Council must conduct a public benefit assessment of any new significant business activity that is identified in the annual report <del>of the local government</del> . <del>The local government</del> Council 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. <del>At a meeting of the local government, the local government</del> Council 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.



Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
48 – Competitive neutrality complaints	Council must adopt, by resolution, a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint: <ul style="list-style-type: none"> <li>(a) relating to a failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and</li> <li>(b) is made by an affected person as defined in section 48(3) of the Local Government Act.</li> </ul>
74 – <del>Road register fees</del> <del>Roads map and register</del>	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 <del>because of the establishment, modification or closing of a mall by the local government 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.</del>
<del>84 – Meetings about trust land generally open to the public</del>	<del>All meetings relating to trust land must be open to the public, unless the trustee council decides, by resolution, that the meeting be closed to the public.</del>
93 – Land on which rates are levied	Land, <del>primarily used for showgrounds or horseracing or charitable purposes</del> 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: <ul style="list-style-type: none"> <li>(a) not provided for in Council's budget; and</li> <li>(b) made without the approval, by resolution, of Council.</li> </ul>
<del>118 Rates and Charges for 2020/21</del>	<del>Council is responsible for setting the 2020/2021 financial year, other than at a budget meeting for the financial year, what rates and charges are to be levied for the remainder of the financial year.</del>
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 150AE 150AF 150ES 150EU Conduct of	Adoption of the model procedures or other procedures for the conduct of the local government's meetings and meetings of its committees; Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government; Decision to investigate a councillor's conduct in another way than as provided above;

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
<del>Councillors</del> Conduct of Councillors	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;  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;  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
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 <u>or middle</u> of Council's term, Council must, by resolution, fill the vacant office by either: (a) a by-election; or (b) <del>appointing the runner-up in the last election</del> by following the procedure under section 166A.  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.
197A – Councillor advisors	<del>Council must, by resolution, allow</del> 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>Local Government Act 2009 (Qld) (Local Government Act)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
	(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: (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 laws <del>continuation</del>	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 <del>Investigating inappropriate conduct</del> <del>Process if no investigation policy</del>	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 councillors inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

<b>Local Government Regulation 2012 (Qld) (Local Government Regulation)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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 <del>QCA's competition authority's</del> report	Council must decide, by resolution, whether to implement the recommendations in a report <del>on the results of an investigation by the Queensland Competition Authority of a competitive neutrality complaint</del> <del>by the competition authority.</del>
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,

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
	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.
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 <del>payable</del> 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	<u>Council must prepare a 5-year Corporate Plan and must adopt its 5-year Corporate Plan.</u> Council may <u>also</u> amend its 5-year corporate plan at any time by resolution.
167 – <del>Preparation of</del> Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council <u>must adopt a budget and</u> 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 <u>must adopt an annual operational plan and</u> may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – <del>Preparation of</del> 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.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and hospitality <del>policy</del>	Council must adopt a policy about the local government's spending on entertainment or hospitality.
197 – Advertising spending <del>policy</del>	Council must adopt a policy about the local government's spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.
201- <del>Trust fund transfers</del> Transferring money to or from a trust fund	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 <del>Chapter 6, Part 2 of the Local Government Regulation</del> (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 - <del>Strategic Contracting</del> Effect of choice	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 <del>(as defined in section 221 of the Local Government Regulation)</del> 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. <u>Note that section 236 (1) (f) (seeking a Ministerial exemption) is not subject to the requirement for a Council resolution in accordance with s236(2) and is thereby delegated to the Chief Executive Officer</u>

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
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 <u>must adopt and</u> may amend its expenses reimbursement policy at any time by resolution.
254 - Exemption of minutes and close a meeting	Council may exempt <u>an advisory</u> committee from the requirement to take minutes of its proceedings by resolution. 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 – <del>Complaints management process</del> <u>Process for resolving administrative actions complaints</u>	Council must adopt a complaints management process and written policies and procedures supporting the process.

Minister's Guidelines and Rules <u>for amending a planning scheme for section 20 of the Planning Act 2016</u>	
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, <del>6.10</del> .1	For the purposes of section 25(3) <del>and (4)</del> 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 <u>9.7.9</u>

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 TLPs or planning scheme policies	<del>A local government Council</del> may repeal a TLPI, or planning scheme policy, by resolution.
113 – Adopting Charges <del>by</del> Resolution	<del>A local government Council</del> may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.
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).
<del>Schedule 2 – Required fee</del>	<del>Fixing of a fee for an application or referral to a local government.</del>

Planning Regulation 2017	
Section	Power not subject to delegation
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	<del>A local government Council</del> may, by resolution, set a fee for considering a superseded planning scheme request.
Schedule 6 Part <del>21</del> – Material change of use for particular buildings or structures – s <del>32</del> (be)	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 <del>14</del> )	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"> <li>(a) have an extremely adverse effect on the amenity or likely amenity of the locality;</li> <li>(b) or be in extreme conflict with the character of the locality.</li> </ul>
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
<del>83 – Compliance permit required for certain compliance assessable work</del>	<del>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.</del>
<del>86A – Process for assessing certain</del>	<del>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</del>



<b>Plumbing and Drainage Act 2002 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
compliance-assessable work in remote areas	regulation by an inspector, the work will not adversely affect public health or safety.

<b>Plumbing and Drainage Regulation 2019 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Queensland Heritage Act 1992 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Residential Services (Accreditation) Act 2002 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.



<b>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.
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.

<b>Stock Route Management Act 2002</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Sustainable Planning Act 2009</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: <ul style="list-style-type: none"> <li>(a) propose to prepare a new scheme; or</li> <li>(b) propose to amend the scheme; or</li> <li>(c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.</li> </ul>
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'.

<b>Sustainable Planning Regulation 2009</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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: <ul style="list-style-type: none"> <li>(a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or</li> <li>(b) be in extreme conflict with the character of the locality.</li> </ul>

<b>Planning Act 2016</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
<u>9(4) – When planning instruments and designations have effect</u>	<u>Council must resolve to give a temporary local planning instrument, or amendment, and the request for an earlier effective day, to the Minister for approval</u>
<u>24(1) – Repealing temporary local planning instruments or planning scheme policies</u>	<u>Council may, by resolution, repeal of a temporary local planning instrument or planning scheme policy</u>
<u>113(1) – Adopting charges by resolution</u>	<u>Council may, by resolution, adopt charges for providing trunk infrastructure for development (a charges resolution)</u>

<b>Planning Regulation 2017</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
<u>11(3) – Making superseded planning scheme request</u>	<u>Council may, by resolution, set a fee for considering a superseded planning scheme request made under section 29 of the Planning Act</u>
<u>68D(1) – Local governments may adopt economic support instruments</u>	<u>Council may, by resolution, adopt an economic support instrument for its local government area</u>
<u>68G(1) – Revoking economic support instruments</u>	<u>Council may, by resolution, revoke an economic support instrument for its local government area</u>
<u>Schedule 6, Part 2, 2(3)(b)(ii) – Material change of use for particular buildings or structures</u>	<u>Council may, by resolution, decide to apply sub-section 2(3)(b)(ii) to premises for a material change of use for a class 1 or 2 building, if the use is providing support services and temporary accommodation for persons escaping domestic violence.</u>
<u>Schedule 9, Part 3, Division 2, Table 1, Item 1, Column 2, paragraph (b) – Local government as referral agency</u>	<u>Declaration that the form of a certain development may have an extremely adverse effect on the amenity, or likely amenity, of a locality (that Council has by resolution or in its planning scheme declared) would be in extreme conflict with the character of a locality (Building Work under Building Act, Referral agency assessment, Particular class 1 and 10 buildings and structures involving possible amenity and aesthetic impacts)</u>

<b>Transport Operations (Road Use Management) Act 1995 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Waste Reduction and Recycling Act 2011 (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
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.

<b>Waste Reduction and Recycling Regulation 20<del>23</del><sup>11</sup> (Qld)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
<del>57</del> – 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.
<u>125(1) – Adoption of plan following consultation</u>	<u>Council must, by resolution, adopt a waste reduction and recycling plan</u>
<u>127(1) – Amendment of plan</u>	<u>Council may, by resolution, amend a waste reduction and recycling plan</u>

<b>Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)</b>	
<b>Section</b>	<b>Power not subject to delegation</b>
161 – Declaration of service area <u>if Council supplies a reticulated water service or sewerage service in all or part of the local government area</u>	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.



8.8

SUNSHINE COAST COUNCIL INVESTIGATION POLICY - COUNCILLORS

File No:	Council Meetings
Author:	Manager Governance and Executive Services Civic Governance
Appendices:	App A - Investigation Policy - Councillors ..... 285  

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PURPOSE

This report presents the *Sunshine Coast Council Investigation Policy - Councillors* for consideration and adoption under section 150AE (1) of the *Local Government Act 2009*.

EXECUTIVE SUMMARY

Section 150AE (1) of the *Local Government Act 2009* (the Act) provides that a local government must adopt, by resolution, a policy (an **investigation policy**) about how it deals with suspected conduct breaches of councillors, where those matters are referred, by the Office of the Independent Assessor (OIA) to the local government to deal with.

Council’s existing Investigation Policy – Councillors was adopted by Council on 6 December 2018. As noted below, the Act has recently been amended and as such, Council’s existing Investigation Policy needs to be updated to be compliant with the provisions of the Act that are now in place.

The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* was passed by the Queensland Legislative Assembly on 15 November 2023 and received assent and commenced on 22 November 2023. Upon assent, modifications were made to the governance arrangements for the management of Councillor conduct complaints.

As a consequence of these amendments, the Department of Housing, Local Government, Planning and Public Works (the department) amended its model meeting procedures for local governments, to address the amendments to the Act relating to the management of Councillor conduct and conduct complaints referred back to Council. Council adopted the associated amendments to its Standing Orders at its Ordinary Meeting on 15 February 2024.

Linked to this is the need to now update Council’s Investigation Policy for Councillors. In March 2024, the Department issued an example Local Government Investigation Policy for councils to consider. The example Policy issued by the Department has been reviewed by Council officers and adapted where appropriate, in order to best meet the operating arrangements and governance requirements of Council.

The proposed *Sunshine Coast Council Investigation Policy – Councillors* is provided at **Appendix A** for Council’s consideration.

**OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Sunshine Coast Council Investigation Policy - Councillors” and
- (b) resolve to adopt, under section 150AE (1) of the *Local Government Act 2009*, the *Sunshine Coast Council Investigation Policy – Councillors* at Appendix A, replacing the Investigation Policy – Councillors previously adopted by Council on 6 December 2018.

**FINANCE AND RESOURCING**

The costs associated with the development and management of this Policy are borne within the Civic Governance Group’s operational budget. The costs associated with specific investigations will be captured and summarised as individual matters are reported to Council.

**CORPORATE PLAN**

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

**Outcome:** 5.3 - Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council

**Operational Activity:** 5.3.2 - Provide advice on, and support the effective management of, Council’s legal risks and statutory compliance activities.

**CONSULTATION****Councillor Consultation**

All Councillors were consulted in relation to the proposed Policy.

**Internal Consultation**

- Chief Executive Officer
- Group Executive, Civic Governance
- Manager, Ethical Standards

**External Consultation**

External consultation was not required for the preparation of this report as the matters herein relate to Council’s management of conduct matters referred by the Office of the Independent Assessor.

Further, the proposed *Sunshine Coast Council Investigation Policy – Councillors* is based on the Example Local Government Investigation Policy March 2024 as issued by the Department.

**Community Engagement**

There was no community engagement required on the proposed Policy as it models the Example Policy produced by the Department.

**PROPOSAL****Background**

Many of the current aspects of the Councillor conduct complaints system were first introduced into the Act in December 2018 with the intent to provide a simpler, more

streamlined Councillor conduct complaints management system. Unfortunately, this objective was not realised, with the 2018 legislation introducing a more complex, onerous and time and resource consumptive system for local governments and Councillors than had existed in the past.

As part of the reforms instigated in 2018, the Office of the Independent Assessor was established to investigate all complaints and information about Councillor conduct before deciding how complaints should be dealt with.

On 25 October 2021, the then Minister for Local Government wrote to the Legislative Assembly's State Development and Regional Industries Committee (SDRIC) requesting it conduct a review into the functions of the Office of the Independent Assessor in accordance with SDRIC's general oversight responsibilities for that Office.

On 14 October 2022, the SDRIC tabled its *Report No. 28 - Inquiry into the Independent Assessor and Councillor Conduct Complaints System* (the Councillor Conduct Report) in the Legislative Assembly. The Councillor Conduct Report made 40 recommendations to improve the Councillor conduct complaints system.

On 12 January 2023, the Government's response to the Councillor Conduct Report was tabled in the Legislative Assembly, supporting or supporting in-principle, all 40 recommendations.

The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* (the Amendment Act) sought to give effect to those SDRIC's recommendations that required a legislative response, including several reforms to the Councillor conduct complaints system including:

- introducing a preliminary assessment process that the Office of the Independent Assessor must undertake for all complaints, notices and referrals to establish clear statutory parameters for when the Office of the Independent Assessor should take further action for conduct matters. This process is intended to enhance the scope for insubstantial conduct matters to be 'closed out' as early as possible
- establishing statutory limitation periods for when complaints, notices or referrals must be made to the Office of the Independent Assessor
- replacing the term 'inappropriate conduct' with 'conduct breach'
- limiting the application of the complaints system to a Councillor's conduct in their official capacity, and to currently serving Councillors (except where the conduct is suspected corrupt conduct)
- introducing a scheme to declare persons as vexatious complainants
- clarifying Councillor conflict of interest arrangements
- amendments to the constitution and membership of the Councillor Conduct Tribunal (CCT) and
- increasing mandatory reporting by the Office of the Independent Assessor and councils and requiring the publication of Councils' investigation reports for conduct matters.

### **The complaints management process in respect of Conduct Breach complaints**

If the Office of the Independent Assessor receives a complaint about a Councillor, a preliminary assessment must be undertaken. After undertaking a preliminary assessment of a conduct matter, if the Office of the Independent Assessor reasonably suspects a Councillor



has engaged in a conduct breach, the Assessor may decide to refer the suspected conduct breach to Council to deal with under section 150SD(4)(a) or 150W(b) of the Act.

Conduct breaches may include:

- a Councillor making derogatory comments about Council staff publicly
- a Councillor speaks to the media on behalf of Council when not properly authorised under a Council policy
- contravening an order from a chairperson to leave the meeting and stay away from the place at which the meeting is being held (including the public gallery) for the remainder of the meeting
- three occasions of unsuitable meeting conduct leading to orders being made - within a period of one year.

Suspected conduct breaches by Councillors are the only category of conduct complaint that the Office of the Independent Assessor may refer to Council to investigate and consider. These referred complaints must be managed in accordance with Council's adopted Investigation Policy.

In the case a suspected conduct breach is referred to Council, Council must:

- conduct an investigation in accordance with its Investigation Policy
- decide whether or not the Councillor has engaged in a conduct breach and
- if decided the Councillor has engaged in a conduct breach, decide what action Council will take to discipline that Councillor.

In deciding what action to take, Council may consider

- Any previous conduct breach of the Councillor and
- Any allegation made in the investigation that was admitted or not challenged and the Council is reasonably satisfied is true.

### **Council's proposed Investigation Policy – Councillors**

Council must adopt an Investigation Policy to facilitate the management of Councillor Conduct complaints that are referred to the Council to manage. The Investigation Policy must be compliant with the provisions of the Act. The policy must ensure the process includes the provision of an investigation report to assist Council in making a decision about the matter.

The proposed policy presented for Council's consideration at **Appendix A** is based on the Department's updated Example Local Government Investigation Policy (March 2024).

In line with the Department's example policy, the proposed *Sunshine Coast Council Investigation Policy – Councillors*:

- outlines the process for investigating suspected conduct breaches by Councillors referred to Council by the Office of the Independent Assessor
- states the circumstances in which an entity other than Council may investigate the conduct
- is consistent with and affords due recognition to, natural justice principles

- requires that Councillors and other persons who make complaints about Councillor conduct are given notice about the outcome of any investigation.

It is the Council's responsibility to ensure that any investigation into a Councillor's conduct is carried out in a way that is consistent with the requirements of section 150AF(2) of the Act. To ensure an investigation process is consistent with these requirements, the proposed Investigation Policy includes the following components:

- confidentiality obligations
- compliance with the principles of natural justice
- receipt of the referral notice from the Office of the Independent Assessor
- identification of whom should conduct the investigation
- provision of mechanisms for early resolution
- an emphasis and focus on timeliness
- includes relevant information about misconduct and corrupt conduct - particularly where potential misconduct or corrupt conduct may be identified as part of a conduct breach investigation
- arrangements for the completion of investigations and notifications about the outcome - noting that the outcomes of any investigation of a Councillor conduct breach must be reported to Council and Council must decide whether the complaint is substantiated and if so, what disciplinary penalty is to be imposed on the Councillor.

#### **Key changes from the December 2018 Investigation Policy – Councillors**

The December 2018 policy dealt with matters of suspected inappropriate conduct referred by the Office of the Independent Assessor to Council to deal with. In line with the Act at that time, the December 2018 policy included (among other things) that the Independent Assessor may recommend to the Council a way in which to deal with the matter referred. Should any of the Councillors (other than the subject of the complaint or the complainant) have disagreed with that recommendation, a Councillor could request for the matter to be included on the next Council meeting agenda to decide the appropriate process to investigate the complaint.

The proposed policy at Appendix A is more comprehensive than the 2018 policy, reflects the changes to the Act and prescribes in greater detail how Council must deal with a referred matter.

The proposed policy gives greater clarity in terms of the confidentiality requirements, the application of natural justice and includes the requirement for the civil standard of proof to be applied by the investigator when reviewing a matter. The proposed policy allows for the Chief Executive Officer to manage the investigation process or engage an external investigator. The proposed policy sets out that should the Mayor have a conflict of interest in a matter, Council must delegate these powers to the Deputy Mayor. If the Deputy Mayor is also conflicted, then another Councillor must be appointed by resolution, to manage the investigation.

Further, to align with the changes to the Act, the proposed policy includes the requirement for the investigator to prepare a statement of preliminary findings which must be given to the Councillor (that is subject to the complaint) before preparation of the final investigation

report. This element has been included to give the Councillor time to give evidence or a written statement about the conduct and preliminary findings. The investigator must consider any evidence in the preparation of the final report and the report must contain a full copy of any written submission.

Additionally, a summary investigation report including the preliminary statement of findings and summary of the outcome of the investigation, must be prepared for public availability before the meeting at which Council will consider the matter.

### **Disciplinary action against a Councillor**

Section 150AH of the Act sets out that following an investigation into an alleged conduct breach by a Councillor, the local government may:

- Order that no action is taken against the Councillor or make one or more of the following:
  - An order that the Councillor make a public apology for the conduct, in the way decided by the local government
  - An order reprimanding the Councillor for the conduct
  - An order that the Councillor attend training or counselling to address the conduct (including at the Councillor's expense)
  - An order that the Councillor is removed or must resign from a position representing the local government (other than that of Councillor)
  - An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
  - An order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach, including the cost of conducting the investigation of the conduct breach.

### **Legal**

Section 150AE (1) of the *Local Government Act 2009* sets out that a local government must adopt, by resolution a policy about how it deals with the suspected conduct breaches of Councillors, referred, by the Independent Assessor to Council to be dealt with.

#### *Human Rights Act 2019*

The proposed *Sunshine Coast Council Investigation Policy – Councillors* is compatible with Council's obligations under the *Human Rights Act 2009* and is consistent with the local government principles in section 4 of the Act.

Further, when the *Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023* was introduced into the Legislative Assembly in 2023, the then Minister for Local Government included a statement of compatibility in accordance with Part 3 of the *Human Rights Act 2019* in the supporting documentation/extrinsic material for the Bill.

On this basis – and given the proposed *Sunshine Coast Council Investigation Policy – Councillors* is consistent with the provisions of that Act now in force and the Department's example investigation policy - it is considered that no further compatibility assessment is required to support the policy recommended in this report.

**Policy**

The proposed *Sunshine Coast Council Investigation Policy – Councillors* will (if adopted) replace the existing Investigation Policy adopted on 6 December 2018. There are no aspects of the proposed policy at Appendix A that are in conflict with other existing policies of Council.

**Risk**

Should the proposed *Sunshine Coast Council Investigation Policy – Councillors* not be adopted, Council will not have in place a legally compliant policy to enable it to manage those conduct breach complaints that are referred to Council by the Office of the Independent Assessor.

The absence of a compliant Investigation Policy opens the risk that decision making by Council on Councillor conduct breaches may be open to successful challenge due to non-compliance with statutory requirements.

**Previous Council Resolution****Ordinary Meeting 15 February 2024 (OM24/11)**

*That Council:*

- (a) *receive and note the report titled "Sunshine Coast Council Standing Orders 2024 " and*
- (b) *adopt the Sunshine Coast Council Standing Orders 2024 (Appendix A).*

**Ordinary Meeting 6 December 2018 (OM18/204)**

*That Council:*

- (a) *receive and note the report titled "Councillor Governance Matters: Councillor Code of Conduct, Investigations Policy, Standing Orders & Councillors' Acceptable Request Guidelines"*
- (b) *adopt the Councillor Code of Conduct (Appendix A)*
- (c) *adopt the Investigations Policy (Appendix B)*
- (d) *adopt the amended Sunshine Coast Standing Orders 2018 (incorporating the Model Meeting Procedures) (Appendix C) with the following amendment to section 16.1:*
  - (1) *A member may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the Local Government by giving notice in writing, in the approved form, to the chief executive officer either at the previous meeting or not less than seven days before the commencement of the meeting at which the motion is to be discussed and*
- (e) *adopt the amended Councillors Acceptable Requests Guidelines (Appendix D).*

**Related Documentation**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023*
- *Code of Conduct for Councillors in Queensland*

**Critical Dates**

Early adoption of the proposed *Sunshine Coast Council Investigation Policy – Councillors*, to ensure compliance with the 22 November 2023 amendments to the Act, is considered to prudent in order to enable Council to deal with referred complaints of Councillor conduct breaches in a timely manner.

**Implementation**

Should the recommendations in this report be accepted by Council, the Chief Executive Officer will:

- update the Policy Register and
- publish the Sunshine Coast Council Investigation Policy – Councillors on Council's website.

## Strategic Policy

### Investigation Policy - Councillors

**DRAFT**

Approved by Council:

<INSERT Date>

### Policy purpose

This is Sunshine Coast Council's Investigation Policy (the policy) for how complaints about a suspected conduct breach of a Councillor (including the Mayor) will be dealt with as required by section 150AE of the *Local Government Act 2009* (The Act).

### Policy scope

This policy applies to investigations and determinations by Council about the suspected conduct breach of a Councillor including the Mayor, which has been referred by the Independent Assessor. As required, this policy:

- provides a procedure for investigating a suspected conduct breach of a Councillor,
- states the circumstances in which another entity may investigate the conduct,
- is consistent with the principles of natural justice,
- specifies the requirement to prepare a report about each investigation,
- incorporates the requirement for a notice about the outcome of investigations to be provided to:
  - the Independent Assessor;
  - the Councillor who is the subject of the investigation; and
  - persons who made the complaint about the Councillor's conduct, and
- includes a procedure about when a decision may be made to not start, or to discontinue, an investigation under section 150AEA.

This policy requires that:

- the Councillor to whom the complaint relates is given information about the suspected conduct breach, including details about the evidence of the conduct,
- the Councillor who is the subject of the complaint is given a notice if an investigation is not started or is discontinued,
- for the person who made the complaint, if the contact details of the person are known, to be provided with a notice if an investigation is not started or is discontinued,
- the Councillor who is the subject of the complaint is given the preliminary findings of the investigation before preparation of an investigation report about the investigation,

## Investigation Policy – Councillors | Strategic Policy

- the Councillor who is the subject of the complaint is able to give evidence or a written submission to Council about the suspected conduct and preliminary findings,
- any evidence and written submission given by the Councillor who is the subject of the complaint are considered in the preparation of the investigation report for the investigation; and
- the investigation report includes:
  - if evidence is given by the Councillor—a summary of the evidence; and
  - if the Councillor gives a written submission—a full copy of the written submission.

This policy does not relate to more serious Councillor conduct, such as misconduct or corrupt conduct, which are dealt with under separate legislative provisions.

This policy also does not deal with unsuitable meeting conduct, or any conduct undertaken in a personal capacity by a Councillor, for example, a sitting Councillor campaigning for re-election or attending a private social function.

### Policy statement

Chapter 5A of the *Local Government Act 2009* (the Act) prescribes the Councillor conduct management system.

Section 150CT of the Act establishes an Independent Assessor to carry out certain functions including the preliminary assessment, dismissal, referral, or investigation of complaints about Councillor conduct.

After undertaking a preliminary assessment on a Councillor conduct matter, if the Independent Assessor reasonably suspects a Councillor has engaged in a conduct breach, the Independent Assessor may decide to refer a suspected conduct breach to Sunshine Coast Council (Council) to deal with under section 150SD(4)(a) or 150W(b) of the Act.

Upon receipt of the referral notice of a complaint of a suspected conduct breach, Council must deal with the Councillor's conduct as prescribed under section 150AF of the Act unless a decision is made not to start, or to discontinue, the investigation under section 150AEA of the Act. In conducting the investigation, Council must comply with this policy.

Council may decide to not start, or to discontinue, an investigation if:

- the complaint is withdrawn by the complainant,
- the complainant consents to the matter being withdrawn, for example, the matter has been resolved and it is unnecessary for the Council to investigate the matter,
- the complainant refuses to cooperate by providing additional information during the investigation phase and not enough information is available to proceed, or
- the office of the Councillor becomes vacant for any reason, i.e. the person has resigned or was not re-elected and is no longer a Councillor.

## Investigation Policy – Councillors | Strategic Policy

### Confidentiality

Matters relating to the investigation of a suspected conduct breach of a Councillor are confidential during the investigation period, other than:

- to give the Councillor information about the suspected conduct, including details about the evidence of the conduct,
- to give the Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation,
- to give the Councillor a notice if an investigation is not started or is discontinued; and
- for conduct the subject of a complaint - to give the person who made the complaint, and the Independent Assessor a notice if an investigation is not started or is discontinued.

Once the conduct is investigated and an investigation report is received, a summary of the investigation report must be made publicly available before any discussion is undertaken by Council. The published summary report must not contain any names or identifying information about the complainant and persons who were interviewed or provided a statement or affidavit. The summary report must also not include any transcripts of interviews conducted by the investigator.

Once the matter has been investigated the matter will be placed on an Ordinary Meeting agenda. The investigation report and any recommendations of the investigator may be considered during the Ordinary Meeting. The debate on the investigation report may occur in a closed session under section 254J(j) of the *Local Government Regulation 2012* (the Regulation).

A decision (by resolution) made during an open Council meeting, must be made to determine whether a Councillor engaged in a conduct breach and if so, any decision about orders that are made under section 150AH of the Act. Any decision that is not consistent with the recommendations of the investigation report must state the reason for the decision in the meeting minutes. The minutes must give sufficient information to demonstrate the logic that has been applied to justify the decision to deviate from the recommendations of the investigation report.

The full investigation report must be made publicly available within 10 business days of Council deciding (by resolution) about whether the Councillor engaged in a conduct breach. The published full investigation report must not contain any names or identifying information about the complainant; persons who were interviewed, any transcript of interview, or statement or affidavit by a witness or person interviewed, unless the complainant is a Councillor or the Chief Executive Officer of the Council.<sup>1</sup>

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<sup>1</sup> section 150AGA(4)(a)



## Investigation Policy – Councillors | Strategic Policy

When deciding what action to take Council may consider:

- any previous conduct breach of the Councillor
- any allegation made in the investigation that was admitted, or not challenged, and the Council is reasonably satisfied is true.

A notice about the outcome of the investigation must be given to the Independent Assessor as soon as practicable that states the decision, the reasons for the decision and the details of any orders made under section 150AH of the Act.

### Natural Justice

Any investigation of a suspected conduct breach of a Councillor must be carried out in accordance with natural justice principles.

Natural justice, or procedural fairness, refers to three key principles:

- That the Councillor who is the subject of the suspected conduct breach has a chance to have his or her say before adverse findings are made and before any adverse action is taken i.e., fair hearing.
- That the investigator should be objective and impartial (ie. absence of bias<sup>2</sup>).
- That any actions taken, or decisions made are based on evidence (ie. not on suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected conduct breach will receive information about the suspected conduct, including:

- information about the suspected conduct, including details about the evidence of the conduct,
- the preliminary findings of the investigation before the preparation of an investigation report about the investigation outcome, and afforded the opportunity to respond to the preliminary findings,
- a notice if an investigation is not started or is discontinued including the reasons for the decision,
- allow the Councillor to give evidence or a written submission to Council about the suspected conduct breach and preliminary findings,
- requiring Council to consider the evidence or written statement from the Councillor in preparing the investigation report, and
- include, if evidence is given by the Councillor, a summary of the evidence and, if a written submission is provided, a full copy of the written submission, in the

<sup>2</sup> An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality. A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case. It must be kept in mind that the matter, when referred, is suspected and not yet proven.

## Investigation Policy – Councillors | Strategic Policy

investigation report.

Notice must be given to the following parties if an investigation is not started or discontinued including the reasons for the decision:

- the person who made the complaint; and
- the Independent Assessor

### Standard of proof

The civil standard of proof is to be applied by the investigator when determining whether a Councillor has engaged in a conduct breach.

The civil standard of proof is 'on the balance of probabilities', which means the weighing up and comparison of the likelihood of the existence of competing facts or conclusions.

An allegation is sustained 'on the balance of probabilities', if based on the evidence, the investigator and/or Council, is reasonably satisfied that its existence is more probable than not<sup>3</sup>.

### Timeline

The Councillor conduct framework must be effective and efficient. The investigator will make all reasonable endeavours to complete the investigation and provide a report within eight weeks of commencing the investigation.<sup>4</sup>

### Expenses

Council will pay the expenses associated with the investigation of a suspected conduct breach of a Councillor, including any costs of:

- an independent investigator engaged on behalf of Council,
- travel where the investigator needs to travel to undertake the investigation, or to interview witnesses, and/or
- obtaining legal or expert advice.<sup>5</sup>

<sup>3</sup> *Briginshaw v Briginshaw* (1938) 60CLR 336 considered how the requisite standard of proof should operate in civil proceedings. The case affirmed that the standard of proof that applies to all civil matters is the balance of probabilities. Matters involving allegations of a more serious nature may require stronger evidence to be adduced to establish the cause of action.

<sup>4</sup> Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the CEO (or delegate) to seek an extension of time.

<sup>5</sup> Note: Council may order the subject Councillor to reimburse all or some of the costs arising from a sustained conduct breach. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the investigator engaged to undertake the investigation. Any costs incurred by complainants, or the subject Councillor will not be met by Council. Where possible, costs should be kept to a reasonable rate, taking into consideration the costs for more serious matters dealt with by, for example, the Councillor Conduct Tribunal or other jurisdictions who deal with conduct matters.

## Investigation Policy – Councillors | Strategic Policy

### Councillor Conduct Register

The Chief Executive Officer must ensure decisions and any orders under section 150AH of the Act made about a conduct breach by a Councillor or any decision to not start, or to discontinue an investigation of a suspected conduct breach under section 150AEA of the Act, are entered into the relevant Councillor Conduct Register.

### Deciding not to start, or to discontinue an investigation

Depending on the circumstances of the matter, Council may determine to not start, or to discontinue an investigation about a Councillor's conduct after receiving a referral notice if:

- The complainant withdraws the complaint or consents to the investigation not being started or being discontinued; or
- The complainant does not comply with a request from Council for further information; or
- There is insufficient information to investigate the conduct.

Council will discontinue or not start an investigation and will not make a decision if the office of the councillor is vacated during the process.

Should Council decide not to start or to discontinue an investigation of a Councillor's conduct, it will provide a notice to the Independent Assessor stating the decision and the reasons for same.

### Procedure for investigation

The CEO will manage the investigation of suspected conduct breach matters relating to the Mayor or Councillors by either performing the role of investigator or engaging a suitably qualified person to undertake the investigation.

If the investigator obtains information which indicates a Councillor may have engaged in misconduct, the investigator must cease the investigation and advise the CEO. The CEO will then provide relevant information to the Independent Assessor.

If the investigator obtains information which indicates a Councillor may have engaged in corrupt conduct, the investigator must cease the investigation and advise the CEO. The investigator and/or the CEO will then provide relevant information to the Crime and Corruption Commission.

Once the investigation is finalised the investigator will prepare a report for Council including the following details:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained

## Investigation Policy – Councillors | Strategic Policy

- a statement of the relevant facts ascertained
- confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence compiled
- the investigation findings and any response by the Councillor the subject of the complaint to the findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

### Completion of investigation

#### Findings and recommendations

The investigator must prepare a statement of preliminary findings and must give the preliminary findings to the Councillor before preparing the final Investigation Report. The investigator must allow the Councillor to give evidence or a written statement about the conduct and any preliminary findings.

The investigator must consider any evidence or written submission given by the Councillor in preparing the investigation report and include a summary of the evidence and a full copy of any written submission in the investigation report.

#### Investigation report

The investigator must prepare an investigation report about the investigation of a suspected conduct breach referred by the Independent Assessor to Council under section 150AFA of the Act.

A summary investigation report must be prepared and made publicly available before the meeting where the Councillors will consider the matter. The summary report must be made available:

- 5pm on the next business day after the notice of the meeting at which a decision is to be made has been provided to the Councillors, or
- the day and time when the agenda for the meeting at which a decision is to be made is publicly available.

The summary report must include:

- the name of the Councillor whose conduct has been investigated; and
- a description of the alleged conduct; and
- a statement of the facts established by the investigation; and
- a description of how natural justice was afforded to the Councillor during the conduct of the investigation; and

## Investigation Policy – Councillors | Strategic Policy

- a summary of the findings of the investigation; and
- any recommendations made by the investigator who investigated the conduct.

The following information must not be made publicly available:

- if the investigation relates to the conduct of a Councillor that was the subject of a complaint:
  - the name of the person who made the complaint or any other person, other than the Councillor; or
  - information that could reasonably be expected to result in identifying a person who made the complaint or any other person; or
  - if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
    - the name of the person; or
    - information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor
    - any other information the Council is entitled or required to keep confidential under a law.

### Making a decision about the investigation

Council must decide as to whether the subject Councillor has engaged in a conduct breach.

When debating this matter the subject Councillor who has a declarable conflict of interest in the matter, must declare the conflict of interest. The eligible Councillors (those who do not have a conflict of interest in the matter) can decide by resolution if the subject Councillor can remain in the meeting during the debate and may answer questions to assist the eligible Councillors in deciding.

Alternatively, the eligible Councillors may resolve that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the consideration and or vote on the matter.

Should the complainant be a Councillor, that Councillor has a declarable conflict of interest in the matter and must follow the declarable conflict of interest procedures set out in Council's Standing Orders and the Act.

If the Council cannot achieve and maintain a quorum due to the number of conflicted Councillors or another reason, the matter is to be deferred to another date when a quorum will be present; or the matter is to be delegated consistent with section 257 of the Act.

The eligible Councillors at the meeting will consider the findings and recommendations of the investigator's report, decide whether the subject Councillor engaged in a conduct breach and what, if any, action it will take under section 150AH of the Act.

## Investigation Policy – Councillors | Strategic Policy

After deciding about the conduct breach, Council must make the investigation report for the investigation publicly available the **earlier of**

- on or before the day and time prescribed by regulation, or within 10 business days after the decision is made, or
- on the day and time that the meeting minutes are made publicly available.

The following information contained in the investigation report must not be made publicly available:

- if the investigation relates to the conduct of a Councillor that was the subject of a complaint
  - the name of the person who made the complaint or any other person, other than the Councillor even if that person has a declarable conflict of interest; or
  - information that could reasonably be expected to result in identifying a person
- if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
  - the name of the person; or
  - information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor; or
  - the submission or affidavit of, or a record or transcript of information provided orally by, a person, including, for example, a transcript of an interview; or
  - any other information Council is entitled or required to keep confidential under a law e.g. documents subject to legal professional privilege or information that is part of a public interest disclosure under the *Public Interest Disclosure Act 2010*.

The report made publicly available must include the name of the person who made the complaint if:

- the person is a Councillor or the Chief Executive Officer of Council; and
- the person's identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.

### Disciplinary action against Councillors

If Council decides that the Councillor has engaged in a conduct breach, any of the following orders may be imposed:

- order that no action be taken against the Councillor, or

## Investigation Policy – Councillors | Strategic Policy

- make an order outlining what action Council will take to discipline the Councillor under section 150AH of the Act. Under this section the Council may make 1 or more orders in accordance with those set out section 150AH(b)(i) - (vii) of the Act.

### Notice of outcome of investigation

After an investigation is finalised, Council must give a notice about the outcome to:

- the Independent Assessor; and
- the person who made the complaint about the Councillor's conduct that was the subject of the investigation; and
- the subject Councillor who was investigated.

## Investigation Policy – Councillors | Strategic Policy

### Policy application

A local government must adopt, by resolution, the policy about how it deals with a suspected conduct breach of a Councillor referred, by the Independent Assessor (the Independent Assessor) under section 150AE (1), of the Act, to the local government to be dealt with. The policy must be published on the local government's website (section 150AE (4), of the Act).

### Policy review

This policy will be reviewed in line with related legislative changes and or at least every 4 years as required.

### Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational policies. Provides feedback to the CEO when consulted (on policies which apply to Councillors or where this policy impacts the community).
Chief Executive Officer (CEO)	Approval authority for setting this policy and for all material changes to this policy, on advice from ELT. Able to approve non-material changes. CEO will consult with Councillors where this policy applies to Councillors or impacts the community.
Executive Leadership Team (ELT)	Provides advice to the CEO on setting this policy and all proposed material changes to this policy. Provides feedback to the policy sponsor and policy holder regarding the scope of approaching reviews.
Group Executive (GE), Civic Governance	Policy sponsor. Approval authority for any non-material change to this policy.
Manager, Ethical Standards	Policy holder. Approval authority for any minor non-material changes to this policy.

### Definitions

Refer to Council's Policy Framework for definitions of common terms. The following contains definitions for terms specific to this policy. For otherwise undefined terms, the plain English meaning informs interpretation.

Term	Definition
Independent Assessor	Independent Assessor appointed under section 150CT of the Act



## Investigation Policy – Councillors | Strategic Policy

Behavioural standard	a standard of behaviour for Councillors set out in the <b>Code of Conduct for Councillors in Queensland</b> approved under section 150D and 150E of the Act
Chief Executive Officer	Council's Chief Executive Officer
Conduct	includes: <ul style="list-style-type: none"> <li>failing to act; and</li> <li>a conspiracy, or attempt, to engage in conduct</li> </ul>
Councillor conduct register	the register required to be kept by the local government as set out in section 150DX and 150DY of the Act
Conduct breach	as set out in section 150K of the Act
Corrupt conduct	as set out in section 15 of the <i>Crime and Corruption Act 2001</i>
Investigator	the person responsible under this policy for carrying out the investigation of the suspected conduct breach of a Councillor or Mayor
Summary of investigation report	a summary of the full investigation report prepared before making a decision about the outcome of the investigation
Investigation Report	a report provided by the investigator to the local government
The Act	<i>Local Government Act 2009</i>
Local Government Meeting	a meeting of: <ul style="list-style-type: none"> <li>a local government; or</li> <li>a committee of a local government</li> </ul>
Misconduct	see section 150L of the Act
Referral Notice	see section 150L of the Act
Tribunal	the Councillor Conduct Tribunal as established under section 150DK of the Act
Unsuitable meeting conduct	see section 150H of the Act

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## Investigation Policy – Councillors

### Appendix





Policy information		
Title	Investigation Policy - Councillors	
Purpose	This is Sunshine Coast Council’s Investigation Policy (the policy) for how complaints about a suspected conduct breach of a Councillor (including the Mayor) will be dealt with as required by section 150AE of the Local Government Act 2009 (The Act).	
Document number		
Corporate Plan reference	Goal	<p>Our Outstanding Organisation</p> <p>Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council.</p> <p>Provide advice on, and support the effective management of, Council’s legal risks and statutory compliance activities.</p>
Category	Strategic	
Subcategory	Councillors	
ELT advice date		
CEO approval date		
Effective date	From adoption	
Review schedule	A full review must be undertaken within every four years, and reviewed policy document must be provided to highest level approval authority for endorsement. Reviews may occur more regularly as required, having regard to a policy risk assessment.	
Last review	2024	
Next review	2028	
Policy holder	The Manager responsible for this policy is Manager, Ethical Standards	
Approval authority	Council	
Related documents		
<p><i>Local Government Act 2009 (the Act); Local Government Regulation 2012 (the Regulation)</i></p> <p><i>Crime and Corruption Act 2001;</i></p> <p><i>Public Interest Disclosure Act 2010</i></p> <p><i>Public Sector Ethics Act 1994</i></p>		
Code of Conduct for Councillors		

Investigation Policy – Councillors

Administration Action Complaints Management Process
Information Privacy Policy
Public Interest Disclosure Program and Procedure
Sunshine Coast Council Standing Orders

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	New Policy Position	<insert>	<insert>	<insert>

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07 5475 7272 | Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

8.9 <b>DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LAND AT LOT 9020 AURA BOULEVARD, BARINGA (LOT 9020 SP284348)</b>	
<b>File No:</b>	<b>Council Meetings</b>
<b>Author:</b>	<b>Senior Property Officer Business Performance Group</b>
<b>Attachments:</b>	<b>Att 1 - Aerial Locality Plan ..... 303</b>  
	<b>Att 2 - Easement Plan ..... 305</b>  

**PURPOSE**

To seek Council approval for an exception under Section 236 of the *Local Government Regulation 2012* to dispose of an interest in land (via easement) for electricity supply over a portion of Council-owned land on Aura Boulevard, Baringa, legally described as Lot 9020 on SP2348483.

**EXECUTIVE SUMMARY**

This report seeks a resolution from Council to dispose of an interest in land by way of easement without the need to undertake a tender or auction process. The easement is proposed for electrical supply purposed to Energex for a new ring main unit to be installed within part of Council’s freehold land at Aura Boulevard, Baringa legally described as Lot 9020 on SP284348.

Energex has requested that Council agree for public electrical infrastructure to be installed within Council’s land, with an easement to support to protect this infrastructure. With the population growth within the Aura precinct the public electrical infrastructure will provide support services to the adjoining private residential/community land.

An exemption is being sought from Council under Section 236 of the *Local Government Regulation 2012*, to permit the disposal of an interest in land (by way of easement other than by tender or action). An exception to dispose is applicable and complies with the Regulation in this instance, as the disposal is to Energex, a government agency.

**OFFICER RECOMMENDATION**

**That Council:**

- (a)    receive and note the report titled “Disposal (Easement) of Part of Council Freehold Land at Lot 9020 Aura Boulevard, Baringa (Lot 9020 SP284348)” and**
- (b)    resolve, pursuant to section 236 of the *Local Government Regulation 2012*, that an exception to dispose of an interest (by way of easement) in land (other than by tender or action) is applied as the disposal is to Energex, a government agency, pursuant to Section 236 (1)(b)(i) over Council freehold land Lot 9020 SP 28434836.**

**FINANCE AND RESOURCING**

Energex will be responsible for all costs associated with facilitating the easement which will include compensation for the preparation of the easement documentation, survey plans, the preparation of compensation assessments and Titles Queensland registration fees to register the dealings. Energex will also be fully responsible for maintaining its infrastructure once installed.

The compensation for providing an easement over Council's land will be equal to or above that of the market value of the interest in land and will be undertaken by an independent registered valuer pursuant to Section 236(3) and 236(5) of the *Local Government Regulation 2012*. In the event an exemption to the disposal is granted, the Property Management Branch will commission an independent compensation assessment for the diminished value of the encumbered land.

There are no direct or ongoing costs to Council in relation to the proposal.

**CORPORATE PLAN**

**Corporate Plan Goal:** ***Our service excellence***

**Outcome:**

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

**CONSULTATION****Councillor Consultation**

Councillor J Broderick – Division 1 Councillor

**Internal Consultation**

- Manager Leasing & Land Management Property Management
- Senior Property Officer Property Management
- Project Officer Environmental Operations
- Parks Technical Officer Open Space
- Strategic Infrastructure Planning Policy
- Transport Infrastructure Management
- Urban Growth Projects

**External Consultation**

Council's Property Management Branch has liaised with Energex in relation to the requirement for the registration of the electrical easement within Council's land.

**Community Engagement**

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

**PROPOSAL**

The land is located at Lot 9020 Aura Boulevard, Baringa and is owned by Council in freehold and is legally described as Lot 9020 on SP2348483 ('Council's land'). The land was acquired for park and public open space purposes as shown in **Attachment 1 – Aerial Locality Plan**.

With the population growth within the Aura precinct, Energex are undertaking an upgrade and expansion of the public electrical infrastructure network in the precinct which will provide support services to the adjoining private residential and community held land.

Energex considered alternative locations for the installation of the Ring Main Unit which would typically be installed within the road reserve and not within Council's land. In assessing this requirement, Energex identified that the installation of a Ring Main Unit within the road reserve would have negative impacts to the public footpath infrastructure that already exists within the road reserve.

An alternative solution was to install the new Ring Main Unit within Council Land, which will require a 3.1m x 3.0m easement within Council freehold land.

The easement of 9m<sup>2</sup> for electrical infrastructure (Ring Main Unit) is identified in **Attachment 2 – Easement Plan**

The internal consultation on the proposal was broadly supported by internal stakeholders and as such it is recommended that Council agree to providing an exception under the Regulations in this instance.

To facilitate the registration of the easement over Council's land, Council is required to grant an exception under Section 236 of the *Local Government Regulation 2012*. *Local Government Regulation 2012* stipulates that Council may, by resolution, dispose of an interest in land (including by way of easement), other than by tender or auction, if an exception applies. An exception is permitted as it relates to this application as the land is being disposed to a government entity as outlined in Section 236(1)(b)(i) of the Regulation.

The applicant will be required to pay compensation to Council for encumbering Council's land with an easement. In the event that an exception is granted, the Property Management Branch will commission an independent compensation assessment to determine the diminished value of the encumbered land. This will ensure the disposal complies with Sections 236(3) and (5) of the Regulation as:

- Compensation will be assessed by a registered valuer who is not an employee of the local government) registered under the *Valuers Registration Act 1992*; and
- Compensation will be set at or above the market valuation as determined by the registered valuer.

**Legal**

There are no legal implications relevant to this report. Legal Services will however be consulted as part of the development and establishment of the Easements.

**Policy**

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

**Risk**

There are no risks associated with the granting of an easement at this location as per the recommendation. The works to install the infrastructure within Council's land will be undertaken by Energex's contractor in line with Council's standard conditions regarding access and works within Council land.

**Previous Council Resolution**

There are no previous Council resolutions relevant to this report.

**Related Documentation**

Council's Standard Terms Document for electrical infrastructure, underground electricity infrastructure and access rights easements on Council owned land will be registered in accordance with the easement documentation.

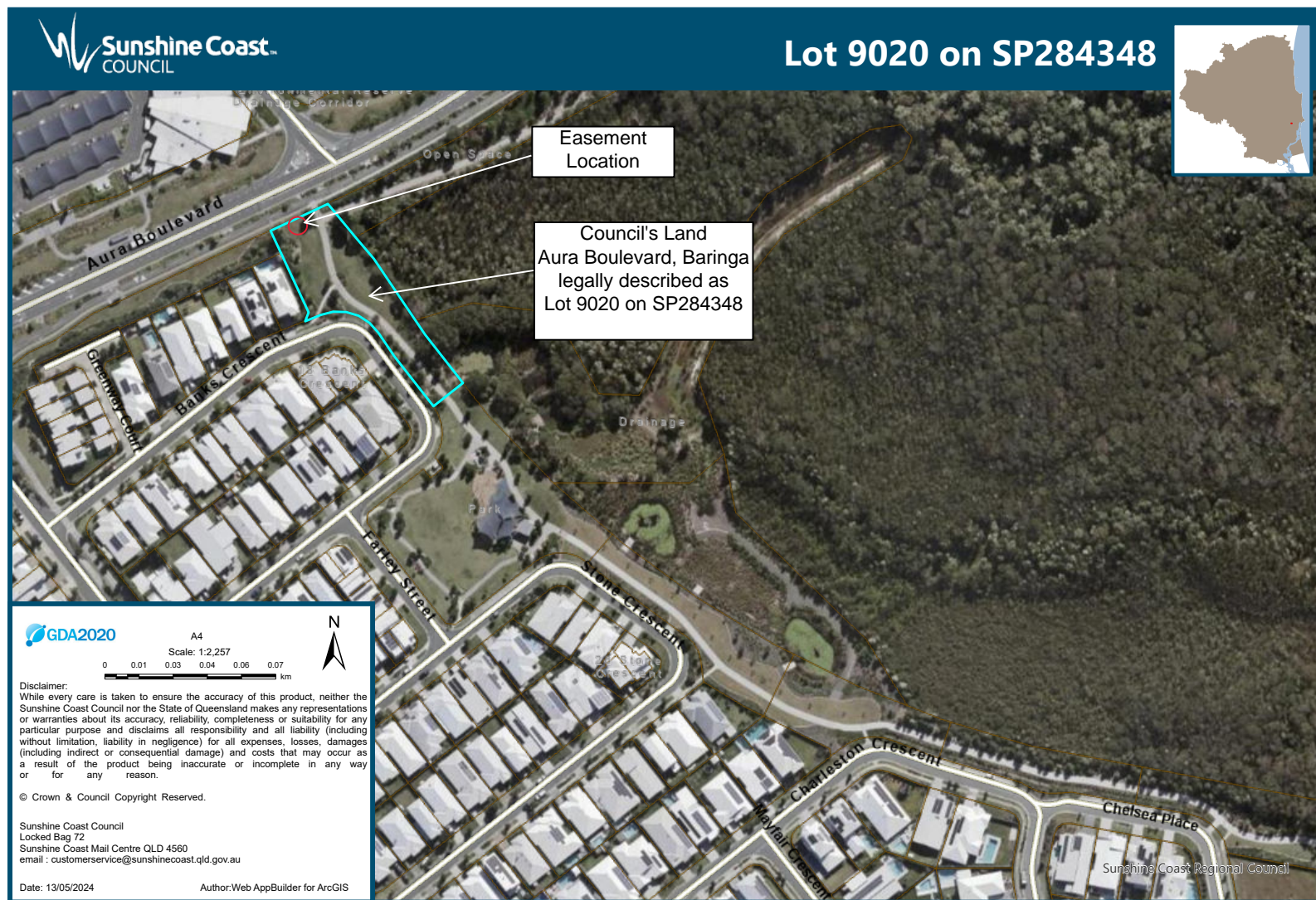
**Critical Dates**

There are no critical dates relevant to this report, however, Energex has requested that the matter be finalised as soon as possible to allow the installation of the new Ring Main Unit.

**Implementation**

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will delegate to Council's Delegated Officer that an exception to Division 4 of Section 236 of the *Local Government Regulation 2012* applies, and the survey plan and easement documentation will be executed and registered with Titles Queensland.

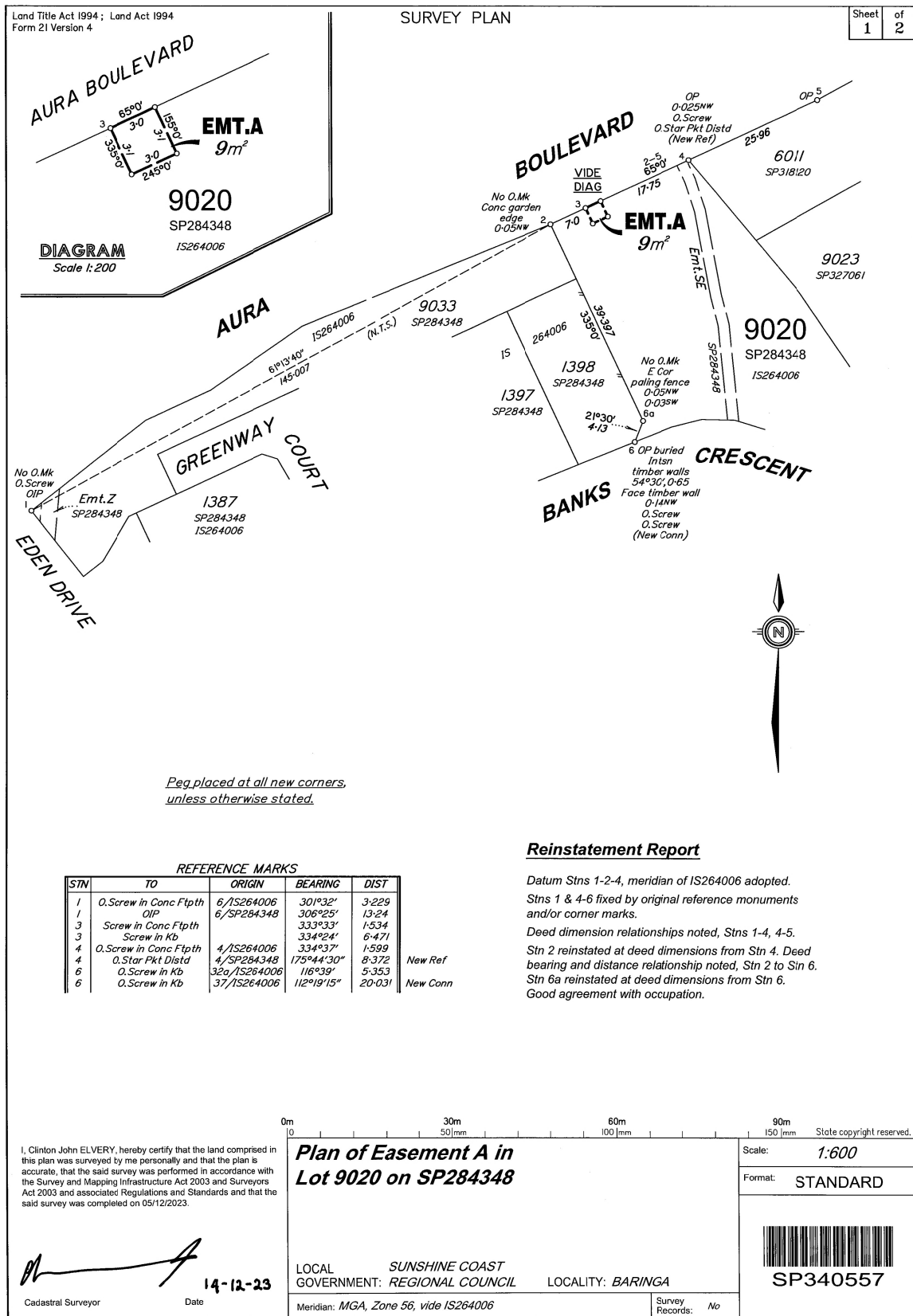








## Attachment 2 Easement Plan





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**8.10 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION FOR DISPOSAL OF PROPERTY IN CALOUNDRA**

**File No:** F23/00592  
**Author:** Property Development Officer  
Business Performance Group  
**Attachments:** Att 1 - Disposal of Land Caloundra - *Confidential*

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**PURPOSE**

The purpose of this report is to seek an exception from Council in accordance with section 236 of the *Local Government Regulation 2012* from the tender or auction process. The purpose of which is to facilitate the sale of Council-owned land at Oval Avenue, Caloundra, legally described as Lot 4 and Lot 5 on Survey Plan 346646 to the State of Queensland.

**Attachment 1** is confidential in respect to the content and timeframes of negotiations with the State and recognising that, until Council makes a decision, the transaction has no certainty.

The information contained in this attachment is considered to be confidential as its public disclosure would potentially impact adversely on the finalisation of a current commercial negotiation process.

For these reasons, it is recommended that should Councillors wish to discuss the information in the confidential attachment, Council resolve to close the meeting under section 254J(3)(g) of the *Local Government Regulation 2012* as the attachments contain information on negotiations relating to commercial matters involving the local government for which a public discussion would be likely to prejudice the interest of the local government. Specifically, the matters that are considered confidential in the attachment and which would be the subject of discussion when the meeting is closed relate to the current status of the negotiations and potential acquisition price and process for the land parcels under consideration.

The report also contains a recommendation to release details relating to the site locations and sale price of the disposals once the negotiations have been finalised and the transfer of property titles has been registered with Queensland Titles.

**EXECUTIVE SUMMARY**

The Caloundra Transport Corridor Upgrade required the acquisition of several properties along Oval Avenue and Third Avenue in order to widen the road from two to four lanes and include dedicated cycle tracks and pedestrian pathways. With the project footprint being identified and demolition of the properties nearing completion, potential balance sections of land which are surplus to the project's requirements have been identified. On one block between First and Second Avenue, two new contiguous lots have been created. Refer **Figure 1**. While Council would not usually dispose of balance land parcels until after a project is completed, in this instance the State has recently acquired two lots on First Avenue, which adjoin the new Lot 5 and have interest in acquiring these newly created lots to complement their existing land to enable them to consider a superior development outcome.

It has been confirmed by Council's Project Officer that this land will not be required as a construction staging area during the Caloundra Transport Corridor Upgrade project.

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this case the State of Queensland. Section 236(2) provides that a Local Government must decide by resolution that an exception applies. Section 236(3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value.

Detail on the valuation assessment and proposed purchase price may be found in confidential **Attachment 1**.

## OFFICER RECOMMENDATION

**That Council:**

- (a) **receive and note the report titled "Exception under Local Government Regulation for disposal of property in Caloundra"**
- (b) **resolve, pursuant to section 236(1)(b)(i) and 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land at Lot 4 and Lot 5 on SP346646 and**
- (c) **note that the proposed transferee is a government agency.**

## FINANCE AND RESOURCING

Details on the valuation assessment and information on the proposed land disposals are contained in confidential **Attachment 1**.

The funds obtained from the sale will be allocated back to LGIP using the same funding percentage as the initial funding for the purchase.

## CORPORATE PLAN

**Corporate Plan Goal:** ***Our service excellence***

**Outcome:** We serve our community by providing this great service

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

## CONSULTATION

### Councillor Consultation

- Councillor T Landsberg, Division 2, has been briefed on this matter.
- Councillors J Broderick and E Hungerford, Portfolio Councillors for Outstanding Organisation, have been briefed on this matter.

### Internal Consultation

- Senior Solicitor, Property and Commercial, Legal Services

- Manager Project Delivery
- Project Officer Civil Projects, Project Delivery
- Coordinator Transport Network, Urban Growth Projects
- Manager Design and Placemaking Services

**External Consultation**

- Consultation has occurred between State representatives and Council Officers.
- Doyco Property Advisory produced a valuation report for the subject land.

**Community Engagement**

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

**PROPOSAL**

As part of the planning for the Caloundra Transport Corridor Upgrade project, there are particular sections of land identified which are surplus to the project's requirements.

Following the recent demolition of the dwellings on 7, 9, 11 and 13 Oval Avenue in Caloundra (these properties had been purchased by agreement by Council throughout 2019, 2020 and 2021), an area of surplus land has been surveyed and two new contiguous lots have been created. Refer Figure 1. Lot 4 on SP346646 is a corner allotment of 592m<sup>2</sup> that faces west to Second Avenue. Lot 5 on SP346646 is a corner allotment of 627m<sup>2</sup> that faces east to First Avenue. Future driveway access onto Oval Avenue is not possible. The northern boundary of Lot 5 adjoins two contiguous lots which the State acquired in August 2023. Through discussions between Council Officers and the State, it was recognised that these new lots would be desirable to supplement their existing, adjoining lots and may result in a superior development outcome for the community.



**Figure 1 – Subject Lots 4 and 5 on SP346646**

The subject land is zoned Major Centre in the Sunshine Coast Planning Scheme 2014. The purpose of the Major Centre Zone is to provide for a range of higher order business, entertainment, multi-unit residential and community activities in an active and vibrant mixed-use environment. This includes outcomes for a mix of medium and high-density multi-unit residential activities, generally in a mixed-use format, that are complementary to the predominant non-residential activities and business functions of the zone.

The *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception is the disposal is to a government agency, in this instance, the State of Queensland. Section 236(2) provides that a Local Government must decide by resolution that an exception applies. Section 236(3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value.

Detail on the valuation assessment and proposed purchase price may be found in confidential Attachment 1.

### Legal

There are no specific legal implications relevant to this report. Council's Senior Property and Commercial Solicitor has reviewed the sales contract.

### Policy

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

### Risk

There are no immediate risks relevant to this report, although the disposal of the subject land will assist in the recouping of costs expended in the Caloundra Transport Corridor Upgrade project.

**Previous Council Resolution****Ordinary Meeting 19 August 2021 (OM21/83)**

*That Council:*

- (a) receive and note the report titled "Resumption of Land Caloundra"*
- (b) delegate authority to the Chief Executive Officer to commence the process under the Acquisition of Land Act 1967 to acquire the following land:*
  - (i) Lots 18, 83, 84 & 87 on RP65952 for road purposes and purpose incidental to the purpose of road*
  - (ii) Lots 85 & 86 on RP65952 for road purposes*
  - (iii) Lots 0, 1 & 2 on SP137997 for road purposes and purpose incidental to the purpose of road*
  - (iv) Lot 34 on RP56889 for road purposes*
  - (v) approximately 54m<sup>2</sup> from Lot 35 on RP56889 for road purposes*
  - (vi) approximately 594m<sup>2</sup> from Lot 629 on CG4427 for road purposes*
  - (vii) approximately 317m<sup>2</sup> from Lot 470 on SP194659 for road purposes*
- (c) note that if there is an objection to a Notice of Intention to Resume (NIR), a report on the objection will be presented to Council for it to make a decision about whether Council should make an application to the Minister to take the land under section 9 of the Acquisition of Land Act 1967 or whether the NIR should be amended or whether Council should discontinue the resumption*
- (d) delegate authority to the Chief Executive Officer to make an application to the Minister for Resources to take the land under section 9 of the Acquisition of Land Act 1967, provided that no objections are received and*
- (e) delegate authority to the Chief Executive Officer to settle claims for compensation if the land is compulsory acquired.*

**Ordinary Meeting 31 January 2019 (OM19/9)**

*That Council:*

- (a) receive and note the report titled "Caloundra Transport Corridor Planning"*
- (b) resolve to negotiate, finalise and execute the acquisition of the properties required for the delivery of the Caloundra Transport Corridor outcomes*
- (c) advise the State Government, via the Department of Transport and Main Roads, of the following preference for the Caloundra Road/Pelican Waters Boulevard/Nicklin Way intersection:*
  - (i) it be planned to be upgraded in stages with the ultimate layout being a grade separated interchange*
  - (ii) slip lanes at each of the four entries to the intersection be explored in future planning and design*
- (d) the Third Avenue extension to the Nicklin Way be upgraded in stages with the ultimate layout being a grade separated interchange and*



- (e) *that in regard to (c) (i), (c) (ii) and (d) above that all future planning regarding these three items, recognises design considerations that do not encumber the outcomes sought by (c) (i), (c) (ii) and (d) above.*

**Related Documentation**

There is no related documentation relevant to this report.

**Critical Dates**





Assuming a resolution is passed, the settlement of this property will occur 30 days after all the conditions are satisfied.

**Implementation**

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will delegate to the Strategic Property team to finalise the disposal.

8.11

DISPOSAL (LEASE) TO COMMUNITY YOUTH EDUCATION OPTIONS LTD  
OVER THE WHOLE OF 2 LEWIS STREET, CALOUNDRA

File No:	F2024/23765
Author:	Manager Leasing and Land Management Business Performance Group
Attachments:	Att 1 - Locality Plan ..... 319 <a href="#">↓</a> 
	Att 2 - Lease Area Plan ..... 321 <a href="#">↓</a> 
	Att 3 - Confidential Proposed Terms of New Lease - <b>Confidential</b>
	Att 4 - Letters of Support..... 323 <a href="#">↓</a> 
	Att 5 - Approved Decision Notice 2020..... 325 <a href="#">↓</a> 

PURPOSE

To seek Council’s resolution to grant an exception in accordance with the *Local Government Regulation 2012* to the disposal of land (by lease) via action/tender over a portion of 2 Lewis Street, Caloundra to Community Youth Education Options Ltd (trading as Kairos Community College)

In preparing this report, the Chief Executive Officer recommends that **Attachment 3 – Proposed Terms of New Lease** be considered as confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012* as the attachment contains information relating to negotiations of a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

EXECUTIVE SUMMARY

This report seeks Council’s resolution to grant an exception from the auction/tender process under Section 236(2) of the *Local Government Regulation 2012* to dispose of land (via lease) by entering into a direct Agreement for Lease and subsequent lease with Community Youth Education Options Ltd (trading as Kairos Community College) over the whole of 2 Lewis Street, Caloundra.

Council owns the land at 2 Lewis Street, Caloundra in freehold. The land is legally described as Lot 2 on SP242749 and is shown in Attachment 1 – Locality Plan.

The land is currently leased to the Scouts Association of Australia (Caloundra Branch) with the current lease due to expire on 2 August 2024. Whilst the Scouts Association hold the current lease, the predominant user of the site is Kairos Community College. On this basis, it is considered desirable to have the head tenure holder being the predominant user of the land.

Council received an application from Kairos Community College (via the Scouts Association as the current tenure holder), requesting that Council consider granting a lease. The lease area is shown in Attachment 2 – Lease Area Plan.

In preparing this report, the Chief Executive Officer recommends that Attachment 3 be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial

matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Attachment 3 is confidential in respect to the content and timeframes of negotiations and recognising that, until Council makes a decision, and the Trustee Lease is executed, the lease has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's ability to finalise the lease in a manner that represents the best value for the ratepayers of the region. The report contains a recommendation to release details of the Trustee Lease once negotiations have been finalised and registered with the Titles Registry.

On the basis that there is broad support for the proposal, it is recommended that Council enter into an Agreement to Lease and subsequent 30-year lease (granted if the terms of the Agreement to Lease are fulfilled) to Community Youth Education Options Ltd (trading as Kairos Community College).

## OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Disposal (Lease) to Community Youth Education Options Ltd over the whole of 2 Lewis Street, Caloundra"**
- (b) resolve that in accordance with section 236(1) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land (lease) other than by tender or action applies as per section 236(1)(b)(ii) as Community Youth Education Options Ltd is a community organisation and registered charity and**
- (c) authorise the Chief Executive Officer to publicly release details relating to the Lease once the negotiations have been finalised and registered with the Titles Registry.**

## FINANCE AND RESOURCING

The rent payable by the Tenant upon commencement of the new lease is outlined in **Confidential Attachment 3 – Proposed Terms of New Lease**. The rent payable has been assessed in line with recommendations provided by Council's appointed external licenced valuer as well as taking into consideration the community benefits and infrastructure contributions associated with the proposal and terms of the lease outlined in the attachment.

All costs associated with the drafting, negotiation, and registration of the new lease and associated agreements will be the responsibility of Kairos Community College.

## CORPORATE PLAN

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

## CONSULTATION

### Councillor Consultation

Councillor T Landsberg – Division 2 Councillor

### Internal Consultation

- Strategic Property
- Planning Assessment
- Strategic Planning
- Urban Growth Projects
- Environment and Sustainability Policy
- Environmental Operations
- Open Space
- Sport and Recreation Development
- Community Development
- Legal Services

### External Consultation

Council has liaised with the Scouts Association of Australia (Caloundra Branch), the current Lessee, the Caloundra Triathlon Club and Kairos Community College through the business case development and leasing proposal. All users of the land are in preliminary agreement to the proposal for Kairos Community College to hold the overarching lease over the space.

The existing community tenants who are located at the site have provided support for the Proposal and are included in **Attachment 4 – Letters of Support**.

### Community Engagement

The initial approval of an education purpose on the land was subject to public notification and adjoining land user in 2020. The additional development proposed will also be subject to public notification, by way of a newspaper advertisement and engagement with adjoining land users.

## PROPOSAL

The land subject to this lease proposal is 2/14 Lewis Street, Caloundra legally described as Lot 2 on SP242749 and is owned by Council in Freehold and is zoned Sport and Recreation. Lot B on SP265503 is also zoned Sport and Recreation with an approved use of 'Scout Hall and Education Establishment'. Council's land is shown in **Attachment 1 – Locality Plan**.

The proposed lease area is 2 Lewis Street, Caloundra legally described as the whole Lot B on SP265503 (the lease site) and comprises of 3,230m<sup>2</sup> of land as shown in **Attachment 2 – Lease Area Plan**.

The lease area comprises of the below improvements:-

- Scout Hall and Educational Establishment building (main facility), and

- Two storage sheds.

The Scouts Association of Australia (Caloundra Branch) have a current lease over the site which commenced on 2 August 2014 and is due to expire on 2 August 2024. The Scouts Association sub-licence the current facility to Kairos Community College who utilise the facility during school hours and the Caloundra Triathlon Club who occupy a separate storage facility on the leased site.

Kairos Community College (via an application submitted by the Scouts Association) undertook a \$350,000 refurbishment of the existing Scout Hall and Educational Establishment which comprised of internal refurbishment of the facility to improve acoustics, aesthetics, make existing bathroom facilities *Disability and Discrimination Act 1992* compliant, create gender neutral bathroom and toilet facilities, increase functionality of space for delivery of programs and increase energy efficiency of the building.

A review of the current tenancy structure has determined that Kairos Community College are the predominant user of the space. Kairos Community College submitted an application to Council via the Scouts Association (the current Lessee) with a proposal to hold a direct lease with Council, rather than a sub-agreement with the Scouts Association.

Council has considered the proposal and following broad internal support for the proposal, Council officers have been negotiating the transaction terms with Kairos Community College.

#### Kairos Community College - Background

Kairos Community College is a Special Assistance School providing flexible education programs for students in years 10, 11 and 12 that have disengaged from mainstream education. Kairos Community College is unique in that it provides all students with the opportunity to achieve their Queensland Certificate of Education and, in over nine years of operation, has been successful in having 100% of students complete this foundational education qualification.

#### Transaction Documentation Structure

It is envisaged that the transaction documentation will comprise of the following documentation:-

- Agreement for Lease between Council and Community Youth Education Options Ltd (trading as Kairos Community College),
- Lease between Council and Community Youth Education Options Ltd (trading as Kairos Community College),
- Sub-Agreement between Community Youth Education Options Ltd (trading as Kairos Community College) and the Scouts Association, and
- Sub-Agreement between Community Youth Education Options Ltd (trading as Kairos Community College) and the Caloundra Triathlon Club.

#### Agreement for Lease

The Agreement for Lease between Council and Kairos Community College will remain in operation for a maximum period of 2 years and 9 months. The Agreement for Lease will require that Council enter into a lease with Kairos Community College in the event the delivery and conditions precedent are met within this timeframe.

The delivery and conditions precedent will require Kairos Community College to obtain grant funding or alternative funding for the new education facility, obtaining all relevant and necessary planning applications, substantially commence construction and obtain practical completion of the development within that period.

Once all the delivery and conditions precedent (to the lease) have been met, Council will enter into the pre-agreed lease with Kairos Community College. The Agreement for Lease effectively provides security and certainty to Kairos Community College that Council will enter into a lease in the event that the development and conditions precedent are met.

The Lease will commence following the delivery and conditions precedent being met as outlined above.

#### Lease

The essential terms of the Agreement for Lease and Lease are detailed in **Attachment 3 – Proposed Terms of New Lease**. The proposed terms and conditions for the new lease are subject to obtaining an exception from Council as proposed within this report.

In accordance with the *Local Government Regulation 2012*, an exception from Council is required where Council seeks to enter into a new lease (other than by tender or action) where the organisations is a not-for-profit, community organisation or registered charity. Kairos Community College meets this requirement as they are a registered charity. If no exception is granted the premises will be offered for trustee lease via a tender process after the current trustee lease expires.

On the basis there is broad support within the organisation, it is proposed Council enter into an Agreement for Lease and Lease, with the lease having a period of 30 years to Kairos Community College. The proposed lease has the following benefits:-

- Provides a financial return (lease rent) to Council throughout the life of the lease;
- Secures the provision of new and upgraded infrastructure using private sector investment which will be accessible for community use outside of Kairos Community Colleges core functions.
- Reduces costs associated with the occupancy and management of facilities for the current community occupants (Scouts Association and Triathlon Club).

#### **Legal**

Council's Legal Services department has been consulted in relation to the preparation of the terms and will draft the Agreement for Lease and Lease documentation.

#### **Policy**

This report has been prepared in accordance with Council's *Procurement* Policy relating to the disposal of Council assets and the Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy.

#### **Risk**

Kairos Community College do not obtain the required grant funding. The proposal is subject to Kairos Community College obtaining development funding during the Agreement for

Lease period. In the event that grant funding is unable to be secured, the conditions precedent will not be met, and Council will not progress to entering into a lease.

Scouts Association and Caloundra Triathlon Club Tenure: Council's Lease with Kairos will require they enter into and maintain suitable sub-agreements with the existing user organisations at the site for the duration of the Lease.

### **Previous Council Resolution**

There is no previous Council resolution relevant to this report.

### **Related Documentation**

MCU20/0297 – On the 10 December 2020, Council issued a Development Permit for Material Change of Use of Premises to Establish an Educational Establishment (Special Assistance School). The approval involved utilising the existing Scouts Hall building during regular school hours to establish a special assistance school. The intended staff hours are 8.30am to 3.30pm Monday to Friday, with student hours slightly less than this. The approval involved establishing a split use of the building to enable the complementary uses to operate during separate hours. The 2020 Material Change of Use process also included a Public Notice and advice to adjoining Tenants which was completed by the Consultant. The Approved decision notice is detailed in **Attachment 5 – Approved Decision Notice 2020**.

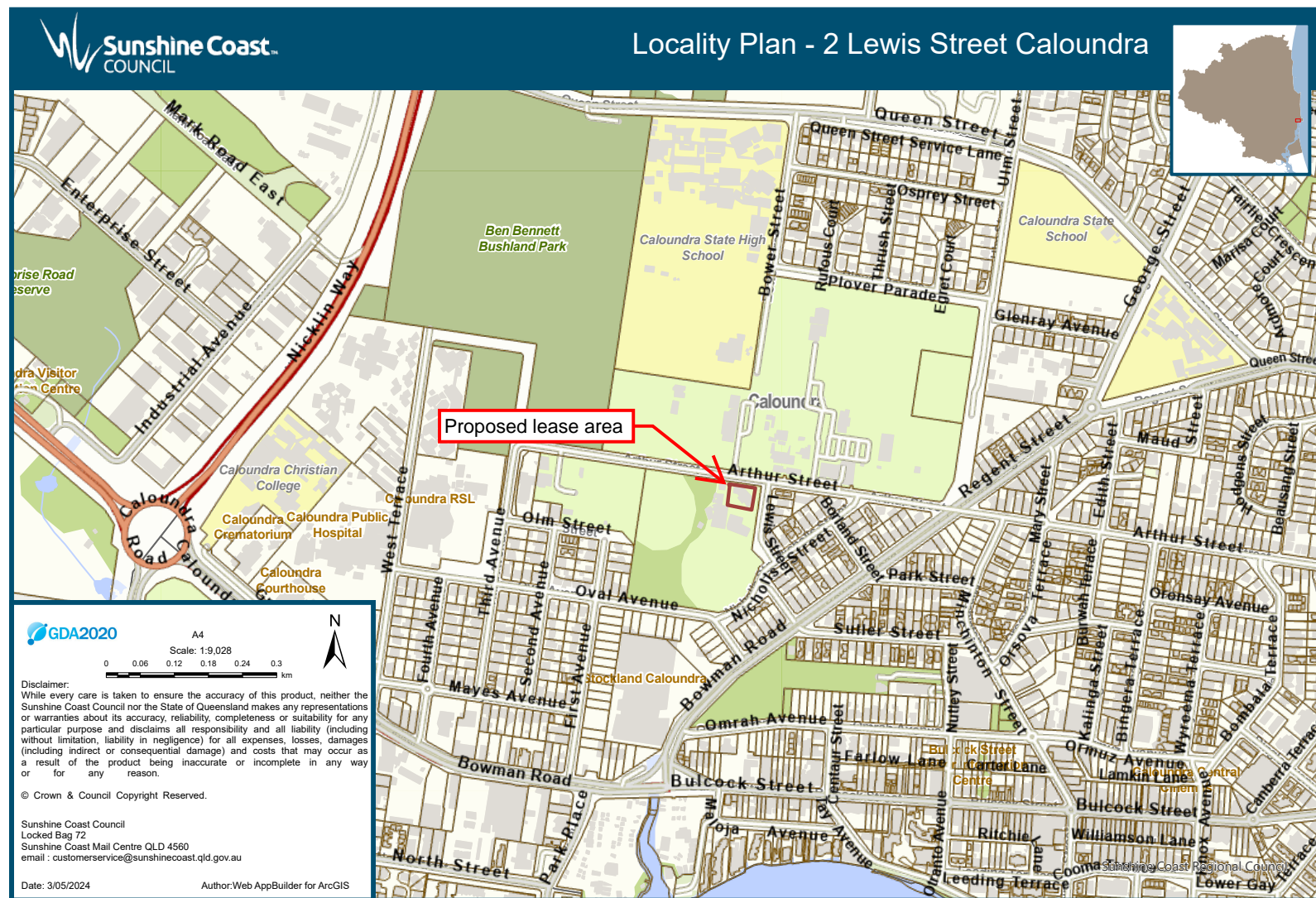
### **Critical Dates**

Kairos Community College is seeking to have the Agreement for Lease entered into by 2 August 2024. This both aligns with the expiration of the Scout Association lease over the site and aligns with their funding application cut-off dates. A requirement of Kairos Community College grant funding applications requires that they have proof of tenure, as such approval is being sought prior to this date.

### **Implementation**

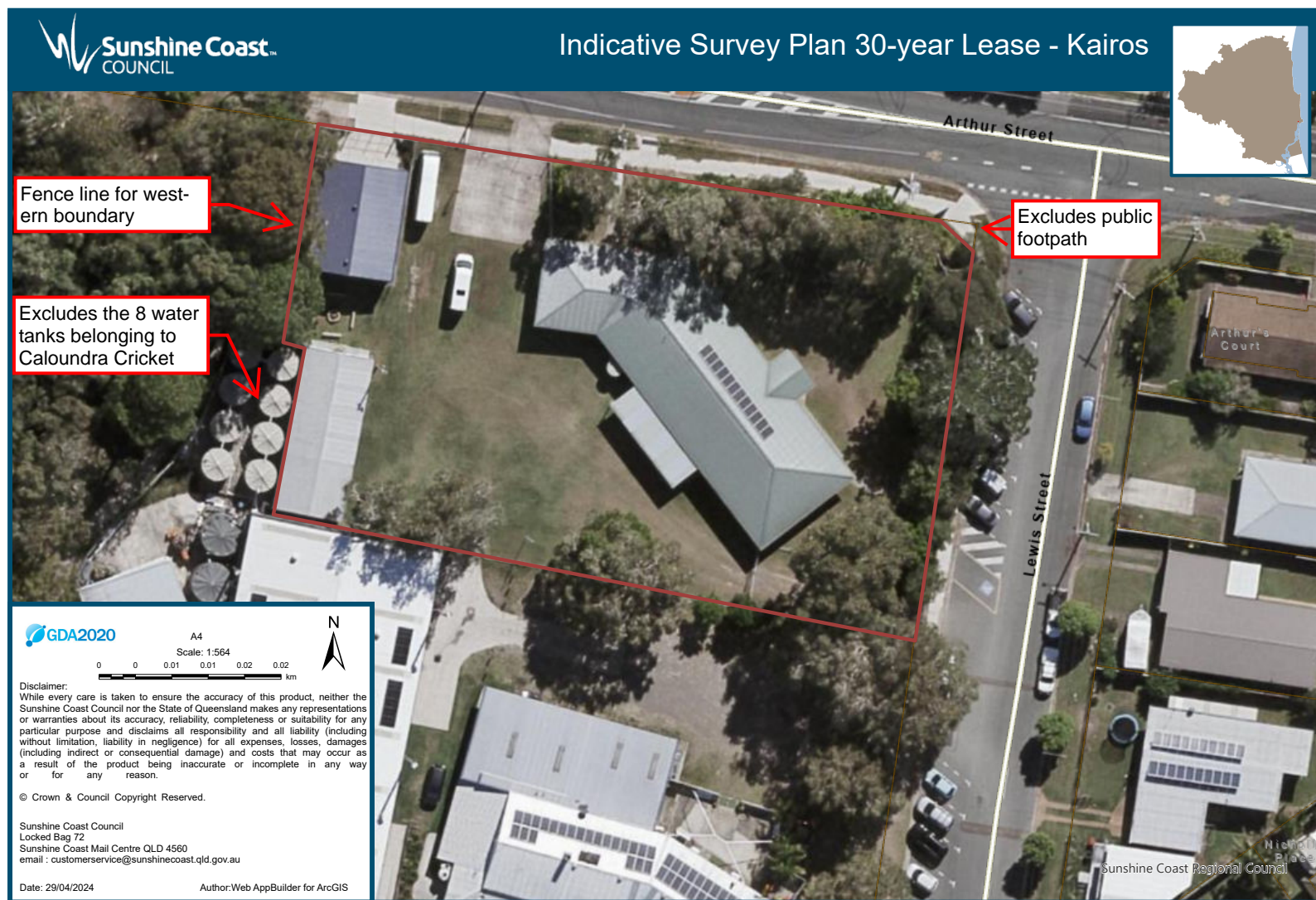
Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will:

- delegate to Council's delegated officer to prepare and enter into an Agreement for Lease and subsequent Lease with Kairos Community College
- consent for sub-agreements to be entered into by Kairos Community College with the Scouts Association (Caloundra Branch) and Caloundra Triathlon Club and
- register all relevant documentation at the Queensland Titles Office.











25 March 2024

Attention: Kay Bennett  
Sunshine Coast Council  
Locked Bag 72  
**SCMC NAMBOUR QLD 4075**

Sent by email only to:- [kay.bennett@sunshinecoast.qld.gov.au](mailto:kay.bennett@sunshinecoast.qld.gov.au)



32 Dixon Street  
Auchenflower  
QLD 4066

(07) 3870 7000  
[hello@scoutsqld.com.au](mailto:hello@scoutsqld.com.au)  
[www.scoutsqld.com.au](http://www.scoutsqld.com.au)

ABN 67 019 153 391

**REQUEST FOR THIRTY YEAR TENURE ARRANGEMENT,  
CORNER OF ARTHUR AND LEWIS STREET CALOUNDRA QLD 4551**

Dear Kay

Following your correspondence dated the 21 November 2023, in relation to the proposed thirty (30) year tenure arrangement for the property located at 2 Lewis Street Caloundra QLD 4551, otherwise known as Lease B on Lot 2 SP 265503 (the Site).

After careful negotiations, I can confirm that Community Youth Education Options Limited, Trading as Kairos Community College and Scouts Queensland have reach an in-principle agreement in consideration to the shared use of the site. As we both finalise the finer detail of that agreement; Scouts Queensland provides it's support and consent for the council to commence negotiations with Kairos has future head-leasee and with respect to ongoing year tenure arrangements for the site.

Trusting all is in accordance with your requirements. If you require any further information or assistance, please do not hesitate to contact us.

Yours sincerely

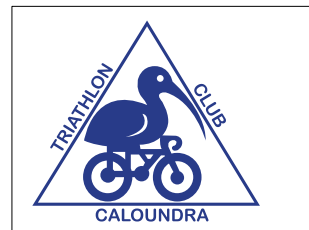
**Andrew Morgan**  
Manager Facilities and Risk  
Scouts Queensland

Cc: Tony Andrews  
[tony@kairosc.org.au](mailto:tony@kairosc.org.au)

Danielle Twomey  
[danielle@kairosc.org.au](mailto:danielle@kairosc.org.au)

Scouts Australia  
Member of the World Organization of the Scout Movement





Caloundra Triathlon Club Inc.

2 Lewis Street  
CALOUNDRA QLD 4551

Karios Community College  
C/-Danielle Twomey  
[dbayadmin@karioscc.org.au](mailto:dbayadmin@karioscc.org.au)

19 April 2024

Dear Danielle

Thank you for taking the time to chat to Paul Gleeson regarding the opportunities for the Caloundra Triathlon Club to continue to work with Karios as the potential head leasee of the property located at 2-14 Lewis Street, Caloundra. The Triathlon Club has had a successful relationship with Queensland Scouts over the past 5 years and hope that will continue with Karios.

The Caloundra Triathlon Club supports Karios Community College in their application to the Sunshine Coast Council for a 30-year head lease over the property located at 2-14 Lewis Street, Caloundra and look forward to a positive, mutually beneficial relationship moving forward.

Regarding the general terms of the sublease, the Triathlon Club are generally happy to negotiate these in good faith with Karios. Regarding any specific terms, I can advise that the Triathlon Club offers:

- to take on all maintenance and insurance responsibilities associated with the Club's shed and associated works (e.g., driveway, gates and fencing)
- to pay Karios the following amounts per annum for the sublease and services:
  - \$265 rent (this is the equivalent amount the council will charge for our permit to occupy)
  - \$400 per annum for electricity, water and sewerage (the Club has very low usage of electricity and water and this amount also reflects a contribution toward network connection charges)
- that these amounts mentioned above can be indexed annually in accordance with the Consumer Price Index.

The Triathlon Club are happy to continue to discuss the terms of our sub-lease arrangements with Karios once you have a clear understanding of the terms of your agreement with the council. Please continue to discuss our arrangements with Paul on 0457 222 475.

Warm Regards,

Alan Weatherhead  
President



[sunshinecoast.qld.gov.au](http://sunshinecoast.qld.gov.au)

07 5475 7272 mail@sunshinecoast.qld.gov.au

Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Sunshine Coast City Hall 54 First Avenue Maroochydore Qld 4558

Sunshine Coast Regional Council ABN 37 876 973 913

Officer: Alice Hanigan  
Direct Telephone: 5475 9885  
Our Reference: MCU20/0297  
Your Reference: 096

10 December 2020

Kairos Community College  
C/- Vision Design Planning  
PO Box 24  
GOLDEN BEACH QLD 4551

Dear Sir/Madam

**DECISION NOTICE – APPROVAL – MCU20/0297 - LOT 2 SP 242749 LOT B SP 265503  
– SCOUTS - CALOUNDRA 2 LEWIS STREET & 2-14 LEWIS ST CALOUNDRA**

I refer to your application and advise that on 9 December 2020 council decided to approve the application subject to conditions.

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises to Establish an Educational Establishment (Special Assistance School)

A copy of the development approval granted by this decision notice is attached.

A copy of the relevant appeal provisions is also attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about a matter contained within this decision notice. If council agrees or agrees in part with the representations, a negotiated decision notice will be issued. Only one negotiated decision notice may be given.

Should you have any further queries in relation to this decision, please do not hesitate to contact Alice Hanigan on the above number.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Katrina Patey", written over a light blue rectangular background.

KATRINA PATEY  
PRINCIPAL DEVELOPMENT PLANNER

Enc: Development Approval  
Approved Plans  
Appeal Rights

Cc: Unitywater

## Development Approval

### APPLICATION DETAILS

Application No: MCU20/0297  
 Street Address: Scouts - Caloundra 2 Lewis Street, CALOUNDRA  
 2-14 Lewis Street, CALOUNDRA  
 Real Property Description: Lot 2 SP 242749 & Lot B SP 265503  
 Planning Scheme: Sunshine Coast Planning Scheme (24 August 2020)

### APPROVAL DETAILS

Nature of Approval: Approval with conditions  
 Type of Approval: Development Permit for Material Change of Use of  
 Premises to Establish an Educational Establishment  
 (Special Assistance School)

### CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approval first took effect (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

The currency period for this approval is subject to any further extension of time declared by the State government for the "COVID-19 emergency applicable event" pursuant to s275E of the *Planning Act 2016*.

### INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

### ASSESSMENT MANAGER CONDITIONS

#### PLANNING

##### When conditions must be complied with

1. Unless otherwise stated, all conditions of this development approval must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

##### Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval.

**Nature and Extent of Approved Use**

3. The Approval is for an Educational Establishment (Special Assistance School). The operation of the school is limited to the hours of 8.30am to 3.30pm Monday to Friday.
4. The use is limited to the area highlighted in yellow on the approved Site Plan.
5. The total number of enrolled students for the educational establishment must not exceed 50.

**Street Identification**

6. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

**ENGINEERING**

**External Works**

7. Arthur and Lewis Street must be upgraded for the length of its frontage to the subject site, as described below. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
  - (a) Construction of a pedestrian footpath in accordance with the conditions of this development approval (Note: footpath requirements are detailed under 'Pedestrian and Bicycle Facilities' heading).
  - (b) Road marking and signage of proposed on-street parking bays including:
    - 1 x 2.3m wide x 14m long Bus stop bay
    - 5 x P5 car parking drop off bays (5 minute limit)
    - Line marking and signage in accordance with the referenced plans listed in this development approval
    - Provision of pram ramps crossings (for pedestrians and cyclists)

**Pedestrian and Bicycle Facilities**

8. Pedestrian and bicycle facilities must be provided for the development, as noted below. The works must be undertaken in accordance with an operational works approval and must include in particular:
  - (a) a minimum 2m wide footpath within the road verge for the entire length of the site's frontages to Arthur and Lewis Street, including pram crossings at the intersection and along Arthur Street for off road cyclists to re-enter Arthur street.



## LANDSCAPING

### Landscape

9. The existing Landscaping is to be retained and protected as part of the works. The following is to be undertaken prior to commencement of use:

- (a) Removal of any undesirable plant material where present i.e. poisonous, spinose, or a safety hazard,
- (b) Removal of any weed species and dead or dying plant material if present throughout the beds as part of general landscape maintenance works,
- (c) A qualified person \* must be engaged to undertake a risk assessment of all trees within striking distance of the outdoor spaces, buildings and structures carry out hazard removal and amenity pruning in accordance with AS 4373, Pruning of amenity trees where required.

\*(Refer to Advisory Note)

## FOLLOWING CONSTRUCTION

### Supervision/Certification

10. Prior to commencement of use the following (prepared by respective qualified persons\* and certifying compliance with approvals) must be submitted to council:

- (a) Certification from a qualified Horticulturalist\* that the landscape areas are free from undesirable or hazardous plant material.
- (b) Certification from an Arborist, that hazard removal an amenity pruning has occurred, in accordance with AS4373, as required.

(\* Refer to Advisory Note)

### REFERRAL AGENCIES

Not applicable.

### DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

#### Approved Plans

Plan No.	Rev.	Plan Name	Date
096-01 Sheet 1	A	Site Plan, prepared by Vision Design Planning	23/10/2020
096.02 Sheet 3	A	Floor Plan (Proposed alterations), prepared by Vision Design Planning	23/10/2020
096.02 Sheet 4	A	Elevations (Existing and proposed), prepared by Vision Design Planning	23/10/2020

### REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

**Referenced Documents**

Document No.	Rev.	Document Name	Date
Tech. Note 1 198028		Technical Note, prepared by Road Pro Engineering	4/11/2020
RP-198028-01 Sheet 1 of 2	A	Proposed parking amendments to Arthur Street General Layout, prepared by Road Pro Engineering	4/11/2020
RP-198028-02 Sheet 2 of 2	A	Proposed parking amendments to Arthur Street Signage and Line marking, prepared by Road Pro Engineering	4/11/2020

**ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

**Equitable Access and Facilities**

- The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
  - the *Disability Discrimination Act 1992 (Commonwealth)*
  - the *Anti-Discrimination Act 1991 (Queensland)*
  - the *Disability (Access to Premises – Buildings) Standards*.

**Aboriginal Cultural Heritage Act 2003**

- There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 1300 378 401 to discuss any obligations under the *ACH Act*.

**Easements and Future Works over External Land**

- Should the conditions of this development approval require easements or works to be undertaken over land external to the site, council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to

advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over council owned or controlled land, please liaise directly with council's Property Management Unit and note that compensation may be payable.

#### **Other Laws and Requirements**

4. This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the Sunshine Coast Council website ([www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.

#### **Restriction on Building Approval until all other Permits are Effective**

5. Pursuant to the statutory provisions of the Building Act, a private building certifier must not grant any building development approval related to this development until all necessary development permits for the development (including, for example, operational works approvals) have taken effect under the *Planning Act 2016*. This legislative requirement is critical to ensure that a private certifier's approval about a component of the development is consistent with the assessment managers' decisions on other aspects of the overall development.

#### **Infrastructure Charges**

6. Infrastructure charges, determined in accordance with council's Infrastructure Charges Resolution, apply to this development approval. The Infrastructure Charges Notice, for council's proportion of the infrastructure charge, has been issued. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

#### **Development Compliance Inspection**

7. Prior to the commencement of the use, please contact council's Development Audit & Response unit to arrange a development compliance inspection.

#### **Preparation of a Preliminary Construction Management Plan**

8. A preliminary construction management plan must be submitted with the operational works application and must address the following:
  - (a) appropriate traffic signage in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*.
  - (b) provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.

#### **Qualified Person**

9. Qualified Person, for the purpose of:

- (a) Undertaking, supervising tree works and preparing arboriculture certification, is considered to be a person with a minimum three years current experience in tree protection, hazard identification/mitigation and either:
  - (i) International Society of Arboriculture (ISA) certification; or
  - (ii) A Diploma of Arboriculture.
- (b) Preparing certification for removal of undesirable plant material and managing declared plant pests, is considered to be:
  - (i) a Horticulturalist with a minimum 3 years' experience in the field

#### Retention of Existing Trees

10. The existing trees on adjoining properties must be retained and protected during construction wherever achievable. To avoid doubt, this advisory note is not intended to exclude the operation of Chapter 3 of the *Neighbourhood Dispute Resolution Act 2011* following construction of the development which is the subject of this development approval.

#### PROPERTY NOTES

Not applicable.

#### VARIATION APPROVAL

Not applicable.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work
- Development Permit for Building Work

#### SUBMISSIONS

There were no properly made submissions about the application.

#### INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

#### ENVIRONMENTAL AUTHORITY

Not applicable.

#### RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

<b>OTHER DETAILS</b>
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If you wish to obtain more information about council's decision, please refer to the approval package for the application on Council's Development.i webpage at [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au), using the application number referenced herein.

	<h2 style="margin: 0;">Appeal Rights</h2> <p style="margin: 0;"><i>PLANNING ACT 2016 &amp; THE PLANNING REGULATION 2017</i></p>
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Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
  - (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
  - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court – the chief executive; and

- (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

#### 231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
  - decision* includes–
    - (a) conduct engaged in for the purpose of making a decision; and
    - (b) other conduct that relates to the making of a decision; and
    - (c) the making of a decision or failure to make a decision; and
    - (d) a purported decision ; and
    - (e) a deemed refusal.
  - non-appealable*, for a decision or matter, means the decision or matter–
    - (a) is final and conclusive; and
    - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
    - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

**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 24 July 2024.

**13 MEETING CLOSURE**