

Related Documentation

Ordinary Meeting

Thursday, 20 June 2024

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OPTIONS LTD OVER THE WHOLE OF 2 LEWIS STREET, CALOUNDRA**

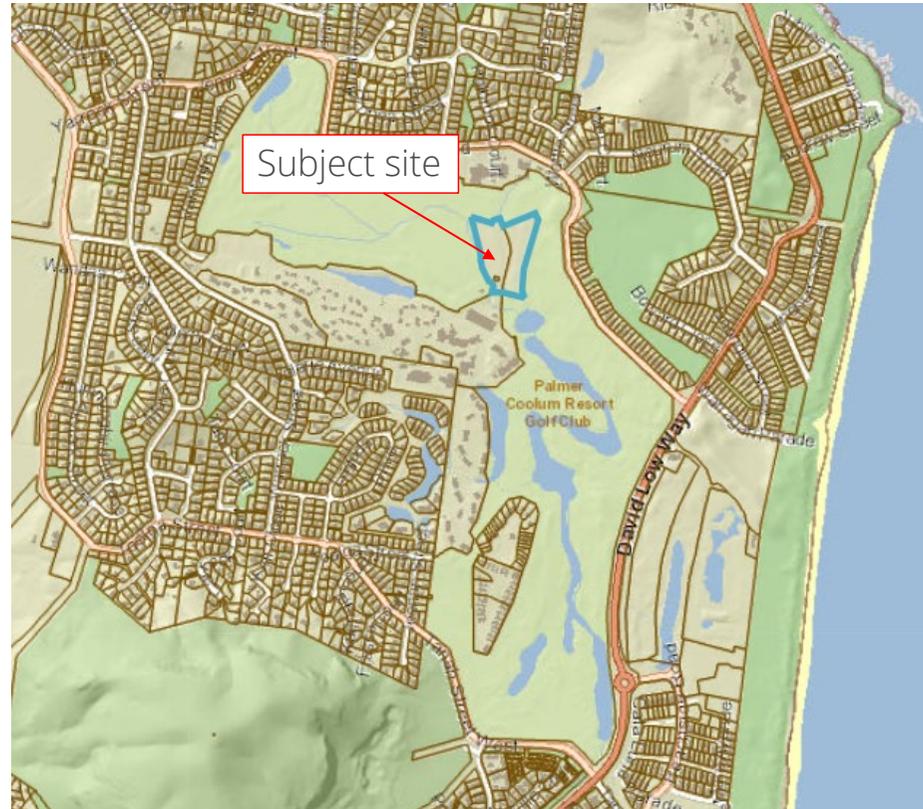
ATTACHMENT 1 PRESENTATION 93

Warran Road, Yaroomba Development Permit for a Material Change of Use of Premises to Establish an Extension to Tourist Attraction (Car Museum)

Item 8.1

Ordinary Meeting
June 2024

Locality Plan and Aerial



Preliminary Approval

Preliminary Approval (MCU05/0245.26) varies the effect of the planning scheme to control development in the Coolum Hyatt Integrated Resort and Residential Community

Subject site is within Precinct 5B and Precinct 1B of the Coolum Hyatt Resort – Master Plan Area



LEGEND

- RESORT AND BEACH CLUB FACILITIES & ACCOMMODATION
 - SUB-PRECIINCT 1A (RESORT)
 - SUB-PRECIINCT 1B (RESORT CARPARKING)
 - SUB-PRECIINCT 1C (BEACHSIDE RESORT CLUB (also known as Resort Beach Club))
 - SUB-PRECIINCT 1D (CLUBS RESORT FACILITIES)
- GOLF COURSE (PRECINCT 2)
- RESORT RESIDENTIAL (PRECINCTS 3A - 3E, 4, 5A and 5B)
- BEACH CLUB MIXED USE (PRECINCT 3F)
- PARABOLIC DUNE / RAINFOREST CONSERVATION
- OPEN SPACE & BUFFER (PRECINCT 3H)
- ACCESS ROADS
- UNDERPASS
- PROPOSED COMMUNITY CENTRE
- 2.0m WIDE VEGETATION BUFFER
- NEW GOLF COURSE HOLES
- RETAINED GOLF COURSE HOLES
- NEW / OLD GOLF HOLE NUMBER
- EXISTING WATER BODIES
- NEW WATER BODIES
- VEHICLE ACCESS POINT
- PUBLIC PEDESTRIAN ACCESS POINT
- BEACH CONNECTION LOCATION
- EXISTING BEACH CONNECTION LOCATION
- SPECIAL EVENT/EXHIBIT AND SERVICE VEHICLE ACCESS ONLY
- EMERGENCY VEHICLE ACCESS ONLY

Land Lease

HYATT REGENCY COOLUM

PLAN OF DEVELOPMENT

0 50 100 200 300 400 metres

Scale: 1:5000 AT A3
File No. HC-OLL
Dgn No. HC-OLL-P001/0727
24 July 2023

SUNSHINE COAST REGIONAL COUNCIL

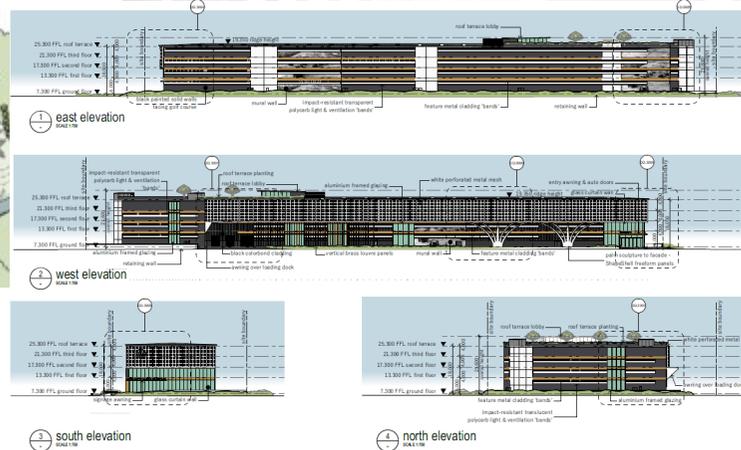
APPROVED

MCU05/0245.26 27 July 2023



Proposal

Material Change of Use for extension to
Tourist attraction (Car Museum)



Public Notification – 787 submissions (732 properly made)

Support – 11 submissions (7 properly made) Key Issues Raised in Submissions in Support of the Development	Objection – 773 submissions (723 properly made) Key Issues Raised in Submissions in Objection of the Development
<ul style="list-style-type: none"> • Will bring employment to the area 	<ul style="list-style-type: none"> • Exceeds the maximum building height
<ul style="list-style-type: none"> • Will boost tourism for the Sunshine Coast 	<ul style="list-style-type: none"> • No demonstrated need to justify non-compliance
<ul style="list-style-type: none"> • The Palmer car collection is world class 	<ul style="list-style-type: none"> • Will detract from existing tourist focus of a resort
<ul style="list-style-type: none"> • Will not impact on views 	<ul style="list-style-type: none"> • Owner is not committed to enhance tourism ventures in the area
<ul style="list-style-type: none"> • Has the potential to benefit locals and tourists 	<ul style="list-style-type: none"> • The height and scale of the proposal is a stand alone tourist attraction that should be located with other like developments
<ul style="list-style-type: none"> • Large number of motor vehicle enthusiasts who would visit 	<ul style="list-style-type: none"> • Site should be developed for a 5 star resort

Key Assessment Considerations – Preliminary Approval / Maroochy Plan 2000

- Regional economic and community benefits - tourist attraction/recreational offering; employment and local business; vintage car enthusiasts.
- Building height - significantly exceeds the maximum building height in Preliminary Approval (proposing 21.6m in area with an 8.5m maximum height for use specified).
- Commercial use - significantly exceeds the intended maximum gross floor area for a commercial use (proposing 32,019m² in lieu of a 200m² Gross Floor Area specified in the planning scheme).
- Use, bulk and scale - inconsistent with the Precinct Intent in the Preliminary Approval (Precinct intended for resort residential buildings with a low to low-medium scale).
- Maroochy Plan 2000 - Conflicts with the Mt Coolum Planning Area planning area intent and Implementation Measures in Tourism Strategy of Maroochy Plan 2000.
- Proposal conflicts with a number of assessment benchmarks in the Preliminary Approval and the Maroochy Plan 2000.

Key Assessment Consideration – Visual Amenity and Character



View from Mount Coolum



View from private property – Binnea Street sunshinecoast.qld.gov.au | 7

Key Assessment Consideration – Visual Amenity and Character



View from private property – Carrock Court



View from private property – Godilla Street

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 reasons noted in the Officer Recommendation in the report

Thanks for your time



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Update & Amendment of 2023-2024 Contracting Plan

Item 8.2

Ordinary Meeting
20 June 2024



Introduction



- At the ordinary meeting on 22 June 2023, Council resolved to adopt the 2023-24 Contracting Plan.
- The Contracting Plan must include the contracts that Council considers will be significant.
- Amendments are required to the list of contracts identified as Significant Contracts.
- Council can, by resolution, amend a Contracting Plan at any time before the end of the financial year to which the plan relates.

Update on Progress



Contract	Procurement Strategy	Comments
Oval Avenue and Gosling St Upgrade	Public Tender	No tender released in 2023-24. Tender to be released in 2024-25 Financial Year.
Stringybark Rd Footbridge-Pathway	Public Tender	Tender Invited: September 2023 Tender Closed: October 2023 Contract Awarded: December 2023
Alexandra Headland MDS Strat 2 Stage 1	Public Tender	No tender released in 2023-24.
Kawana Waters Regional Aquatic Centre	Public Tender	Tender Invited: October 2023 Tender Closed: November 2023 Contract Awarded: January 2024
Mooloolaba Foreshore Central Meeting Place	Public Tender	Tender Invited: September 2023 Tender Closed: October 2023 <i>Currently Under Evaluation</i>
Mooloolaba Transport Corridor	Public Tender	No tender released in 2023-24.
Natural Area Management Services	Public Tender	Tender Invited: February 2024 Tender Closed: March 2024 Contract Awarded: May 2024

Update on Progress (cont.)



Contract	Procurement Strategy	Comments
Vehicle Leases	Public Tender	Tender Invited: November 2023 Tender Closed: November 2023 Contract Awarded: January 2024
B2N Rail Upgrade Offset Project	Public Tender	No tender released in 2023-24.
DRFA Works - Unsealed Roads Maintenance	Public Tender	Tender Invited: July 2023 Tender Closed: August 2023 Contract Awarded: October 2023
First Avenue Streetscape	Public Tender	Tender Invited: September 2023 Tender Closed: October 2023 <i>No Contract Awarded</i>
Food Organic and Garden Organic Waste Processing Service	Public Tender	Tender Invited: February 2024 Tender Closed: April 2024 <i>Currently Under Evaluation</i>
Resource Recovery Centre Operations	Public Tender	Tender Invited: July 2023 Tender Closed: August 2023 Contract Awarded: September 2023
Landfill Operations	Public Tender	Tender Invited: September 2023 Tender Closed: January 2024 <i>Currently Under Evaluation</i>

Update on Progress (cont.)



Contract	Procurement Strategy	Comments
Cooney Road Bli Bli Road Intersection Signalisation	Public Tender	Tender Invited: August 2023 Tender Closed: September 2023 Contract Awarded: October 2023
Landslip Remediation Works	Public Tender	Tender Invited: May 2023 Tender Closed: June 2023 Contract Awarded: July 2023

Amendments Required



Contract	Amendment Required	Justification
Oval Avenue and Gosling St Upgrade	Removal from Contracting Plan	Will be included in the 2024-25 Contracting Plan
Alexandra Headland MDS Strat 2 Stage 1	Removal from Contracting Plan	No procurement activity in 2023-24 Financial Year
Mooloolaba Foreshore Central Meeting Place	Removal from Contracting Plan	Will be included in the 2024-25 Contracting Plan
Mooloolaba Transport Corridor	Removal from Contracting Plan	No procurement activity in 2023-24 Financial Year
Natural Area Management Services	Removal from Contracting Plan	Awarded contract did not meet threshold for significant contract.
Vehicle Leases	Removal from Contracting Plan	Arrangement established
B2N Rail Upgrade Offset Project	Removal from Contracting Plan	Will be included in the 2024-25 Contracting Plan

Amendments Required (cont.)



Contract	Amendment Required	Justification
First Avenue Streetscape	Removal from Contracting Plan	Procurement activity did not result in a contract.
Food Organic and Garden Organic Waste Processing Service	Removal from Contracting Plan	Will be included in the 2024-25 Contracting Plan
Cooney Road Bli Bli Road Intersection Signalisation	Removal from Contracting Plan	Awarded contracts did not meet threshold for significant contract
QRA Works – Sealed Roads	Addition to Contracting Plan	Awarded contract met the threshold for significant contact
Local Government System Contract	Addition to Contracting Plan	Contract greater than \$5M now anticipated to be entered into during 2023-24 Financial Year.

Amended 2023-24 Contracting Plan



Contract	Reason for Significant Contract	Procurement Strategy
Stringybark Road Footbridge Pathway	>\$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 System Contract	>\$5M	Exception

Officer Recommendation



That Council:

- a) receive and note the report titled “Update and Amendment of 2023-24 Contracting Plan” and
- b) adopt the amended 2023-24 Contracting Plan.

Thank you



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2024-25 Procurement Policy and Procurement & Disposal Framework

Item 8.3

Ordinary Meeting
20 June 2024

Local Government Act & Regulation



Local Government Act 2009 (LGA)

- Local Government Principles
- Sound Contracting Principles

Local Government Regulations 2012 (LGR)

- Procurement Policy
- Strategic Contracting Procedures:
 - Contract Manual (How to procure)
 - Contracting Plan (What Council will procure)
 - Market Assessment
 - Supporting Guidelines
 - Significant Contracts

Procurement and Disposal Framework



Procurement Policy:

- Is a strategy document that outlines how a local government will go about procuring goods and services and disposing of non-current assets.

Contract Manual:

- Sets out the procedures about how the local government will carry out contracting.
- Supported by How to Guides

Contracting Plan:

- Identifies the types of contracts that Council proposes to enter into during the financial year
- Market assessments
- List of Significant Contracts

Supporting Guidelines:

- Local Preference in Procurement
- Social Benefit Procurement
- First Nations Procurement
- Innovation & Market-Led Engagement
- Environment & Sustainability in Procurement

Amendments for 2024-2025



- Continually look for opportunities to improve and refine.
- Only minor amendments proposed.

Exceptions

- As detailed in the Procurement Policy and Contract Manual there are a number of Exceptions to our primary procurement routes (Expression of Interest, Tender, Request for Quote)
- Are not exceptions to undertaking a process, nor exceptions to compliance with Sound Contracting Principles
- New exceptions:
 - markets for goods / services is restricted
 - Information and Communications Technology Solution tendered by reseller
 - Information and Communications Technology Solution continues to meet Council's requirements

Guidelines

- Minor updates to provide additional clarity.

2023-24 Procurement



- As at end of April 2024

Procurement Activities

- \$0 - \$50,000 – 11,500 activities – \$57 million
- \$50,000 - \$500,000 – 244 activities – \$44.5 million
- Greater than \$500,000 – 52 activities - \$279.6 million

Spend

- Local spend – \$279 million = 72.3%

Sustainability in Procurement



1. Social

- Suppliers who support safe and fair workplaces for their employees
- Fair and ethical sourcing practices
- Supported by Social Benefit and First Nations Procurement Guidelines

2. Environmental

- Reducing carbon emissions in supply chain
- Supporting circular economy
- Supported by Environment and Sustainability in Procurement Guideline

3. Economic

- Achieving Value for Money
- Competitive markets and availability of services are sustained
- Supported by Local Preference in Procurement Guideline

Significant Contracting Activities for 2024-25



- Oval Avenue and Gosling St Upgrade – Project Delivery
- Nambour Resource Recovery Centre – Waste & Resource Management
- Food Organic & Garden Organic Processing Services – Waste & Resource Management
- Mooloolaba Foreshore Central Meeting Place – Project Delivery
- Sippy Downs Library & Community Venue – Project Delivery
- Honey Farm Road Clubhouse Construction – Project Delivery
- Honey Farm Road Sports Field Establishment – Project Delivery
- Rail Upgrade Offset Project – Environmental Operations
- Microsoft Enterprise Agreement – Digital Information Services
- Landscape Maintenance Services – Parks & Gardens

Further Development for 2024-25



Monitor and Embed previous amendments

- Procurement thresholds
- Evaluation criteria and weightings

Sustainability in Procurement

- Continue to develop requirements
- givable performing quarterly review of suppliers

First Nations Procurement

- Alignment to Stretch Reconciliation Action Plan

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 in 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).

Thank you



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National Competition Policy 2024-2025

Item 8.4

Ordinary Meeting
20 June 2024



Introduction



This presentation covers:

- High-level overview of how the National Competition Policy (NCP) regime works
- Business activity classification and NCP reforms
- Smaller business activities where discretion does apply - NCP could be used
- Activities that are not business activities

The competitive neutrality principle:



An entity conducting a business activity in competition with the private sector should not enjoy a net advantage over its competitors only because it is a public sector entity.

This is achieved by:

- Removing any competitive advantage or competitive disadvantage
- Promoting efficient use of resources to ensure markets are not unnecessarily distorted
- Ensuring that the advantages and disadvantages are considered when setting the required revenue.

National Competition Policy legislation at a glance



01	Business Activity?	Yes. Council is trading in goods and services	No. NCP does not apply
02	Significant Business Activity? Expenditure is above the \$9.7 million threshold.		
03	Prescribed Business Activity? Expenditure is above the \$340,000 threshold.		

Decide (by resolution) how to apply NCP:

Competitive neutrality principle

Financial reporting

Pricing provisions

Complaint's process



For each new significant business activity:

Above the expenditure threshold of \$9.7 million

Undertake a **public benefit assessment**:

Apply the **competitive neutrality principle** via:

Council should not enjoy a net advantage over its competitors only because it is in the public sector.

Will the **benefit** to the public (in terms of service quality and cost) of applying the competitive neutrality principle **outweigh the costs**?

Full cost pricing

OR

Commercialisation

OR

Corporatisation

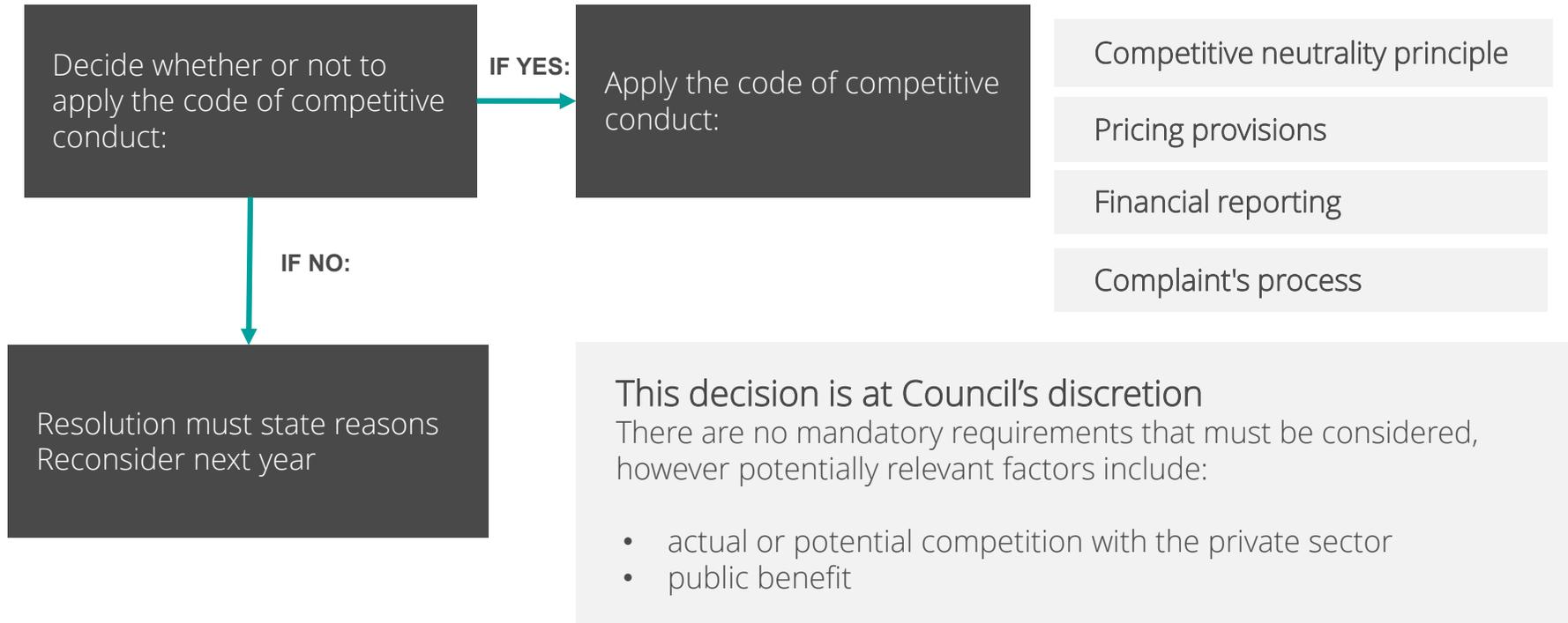
Charge for goods or services at the **full cost of providing those goods or services**

Have the activity conducted by a **commercial business unit**

Create a **corporatised business entity** to conduct the activity

For each prescribed business activity

Above the expenditure threshold of \$340,000, but below the expenditure threshold of \$9.7 million



Business activity classification and NCP reforms

Classification	Significant Business Activity	Prescribed Business Activity	
NCP Reform	Full Cost Pricing	Corporatised	Code of Competitive Conduct
	<ul style="list-style-type: none"> Waste and Resources Management 	<ul style="list-style-type: none"> SunCentral Maroochydore Pty Ltd Caloundra Events Centre Pty Ltd 	<ul style="list-style-type: none"> Sunshine Coast Holiday Parks Quarries
Refer Attachment 2 - Ordinary Meeting Report :	Table 1	Table 3	Table 2



Business activity classification and NCP reforms

Classification	Prescribed Business Activity		
NCP Reform	Not applying Code of Competitive Conduct		
<p>Refer Attachment 2 – Ordinary Meeting Report:</p> <p>Table 2</p> <p>Appendix 1</p> <p>Justification for not applying the Code</p>	<ul style="list-style-type: none"> • Off-street Parking • Retail Electricity and Sunshine Coast Solar Farm • Cemeteries • Caloundra Regional Gallery • Festivals 	<ul style="list-style-type: none"> • Aquatic Centres • Venue 114 & Community Spaces • Caloundra Indoor Stadium • Multisports and Showgrounds 	<ul style="list-style-type: none"> • Sunshine Coast Stadium and Kawana Sports Precinct • Sunshine Coast International Broadband Cable Network



Non-business activities

Classification	Non-business Activity		
NCP Reform	None - NCP does not apply		
Refer Attachment 2 – Ordinary Meeting Report:	<ul style="list-style-type: none"> • Fleet Management • Roads • Parks and Gardens • Property Information • Property Management 	<ul style="list-style-type: none"> • Healthy Places • Response Services • Community Land Permits and Parking • Development Services 	<ul style="list-style-type: none"> • Right to Information • Arts, Heritage and Libraries • Natural Areas Management
Table 4			

Q

Documenting statement of reasons



Example from Appendix A: Sunshine Coast Stadium and Kawana Sports Precinct



Corporate Plan and Policy Linkage

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 2024-2028*.



Public Benefit objectives

- equitable access to sport facilities
- health and wellbeing
- social cohesion
- broadening of the regional economy.



Target market and competition

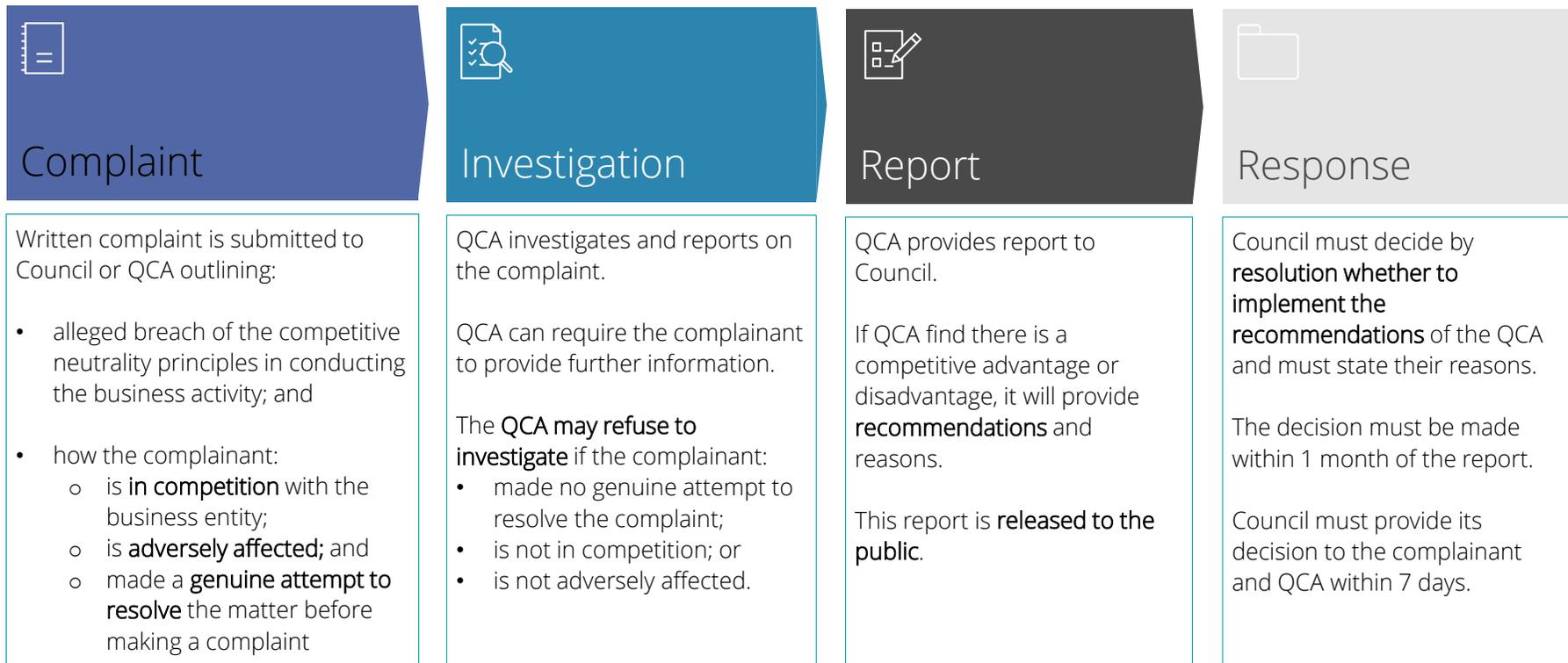
- regional sport and national event markets
- elsewhere in Queensland these markets primarily utilise Queensland Government owned facilities.



Pricing

- for community groups reflects these objectives and excludes notional costs under NCP
- for commercial hire benchmarked against industry prices

Competitive neutrality complaints process



Officer Recommendation



That Council:

- a) receive and note the report titled “Application of National Competition Policy 2024-25”**
- b) 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*.**

Officer Recommendation



- 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.**

Thank you



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Financial Performance Report

Item 8.5

Ordinary Meeting
20 June 2024



May 2024 Operating Result

- Council's operating result at the end of May 2024 of \$43.7 million is below the current budget by \$2.5 million.
- The variance consists of:
 - Revenue below budget by \$6.6 million
 - Expenses below budget by \$4.1 million

May 2024 Operating Result

Revenue

Fees **below budget** for Plumbing Applications, Quarry Services and Caloundra Music Festival

Fees **above budget** for Holiday Parks Revenue

Expenditure

Contract expenses are **below budget** for Waste, Solar Farm Energy Charges, Quarry Services and Caloundra Music Festival

Employee costs are **above budget** for Overtime and Penalty Rates

May 2024 Capital Expenditure Result

Capital Works Program has progressed 74.8%

- **\$249 million** of Council's \$332 million Capital Works Program was financially expended.
- **\$115 million** of the \$170 million Core Capital Program has been spent which is 67.9% of the budget

Cash Flows and Balance Sheet

Council Cash

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

Council Debt

- Council's debt at 31 May is \$418 million
- Anticipated new borrowings for 2023/24 are \$28.5 million

Investment Performance

Investments

- Council currently has 10 term deposits totalling \$100 million
- Term deposits mature between 0 – 179 days
- Weighted average interest rate return of 5.0%



Officer Recommendation

That Council receive and note the report titled “May 2024 Financial Performance Report”

Thanks for your time



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Audit Committee Meeting of 23 May 2024

Item 8.6
Ordinary Meeting:
20 June 2024



Overview – 23 May 2024 - 14 Items



1. Audit Committee: Meeting Minutes and Resolutions and Action Items
2. Chief Executive Officer: Update
3. Finance: Annual Financial Statement Risk and Planning Assessment
4. Finance: Program of Work for Asset Valuation
5. Queensland Audit Office: First Interim Report for 2023/24
6. People & Culture: Wellbeing Health and Safety Report
7. Governance: Strategic Risk Update Report
8. Governance: Operational Risk Update Report
9. Audit & Assurance: Internal Audit Program of Work update
10. Audit & Assurance: Proposed Internal Audit 2024 – 2025 Program of Work
11. Audit & Assurance: Recommendation Monitoring
12. Audit & Assurance: Internal Audit reports
13. People & Culture: Gender Pay Equity Briefing
14. Audit & Assurance: Audit Committee Performance Assessment

Key matters considered



➤ Finance :

- Program of work for asset valuations - update

➤ People & Culture:

- Wellbeing Health and Safety Report
- Gender Pay Equity Briefing

➤ Governance:

- Risk reports – Strategic and Operational
- Internal Audit Reports
- Internal Audit Program for Work 2024 - 2025

Key Recommendation

▼ **Audit & Assurance: a proposal on the 2024-2025 Program of Work**

- *11 reviews planned - See Appendix B to the report*
- *audit topics identified on a strategic, cross-organisational and functional basis, drawing on risk management information*
- *consultation with the Chief Executive Officer, Group Executives and business areas*



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.



Thanks for your time



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Delegations to the Chief Executive Officer

Item 8.7

Ordinary Meeting

20 June 2024



Delegations

Councils can delegate powers to the Chief Executive Officer (*s257 Local Government Act 2009*)

Reason for delegations

- Not practical for councils to exercise the many statutory functions of a local government
- Achieves good governance by empowering qualified staff to make decisions

Annual review

Delegations to the Chief Executive Officer must be reviewed annually (*s257(5)*)

Sub-delegate

Chief Executive Officer can sub-delegate powers to appropriately qualified staff

Limitations

Cannot delegate anything that must be exercised by Council resolution (*s257(3)*)

Risks

Annual Review mitigates risk of any gaps in delegated powers to ensure the Chief Executive Officer has appropriate authority to manage the operational activities of Council

Annual Review Outcomes



Ensures consistency between LGAQ and Council's Delegations Registers and source legislation

Delegations Guiding Principles Policy

Incorporated Delegations Guiding Principles Policy requirements into the actual Instrument of Delegation for ease of reference

Legislative Updates

- Four (4) additional pieces of legislation identified for inclusion
 - *Justices Act 1886* (Qld)
 - *Petroleum and Gas (Production and Safety Act 2004 and Petroleum and Gas (Production and Safety Regulation 2019* (Qld)
 - *Corporations Act 2001* (Cth)
 - *Statutory Bodies Financial Arrangements Regulation 2019* (Qld)
- Two (2) pieces of legislation (*Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020* (Qld)) and *Retail Shop Leases and Other Commercial Leases (COVID 19 Emergency Response) Regulation 2020* requiring removal
- Legislative references updates

Next Steps

Where to from here?



Adopt

Adopt annual review of Chief Executive Officer delegations to ensure appropriate authority to manage the operational activities of Council



Updates

Update Delegations from Chief Executive Officer to Council Officers so they can do their jobs

Update Council's Delegation Register (s260)

Thanks for your time



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Sunshine Coast Council Investigation Policy – Councillors

Item 8.8

Ordinary Meeting
20 June 2024



Legislation & Policy



- The *Local Government Act 2009* requires Council to adopt, by resolution, 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 Council to deal with.
- Council's existing Investigation Policy was adopted by Council on 6 December 2018 and needs to be updated.
- An example 'Local Government Investigation Policy' was issued for councils to consider. The example Policy has been reviewed and adapted where appropriate, to best meet Council's operating arrangements and governance.
- This report proposes the new **Investigation Policy – Councillors** for consideration and adoption.

2

Process



- If the Office of Independent Assessor (OIA) receives a complaint – preliminary assessment undertaken.
- If the OIA reasonably suspects a Councillor has engaged in a conduct breach, the Assessor may refer the suspected breach to Council to deal with.
- Suspected conduct breaches are the only category of conduct complaint that the OIA may refer to Council to investigate and consider.
- These referred matters must be dealt with in accordance with Council's adopted Investigation Policy.

Conduct Breaches



- Conduct breaches may include;
 - making derogatory comments about Councillors or Council staff publicly
 - speaking to the media on behalf of Council when not properly authorised per policy
 - Contravening an order from a chairperson to leave a meeting and stay away from the place at which the meeting is being held for the remainder of the meeting.
 - Three occasions of unsuitable meeting conduct leading to orders being made – within the period of one year.

Referred matters



- Council must
 - Conduct an investigation in accordance with its Investigation Policy
 - Decide whether or not the Councillor has engaged in a conduct breach
 - If decided the Councillor has engaged in a conduct breach, decide what action to take.
- In deciding what action to take, Council may consider:
 - Any previous conduct breach
 - Any allegation made in the investigation that was admitted or not challenged and the Council is reasonably satisfied is true.

Proposed Policy

- Outlines the process for investigating suspected conduct breaches.
- Affords due process and recognition of the principles of natural justice, confidentiality and includes the requirement for the civil standard of proof to be applied.
- Requires that the Councillor and the person who makes a complaint about a Councillor's conduct is given notice about the outcome of any investigation.

Proposed Policy

- Requires that the Councillor that is subject of the complaint:
 - is given notice if an investigation is not started or is discontinued.
 - is given the preliminary findings of the investigation before preparation of the final report.
 - Is able to give evidence or a written submission to Council about the suspected conduct and the preliminary findings – which will be considered in the preparation of and included in the final report.

Proposed Policy



- The investigator must prepare a summary report and it must be made publicly available before the meeting where Council will consider the matter.
- The summary report must include:
 - The name of the Councillor whose conduct has been investigated
 - The description of the alleged conduct
 - The statement of facts established
 - A description of how natural justice was afforded to the Councillor during the investigation
 - A summary of the findings of the investigation and
 - Any recommendations made by the investigator.

Making a decision



- Conflicts of interest need to be considered, notified and dealt with.
- Eligible Councillors consider the findings and recommendations of the investigator's report and decide whether the subject Councillor engaged in a conduct breach
- If Council decides that the Councillor has engaged in a conduct breach any of the following orders may be imposed:
 - An order that no action be taken against the Councillor
 - An order outlining what action Council will take to discipline the Councillor per section 150AH of the *Local Government Act 2009*.

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.

Thank you



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Disposal (Easement) of Part of Council Freehold Land at Lot 9020 Aura Boulevard, Baringa (Lot 9020 on SP284348)

Item 8.9

Ordinary Meeting
20 June 2024



Overview

- Council owns the land located at Lot 9020 Aura Boulevard, Baringa in Freehold.
- Energex have a requirement to install a new ring main unit to upgrade the existing public electrical network, to accommodate the growing community within the Aura precinct.
- In accordance with the *Local Government Regulation 2012*, Council is required to consider and agree to disposal land (by way of easement).



Site Plan



- Council's land being Lot 9020 Aura Boulevard, Baringa is shown in Attachment 1 of this report.
- The proposed easement area totals 9m² (3metres by 3 meters) with the infrastructure being installed along the Aura Boulevard boundary.
- The installation of infrastructure will not impact sightlines, vegetation or accessibility at this location.
- The easement area is detailed in Attachment 2 Easement Plan of this report.

Proposal

- Energex has requested that Council agree for public electrical infrastructure to be installed within Councils land, with an easement to support and protect the infrastructure.
- Energex need to install the infrastructure within the Freehold land as a concrete footpath already exists within Road Reserve.
- Energex will be responsible for the payment of all costs relating to the installation, management and maintenance of the infrastructure as well as costs associated with the granting of an easement by Council.
- The *Local Government Regulation 2012* stipulates that an interest in a disposal of land, other than by tender or auction, may occur if an exception applies. In this instance an exception under Section 236.

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.

Thanks for your time



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Exception under Local Government Regulation for disposal of property in Caloundra

Item 8.10

Ordinary Meeting

20 June 24

Overview



- As part of the Caloundra Transport Corridor Upgrade (CTCU) project, several areas of land have been identified as surplus to the project's requirements.
- Post-demolition of the dwellings on 7 – 13 Oval Avenue, Caloundra, an area of surplus land was surveyed and two new contiguous lots have been created.
- The newly created Lot 5 adjoins State-owned land on its northern boundary.
- Through engagement with the State, it was identified that these new lots would complement their existing, adjoining lots and may result in a superior development outcome for the community.

Location of subject land



Lots 4 and 6



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.

Thank you



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Disposal (Lease) to Community Youth Education Options Ltd over the whole of 2 Lewis Street, Caloundra

Item 8.11

Ordinary Meeting
20 June 2024

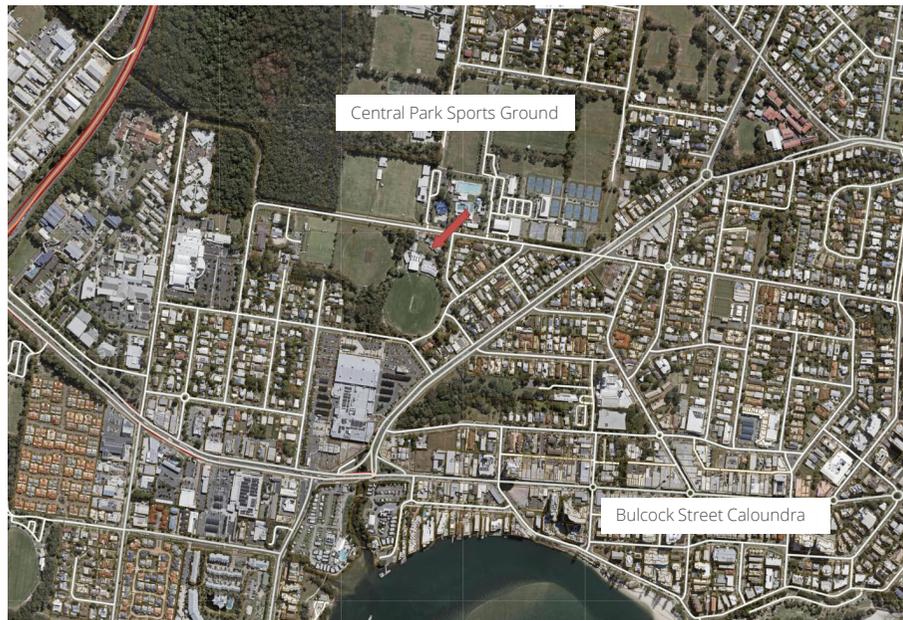


Overview

- Council owns the land at 2 Lewis Street, Caloundra in Freehold and is zoned for Sports and Recreation with an approved use of Scout Hall and Education Establishment.
- The site is currently leased to the Scouts Association with the lease ending on 2 August 2024.
- Council received an application from Kairos Community College (via the Scouts Association) with a proposal to directly lease from Council to establish further services at on the site.



2 Lewis Street Caloundra – Site Plan



Karios Community College have been operating from the site (under a sub-agreement with the Scouts) successfully since 2019 providing flexible education programs to students in Years 10, 11 and 12 that have disengaged from mainstream schooling.

The Scouts Association and the Caloundra Triathlon Club also operate and have storage on the site.

The predominant use of the site is by Kairos Community College for Education purposes.

In the event a lease is entered into directly with Kairos Community College, The existing community groups have reached terms the College for ongoing use of the site.

Proposal



- Council officers have undertaken a review of the proposal and agree that a direct lease with a total term of 30 years, between Council and Kairos Community College to establish and operate from the site is acceptable.
- The essential proposed terms of the new lease are outlined in Attachment 3 – Confidential Proposed Terms of New Lease.
- The proposal will see Kairos Community College establish a purpose-built education facility (subject to funding and planning approval) as well as manage and maintain the existing Scout Hall building which Kairos recently refurbished.
- Kairos Community College will also make the site and buildings available for hire to interested community groups outside of their operating hours.
- The granting of a lease (subject to funding and planning approval) would provide the following benefits to Council:-
 - Provides a financial return, which is currently not realised from the site;
 - Retains existing community uses and operations from this location;
 - Secures the provision of new and upgraded infrastructure which will be available outside of the College's core hours; and
 - Reduces costs associated with site and facilities management for the existing community occupants.

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.

Thanks for your time



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