

Agenda

Ordinary Meeting
Thursday, 24 April 2025

commencing at 9:00am

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

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ORDINARY MEETING

NOTICE

11 April 2025

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

24 April 2025

commencing at 9.00am.

A handwritten signature in black ink that reads "John Baker".

John Baker | 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 27 March 2025 be received and confirmed.

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

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

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

6.2 DECLARABLE CONFLICTS OF INTEREST

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








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

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

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

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 COMMUNITY LAND AND COMPLEMENTARY COMMERCIAL ACTIVITY POLICY REVIEW**

File No:	Council Meetings
Author:	Coordinator Community Land Permits and Parking Customer & Planning Services Group
Appendices:	App A - Commercial Activity Policy..... 17 ↓  App B - Commercial High-use / high impact permits - 2025 Locations and activities 29 ↓ 
Attachments:	Att 1 - Community Land and Complementary Commercial Activity Policy..... 37 ↓  Att 2 - Commercial High-use / high-impact permits - 2022 Locations and activities 45 ↓  Att 3 - Commercial High-use / high-impact permits - 2025 Discontinued locations and activities 57 ↓  Att 4 - QCAT Decision - First Nations Cultural Tourism 59 ↓  Att 5 - Human Rights Assessment of Compatability 73 ↓ 

PURPOSE

The purpose of this report is to:

- present the outcomes of the Community Land and Complementary Commercial Activity Policy review
- seek endorsement of the revised Commercial Activity Policy (Appendix A) and
- seek endorsement of the proposed High-use / high-impact locations and activities for the next three (3) years (Appendix B).

EXECUTIVE SUMMARY

The Community Land and Complementary Commercial Activity Policy (Attachment 1) was originally adopted in April 2011 and reviewed in May 2017.

The Community Land and Complementary Commercial Activity Policy (the Policy) articulates Council's position on commercial activity operating under a permit on community land. The Policy includes the following permit types:

- High-use / high-impact
- Low-use / low impact
- Outdoor Dining
- Goods on Footpath.

It has been a requirement of the Policy that an Expression of Interest process be conducted every three (3) years for High-use / high-impact permits. This process has required permit

holders to reapply and compete with new applicants to continue holding a permit. However other permit types outlined within the Policy have been managed through a permit renewal process in accordance with Council's Local Laws. The renewal process is facilitated by Council officers.

Since April 2011, Council has undertaken four (4) Expression of Interest processes. A list of current High-use / high-impact permit holders is included as Attachment 2.

The most recent Expression of Interest process identified key opportunities to reduce the application burden for permit holders while continuing to protect community outcomes. Accordingly, it was proposed that Council officers undertake a review of the Policy and associated processes prior to the expiry of permits on 30 June 2025. The review was designed to identify ways Council could deliver a more contemporary, community responsive and equitable process for the future.

Officers have now completed the review of the Policy. The Policy review has identified several improvements, including:

- Updating the policy title to better reflect the purpose of the policy.
- Clarifying roles and responsibilities to allow permit processes to be managed at an operational level.
- Acknowledging the experience and professionalism of existing permit holders.
- Introducing a renewal process for High-use / high-impact permits to align with other local law permits and remove burden of re-application for business owners.
- Responding to customer feedback in relation to new permit opportunities.
- Improving permit processing times.
- Increasing permit periods for Outdoor dining and Goods on Footpath permit categories.

Please refer to Appendix A for a copy of the revised Commercial Activity Policy.

This report also seeks Council endorsement of the proposed locations and activities to be included in the 2025 High-use / high-impact permit process. Location and activity assessments have now been completed and a list of proposed locations and activities are provided as Appendix B, discontinued locations and activities have been included in Attachment 3.

It should be noted that following endorsement of the revised Commercial Activity Policy, the existing Community Land and Complementary Commercial Activity Policy will be rescinded.

Implementation of the policy changes will be undertaken in accordance with the details outlined in the Implementation section of this report. If adopted the revised Commercial Activity Policy will allow renewal applications will be assessed, in consultation with relevant stakeholders, against the guiding principles of the Commercial Activity Policy with consideration to:

- suitability (including previous conduct) of the permit holders,
- any feedback, compliments or complaints received in relation to the permitted activity over the life of the permit, and
- a risk management and safety assessment.

Following the new renewal process, High-use / high-impact permits would be awarded under the Commercial Activity Policy by the Chief Executive Officer.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Community Land and Complementary Commercial Activity Policy Review "**
- (b) adopt the Commercial Activity Policy (Appendix A) replacing the Community Land and Complementary Commercial Activity Policy and**
- (c) endorse the Commercial High-use / high-impact permits - 2025 Locations and activities (Appendix B).**

FINANCE AND RESOURCING

Finance and resourcing associated with this policy review falls under the 2024-25 Customer and Planning Services - Customer Response core budget.

Implementation of the policy changes will continue to be absorbed by the existing core budget.

Permit holders currently pay both permit and application fees.

The proposed policy changes will require the introduction of new cost-recovery application and renewal fees, and commercial rental fees for High-use / high-impact permits, new Emerging Initiative permits, and First Nations Cultural Tourism permits. New fees and charges will be included for consideration in Council's 2025-26 budget process.

It is anticipated that the changes to fees and charges will reduce costs to existing High-use / high-impact permit holders on the basis that they will not be required to pay full application fees every 3 years (currently \$795.00 per application).

Current revenue (inclusive of application and rental fees) for Commercial Activities on community land (up until 28 February 2025) is \$391,951. The following table provides a breakdown of current 2024-25 year-to-date revenue across all commercial permit types.

Permit type	Application fees	Rental fees	Total Revenue
High-use / high-impact	Nil	\$58,217	\$58,217
Low-use / low-impact	\$16,553	\$30,315	\$46,868
Outdoor Dining	\$7,316	\$267,712	\$275,028
Goods on Footpath	Nil	\$11,838	\$11,838
Total Revenue 2024/25 (YTD)			\$391,951

It is anticipated that the policy changes relating to the introduction of a renewal process for High-use / high-impact permits will result in an additional \$30,000 in revenue in 2025-26 Financial Year, due to the payment of renewal fees and annual permit fees.

In addition, as all other Commercial Activity permits expire on 31 July 2025. The renewal of these permits will result in approximately \$55,000 in additional revenue related to renewal fees and annual permit fees.

Permit compliance will continue to be managed by officers from the Community Land Permits Team and Response Services Team within the Customer and Planning Services – Customer Response Branch.

CORPORATE PLAN

Corporate Plan Goal: ***Our service excellence***

Outcome: We serve our community by providing this great service

Operational Activity: S21 - Local amenity and local laws – maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Councillor Consultation

Consultation has been undertaken with the Mayor and Councillors in relation to the drafting of the revised policy.

Internal Consultation

Internal consultation has taken place with the following Groups and Branches:

- Built Infrastructure (Parks and Gardens, Transport Network Operations, Transport Network Management)
- Business Performance (Communication, Property Management)
- Civic Governance (Governance & Executive Services)
- Customer & Planning Services (Customer Response, Development Services and Urban Growth Projects)
- Economic & Community Development (Community Development, Economic Development, Sport & Community Venues)
- Liveability and Natural Areas (Environment & Sustainability Policy, Design & Placemaking Services, Environmental Operations, Project Delivery).

External Consultation

There has been no external consultation undertaken as part of this report. However, ongoing discussions have taken place with external agencies such as Department of Transport and Main Roads, Maritime Safety Queensland and Department of Environment & Science, in relation to the permitting of commercial use activities that are adjacent to areas where additional approvals are required, such as on-water activities on Pumicestone Passage and the Maroochy River.

Furthermore, direct engagement has taken place with business chambers, peak bodies, and associations to obtain feedback and guidance surrounding the drafting of the revised policy.

Feedback received has highlighted key focus areas including:

- improvements to permit application processes
- recognising tenure and experience of existing operators and
- simplifying opportunities for trials and new initiatives.

This feedback has informed the development of the Commercial Activity Policy.

Community Engagement

Community engagement has not been undertaken; however, discussions have taken place with existing permit holders based on their concerns related to the existing Expression of Interest process for High-use / high-impact permits. Permit Holders have advocated for streamlined permit processes. The revised policy aims to resolve those concerns by recognising the professional experience and performance of existing permit holders.

Direct engagement with permit holders will continue to take place as part of the implementation of the revised policy.

PROPOSAL

Council is committed to protecting community land for the use of the community while still making allowances for commercial activity. The operation of a business on community land requires a permit which is issued under the local law. Currently, this process is also overlaid by Council's Community Land and Complementary Commercial Activity Policy (the Policy) when assessing applications.

Under the Policy, community use is the first priority and Council looks at how the business activity could benefit the area and the community.

Community land includes:

- Parks
- Roadways
- Pathways
- Footpaths
- Trails
- Beaches
- Foreshores
- Some waterways.

In the lead up to the current 2022 High-Use / high-impact permits expiring on 30 June 2025, Council officers have now completed a review of the Policy. The Policy review has identified several improvements that simplify permit processes, enhance customer experience, improve service delivery, and expand permit opportunities.

Improvements include:

- Updating the title of the Policy to 'Commercial Activity Policy' to better reflect the content of the Policy and its purpose.

- Providing more clarity in relation to roles and responsibilities to improve governance and decision making as per officer delegations whilst ensuring strategic direction requiring Council endorsement is maintained.
- Recognising growing requests and demand for commercial activity permits.
- Recognising the tenure and experience of existing permit holders.
- Replacing the High-use / high-impact Expression of Interest process with a permit renewal process every three (3) years subject to an activity and location review, and consultation and engagement with stakeholders.
- Outlining a process for vacant High-use / high-impact permit locations and activities.
- Introducing a new permit type 'First Nations Cultural Tourism' to support and promote local heritage, traditions, and cultural experiences led by or in partnership with Kabi Kabi and Jinibara people.
- Introducing a new permit type 'Emerging Initiatives' to support innovative ideas, help activate community spaces, support social, cultural, sustainable and tourism initiatives.
- Defining assessment processes for all permit types.
- Increasing permit periods for Outdoor dining and Goods on footpath permits from one (1) year to three (3) years.
- Introducing opportunities to activate an area and bring people and communities together.
- Clarifying the expectations that community use remains paramount, while allowing for the operation of commercial activities in circumstances that also provide a benefit to the community.

A copy of the revised Commercial Activity Policy is provided as Appendix A.

The revised policy changes also include changes in relation to approval authorities and responsibilities for Council, the Chief Executive Officer and Council officers under delegated authority. The Commercial Activity Policy includes the following approval authorities:

- Council will continue to be the approval authority for locations and activities included in the High-use / high-impact permit category.
- Council's Chief Executive Officer (CEO) as the approval authority for awarding High-use / high-impact activity permits.
- Council officers under delegated authority to award other Commercial Activity permits.

Due to current High-use / high-impact permits expiring on 30 June 2025, this report also seeks Council endorsement of the proposed locations and activities to be included in the 2025 High-use / high-impact permit process. Location and activity assessments have now been completed. A list of proposed locations and activities is provided as Appendix B, the discontinued locations and activities have been included in Attachment 2.

Following endorsement of the revised policy, a renewal process of existing High-use / high-impact permits will be undertaken.

Renewal applications will be assessed, in consultation with relevant stakeholders, against the guiding principles of the Commercial Activity Policy. The assessment process will also consider:

- suitability (including previous conduct) of the permit holders
- any feedback, compliments or complaints received in relation to the permitted activity over the life of the permit and
- a risk management and safety assessment.

Implementation of the policy changes will be undertaken in accordance with the details outlined in the Implementation section of this report.

Legal

The awarding of commercial use activities for all approved locations includes the following types of land tenure:

1. Freehold land owned by Council.
2. Reserves under the control or management of Council as Trustee.
3. Roadways (formed and unformed) other than State controlled roads.
4. Pathways, footpaths, bathing reserves and foreshores.

The holding of the land determines the legal framework that applies. Local laws can apply to Council freehold land and roads, foreshores, and bathing reserves. The *Land Act 1994* and *Land Regulations 2020* applies to reserves the Council holds as Trustee. Where the approved location for commercial activity permits includes land other than Council freehold land, the permit must also be issued in accordance with the applicable legislation.

In 2020, an exemption was sought under Section 113 of the *Anti-Discrimination Act 1991 (Qld)* in relation to providing Cultural Tourism permit opportunities to Traditional Owner groups and Kabi Kabi and Jinibarra tourism operators. The Queensland Civil Administration Tribunal (QCAT) dismissed the application on the basis that an exemption is unnecessary because Section 104 of the *Anti-Discrimination Act 1991* allows implementation of our proposed policy as a welfare measure. A copy of the decision is attached for reference (Attachment 4).

A Human Rights Assessment of Compatibility has been completed in relation to the drafting of the revised policy. A copy of the assessment is enclosed (Attachment 5).

Policy

The policy review aims to improve decision making surrounding commercial activities on community land, while also improving service delivery.

It is proposed that the policy will be reviewed in 12 months to review the implementation plan and test effectiveness of proposed improvements.

Risk

The following risks have been identified, along with strategies to manage the risks.

Identified risk	Strategy to manage risk
High-use / high-impact permits are not awarded prior to 30 June 2025 expiry.	The implementation timeline has been developed to ensure that notifications and permit decisions are enacted prior to 30 June 2025.
High-use / high-impact permits are not issued to existing permit holders.	The replacement of existing High-use / high-impact permit Expression of Interest process aims to recognise longevity and experience of existing permit holders.
Permit holders do not comply with issued permits.	Appropriate conditions and requirements will be put in place to ensure activities can be safely operated on council-controlled land. Permit holders will need to agree to comply with these conditions when accepting the permit and any non-compliance will be managed in accordance with Council's Compliance and Enforcement Policy and relevant legislation.
Permit holders miss communication updates regarding policy changes.	A communication and stakeholder management plan has been developed to ensure that key messages are delivered to permit holders regarding policy changes. Permit Holders will receive direct mail as per the implementation timeline regarding their individual circumstances and the changes to expect regarding their permits.
New businesses miss out on High-use / high-impact permit opportunities.	<p>The revised policy includes various permit types to support new businesses, including the option to undertake trials.</p> <p>In addition, processes have been developed for vacant permit types when they become available.</p>
Decisions relating to commercial activities on community land do not align with endorsed policy.	<p>The revised policy includes guiding principles, permit types, and roles and responsibilities to inform the decision making and approval processes.</p> <p>In addition, organisational guidelines will be prepared to assist with policy implementation and administering operational processes.</p>

Previous Council Resolution**Ordinary Meeting 28 April 2022 (OM22/23)**

That Council:

- (a) receive and note the report titled "Commercial use of community land - High-use process"*
- (b) endorse the proposal to award permits to the recommended applicants for approved locations and activities as detailed in Confidential Appendix A*
- (c) authorise the Chief Executive Officer to make Appendix A publicly available once all applicants have been notified of Council's decision and*
- (d) delegate to the Chief Executive Officer the authority to award High-Use / High-impact Permits for vacant activities and locations for the duration of the permit period (1 July 2022 to 30 June 2025).*

Ordinary Meeting 14 November 2019 (OM19/173)

That Council:

- (a) receive and note the report titled "Community Land and Complementary Commercial Activity Policy Amendment - Reconciliation Action Plan"*
- (b) endorse the Amended Community Land and Complementary Commercial Activity Policy (Appendix A) for the purposes of consultation with the relevant State bodies to seek an exemption under the Anti-Discrimination Act 1991 (QLD) for the Amended Community Land and Complementary Commercial Activity Policy*
- (c) request that the Chief Executive Officer facilitate consultation with local Traditional Owner groups on the Amended Community Land and Complementary Commercial Activity Policy after feedback has been received from the relevant State bodies*
- (d) request that the Chief Executive Officer facilitate consultation with the key stakeholder groups for proposed locations affected by the Amended Community Land and Complementary Commercial Activity Policy after feedback has been received from the relevant State bodies and*
- (e) request the Chief Executive Officer to prepare a report with the final recommended policy, proposed locations and activities for Council's consideration.*

Ordinary Meeting 17 May 2017 (OM17/80)

That Council:

- (a) receive and note the report titled "Community Land and Complementary Commercial Activity Policy Review"*
- (b) adopt the Community Land and Complementary Commercial Activity Policy (Appendix A) and*
- (c) endorse the proposed implementation plan contained in the Implementation section of this report.*

Related Documentation

Related documentation associated with this report is as follows:

[Council Local Laws](#)

[Land Act 1994 \(Qld\)](#)

[Local Government Act 2009 \(Qld\)](#)

[Marine Parks Act 2004 \(Qld\)](#)

[Transport Operations \(Road Use Management\) Act 1995 \(Qld\)](#)

[Transport Operations \(Road Use Management – Road Rules\) Regulation 2009 \(Qld\)](#)

[Transport Operations \(Marine Safety\) Act 1994 \(Qld\)](#)

[Planning Act 2016 \(Qld\)](#)

[Sunshine Coast Community Strategy 2019-2041](#)

[Sunshine Coast Council Regional Economic Development Strategy 2013-2033](#)

[Sunshine Coast Council Environment & Liveability Strategy](#)

[Sunshine Coast Council Compliance and Enforcement Policy](#)

[Sunshine Coast Revenue Policy 2024-25](#)

Critical Dates

Critical dates associated with this report include the expiry of current High-use / high-impact permits on 30 June 2025.

Implementation

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will:

- progress the development of an Operational Guideline to assist with decision-making surrounding each permit type
- prepare a Communication Plan to assist Council Officers to respond to any enquiries about the changes to the Policy
- update all relevant supporting information on Council's website
- assess all Commercial Use applications against the newly endorsed Policy and in accordance with all relevant legislative requirements, including Council's Local Laws and
- promote vacant High-use / high-impact locations and activities via Council's website to encourage interest from prospective business operators.

Strategic Policy

Commercial Activity Policy

DRAFT

Endorsed by Council:

<Corporate Governance
INSERT Ordinary Meeting Date
and OM reference once
endorsed>

Policy purpose

The purpose of this policy is to outline the framework and principles for making decisions about the allocation and use of community land for commercial activities. This policy ensures that community use remains paramount, while allowing for the operation of commercial activities in circumstances that also provide a benefit to the community.

Policy scope

This policy applies to ongoing commercial activity on Council-controlled community land. This includes freehold land and land under the control or management of Council, such as: parks, reserves under the *Land Act 1994* (Qld) (Land Act), roadways (formed and unformed) including State controlled roads, pathways, footpaths, bathing reserves and foreshores. Local laws can apply to Council freehold, and roads, foreshores and bathing reserves and the Land Act applies to reserves under the Land Act that Council holds as trustee.

Council is committed to protecting community land for the use of the community while still making allowances for commercial activity. The operation of a business on community land requires a permit which is issued under the local law. This process is overlaid by this policy when assessing applications.

This policy does not apply to:

- council-controlled land where a lease authorises the use of the land
- advertising signs, community celebrations and events, community markets and street performances and
- commercial activities in National Parks, or on land and waterways that are controlled directly by the State, including schools, private land and any other land and waterways that Council does not control.

While this policy does not apply to the circumstances listed above, a Local Law approval may be required for the activities to occur on Council-controlled land.

Policy statement

Council acknowledges that the purpose of community land is primarily for community use. Council is committed to ensuring that land set aside for the community is preserved for such community use in accordance with its obligations under the Land Act, the *Local Government Act 2009* (Qld) and

Commercial Activity Policy | Strategic Policy

relevant local laws. The preservation of community land for its primary purpose is paramount. However, in some circumstances commercial use of community land may enhance the community's use of community land and therefore provide community benefit. Commercial use of community land may be granted in limited circumstances, and where the commercial activity is in alignment with the principles set out in this policy.

Guiding Principles

The following principles will be considered in decisions related to commercial use of community land:

1. Community use takes precedence

When making decisions about commercial use of community land, the primary purpose of the land is the first consideration. The uses and users of community land that take precedence over commercial use include, but are not limited to:

- informal social gatherings and celebrations,
- formal events and celebrations,
- quiet reflection,
- passive recreational activities,
- residents and tourists,
- community groups,
- amenity of the local area, and
- Council maintenance and/or street scape projects.

An assessment will be undertaken to determine whether the land can accommodate and sustain an ongoing commercial use without conflicting with the above listed uses and users. When a proposed commercial use conflicts with, or cannot be accommodated without detriment to the primary purpose, the application will not be approved.

Commercial use of community land for individual gain alone is not in accordance with the purpose for which the land has been set aside and is not within the intention of this policy. If a commercial activity can be operated from private land, it should occur on private land.

2. Alignment with Council's vision

Proposals for the commercial use of community land must align with Council's vision and strategic direction as articulated in Council's Corporate Plan and regional strategies.

3. Community benefit

Commercial use of community land must provide benefits to the community, and may include commercial activities that:

- promote the primary purpose of the land,
- support or service the needs of the users of that land,
- contributes to Sunshine Coast tourism,
- will not diminish the purpose of the land or level of service provided (i.e. will not have an unreasonable adverse effect on free and equitable access to the land or its use),

Commercial Activity Policy | Strategic Policy

- supports and complements local businesses,
- contributes to the unique local identity of a place, and
- promotes activation of an area.

4. Limited impact

Commercial use of community land must not unduly impact on the primary users of the community land, the environment or Council assets and maintenance. To assess the potential impact on the community land, the following will be considered:

- noise and other pollution,
- visual impacts,
- flora and fauna,
- access,
- safety,
- overall sustainability due to increased use and degradation of the space,
- the local community's desire and tolerance for the proposed activity, and
- the local area's population and growth, and the ability for the location to support various types of activities.

5. Compliance with other agencies requirements

Depending on the location, some applications may also specify special requirements such as the following:

- satisfactory land management plans, and
- approval of other authorising agencies such as the State Government where an activity requires access to land not under Council's control and managed by other agencies.

Native Title will be a consideration when assessing applications for commercial activities.

6. Permit based approval

Council has a preference for fostering diversity and market competition. Council may introduce additional commercial activities at an approved location where there is a benefit to the community or in situations where the activity may assist in activating a local area.

Applicants should be aware that permits do not grant exclusive use to the land and do not confer ongoing occupation rights. Further, permits are not transferrable, and a permit may be revoked without compensation in specified circumstances such as unsatisfactory safety standards or lack of compliance with permit conditions.

At the end of each permit term, a permit renewal application must be made, regardless of whether the activity has previously operated in that location or not.

Policy application

Types of commercial use

Council receives a variety of proposals for commercial activity on community land. Some locations can better accommodate proposed commercial activities than other locations due to the existing levels of use and the impacts of the activities proposed.

Commercial Activity Policy | Strategic Policy

There are six (6) types of permits available for commercial use of community land.

1. High-Use / High-Impact Permits

Commercial activities that have a higher intensity of use and/or are located in high profile areas and therefore may have a more significant impact on the use of community land.

Permits are issued for a three (3) year period. A high-use / high impact permit holder may apply for a permit renewal. Permit renewal applications will include a Council officer review of location, activity type and any proposed changes.

The renewal application will be assessed against the guiding principles of this policy. The assessment process will also consider:

- suitability (including previous conduct) of the permit holders,
- any feedback, compliments or complaints received in relation to the permitted activity over the life of the permit, and
- a risk management and safety assessment.

Council is the approval authority for the activities and locations to be included in the High-use / high-impact permit category.

Council's Chief Executive Officer (CEO) is the approval authority for awarding high-use / high-impact activity permits.

Some locations have restrictions on their use, which will affect the extent and number of activities that can be accommodated. There may also be further approvals required by State Government departments. Permit application and rental fees will apply, as per Council's adopted Fees and Charges.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

Where a permit holder relinquishes their permit during a three (3) year permit period, the vacant permit area will be advertised encouraging prospective business operators to apply to fill the remaining duration of the permit period. An assessment panel of Council officers with relevant technical experience (e.g. local laws, coastal management, environment, transport and economic development) will assess applications with a recommendation provided to the CEO for consideration and approval.

Once an application period closes, applicants may still apply, however there is no guarantee that an assessment will be made.

For applications that are outside the existing activities, an activity and location assessment report will be required, to assess whether to add the new activity or allow a limited trial. The assessment report should be assessed against the guiding principles in this policy.

2. Emerging Initiative Permits

Commercial activities that are outside the existing permit types. This permit type aims to:

- support innovative ideas,
- activate an area and bring people and communities together,
- support social, cultural, environmental and sustainable initiatives, and
- contribute to Sunshine Coast tourism.

An activity and location assessment report will be required, and engagement with relevant stakeholders, to either add the new activity or allow a limited trial. The assessment report will be assessed against the guiding principles in this policy.

Commercial Activity Policy | Strategic Policy

Council is the approval authority for the activities and locations to be included in the Emerging Initiative permit category.

Council's Chief Executive Officer (CEO) is the approval authority for awarding Emerging Initiative permits.

Some locations have restrictions on their use, which will affect the extent and number of activities that can be accommodated. There may also be further approvals required by State Government departments. Permit application and rental fees will apply, as per Council's adopted Fees and Charges.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

Emerging initiative permits may be appropriate for a trial period to ascertain their suitability and/or for inclusion as alternative permit type to increase intensity of use. Following a successful trial, an activity and location assessment report will be required, and engagement with relevant stakeholders, to add the new permit area (activity and location) to the alternative permit type. The assessment report will be assessed against the guiding principles in this policy.

Where the Emerging initiative permit trial does not align with the requirements of existing permit types, a Council resolution to include the new permit type will be required.

3. First Nations Cultural Tourism Permits

Commercial activities for the purpose of delivering First Nations (Aboriginal or Torres Strait Islander) cultural tourism experiences that occur on the Sunshine Coast.

Permits will be awarded to First Nations tourism operators and groups to promote the regions cultural heritage. In line with this objective, the permit category is limited to activities led by or in partnership with Kabi Kabi and Jinibara peoples only. This will be achieved in consultation with Council's First Nations Partnership Team.

The inclusion of the Cultural Tourism permit category aims to grow First Nations cultural tourism on the Sunshine Coast, in line with objectives under the Regional Economic Development Strategy and Reconciliation Action Plan.

Permits are issued for a three (3) year period.

Cultural tourism applications are subject to a renewal process every three (3) years. Prior to each renewal process, Council officers will review locations and activity types for First Nations cultural tourism activities, and any proposed changes to them. Assessments will be made in accordance with the guiding principles of this policy, as well as:

- suitability (including previous conduct) of the permit holders,
- any feedback, compliments or complaints received in relation to the permitted activity over the life of the permit, and
- a risk management and safety assessment.

Council officers will decide to what extent cultural tourism activity may occur and the locations and types of activities that are appropriate (i.e. the number of permits, the types of activities and the specific locations).

Fee exemptions apply for applications from Kabi Kabi and Jinibara peoples as per Council's Revenue Policy. Rental fees may apply.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

(<https://www.sunshinecoast.qld.gov.au/council/planning-and-projects/council-policies>)

4. Low-Use / Low-Impact Permits

Commercial Activity Policy | Strategic Policy

Commercial activity that is not considered "high-use / high-impact", and/or where activities will have a lesser intensity of use, including fitness classes, itinerant vendors and activities conducted by not-for-profit organisations. The following will be considered for determining if an activity is low-use / low-impact:

- further permit applications can be easily accommodated in the area,
- the activity is irregular, occasional or regular minor use,
- there is little/no impact on the space or the community use, and
- the activity is considered a trial to ascertain potential for inclusion as a "high-use / high-impact activity."

Low-use / low-impact applications for an annual permit may be considered at any time in accordance with Council's local laws and any other relevant legislation. Application assessment may be subject to engagement with relevant stakeholders. Feedback received will help inform decision-making surrounding the appropriateness in granting approvals.

Permit application and rental fees will apply, as per Council's adopted Fees and Charges. Fee exemptions may apply for not-for-profit organisations.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

(<https://www.sunshinecoast.qld.gov.au/council/planning-and-projects/council-policies>)

At the expiry of permits each year, permit holders may apply to renew their permit for a further 12 months and pay any required permit application and rental fees.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

Low-use / low-impact permits may be appropriate for a trial period to ascertain their suitability and/or for inclusion as a High-use / high-impact permit to increase intensity of use. Following a successful trial, an activity and location assessment report will be required, to add the new permit area (activity and location) to the High-use / high-impact permit type. The assessment report will be assessed against the guiding principles in this policy.

5. Outdoor Dining Permits

Commercial activities that require access to community land for the purpose of conducting outdoor dining in conjunction with an adjacent food and drink business, operating on private land, require a permit.

The following will be considered for determining if an activity is outdoor dining:

- supports local business
- encourages business operators to enhance the use of footpaths
- improves amenity
- creates vitality and ambience, and
- ensures community safety.

Outdoor dining applications for a three (3) year permit may be considered at any time in accordance with Council's local laws and any other relevant legislation. Application assessment may be subject to engagement with relevant stakeholders. Feedback received will help inform decision-making surrounding the appropriateness in granting approvals.

Permit fees and application fees will be charged in accordance with Council's adopted fees and charges. Fee exemptions may apply for not-for-profit organisations. At the expiry of permits each permit period, permit holders will be invited to renew their permit for a further three (3) years and pay required fees and charges.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

(<https://www.sunshinecoast.qld.gov.au/council/planning-and-projects/council-policies>)

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6. Goods on Footpath Permits

Commercial activities that require access to community land for the purpose of displaying goods for sale in conjunction with an adjacent business, operating on private land, require a permit.

The following will be considered for determining if activity is goods on footpath:

- supports local business,
- encourages business operators to enhance the use of footpaths,
- improves amenity,
- creates vitality and ambience, and
- ensures community safety.

Goods on footpath applications for a three (3) year permit may be considered at any time in accordance with Council's local laws and any other relevant legislation. Application assessment may be subject to engagement with relevant stakeholders. Feedback received will help inform decision-making surrounding the appropriateness in granting approvals.

Permit fees and application fees will be charged in accordance with Council's adopted Fees and Charges. Fee exemptions may apply for not-for-profit organisations. At the expiry of permits each permit period, permit holders will be invited to renew their permit for a further three (3) years and pay required fees and charges.

(<https://www.sunshinecoast.qld.gov.au/pay-and-apply/fees-and-charges>)

(<https://www.sunshinecoast.qld.gov.au/council/planning-and-projects/council-policies>)

Policy review

This policy will be reviewed at least once every four (4) years.

Roles and responsibilities

Roles and responsibilities in relation to both this policy, and decision-making processes associated with permits for commercial activity on community land are set out in the following table.

Role	Responsibility
Council	Endorsement authority for setting this policy and for all material changes to this policy. Council will also be responsible for the endorsement of activities and locations to be included in the High-use / high-impact permit and Emerging Initiatives permit categories. Able to endorse non-material changes.
Mayor and Councillors	Mayor and Councillors will provide input as part of Councillor consultation and engagement in relation to implementation of the policy, and policy outcomes.
Chief Executive Officer (CEO)	Approval authority for any non-material change to this policy. CEO will consult with Councillors where this policy applies to Councillors or impacts the community. Approval authority for: <ul style="list-style-type: none"> • High-use / high-impact permits and permit renewals, and

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	<ul style="list-style-type: none"> Emerging Initiative permits and permit renewals.
Executive Leadership Team (ELT)	<p>Provides advice to the CEO and/or Council on setting this policy and all proposed changes to this policy.</p> <p>Provides feedback to the policy sponsor and policy holder regarding the scope of approaching reviews.</p>
Group Executive (GE), Customer & Planning Services	Policy sponsor. Approval authority for any minor non-material changes to this policy.
Manager, Customer Response	Policy holder.
Coordinator Community Land Permits & Parking	Leads this policy's development, including communication, implementation, review and reporting.
Community Land Permits Team	<p>Responsible for:</p> <ul style="list-style-type: none"> assessing permit applications related to commercial use of community land, in consultation with relevant stakeholders, and awarding permits.
Council branches	Responsible for providing technical and relevant advice relating to permit applications for commercial use of community land.

Measurements of success

The outcomes sought in relation to this policy are set out in the following table.

Measure	Outcome sought
Decrease in complaints relating to commercial activity on Council-controlled land.	That commercial activity on community land is tolerated by the community.
Increase in community satisfaction surrounding policy outcomes.	That the community is benefiting from permitted commercial activity.
Increase in the number of new permits issued.	That the policy supports new business on the Sunshine Coast.

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
Activity and location assessment	An assessment of the proposed commercial activity and location against the guiding principles in this policy.

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Commercial	Engaging in trade or production which deals with the exchange of goods and services, whether for a fee or otherwise.
Community land	Refers to public open space (including waterways) that has been set aside for the community either by the State (where Council is trustee) or by Council in the case of freeholder and leasehold land, for which Council has the responsibility to manage.
Cultural Tourism activities	Commercial activities that are for the purpose of delivering First Nations or Torres Strait Islander cultural tourism experiences that occur on traditional Country of the Kabi Kabi or Jinibara peoples.
Cultural Tourism locations	These locations are identified in partnership with Council's First Nations Partnership Team and include traditional Country of the Kabi Kabi or Jinibara peoples.
Emerging initiatives	Commercial activities that support emerging and innovative ideas, help activate community spaces, support social, cultural, sustainable and tourism initiatives.
Goods on footpath applications	Commercial activities that require access to community land for the purpose of displaying goods for sale in conjunction with an adjacent business, operating on private land.
High-use / High-impact activities	Commercial activities that have a higher intensity of use and/or are located in high profile areas and therefore may have a more significant impact on the use of community land.
High intensity of use	Commercial activities that operate every day.
High profile areas	These locations have a higher intensity of use and therefore a potentially more significant impact on community land including: <ul style="list-style-type: none"> • beaches and waterways, • popular or high-use parks, and • Roadways (formed and unformed), pathways, footpaths and trails.
Individual gain	Commercial use of community land will provide benefits to the community, rather than be for individual or personal gain alone. Examples of benefits to the community include: <ul style="list-style-type: none"> • promotes or enhances primary purpose of the land, • services the needs of the users of the land, where those needs are unable to be met or adequately services by nearby adjoining private land, • generating local employment, and • contributing to Sunshine Coast tourism.
Low-use / Low-impact activities	Commercial activities that are not considered "high-use / high-impact", and where activities will have a lesser intensity of use, including fitness classes, itinerant vendors and activities conducted by not-for-profit organisations.
Low-use / low-impact locations	These are locations other than 'high-use / high-impact' locations where activities will have a lesser intensity of use.
Not-for-profit organisation	An organisation that does not operate for profit, personal gain or other benefit of particular people.

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Outdoor dining applications	Commercial activities that require access to community land for the purpose of conducting outdoor dining in conjunction with an adjacent food and drink business operating on private land.
Primary purpose	Refers to the purpose set out in the trust deed, or in the case of Council freehold and leasehold land, the intention for use when the land was set aside for the community. Examples of primary purpose include sport and recreation, environmental purposes and beach protection and coastal management.
Secondary use	Use of community land that does not align with the land's primary purpose, or is commercial in nature.

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Appendix

Policy information		
Title	Commercial Activity Policy	
Purpose	The purpose of this policy is to outline the framework and principles for making decisions about the allocation and use of community land for commercial activities. This policy ensures that community use remains paramount, while allowing for the operation of commercial activities in circumstances that also provide a benefit to the community.	
Document number	<Business Area to include EDDIE reference of document seeking endorsement. Corporate Governance to update with FINAL EDDIE reference>	
Corporate Plan reference	Goal Pathway Service Output	Our service excellence We serve our community by providing this great service. S21 – Local amenity and local laws – maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.
Category	Community	
Approved	<Corporate Governance to INSERT OM Reference>	
Approval date	<insert>	
Effective date	<insert>	
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	March 2025	
Next review	March 2029	
Policy holder	The Manager responsible for this policy is: Manager Customer Response	
Approval authority	Council has authority to endorse material changes. CEO has approval authority for any non-material change to the policy. Relevant Group Executive has authority to approve minor non-material changes.	
Related documents		
Legislation	Council Local Laws <i>Land Act 1994</i> (Qld) <i>Local Government Act 2009</i> (Qld) <i>Marine Parks Act 2004</i> (Qld) <i>Transport Operations (Road Use Management) Act 1995</i> (Qld)	

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	<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 (Qld)</i> <i>Transport Operations (Marine Safety) Act 1994 (Qld)</i> <i>Planning Act 2016 (Qld)</i>
Policy	Sunshine Coast Community Strategy 2019 - 2041 Sunshine Coast Council Regional Economic Development Strategy 2013 - 2033 Sunshine Coast Council Environment & Liveability Strategy Sunshine Coast Council Compliance and Enforcement Policy Sunshine Coast Revenue Policy 2024/25
Operational documents	Nil

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Contemporisation for alignment with Policy Framework	Improvements to deliver a more contemporary, community responsive and equitable policy platform for the future. Human Rights Assessment completed.	<insert>	<insert>

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Commercial High-use / high-impact permits 2025 Locations and activities

Permits expiring on 30 June 2025

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
1	Historical	Refreshment Van	Duck Holes Creek (Rotary Park) – Caloundra Road, Caloundra	Monday to Saturday 8:00am to 7:00pm Sundays 9:00am to 7:00pm Public Holidays 10:00am to 6:00pm
2	Surf based business	Kite Surfing Lessons, with up to four (4) students and two (2) kites flying at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson. **Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting kite surfing lessons.	Bulcock Beach (Happy Valley), between Beach Access 293 & 296	7 days per week, 6am to 7pm

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson. Or: Stand Up Paddle Lessons/Hire, with the number of students not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson. *Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting learn to surf lessons.	Bulcock Beach (Happy Valley), between Beach Access 293 & 296	7 days per week, 6am to 7pm
2	Surf based business	Learn to Surf Lessons & Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Dicky Beach north of Ann Street, between Beach Access 261 and 263	7 days per week, 6am to 7pm
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Dicky Beach, between Beach Access 263 and 267	7 days per week, 6am to 7pm

Commercial High-use / high-impact permits

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Kings Beach, between Beach Access 288 & 291	7 days per week, 6am to 7pm
2	Historical	Boat & Equipment Hire, including the use of Council-controlled land for business transactions	Ayliffe Park – Esplanade, Golden Beach (adjacent to Beach Access 303)	7 days per week 6:30am to 7:00pm between 1 October and 31 March 7:00am to 5:00pm between 1 April to 30 September
2	Historical	Beach & Equipment Hire, including the use of Council-controlled land for business transactions.	Ayliffe Park, Esplanade, Golden Beach (adjacent to Beach Access 308)	7 days per week 6:30am to 6:00pm between 1 October and 31 March 7:00am to 5:00pm between 1 April to 30 September
3	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Currimundi Beach, between Beach Access 259 & 260	7 days per week, 6am to 7pm
3	Miscellaneous Business	Tandem Skydiving & Parachute Landings, with all equipment to be removed from council-controlled land, including car parks, following each landing.	Currimundi Beach, between Beach Access 253 & 254 *Alternative landing location: Bulcock Beach, between Beach Access 295 and 296 *For use when the proposed location is impacted by weather and not suitable for the proposed activity.	7 days per week, 7am to 7pm

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
3	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day.	Buderim Street Car Park, Currimundi Beach	7 days per week, 7am to 7pm
3	Surf based business	Stand Up Paddle Lessons, with the number of students not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Currimundi Lake and Currimundi Beach, between Beach Access 252 & 255	7 days per week, 6am to 7pm
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Alexandra Headlands Beach, between Beach Access 156 & 163	7 days per week, 6am to 7pm
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Mooloolaba Beach, between Beach Access 182 and 194	7 days per week, 6am to 7pm

Commercial High-use / high-impact permits

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
4	Shaved Ice & Cold Drinks	Refreshment sales including shave ice and cold drinks. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day.	Mooloolaba Beach between Beach Access 181 and 194	7 days per week, 7am to 7pm
4	Beach Equipment Hire Business	Beach Equipment Hire (Stand Up Paddle Boards only) with all equipment to be removed from council-controlled land, including car parks, at the end of business each day.	Maroochy River, between First Jetty and Boat Shed Restaurant	7 days per week, 7am to 7pm
4	Surf based business	Stand Up Paddle Lessons, with the number of students not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Maroochy River, between First Jetty and Boat Shed Restaurant	7 days per week, 6am to 7pm
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Maroochydore Beach, between Beach Access 143 & 150	7 days per week, 6am to 7pm
6	Miscellaneous Business	Mobile Dog Washing, with all equipment, including car parks, to be removed from council-controlled land at the end of business each day.	Elizabeth Daniels Park Car Park, Buderim	7 days per week, 7am to 7pm

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
6	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day.	Elizabeth Daniels Park Car Park, Buderim	7 days per week, 7am to 7pm
8	Surf based business	Learn to Surf Lessons, including surf awareness, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Marcoola Beach, between Beach Access 100 & 117	7 days per week, 6am to 7pm
8	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day.	Mount Coolum Car Park	7 days per week, 7am to 7pm
8	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Mudjimba Beach, between Beach Access 117 & 132	7 days per week, 6am to 7pm

Commercial High-use / high-impact permits

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
8	Miscellaneous Business	Seaplane flights, including the use of Council-controlled land for business transactions.	Maroochy Riverbank, Bradman Avenue, Maroochydore (adjacent to Minti Street intersection)	7 days per week, 7am to 7pm
8	Historical	Boat & Equipment Hire, including the use of Council-controlled land for business transactions.	Maroochy River Foreshore and car parking bay at Bradman Avenue (adjacent to 71 Bradman Avenue), Maroochydore	7 days per week, 6am to 7pm
9	Beach Equipment Hire Business	Beach Equipment Hire, including the hire of watercraft from trailer, with all equipment to be removed from council-controlled land, including car parks, at the end of business each day.	Coolum Beach, between Beach Access 69 & 81	7 days per week, 7am to 7pm
9	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Coolum Beach, between Beach Access 69 & 81	7 days per week, 6am to 7pm

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
9	Surf based business	Kite Surfing Lessons, with up to four (4) students and two (2) kites flying at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson.	Lake Weyba Foreshore	7 days per week, 6am to 7pm
9	Miscellaneous Business	Tandem Skydiving & Parachute Landings, with all equipment to be removed from council-controlled land, including car parks, following each landing.	Stumers Creek, Coolum Beach between Beach Access 68d & 76 *Alternative landing location: Maroochydore Multi Sports Complex *For use when the proposed location is impacted by weather and not suitable for the proposed activity.	7 days per week, 7am to 7pm



Strategic policy

Community Land and Complementary Commercial Activity Policy

Corporate Plan reference:	<p>A smart economy <i>A prosperous, high-value economy of choice for business, investment and employment</i></p> <ul style="list-style-type: none"> - Strong economic leadership, collaboration and identity - A natural, major and regional event destination - A regional hub for innovation, entrepreneurship and creativity <p>A strong community <i>In all our communities, people are included, treated with respect and opportunities are available for all</i></p> <ul style="list-style-type: none"> - Safe and healthy communities - Resilient and engaged communities - A creative identity that support community cohesiveness, development and wellbeing <p>A healthy environment <i>Maintaining and enhancing the regions natural assets, liveability and environmental credentials</i></p> <ul style="list-style-type: none"> - Responsive, accessible and well managed assets and infrastructure
Endorsed by Council on:	18 May 2017 OM17/80
Manager responsible for policy:	Manager Customer Response, Customer Engagement and Planning Services Group

Policy purpose

This policy supersedes all previous policies in relation to commercial use of community land. The purpose of this policy is to outline the framework and principles for making decisions about the allocation and use of community land for commercial activities. This policy ensures that community use remains paramount, while allowing for the operation of commercial activities in circumstances that also provide a benefit to the community.

Policy outcome

The outcome of this policy is that any commercial activity on community land is complementary to the land's primary purpose of community use and limited to a level that provides benefits to the community.

Policy scope

This policy applies to ongoing commercial activity on Council-controlled community land. In general this includes freehold land and land under the control or management of Council such as parks, reserves under the Land Act 1994 (Land Act), roadways (formed and unformed) other than State controlled roads, pathways, footpaths, bathing reserves and foreshores. The holding of the land determines the legal framework from which Council may consider applying this policy. Local laws can apply to Council freehold and roads, foreshores and bathing reserves and the Land Act applies to reserves under the Land Act that Council holds as trustee.

This policy does not apply to:

- council-controlled land where a lease authorises the use of the land;
- advertising signs, community celebrations and events, community markets and street performances; and
- commercial activities in National Parks, or on land and waterways that are controlled directly by the State, including schools, private land and any other land and waterways that Council does not control.

While this policy does not apply, activities mentioned above may require a local law permit for the activity to occur on Council-controlled land.

Policy statement

Council acknowledges that the purpose of community land is primarily for community use. Council is committed to ensuring that land set aside for the community is preserved for such community use in accordance with its obligations under the *Land Act 1994* and the *Local Government Act 2009* and relevant Local Laws. The preservation of community land for its primary purpose is paramount; however it is recognised that in some circumstances, a secondary use such as commercial use of community land may enhance the use of community land and provide a benefit to the community. Council may consider granting the commercial use of community land in limited circumstances, in alignment with the principles set out in this policy.

Guiding principles

The following principles apply to all commercial use of community land in accordance with this policy.

1. Community Use Takes Precedence

When making decisions about commercial use of community land, the primary purpose of the land is the first consideration. The uses and users of community land that take precedence over commercial use include, but are not limited to:

- informal social gatherings and celebrations;
- formal events and celebrations;
- quiet reflection;
- passive recreational activities;
- residents and tourists;
- community groups;
- amenity of the local area; and
- council maintenance and/or street scape projects.

An assessment of whether the land can accommodate and sustain an ongoing commercial use will consider the above examples. Where a proposed commercial use conflicts with or cannot be accommodated without detriment to the primary purpose, the proposal will not be approved.

Commercial use of community land for individual gain alone is not in accordance with the purpose for which the land has been set aside. If a commercial activity can be operated from private land, it should occur on private land.

2. Alignment with Council's Vision

Proposals for the commercial use of community land must align with Council's vision and strategic direction as articulated in Council's Corporate Plan.

3. Community Benefit

Commercial use of community land must provide benefits to the community, and may include commercial activities that:

- promote the primary purpose of the land; or
- support or service the needs of the users of that land; or
- contributes to Sunshine Coast tourism;
- will not diminish the purpose of the land or level of service provided, i.e. will not have an unreasonable adverse effect on free and equitable access to the land or its use; and
- supports and complements local businesses.

4. Limited Impact

Commercial use of community land must not unduly impact on the primary users of the community land, the environment or Council assets and maintenance. To assess the potential impact on the community land, the following will be considered:

- noise and other pollution;
- visual impacts;
- flora and fauna;
- access;
- safety;
- increased use and degradation of the space;
- the local community's desire and tolerance for the proposed activity; and
- local area's population and growth, and the ability for the location to support various types of activities.

5. Compliance with other agencies' requirements

Depending on the location, some applications may also specify special requirements such as the following:

- satisfactory land management plans; and
- approval of other authorising agencies such as the Department of Natural Resources and Mines and the Department of Transport and Main Roads where an activity requires access to land not under Council's control and managed by other agencies.

Assessment of proposals for commercial activities are subject to native title and community consultation.

6. Permit-based Approval - No Exclusive Use or Ongoing Rights

Council has a preference for diversity and competition amongst permit-holders.

Applicants should be aware that permits do not grant exclusive use to the land and do not confer ongoing occupation rights. Further, permits are not transferrable and a permit may be revoked without compensation in specified circumstances such as unsatisfactory safety standards or lack of compliance with permit conditions. At the end of each permit term, a new application must be made, regardless of whether that activity has previously operated in that location or not.

Types of Commercial Use

Council receives a variety of proposals for commercial activity on community land. Some locations can better accommodate proposed commercial activities than other locations due to the existing levels of use and the impacts of the activities proposed.

There are four (4) types of permits available for commercial use of community land:

- “High-use/high-impact” permits for commercial activities that have a higher intensity of use and/or are located in high profile areas and therefore may have a more significant impact on the use of community land.
- “Low-use/low-impact” permits for commercial activities that are not considered “high-use/high-impact”, and where activities will have a lesser intensity of use, including fitness classes, itinerant vendors and activities conducted by not-for-profit organisations. The following will be considered for determining if an activity is low-use/low-impact:
 - further permit applications can easily be accommodated in the area;
 - the activity is irregular, occasional or regular minor use;
 - there is little/no impact on the space or the community use; and
 - the activity is considered a trial to ascertain potential for inclusion as a “high-use/high-impact” activity.
- “Outdoor Dining” for commercial activities that require access to community land for the purpose of conducting outdoor dining in conjunction with an adjacent food and drink business, operating on private land. The following will be considered for determining if an activity is outdoor dining:
 - supports local business;
 - encourages business operators to enhance the use of footpaths;
 - improves amenity;
 - creates vitality and ambience; and
 - ensures community safety.
- “Goods on Footpath” for commercial activities that require access to community land for the purpose of displaying goods for sale in conjunction with an adjacent business, operating on private land. The following will be considered for determining if an activity is goods on footpath:
 - supports local business;
 - encourages business operators to enhance the use of footpaths;
 - improves amenity;
 - creates vitality and ambience; and
 - ensures community safety.

High-use/ high-impact applications are subject to an Expression of Interest (EOI) process every three (3) years for a three (3) year term. Prior to each EOI process, Council will consider locations and activity types for high-use/high-impact activities, and any proposed changes to them.

Council will decide to what extent high-use/high-impact activity may occur and the locations and types of activities that are appropriate (i.e. the number of permits, the types of activities and the specific locations). Some locations have restrictions on their use, which will affect the extent and number of activities that can be accommodated. There may also be further approvals required by State Government departments.

Permit fees and application fees will be developed and approved by Council.

Review of permit areas (locations and activities) will occur every three (3) years, at least one year prior to the expiration of the three-year permit terms. On completion of the review of permit areas, an EOI will be called for permit areas.

An assessment panel will assess applications from the EOI process. Assessments will be made in accordance with the guiding principles of this policy, taking into account the results of a review of the previous term including, where appropriate:

- performance and professionalism of permit holders;
- feedback from Councillors, previous applicants, permit holders and the community, risk management/safety analysis; and
- any complaints received.

Once an EOI period closes, applicants may still apply, however there is no guarantee that an assessment will be made until the next EOI period.

For proposals that are outside the existing activities, an Impact Assessment Report will be required, and a Council resolution to either add the new activity to the policy or allow a limited trial. The Impact Assessment should be assessed against the guiding principles in this policy.

Low-use/low-impact applications for an annual permit may be considered at any time in accordance with Council's local laws and any other relevant legislation, and feedback from the Divisional Councillor.

Permit fees and application fees will be charged in accordance with Council's adopted fees and charges at the time. Fee exemptions may apply for not-for-profit organisations.

At the expiry of permits each year, permit holders will be invited to renew their permit for a further 12 months and pay the required fees and charges.

Low-use/low-impact permits may be appropriate for a trial period to ascertain the suitability for inclusion as a high-use/high-impact permit. Following a successful trial, an Impact Assessment Report will be required, and a Council resolution to award a permit in accordance with the high-use/high-impact three (3) year permit terms.

Outdoor Dining applications for an annual permit may be considered at any time in accordance with Council's local laws and any other relevant legislation, and feedback from the Divisional Councillor.

Permit fees and application fees will be charged in accordance with Council's adopted fees and charges at the time. Fee exemptions may apply for not-for-profit organisations.

At the expiry of permits each year, permit holders will be invited to renew their permit for a further 12 months and pay required fees and charges.

Goods on Footpath applications for an annual permit may be considered at any time in accordance with Council's local laws and any other relevant legislation, and feedback from the Divisional Councillor.

Permit fees and application fees will be charged in accordance with Council's adopted fees and charges at the time. Fee exemptions may apply for not-for-profit organisations.

At the expiry of permits each year, permit holders will be invited to renew their permit for a further 12 months and pay required fees and charges.

Roles and responsibilities

Council is responsible for making decisions about the type of activities, locations and extent of high-use/high impact types of commercial use of community land, and the final approval of permits.

Assessment Panel is responsible for assessing applications for high-use/high-impact types of commercial use of community land and making recommendations to the Manager Community Response.

Community Land Permits Team is responsible for assessing applications for low-use/low-impact, markets, outdoor dining and goods on footpath types of commercial use of community land, in consultation with internal and external stakeholders, including Divisional Councillors.

Manager Customer Response is responsible for managing the process and procedures that implement this policy, for making decisions about low-use/low-impact permits, outdoor dining and goods on footpath types of commercial use of community land, and recommending to council the permits for high-use/high-impact types of commercial use of community land.

Measurement of success

Limited complementary commercial activity that benefits the community has been accommodated while preserving the primary use of community land.

Definitions

Commercial

Engaging in trade or production which deals with the exchange of goods and services, whether for a fee or otherwise.

Community land

Refers to public open space (including waterways) that has been set aside for the community either by the State, where Council is trustee, or by Council, in the case of freehold and leasehold land, for which Council has the responsibility to manage.

High-use/high-impact locations

These locations have a higher intensity of use and therefore a potentially more significant impact on community land including:

- beaches and waterways;
- popular or high-use parks; and
- some roadways (formed and unformed), pathways, footpaths and trails.

Low-use/low-impact locations

These are locations other than “high-use/high-impact” locations where activities will have a lesser intensity of use.

High-use / high-impact activities

Commercial activities that have a higher intensity of use and/or are located in high profile areas and therefore may have a more significant impact on the use of community land.

Low-use / low-impact activities

Commercial activities that are not considered “high-use/high-impact”, and where activities will have a lesser intensity of use, including fitness classes, itinerant vendors and activities conducted by not-for-profit organisations.

Not-for-profit-organisation

An organisation that does not operate for profit, personal gain or other benefit of particular people.

Outdoor Dining applications

Commercial activities that require access to community land for the purpose of conducting outdoor dining in conjunction with an adjacent food and drink business operating on private land.

Goods on Footpath applications

Commercial activities that require access to community land for the purpose of displaying goods for sale in conjunction with an adjacent business, operating on private land.

Primary purpose

Refers to the purpose set out in the trust deed, or in the case of Council freehold and leasehold land, the intention for use when the land was set aside for the community. Examples of primary purpose include sport and recreation, environmental purposes and beach protection and coastal management.

Secondary use

Use of community land that does not align with the land's primary purpose, or is commercial in nature.

Related policies and legislation

Council's Corporate Plan 2018 - 2022

Council's Local Laws

Land Act 1994

Environmental Protection Act 1994

Marine Parks Act 2004

Local Government Act 2009

Transport Operations (Road Use Management) Act 1995

Transport Operations (Marine Pollution) Act 1995

Transport Operations (Marine Safety) Act 1994

Sustainable Planning Act 2009

All other Council policies relating to Council-controlled land

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new policy		Manager Community Response, Community Services	26/05/2017
1.1	Update as per new Organisational Structure			23/11/2017

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Commercial High-use / high-impact permits 2022 Locations and activities

Permits expiring on 30 June 2025

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
1	Historical	Refreshment Van	Duck Holes Creek (Rotary Park) – Caloundra Road, Caloundra	Monday to Saturday 8:00am to 7:00pm Sundays 9:00am to 7:00pm Public Holidays 10:00am to 6:00pm	Aussie Battler Pie Van	CUH21/0004
2	Surf based business	Kite Surfing Lessons, with up to four (4) students and two (2) kites flying at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson **Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting kite surfing 1Page 1essons	Bulcock Beach (Happy Valley), between Beach Access 293 & 296	7 days per week, 6am to 7pm	Kitethrills	CUH21/0009

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson **Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting learn to surf lessons	Bulcock Beach (Happy Valley), between Beach Access 293 & 296	7 days per week, 6am to 7pm	North Caloundra Surf School & Sunshine Coast Surf Schools	CUH21/0012
2	Miscellaneous Business	Jetski Hire undertake business transactions and storage of watercraft on council-controlled land. **Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting Jetski Hire	Bulcock Beach and Foreshore, Caloundra	7 days per week, 7am to 7pm	Vacant	

Commercial High-use / high-impact permits

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
2	Surf based business	Learn to Surf Lessons & Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Dicky Beach north of Ann Street, between Beach Access 261 and 263	7 days per week, 6am to 7pm	North Caloundra Surf School & Maroochy Surf School	CUH21/0026
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Dicky Beach, between Beach Access 263 and 267	7 days per week, 6am to 7pm	North Caloundra Surf School & Sunshine Coast Surf Schools	CUH21/0013
2	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Kings Beach, between Beach Access 288 & 291	7 days per week, 6am to 7pm	North Caloundra Surf School & Sunshine Coast Surf Schools	CUH21/0011

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
2	Historical	Boat & Equipment Hire, including the use of Council-controlled land for business transactions	Ayliffe Park – Esplanade, Golden Beach (adjacent to Beach Access 303)	7 days per week 6:30am to 7:00pm between 1 October and 31 March 7:00am to 5:00pm between 1 April to 30 September	Bills Boats	CUH20/0002
2	Historical	Beach & Equipment Hire, including the use of Council-controlled land for business transactions	Ayliffe Park, Esplanade, Golden Beach (adjacent to Beach Access 308)	7 days per week 6:30am to 6:00pm between 1 October and 31 March 7:00am to 5:00pm between 1 April to 30 September	Golden Beach Hire	CUH20/0003
3	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Currimundi Beach, between Beach Access 259 & 260	7 days per week, 6am to 7pm	Vacant	
3	Miscellaneous Business	Tandem Skydiving & Parachute Landings, with all equipment to be removed from council-controlled land, including car parks, following each landing	Currimundi Beach, between Beach Access 253 & 254	7 days per week, 7am to 7pm	Sunshine Coast Skydivers	CUH21/0005

Commercial High-use / high-impact permits

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
3	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Buderim Street Car Park, Currimundi Beach	7 days per week, 7am to 7pm	Make Love, Peace & Coffee	CUH21/0020
3	Surf based business	Stand Up Paddle Lessons, with the number of students not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Currimundi Lake and Currimundi Beach, between Beach Access 252 & 255	7 days per week, 6am to 7pm	Kitethrills & Sunshine Coast Surf Schools	CUH21/0033
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Alexandra Headlands Beach, between Beach Access 156 & 163	7 days per week, 6am to 7pm	XL Surfing Academy	CUH21/0015

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Mooloolaba Beach, between Beach Access 182 and 194	7 days per week, 6am to 7pm	XL Surfing Academy & Maroochy Surf School	CUH21/0035
4	Miscellaneous Business	Pedal Boat Hire, hiring of water bikes (maximum of twelve (12) inflatable water powered Pedal Boats) with all equipment to be removed from council-controlled land, including car parks, at the end of business each day.	Charles Clarke Park, Mooloolaba	7 days per week, 6am to 7pm	Vacant	
4	Shaved Ice & Cold Drinks	Refreshment sales including shave ice and cold drinks. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day.	Mooloolaba Beach between Beach Access 181 and 194	7 days per week, 7am to 7pm	Mooloolaba Shaved Ice & Drinks	CUH21/0007

Commercial High-use / high-impact permits

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
4	Beach Equipment Hire Business	Beach Equipment Hire (Stand Up Paddle Boards only) with all equipment to be removed from council-controlled land, including car parks, at the end of business each day	Maroochy River, between First Jetty and Boat Shed Restaurant	7 days per week, 7am to 7pm	Ocean Addicts	CUH21/0021
4	Surf based business	Stand Up Paddle Lessons, with the number of students not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Maroochy River, between First Jetty and Boat Shed Restaurant	7 days per week, 6am to 7pm	Ocean Addicts	CUH21/0022
4	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Maroochydhore Beach, between Beach Access 143 & 150	7 days per week, 6am to 7pm	Maroochy Surf School	CUH21/0023

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
5	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Little Yabba Creek, Cambroon	7 days per week, 7am to 7pm	Vacant	
6	Miscellaneous Business	Mobile Dog Washing, with all equipment, including car parks, to be removed from council-controlled land at the end of business each day.	Elizabeth Daniels Park Car Park, Buderim	7 days per week, 7am to 7pm	Vacant	
6	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Elizabeth Daniels Park Car Park, Buderim	7 days per week, 7am to 7pm	Who's Hungry?	CUH21/0018

Commercial High-use / high-impact permits

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
8	Surf based business	Learn to Surf Lessons, including surf awareness, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Marcoola Beach, between Beach Access 100 & 117	7 days per week, 6am to 7pm	Coolum Surf School	CUH21/0030
8	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Mount Coolum Car Park	7 days per week, 7am to 7pm	Vacant - new business owner of Mountain Juice & Coffee operating under a LULI permit arrangement.	CUL24/0031
8	Surf based business	Learn to Surf Lessons, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Mudjimba Beach, between Beach Access 117 & 132	7 days per week, 6am to 7pm	Coolum Surf School	CUH21/0031

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
8	Miscellaneous Business	Seaplane flights, including the use of Council-controlled land for business transactions	Maroochy Riverbank, Bradman Avenue, Maroochydore (adjacent to Minti Street intersection)	7 days per week, 7am to 7pm	Paradise Seaplanes	CUH21/0006
8	Historical	Boat & Equipment Hire, including the use of Council-controlled land for business transactions	Maroochy River Foreshore and car parking bay at Bradman Avenue (adjacent to 71 Bradman Avenue), Maroochydore	7 days per week, 6am to 7pm	Swan Boat Hire	CUH20/0001
9	Beach Equipment Hire Business	Beach Equipment Hire, including the hire of watercraft from trailer, with all equipment to be removed from council-controlled land, including car parks, at the end of business each day	Coolum Beach, between Beach Access 69 & 81	7 days per week, 7am to 7pm	Coolum Beach Hire	CUH21/0038
9	Surf based business	Learn to Surf Lessons and Elite Surf Coaching, with the number of students per instructor not to exceed eight (8) at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Coolum Beach, between Beach Access 69 & 81	7 days per week, 6am to 7pm	Coolum Surf School	CUH21/0039

Commercial High-use / high-impact permits

Division	Category	Approved Activity	Approved Location	Approved hours of operation	Current Permit Holder 01.06.2022 - 30.06.2025	Permit Number
9	Surf based business	Kite Surfing Lessons, with up to four (4) students and two (2) kites flying at any one time and all equipment to be removed from council-controlled land, including car parks, following each lesson	Lake Weyba Foreshore	7 days per week, 6am to 7pm	Adventure Sports Kitesurf Australia	CUH21/0016
9	Miscellaneous Business	Tandem Skydiving & Parachute Landings, with all equipment to be removed from council-controlled land, including car parks, following each landing	Stumers Creek, Coolum Beach between Beach Access 68d & 76	7 days per week, 7am to 7pm	Australia Skydive, trading as Noosa Skydive (Australia Skydive Pty Ltd / Skydive Noosa)	CUH21/0032
10	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Quota Park, Nambour	7 days per week, 7am to 7pm	Vacant	

Commercial High-use / high-impact permits 2025 Discontinued locations and activities

Locations and activities are proposed to be discontinued on 30 June 2025

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
2	Miscellaneous Business	Jetski Hire undertake business transactions and storage of watercraft on council-controlled land. *Approval subject to proof of state government approval, for the use of Pumicestone Passage for the purpose of conducting Jetski Hire	Bulcock Beach and Foreshore, Caloundra	7 days per week, 7am to 7pm
4	Miscellaneous Business	Pedal Boat Hire, hiring of water bikes (maximum of twelve (12) inflatable water powered Pedal Boats) with all equipment to be removed from council-controlled land, including car parks, at the end of business each day.	Charles Clarke Park, Mooloolaba	7 days per week, 6am to 7pm
5	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Little Yabba Creek, Cambroon	7 days per week, 7am to 7pm

Division	Category	Proposed Activity	Proposed Location	Proposed hours of operation
10	Snacks & Drinks Business	Refreshment Van, offering hot and cold beverages and pre-packaged goods from a self-sufficient vehicle, including provision of water and electricity. Vehicle to be removed from council-controlled land, including car parks, at the end of business each day	Quota Park, Nambour	7 days per week, 7am to 7pm

QCAT

Queensland Civil and Administrative Tribunal

DECISION

Case number: ADL043-20
Applicant: Sunshine Coast Regional Council
Before: Member Sammon
Date: 22 December 2021
Proceeding Type: On-Papers Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application for an exemption under s 113 of the *Anti-Discrimination Act 1991* (Qld) filed by the applicant on 27 July 2020 is dismissed.

Signed 
Member Sammon
Queensland Civil and Administrative Tribunal

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Sunshine Coast Regional Council [No 2] [2021] QCAT*
(number)

PARTIES: **SUNSHINE COAST REGIONAL COUNCIL**
(applicant)

APPLICATION NO: ADL043-20

MATTER TYPE: Anti-discrimination matters

DELIVERED ON: 22 December 2021

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Sammon

ORDERS: **The application for an exemption under s 113 of the *Anti-Discrimination Act 1991* (Qld) filed by the applicant on 27 July 2020 is dismissed.**

CATCHWORDS: HUMAN RIGHTS – DISCRIMINATION –
LEGISLATION – GENERALLY – application for
exemption from application of *Anti-Discrimination Act*
1991 (Qld) – proposed policy to allow grant of tourism
business permits to Aboriginal and Torres Strait Islander
persons only.

Acts Interpretation Act 1954 (Qld), s 14D
Anti-Discrimination Act 1991 (Qld), s 6, s 7, s 21, s 22,
s 81, s 104, s 113, s 174A, s 174C, schedule 1
Human Rights Act 2019 (Qld), Preamble, s 5, s 7, s 8, s 9,
s 13, s 15, s 28, s 48, s 58, s 63, schedule 1
Queensland Civil and Administrative Tribunal Act 2009
(Qld), s 164.

Downer EDI Mining [2013] QCATA 276
Exemption application re: Boeing Australia Holdings Pty
Limited and others [2003] QADT 21
Opinion re: Lake Sherrin Home for the Aged Pty Ltd
[2003] QADT 2
Sundale Limited [2019] QCAT 83.

APPEARANCES &
REPRESENTATION: This matter was heard and determined on the papers
pursuant to s 32 of the *Queensland Civil and Administrative*
Tribunal Act 2009 (Qld).

REASONS FOR DECISION

Introduction

- [1] The Sunshine Coast Regional Council (the Council) has applied to the Tribunal for exemption from application of the *Anti-Discrimination Act 1991* (Qld) (the AD Act) under s 113 of that Act, concerning a proposed policy, for a period of five years. The policy would have the effect of allowing the Council to grant permits to conduct certain tourism businesses on Council land, solely to Aboriginal and Torres Strait Islander people (the Proposed Policy).
- [2] For reasons which follow, my decision is to dismiss the application because an exemption is unnecessary to implement the Proposed Policy. Section 104 of the AD Act would allow implementation of the Proposed Policy as a welfare measure.

Background – legislative basis for the application

- [3] One of the purposes of the AD Act, contained in s 6(1), is to:
- ... promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity, including work, education and accommodation.
- [4] Section 6(2) states that the purpose is to be achieved by prohibiting discrimination that is:
- (a) on a ground set out in chapter 2, part 2, in which s 7 lists attributes on which the Act prohibits discrimination, including race; and
 - (b) of a type set out in chapter 2, part 3 (direct or indirect discrimination); and
 - (c) in an area of activity set out in chapter 2, part 4, which relevantly includes s 21 and s 22;
- unless an exemption set out in chapter 2, part 4 or 5 applies.
- [5] Section 113(1) of the AD Act contained in chapter 2, part 5 of the AD Act is one such exemption and it provides that the Tribunal:
- may grant an exemption to [an applicant] from the operation of a specified provision of the Act.
- [6] The areas of activity which apply to the Council's application are s 21 and s 22, which relevantly are as follows:

21 Discrimination by qualifying body in pre-qualification area

A person who has power to grant, renew or extend a qualification or authorisation that (whether by itself or together with other qualifications or authorisations) is needed for, or facilitates, ... the carrying on of a ... business must not discriminate—

- (a) in granting, renewing or extending a qualification or authorisation or failing to do so; or
- (b) in the terms on which a qualification or authorisation is granted, renewed or extended.

22 Discrimination by qualifying body in qualification area

A person who has power to grant, renew or extend a qualification or authorisation that (whether by itself or together with other qualifications or authorisations) is needed for, or facilitates, ... the carrying on of a ... business must not discriminate against another person—

- (a) in any variation of the terms on which a qualification or authorisation was granted, renewed or extended; or
- (b) in revoking or withdrawing a qualification or authorisation or failing to do so; or
- (c) by treating the other person unfavourably in any way in connection with the grant, renewal or extension of a qualification or authorisation.

(added emphasis)

- [7] The Council, by imposing a pre-qualification or qualification based on race, on a category of permit, would be discriminating on the ground of race.
- [8] In its own terms, s 113 does not contain criteria for the exercise of the discretion of the Tribunal to grant an exemption. However, in a decision in an application also under s 113, the President of the then Anti-Discrimination Tribunal considered that there were several criteria to be applied in considering an application under that provision.¹
- [9] Firstly, the Tribunal must be satisfied that the exemption is necessary to achieve the purposes of the proposal for which the exemption is sought.² In the structure of the AD Act, chapter 2, part 5, that means that there are no other general exemptions available that would apply to the proposal concerned. For example, in *Boeing*, the President considered whether the general exemption under s 106 of the AD Act would apply, as to whether the relevant proposal was authorised under statutory authority.
- [10] Secondly, application of the *Boeing* criteria would mean that the Tribunal must be satisfied that it would be appropriate and reasonable to grant the exemption.³ Other matters that may be relevant in considering an exemption include:
 - (a) whether there are any non-discriminatory ways of achieving the objects or purposes for which the exemption is sought;
 - (b) whether the exemption is in the community interest;
 - (c) whether any other persons or bodies other than the applicant support the application.

The *Boeing* criteria have been followed by the Tribunal in many cases on s 113.⁴

- [11] Section 174C(1) of the AD Act provides that if the Act confers jurisdiction on the Tribunal in relation to a matter, the Tribunal may exercise the powers conferred on it

¹ *Exemption application re: Boeing Australia Holdings Pty Limited and others* [2003] QADT 21, President Sofronoff QC at [12.2]-[13.1].

² *Boeing*, [13.1].

³ *Boeing*, [12.2].

⁴ For example, by the QCAT Appeal Tribunal in *Downer EDI Mining* [2013] QCATA 276, and in *Sundale Limited* [2019] QCAT 83.

under the AD Act or the 'relevant tribunal Act', defined in the relevant sense to mean the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (the QCAT Act).⁵

- [12] Since the *Boeing* decision, the *Human Rights Act 2019* (Qld) (HR Act) commenced operation, on 1 January 2020. I will consider the application of the HR Act below.

The Council's Proposed Policy

- [13] The Council has an existing Community and Complementary Commercial Activity Policy (the Policy). Annexure A to the application to the Tribunal, states that the Council intended to amend that Policy to introduce an 'Identified Tourism' permit category. Identified tourism permits are proposed to be made available only to Aboriginal and Torres Strait Islander people.
- [14] In support of its application, the Council filed an affidavit by Warren Bunker, the acting Chief Executive Officer of the Council. In his affidavit, Mr Bunker says that on 4 November 2019, the Council resolved to endorse amendments to the Policy for the purposes of seeking an exemption under the AD Act. Mr Bunker exhibited to his affidavit a copy of a report endorsed by the Council on seeking the exemption, which includes the proposed amendments to the Policy, in tracked changes.
- [15] Mr Bunker also referred⁶ to action 10 in the Council's Innovate Reconciliation Action Plan 2017- 2019 which states that the Council will:

Identify opportunities to expand Aboriginal and Torres Strait Islander aspects of cultural tourism within the region.

- [16] The purpose of the existing Policy (and indeed as the Council propose to amend it) is to:

... outline the framework and principles for making decisions about the allocation and use of community land for commercial activities. This policy ensures that community use remains paramount, while allowing for the operation of commercial activities in circumstances that also provide a benefit to the community.

- [17] The existing Policy⁷ applies to ongoing commercial activity on Council-controlled community land. In general, that includes freehold land and land under the control or management of the Council such as parks and reserves, pathways, footpaths, bathing reserves and foreshores. The policy does not apply to a range of listed land including commercial activities in National Parks or on land and waterways that are controlled directly by the State.
- [18] The existing Policy allows for the grant of four types of permits for commercial use of community land including 'low-use/low-impact permits', including for fitness classes, itinerant vendors and activities conducted by not-for-profit organisations. Another category is the familiar 'outdoor dining' permit which allows for outdoor dining on community land in conjunction with an adjacent food and drink business operating on private land. The category of 'goods on footpath' allows for grant of a permit requiring access to community land for the purpose of displaying goods for sale in conjunction with an adjacent business, operating on private land.

⁵ The Dictionary (schedule 1) of the AD Act.

⁶ Paragraph (5) of his affidavit.

⁷ And the Proposed Policy – page 2.

- [19] The Proposed Policy would introduce a new category of permit, which would be an 'Identified Tourism' category:

... for commercial activities that require access to community land for the purpose of delivering Aboriginal and Torres Strait Islander cultural tourism experiences that occur on traditional Country of the Kabi Kabi or Jinibara peoples. The following will be considered for determining if an activity qualifies as 'Identified Tourism':

- business owned and operated by Aboriginal and Torres Strait Islander peoples;
- activity enhances the visibility and accessibility of Indigenous culture on the Sunshine Coast;
- the proposed site has a cultural, environmental and/or historical significance;
- support local business; and
- promotes indigenous tourism on the Sunshine Coast.

- [20] On the face of it, this key aspect of the Proposed Policy would be prohibited by the AD Act, because it discriminates against people who are not Aboriginal or Torres Strait Islander. That would be discrimination on the attribute of race, under s 7(g) of the Act, in the areas described by s 21 and s 22, as qualifications for carrying out a business. Section 113 of the AD Act allows the Tribunal to grant an exemption from that consequence.

- [21] The key defined terms in the Proposed Policy are as follows:

- 'Identified tourism activities' are defined as 'Commercial activities deliver Aboriginal and Torres Strait Islander cultural tourism experiences that occur on traditional Country of the Kabi Kabi and Jinibara peoples';
- 'Identified tourism locations' are defined as 'locations that have a cultural, environmental and/or historical significance and are on traditional Country of the Kabi Kabi and Jinibara peoples'.

- [22] The Proposed Policy describes the process for grant of an Identified Tourism permit. Amongst other aspects, a permit would be subject to an expression of interest (EOI) process every three years, for a three year permit. The EOI process would be communicated through agreed existing communication channels with Traditional Owner groups. The Council would decide to what extent Identified Tourism activity may occur and the locations and types of activities that are appropriate.

- [23] In *Sunshine Coast Regional Council*,⁸ Member Paratz AM decided that the Tribunal has jurisdiction to determine the Council's application for an exemption under the AD Act.

⁸ [2021] QCAT 198.

Submissions

- [24] In Annexure A attached to the Council's application, it made a submission in support of its application for exemption from the AD Act on the grounds that:

- (a) **There are no non-discriminatory ways of achieving the purpose for which the exemption is sought.**

This is because the proposed identified tourism permits are being introduced to expand Aboriginal and Torres Strait Islander aspects of cultural tourism in the Sunshine Coast region and enhance the economic prosperity of Aboriginal and Torres Strait Islander people.

- (b) **It is reasonable to grant the exemption.**

In the circumstances, Council is of the view that it is reasonable for the exemption to be granted on the basis that an exemption is in the community interest.

- (c) **The exemption is in the community interest.**

The permits will enhance the economic prosperity of Aboriginal and Torres Strait Islander people and organisations across the Sunshine Coast region and contribute towards 'closing the gap' in education, employment, health, social and economic issues between Aboriginal and Torres Strait Islander peoples and the broader Australian community in accordance with Sunshine Coast Regional Council's Reconciliation Action Plan.

- [25] Before the Tribunal makes a decision on an application for exemption, s 113(2) of the AD Act requires the Tribunal to give the Human Rights Commissioner a copy of the application and material filed in support of it, and to have regard to any submission made by the Commissioner on the application. The Commissioner filed a written submission dated 6 May 2021. The Commissioner's submissions focused on the application of the HR Act to the circumstances of this application.
- [26] The Commissioner submits that s 48 of the HR Act applies to the Tribunal when considering an application for exemption under s 113 of the AD Act.⁹ I accept that proposition. The relevant provisions of s 48 are as follows:

48 Interpretation

- (1) All statutory provisions must, to the extent possible that is consistent with their purpose, be interpreted in a way that is compatible with human rights.
- (2) If a statutory provision can not be interpreted in a way that is compatible with human rights, the provision must, to the extent possible that is consistent with its purpose, be interpreted in a way that is most compatible with human rights.

(added emphasis)

- [27] The meaning of 'compatible with human rights' is set out in s 8 of the HR Act, relevantly that a statutory provision is 'compatible with human rights' if the provision:

⁹ Section 5(2)(a) of the HR Act provides that the Act applies to courts and tribunals to the extent the court or tribunal has functions under part 2 and part 3, division 3 of the Act. Part 3, division 3 includes s 48. The Tribunal is a court of record – see s 164(1) of the QCAT Act.

- (a) does not limit a human right; or
- (b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with s 13.

[28] It is therefore necessary to identify whether a human right is affected by application of the statutory provision concerned. Section 7 of the HR Act states that 'human rights' for the purposes of the HR Act, mean the rights stated in part 2, divisions 2 and 3 (ss 15-37). For the purposes of working out whether the HR Act has some application to the issue concerned, it is first necessary to identify whether a human right under the Act is engaged, on the issue concerned. The Commissioner identified the human right contained in s 15 of the HR Act to be potentially engaged.¹⁰ Section 15 is relevantly as follows:

15 Recognition and equality before the law

...

- (2) Every person has the right to enjoy the person's human rights without discrimination.
- (3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination.
- (4) Every person has the right to equal and effective protection against discrimination.
- (5) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

(added emphasis)

- [29] The Commissioner submits that the effect of the exemption sought would be to allow the Council to discriminate on the ground of race in authorising the operation of Indigenous tourism on Council and community land.
- [30] There are a number of linkages between the AD Act and the HR Act, and s 15 is one of them. Whether something is done 'without discrimination' depends on the meaning of the term 'discrimination' contained in the Dictionary¹¹ of the HR Act which relevantly 'includes' (and as the Commissioner submits, is therefore is not confined to) discrimination within the meaning of the AD Act, on the ground of an attribute stated in s 7 of that Act, which of course includes race.
- [31] I agree that s 15 is engaged on the Council's application for an exemption. Equal protection before the law without discrimination in the context of the Council's application means that people who apply for a permit from the Council should not be discriminated against on the attribute of race, under s 7(g) of the AD Act. To the extent that a non-Indigenous person would not be able to apply for the proposed Identified Tourism permit, such a non-Indigenous person would be discriminated against, on the attribute of race, in the area covered by ss 21 and 22 of the AD Act.

¹⁰ As well as the cultural rights of Aboriginal peoples and Torres Strait Islander peoples under s 28(2)(d) of the HR Act.

¹¹ Schedule 1.

- [32] The Commissioner submits that the purpose of s 15(5) is to promote substantive equality. If the activity concerned is a 'special measure' within s 15(5), the activity would be 'human rights compatible' (meaning that it would not be necessary to apply the balancing test contained in s 13 of the HR Act). If it is not a 'special measure' under s 15(5), then the 'justification test' in s 13 of the HR Act is to be applied.
- [33] The Commissioner's submissions devoted considerable attention to whether the Council proposal satisfied the requirements of s 15(5) of the HR Act. The result of the Commissioner's analysis is a submission that the Council should be able to satisfy the Tribunal that the Proposed Policy is a 'special measure' within the meaning of s 15(5) of the HR Act.
- [34] Alternatively, the Commissioner submitted that if the Tribunal is satisfied that the Proposed Policy is a 'welfare measure' under s 104 of the AD Act, an exemption would not be necessary.
- [35] Overall, the Commissioner submitted that subject to the matters raised in the Commissioner's written submissions, the Human Rights Commission would not oppose a finding that the Policy Proposal constitutes a 'welfare measure' under s 104, or the grant of an exemption under s 113 of the AD Act.

Consideration

- [36] In my opinion, the *Boeing* criterion for an exemption under s 113 to be necessary, because no other exemption under the AD Act is applicable, is still relevant to consideration of s 113 even after the commencement of the HR Act, as a matter of legal logic. That is, it is not necessary to grant an exemption under s 113 if another exemption from the application of the AD Act applies. The approach of the Tribunal has been that where there is only a *possible defence* rather than a certain defence because of the application of an exemption provision, an exemption should be granted in an appropriate case.¹²
- [37] The Commissioner accepted that this aspect of the *Boeing* criteria is applicable, and as described above, submitted if the Proposed Policy is a 'welfare measure' under s 104 of the AD Act, an exemption would not be necessary.
- [38] Since the Council has applied for an exemption under s 113 of the AD Act, I think it is appropriate to first consider whether s 104 applies, which is as follows:

104 Welfare measures

A person may do an act to benefit the members of a group of people with an attribute for whose welfare the act was designed if the purpose of the act is not inconsistent with this Act.

Example 1—

It is not unlawful for a bus operator to give travel concessions to pensioners or to give priority in seating to people who are pregnant or frail.

Example 2—

It is not unlawful to restrict special accommodation to women who have been victims of domestic violence or to frail, older people.

¹² *Sundale Limited* [2019] QCAT 83, [30].

Example 3—

It is not unlawful to establish a high security patrolled car park exclusively for women that would reduce the likelihood of physical attacks.

- [39] I make the following points of analysis about application of s 104 in the circumstances of this case.
- [40] **First**, the ‘welfare measures’ contemplated by s 104 are not limited to ‘welfare payments’. That much is clear from the examples¹³ given of the contemplated application of s 104, which clearly extend to actions, such as the Proposed Policy, and not only payment of welfare benefits. The Proposed Policy is an act, the purpose of which is to benefit Indigenous people.
- [41] **Second**, an attribute referred to in s 104 is an attribute listed in s 7 of the AD Act. The Proposed Policy would have the effect of benefiting Indigenous people as groups of people with the attribute of being of particular races.
- [42] **Third**, the focus of s 104 is on the act concerned, and its purpose, rather than only on the effect of the act itself. The proposed beneficial act will fall within the exemption contained in s 104 if the *purpose of the act* is not inconsistent with the AD Act. This cannot mean that the proposed ‘welfare measure’ will fail to qualify for exemption under s 104 if it would otherwise amount to discrimination under the Act. If the threshold for s 104 was that high, no ‘welfare measure’ would ever qualify for exemption under s 104, and that would defeat the very purpose of s 104. Also, s 104 is not confined only to inconsistency with the anti-discrimination purpose of the Act set out in s 6. The inconsistency to be avoided, in the terms of s 104, is not confined to inconsistency with the purposes contained in s 6, and the focus of potential inconsistency is on the *purpose* of the proposed welfare measure.
- [43] In a decision of the previous Anti-Discrimination Tribunal,¹⁴ President Sofronoff QC granted an exemption under s 104 in the context of a retirement village which provided accommodation services only to people eligible for the aged pension, contrary to s 81 of the Act (age-related discrimination in the accommodation area). The President described the application of s 104 in that context as follows:
- The provision of special accommodation solely for the aged is plainly an act for the purpose of which is to benefit the aged. Is the provision of such accommodation inconsistent with the Act? The intention of the Act is to furnish protection for persons who are vulnerable, on the ground of some attribute, to discrimination in, relevantly, the area of provision of accommodation. There can, of course, be no suggestion that persons of working age are in any way disadvantaged, on the basis of their age, in seeking and obtaining suitable accommodation. Consequently it cannot be inconsistent with the Act to provide accommodation solely for those eligible for the aged pension.
- [44] In my view, the *purpose* of the Proposed Policy is not to discriminate against non-Indigenous people on the ground of race, but instead to introduce a benefit to a group of people by reference to the attribute of race, a group who have undoubtedly been economically disadvantaged in Australia’s history. The purpose of the Proposed Policy

¹³ Section 14D of the *Acts Interpretation Act 1954* provides that in an Act, an example does not limit, but may extend, the meaning of the provision.

¹⁴ *Opinion re: Lake Sherrin Home for the Aged Pty Ltd* [2003] QADT 2.

is not to prevent non-Indigenous people from applying for a permit: the Proposed Policy would of course allow anyone to apply for the other four categories of permit.

[45] **Fourth**, the application of s 104 of the AD Act could amount to the limitation of the human right of non-Indigenous people to equality before the law, under s 15 of the HR Act, to apply for the Identified Tourism category of permit. Therefore, it is necessary that I consider the application of s 48 of the HR Act, or whether s 104 can, to the extent possible that is consistent with its purpose, be interpreted in a way that is *compatible with human rights*.

[46] As I have identified above, the combined effect of s 8 and s 13 of the HR Act means that an interpretation and application of s 104 which has the effect of limiting a human right is 'compatible with human rights' if it is reasonable and demonstrably justifiable in accordance with the factors contained in s 13.

[47] Section 13 is as follows:

13 Human rights may be limited

- (1) A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.
- (2) In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant—
 - (a) the nature of the human right;
 - (b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;
 - (c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;
 - (d) whether there are any less restrictive and reasonably available ways to achieve the purpose;
 - (e) the importance of the purpose of the limitation;
 - (f) the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;
 - (g) the balance between the matters mentioned in paragraphs (e) and (f).

(added emphasis)

Because the factors contained in s 13(2)(a)-(g) are preceded by the word 'may', those factors are not exhaustive, but do provide guidance, relevantly to the Tribunal, on whether the potential limit on the human right in s 15, in this case, is both reasonable and justifiable.

[48] Comparison of the *Boeing* criteria with the factors contained in s 13(2) reveals that the *Boeing* criteria (apart from the first criterion of necessity for the exemption) can be considered to fall within the scope of the factors contained in s 13(2). It may be that in considering an application for an exemption under s 113, since the commencement of the HR Act, the s 13 factors have replaced the *Boeing* criteria. That would be because an application for an exemption under s 113 almost inevitably contemplates that the

proposed action involves some discrimination under the AD Act and therefore a limitation on the human right of equal treatment under s 15 of the HR Act. Because of the approach I have taken of first considering whether an exemption under s 113 is necessary, due to the effect of s 104 of the AD Act, it is not necessary for me to finally decide whether s 13 has replaced the *Boeing* criteria. However, it is necessary for me to consider and apply the s 13 factors to interpretation of s 104.

- [49] Under s 13(2)(a), the human right which is potentially limited by s 104 is the right of equality before the law in s 15. That is a human right of obvious importance, and not easily to be traded away.
- [50] For paragraph (b), the purpose of the limitation of the human right which is the effect of s 104, is to allow a 'welfare measure' to benefit members of a group of people with an attribute under s 7 of the AD Act, as an exemption to what would otherwise be discrimination under the AD Act. For this aspect of s 13, much will depend on the purpose of the proposed 'welfare measure' concerned. In this case, the purpose is to confer a benefit on Indigenous people so that there is a special category of permit set aside exclusively for Indigenous people which will also have the effect of promoting Indigenous culture.
- [51] That brings into the balance contained in s 13, the cultural rights of Aboriginal peoples and Torres Strait Islander peoples contained in s 28 of the HR Act.¹⁵ Section 28(1) recognises that Aboriginal and Torres Strait Islander peoples hold distinct cultural rights. The human right contained in s 28(2) is expressed in the negative: that is, the Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community, to enjoy the cultural heritage and cultural rights contained in that provision. The Proposed Policy will have the effect of promoting the human right contained in s 28.
- [52] In this case, part of the balancing process which is the subject of s 13(2) is a balance between some limitation on the right to equality before the law contained in s 15 of the HR Act, with promotion of the human right on Indigenous culture contained in s 28.
- [53] On application of s 13(2)(c), there is a direct relationship between the limitation of the human right to equality before the law and the purpose of the limitation in this case, which is to promote the welfare measure for Indigenous peoples, and promotion of Indigenous culture.
- [54] For paragraph (d), there is no less restrictive and reasonably available way of achieving the purpose of the welfare measure under s 104, of the permit only being available to Indigenous people, than actually providing for an exclusive purpose permit for Indigenous peoples. However, it must be remembered that the proposed Indigenous permit will be only one of five categories of permits available, with the other four categories of permit available to anyone in the Council's area.
- [55] The importance of the *purpose* of the limitation in s 104, for paragraph (e) is to enable an exemption from discrimination under the AD Act. Otherwise, a 'welfare measure' under s 104 would itself amount to discrimination, and in this case, potentially prevent achievement of the Proposed Policy.

¹⁵ Aboriginal tradition and Ailan Kastom of the Torres Strait Islander peoples is also recognised in clause 6 of the Preamble to the HR Act.

- [56] Section 13(2)(f) requires an assessment of the importance of preserving the human right in s 15 of the HR Act, taking into account the nature and extent of the limitation on the human right. Section 104 does not allow open slather exemption from the application of the AD Act. An important limitation is that the purpose of the relevant welfare measure must not be inconsistent with the AD Act.
- [57] Application of s 104 to the Proposed Policy in this case will not lead to a broad or widespread limitation of the human right contained in s 15 of the HR Act. It is limited to providing for one category of permit to be exclusively available to Indigenous people. Anyone else in the community is entitled to apply for a permit in one of the other four categories.
- [58] Paragraph (g) requires a balance between the matters mentioned in paragraphs (e) and (f). In carrying out that balance, in my opinion, the application of s 104 as an exemption to the AD Act for the Proposed Policy would amount to a confined limitation on the right to equality before the law contained in s 15 of the HR Act, against the small, but important welfare measure to be extended to Indigenous people. Significantly, the Proposed Policy would not exclude non-Indigenous people from obtaining a permit in any one of the four other categories of permit.
- [59] In my opinion, the limitation of the human right to equal treatment under the law when s 104 is applied to the Proposed Policy can be reasonably justified in a free and democratic society based on human dignity, equality and freedom under s 13(1).
- [60] I therefore conclude that s 104 will provide an exemption from the application of the AD Act for the Proposed Policy, so that it is not necessary for an exemption to be granted by the Tribunal under s 113 of the AD Act.
- [61] It may be that the Proposed Policy would also satisfy the requirements of s 15(5) of the HR Act, as a 'special measure'. The language of s 15(5) of the HR Act is similar to, but not the same as, s 104 of the AD Act. However, the effect of s 104 of the AD Act applying, is that the Proposed Policy would not be unlawful discrimination under the AD Act. That in turn would mean that the requirements of s 15(2) and (3) of the HR Act will not be contravened.
- [62] Because 'discrimination' within the meaning of that term in the HR Act includes, but is not limited to, 'discrimination' under the AD Act, s 104 of the AD Act would amount to a justification of the Council in any complaint made against it under the HR Act. As a 'public entity'¹⁶ under the HR Act, the Council is amenable to a complaint for breach of a human right under the HR Act. Whilst only public entities may be the subject of a complaint under the HR Act,¹⁷ as a general proposition, all entities, and not only public entities, are subject to a complaint under the AD Act. However, where the human rights concerned depend on whether the relevant act is discrimination under the AD Act, an exemption under the AD Act will mean that the relevant act is not a limitation of the human right under s 15 of the HR Act.

Conclusions

- [63] For these reasons it is not necessary for an exemption to be granted to the Council for the Proposed Policy under s 113 of the AD Act. Section 104 of the AD Act would

¹⁶ A term defined in s 9(1)(d) of the HR Act to specifically include a local government.

¹⁷ See s 63 contained in part 4, division 2, read with s 5(2)(c) and s 58.

allow the Proposed Policy to be implemented without being unlawful discrimination or a limitation of the human right to equal treatment under s 15 of the AD Act.

[64] Accordingly, the application is dismissed.



In applying Section 58 of the *Human Rights Act 2019* (Act), this statement of compatibility is made with respect to the review of Council's Community Land and Complementary Commercial Activity Policy and the revised Commercial Activity Policy.

The revised Commercial Activity Policy is compatible with the human rights protected by the Act.

Date of assessment: 21 March 2025

Date/milestone of further assessment required: Not applicable

Completed by: Coordinator Community Land Permits & Parking

Reviewed by: Manager, Customer Response

Human Rights Assessment

Which Human Rights are <i>engaged</i> ?	Which human rights are <i>limited</i> ?	Is the limitation reasonable and <i>justified</i> ?	Is the <i>decision</i> more generally <i>compatible</i> with the rights identified in column 1?
<p>1 Recognition and equality before the law (s15) - The Commercial Activity Policy may interact with this human right as it seeks to award permits to applicants to conduct commercial activities on Council-controlled land.</p> <p>This right relates to persons being equal before the law and entitled to equal protection of the law without discrimination.</p>	<p>The purpose of the revised Commercial Activity Policy is to deliver a more contemporary, community responsive and equitable policy platform for the future.</p> <p>The policy aims to provide a mechanism which supports commercial activity on Council-controlled land, where the application is not in conflict with the primary purpose of the land, and which benefits the community.</p> <p>As such, the revised policy seeks to support local businesses on the Sunshine Coast with opportunities to operate their business on Council-controlled land.</p> <p>While the policy will result in some businesses being awarded permits over others, the Commercial Activity Policy does not impact a persons effective protection against discrimination.</p>	<p>N/A - not limited.</p>	<p>Reasons in support of the revised Commercial Activity Policy include:</p> <ul style="list-style-type: none"> improved permit application processes recognising tenure and experience of existing operators and opportunities for trials and new initiatives. <p>The revised Commercial Activity Policy is considered compatible with the human rights under the Human Rights Act 2019. Consideration has been given to the following human rights:</p> <ul style="list-style-type: none"> Recognition and equality before the law (s15) Freedom of movement (s19) Freedom of expression (s21)



Which Human Rights are <i>engaged</i> ?	Which human rights are <i>limited</i> ?	Is the limitation reasonable and <i>justified</i> ?	Is the <i>decision</i> more generally <i>compatible</i> with the rights identified in column 1?
<p>2 Freedom of movement (s19) - The Commercial Activity Policy may interact with this human right as it seeks to provide dedicated locations for permitted activity on Council-controlled land.</p> <p>This right relates to persons having a right to move freely within Queensland and to enter and leave it, and the freedom to choose where to live.</p>	<p>The Commercial Activity Policy involves setting preferred activities and locations for specified permit categories.</p> <p>Implementation of the policy will involve determining to what extent commercial activity may occur and the locations and types of activities that are appropriate (i.e. the number of permits, the types of activities and the specified locations).</p> <p>While the policy defines certain locations for use, awarded permits will be conditioned to reflect that the permit does not provide exclusive use of the location.</p> <p>As such, the Commercial Activity Policy does not impact on a persons right to effectively move freely within Queensland or choose where to live.</p>	<p>N/A - not limited.</p>	<ul style="list-style-type: none"> • Taking part in public life (s23) • Property rights (s24) • Cultural rights - Aboriginal peoples and Torres Strait Islander peoples (s28) <p>Any perceivable limitations on human rights are considered justified, due to the need to deliver a more contemporary, community responsive and equitable policy platform for the future.</p>
<p>3 Freedom of expression (s21) - The Commercial Activity Policy may interact with this human right as direct engagement has been undertaken.</p> <p>This right relates to every person having the freedom to hold an opinion without interference, seek, received and impart information and ideas for all kinds.</p>	<p>The review of the Community Land and Commercial Activity Policy direct engagement has taken place with business chambers, peak bodies and associations to obtain feedback and guidance surrounding the drafting of the revised policy.</p> <p>Discussions have also taken place with existing permit holders based on their concerns, including advocating for streamlined permit processes. Therefore, it is considered that the freedom of expression has been protected and enhanced by seeking feedback from relevant stakeholders relating to the drafting of the revised policy.</p>	<p>N/A - not limited.</p>	



Which Human Rights are <i>engaged</i> ?		Which human rights are <i>limited</i> ?	Is the limitation reasonable and <i>justified</i> ?	Is the <i>decision</i> more generally <i>compatible</i> with the rights identified in column 1?
		Furthermore, individuals will not be restricted in their ability to hold an opinion and exchange their opinions with Council Officers or their elected representatives.		
4	<p>Taking part in public life (s23) - The Commercial Activity Policy may interact with this human right as direct engagement has been undertaken with existing permit holders.</p> <p>This human right relates to persons having the opportunity, without discrimination, to take part in the conduct of public affairs.</p>	<p>The most recent Expression of Interest process presented some operational challenges and key learnings for the future. Accordingly, it was proposed that Council officers undertake a review of the Community Land and Complementary Commercial Activity Policy and associated processes prior to the expiry of permits on 30 June 2025.</p> <p>Throughout the current permit period and policy review, direct engagement has taken place with existing permit holders.</p> <p>The review is intended to deliver a more contemporary, community responsive and equitable policy platform for the future.</p> <p>As direct engagement has taken place, people have not been restricted to take part in public life at the appropriate time.</p>	N/A - not limited.	
5	<p>Property rights (s24) - The Commercial Activity Policy may interact with this human right as it limits the types of permitted commercial activities on Council-controlled land.</p> <p>This human right relates to owning property and not being deprived of property arbitrarily, including protection from substantial restriction on a person's use or enjoyment of their property.</p>	<p>The Commercial Activity Policy will not remove any existing property rights.</p> <p>The policy aims to support access to Council-controlled land for commercial use purposes - both in specified circumstances and where the activity is of benefit to the community.</p> <p>While the policy defines permit types, the policy does not impact on a persons right to owning property and not being deprived of property arbitrarily.</p>	N/A - not limited.	



Which Human Rights are <i>engaged</i> ?	Which human rights are <i>limited</i> ?	Is the limitation reasonable and <i>justified</i> ?	Is the <i>decision</i> more generally <i>compatible</i> with the rights identified in column 1?
<p>6 Cultural rights - Aboriginal peoples and Torres Strait Islander peoples (s28) - The Commercial Activity Policy may interact with this human right as it defines a Cultural Tourism permit category and this category being limited to activities led by or in partnership with Kabi Kabi and Jinibarra peoples only.</p> <p>This right relates to acknowledgement of Aboriginal peoples and Torres Strait Islander peoples distinct cultural rights.</p>	<p>In 2020, an exemption was sought under Section 113 of the Anti-Discrimination Act 1991 (Qld) in relation to providing Cultural Tourism permit opportunities to Traditional Owner groups and Kabi Kabi and Jinibarra tourism operators. The Queensland Civil Administration Tribunal (QCAT) dismissed the application on the basis that an exemption unnecessary because Section 104 of the Anti-Discrimination Act allows implementation of the proposed policy as a welfare measure.</p> <p>The Cultural Tourism permits will be available to First Nations tourism operators and groups to promote the regions cultural heritage. In line with this objective, the permit category is limited to activities led by or in partnership with Kabi Kabi and Jinibarra peoples only. This will be achieved in consultation with Council's First Nations Partnership Team.</p> <p>Given the above, whilst the revised Commercial Activity Policy may have some neutral interaction with this human right, it is not considered to be limited and should any limitation become evident during implementation of these efforts, further consideration will be had to manage the protection of relevant cultural rights.</p>	<p>N/A - not limited.</p>	
<p>Consider: Which rights are relevant? Which rights might be limited? Whose rights might be engaged? Which rights might be respected, protected or promoted?</p>	<p>Consider: Does the measure place limitations or restrictions on the human right? Does the measure interfere with the human right? What is this interference/impact in a real or practical sense?</p>	<p>Consider: (a) the nature of the human right; (b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;</p>	<p>Consider: (a) Are the rights either limited in a justified manner in column 3?; or (b) Not limited?</p>



Which Human Rights are <i>engaged</i> ?	Which human rights are <i>limited</i> ?	Is the limitation reasonable and <i>justified</i> ?	Is the <i>decision</i> more generally <i>compatible</i> with the rights identified in column 1?
Remember to refer to sections 15 – 37 of the Act	Does the impact come within the scope of the right?	(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose; (d) whether there are any less restrictive and reasonably available ways to achieve the purpose; (e) the importance of the purpose of the limitation; (f) the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right; (g) the balance between the matters mentioned in (e) and (f).	



List of Human Rights

See also - Queensland Human Rights Commission guide to human rights: <https://www.qhrc.qld.gov.au/your-rights/human-rights-law>
Queensland Human Rights Commission guide for public entities <https://www.qhrc.qld.gov.au/your-responsibilities/for-public-entities>
Human Rights Act 2019 (Qld) <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>

Act Ref	Right	Detail of Right
15	<u>Recognition and equality before the law</u>	<p>(1) Every person has the right to recognition as a person before the law.</p> <p>(2) Every person has the right to enjoy the person's human rights without discrimination.</p> <p>(3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination.</p> <p>(4) Every person has the right to equal and effective protection against discrimination.</p> <p>(5) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.</p>
16	Right to life	Every person has the right to life and has the right not to be arbitrarily deprived of life.
17	Protection from torture and cruel, inhuman or degrading treatment	<p>A person must not be—</p> <p>(a) subjected to torture; or</p> <p>(b) treated or punished in a cruel, inhuman or degrading way; or</p> <p>(c) subjected to medical or scientific experimentation or treatment without the person's full, free and informed consent.</p>
18	Freedom from forced work	<p>(1) A person must not be held in slavery or servitude.</p> <p>(2) A person must not be made to perform forced or compulsory labour.</p> <p>(3) In this section—</p> <p>court order includes an order made by a court of another jurisdiction.</p> <p>forced or compulsory labour does not include—</p> <p>(a) work or service normally required of a person who is under detention because of a lawful court order or who, under a lawful court order, has been conditionally released from detention or ordered to perform work in the community; or</p>



Act Ref	Right	Detail of Right
		<p>(b) work or service performed under a work and development order under the State Penalties Enforcement Act 1999; or</p> <p>(c) work or service required because of an emergency threatening the Queensland community or a part of the Queensland community; or</p> <p>(d) work or service that forms part of normal civil obligations.</p>
19	<u>Freedom of movement</u>	Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.
20	<u>Freedom of thought, conscience, religion and belief</u>	<p>(1) Every person has the right to freedom of thought, conscience, religion and belief, including—</p> <p>(a) the freedom to have or to adopt a religion or belief of the person's choice; and</p> <p>(b) the freedom to demonstrate the person's religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.</p> <p>(2) A person must not be coerced or restrained in a way that limits the person's freedom to have or adopt a religion or belief.</p>
21	<u>Freedom of expression</u>	<p>(1) Every person has the right to hold an opinion without interference.</p> <p>(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether—</p> <p>(a) orally; or</p> <p>(b) in writing; or</p> <p>(c) in print; or</p> <p>(d) by way of art; or</p> <p>(e) in another medium chosen by the person.</p>
22	<u>Peaceful assembly and freedom of association</u>	<p>(1) Every person has the right of peaceful assembly.</p> <p>(2) Every person has the right to freedom of association with others, including the right to form and join trade unions.</p>
23	<u>Taking part in public life</u>	<p>(1) Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives.</p> <p>(2) Every eligible person has the right, and is to have the opportunity, without discrimination—</p> <p>(a) to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and</p> <p>(b) to have access, on general terms of equality, to the public service and to public office.</p>



Act Ref	Right	Detail of Right
24	<u>Property rights</u>	(1) All persons have the right to own property alone or in association with others. (2) A person must not be arbitrarily deprived of the person's property.
25	<u>Privacy and reputation</u>	A person has the right— (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (b) not to have the person's reputation unlawfully attacked.
26	<u>Protection of families and children</u>	(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State. (2) Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. (3) Every person born in Queensland has the right to a name and to be registered, as having been born, under a law of the State as soon as practicable after being born.
27	<u>Cultural rights—generally</u>	All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language.
28	<u>Cultural rights—Aboriginal peoples and Torres Strait Islander peoples</u>	(1) Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights. (2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community— (a) to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and (b) to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and (c) to enjoy, maintain, control, protect and develop their kinship ties; and (d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and (e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources. (3) Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.
29	<u>Right to liberty and security of person</u>	(1) Every person has the right to liberty and security. (2) A person must not be subjected to arbitrary arrest or detention. (3) A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.



Act Ref	Right	Detail of Right
		<p>(4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against the person.</p> <p>(5) A person who is arrested or detained on a criminal charge—</p> <ul style="list-style-type: none"> (a) must be promptly brought before a court; and (b) has the right to be brought to trial without unreasonable delay; and (c) must be released if paragraph (a) or (b) is not complied with. <p>(6) A person awaiting trial must not be automatically detained in custody, but the person's release may be subject to guarantees to appear—</p> <ul style="list-style-type: none"> (a) for trial; and (b) at any other stage of the judicial proceeding; and (c) if appropriate, for execution of judgment. <p>(7) A person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the person's detention, and the court must—</p> <ul style="list-style-type: none"> (a) make a decision without delay; and (b) order the release of the person if it finds the detention is unlawful. <p>(8) A person must not be imprisoned only because of the person's inability to perform a contractual obligation.</p>
30	Humane treatment when deprived of liberty	<p>(1) All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.</p> <p>(2) An accused person who is detained or a person detained without charge must be segregated from persons who have been convicted of offences, unless reasonably necessary.</p> <p>(3) An accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.</p>
31	Fair hearing	<p>(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</p> <p>(2) However, a court or tribunal may exclude members of media organisations, other persons or the general public from all or part of a hearing in the public interest or the interests of justice.</p> <p>(3) All judgments or decisions made by a court or tribunal in a proceeding must be publicly available.</p>
32	Rights in criminal proceedings	<p>(1) A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.</p> <p>(2) A person charged with a criminal offence is entitled without discrimination to the following minimum guarantees—</p>



Act Ref	Right	Detail of Right
		<p>(a) to be informed promptly and in detail of the nature and reason for the charge in a language or, if necessary, a type of communication the person speaks or understands;</p> <p>(b) to have adequate time and facilities to prepare the person's defence and to communicate with a lawyer or advisor chosen by the person;</p> <p>(c) to be tried without unreasonable delay;</p> <p>(d) to be tried in person, and to defend themselves personally or through legal assistance chosen by the person or, if eligible, through legal aid;</p> <p>(e) to be told, if the person does not have legal assistance, about the right, if eligible, to legal aid;</p> <p>(f) to have legal aid provided if the interests of justice require it, without any costs payable by the person if the person is eligible for free legal aid under the <i>Legal Aid Queensland Act 1997</i>;</p> <p>(g) to examine, or have examined, witnesses against the person;</p> <p>(h) to obtain the attendance and examination of witnesses on the person's behalf under the same conditions as witnesses for the prosecution;</p> <p>(i) to have the free assistance of an interpreter if the person can not understand or speak English;</p> <p>(j) to have the free assistance of specialised communication tools and technology, and assistants, if the person has communication or speech difficulties that require the assistance;</p> <p>(k) not to be compelled to testify against themselves or to confess guilt.</p> <p>(3) A child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation.</p> <p>(4) A person convicted of a criminal offence has the right to have the conviction and any sentence imposed in relation to it reviewed by a higher court in accordance with law.</p> <p>(5) In this section—</p> <p><i>legal aid</i> means legal assistance given under the <i>Legal Aid Queensland Act 1997</i>.</p>
33	Children in the criminal process	<p>(1) An accused child who is detained, or a child detained without charge, must be segregated from all detained adults.</p> <p>(2) An accused child must be brought to trial as quickly as possible.</p> <p>(3) A child who has been convicted of an offence must be treated in a way that is appropriate for the child's age.</p>
34	Right not to be tried or punished more than once	A person must not be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law.



Act Ref	Right	Detail of Right
35	Retrospective criminal laws	<p>(1) A person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.</p> <p>(2) A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.</p> <p>(3) If a penalty for an offence is reduced after a person committed the offence but before the person is sentenced for the offence, the person is eligible for the reduced penalty.</p> <p>(4) Nothing in this section affects the trial or punishment of any person for any act or omission that was a criminal offence under international law at the time it was done or omitted to be done.</p>
36	Right to education	<p>(1) Every child has the right to have access to primary and secondary education appropriate to the child's needs.</p> <p>(2) Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all.</p>
37	Right to health services	<p>(1) Every person has the right to access health services without discrimination.</p> <p>(2) A person must not be refused emergency medical treatment that is immediately necessary to save the person's life or to prevent serious impairment to the person.</p>

8.2 MARCH 2025 FINANCIAL PERFORMANCE REPORT**File No:** Council Meetings**Author:** Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - March 2025 Financial Performance Report..... 91 [!\[\]\(d66ff64371a51729ac8c1cdaa685ba6f_img.jpg\)](#) [!\[\]\(0f31ebba7abcd47777e178db26f29705_img.jpg\)
Att 2 - March 2025 Capital Grant Funded Project Report.. 103 \[!\\[\\]\\(63ea948177b1bcc486b2b76d20d5fb69_img.jpg\\)\]\(#\) \[!\\[\\]\\(886f7dced1265a6d438eca0881817b40_img.jpg\\)\]\(#\)](#)**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 March 2025, in terms of the operating result and delivery of the capital program.

Operating Performance**Table 1: Operating Budget as at 31 March 2025**

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	610,085	624,963
Total Operating Expenses	587,086	613,910
Operating Result	22,999	11,053

	Year to Date Actuals February 2025 \$000	Year to Date Budget March 2025 \$000	Year to Date Actuals March 2025 \$000
Total Operating Revenue	564,279	584,428	580,734
Total Operating Expenses	399,726	451,043	446,462
Operating Result	164,553	133,385	134,272
Total Cash Balance	233,810	189,280	208,889

Details of the monthly financial report are contained in **Attachment 1**.

OFFICER RECOMMENDATION

That Council receive and note the report titled “March 2025 Financial Performance Report”.

FINANCE AND RESOURCING

This report sets out the details of Council’s financial performance and investments for the month ending 31 March 2025, and meets Council’s legislative reporting requirements.

CORPORATE PLAN

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

Outcome: We serve our community by providing this great service

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

CONSULTATION**Councillor Consultation**

Consultation has been undertaken with the Portfolio Councillors, E Hungerford and J Broderick.

Internal Consultation

This report has been written in conjunction with advice from:

- Chief Executive Officer
- Acting Group Executive Business Performance
- Manager Finance.

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 2024-25 Investment Policy, and
Sunshine Coast Council's 2024-25 Debt Policy.

Risk

The 2024-25 budget has been developed to ensure long term financial sustainability for the Sunshine Coast region. A key element to long term financial sustainability is achieving the targeted operating result.

Council's operating result includes savings initiatives of \$9.9 million, with \$8.1 million attributed to the Employee Vacancy Rate. Failure to achieve the budgeted operating result will negatively impact Council's financial sustainability both in the short term and long term.

Continued monitoring of the delivery of the capital works program within budgeted scope and cost.

Previous Council Resolution**Ordinary Meeting 27 March 2025 (OM25/19)**

That Council:

- (a) *receive and note the report titled "Budget Review 3 2024-25"*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2024-25 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 2024-25 Capital Works Program, endorse the indicative four-year program for the period 2026 to 2029, and note the five-year program for the period 2030 to 2034*
- (c) *note the following documentation applies as adopted December 2024*
 - (i) *the Debt Policy*
- (d) *note the following documentation applies as adopted 20 June 2024*
 - (i) *the Revenue Policy*
 - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget, and*
 - (iii) *the Revenue Statement*
 - (iv) *the rates and charges to be levied for the 2024-25 financial year and other matters as adopted 20 June 2024*
 - (v) *the Strategic Environment Levy Policy*
 - (vi) *the Strategic Arts and Heritage Levy Policy*
 - (vii) *the Strategic Transport Levy Policy*
 - (viii) *Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year and*

- (e) *endorse the 2024-25 Minor Capital Works Program (Appendix B).*

Ordinary Meeting 12 December 2024 (OM24/124)

That Council:

- (a) *receive and note the report titled "Budget Review 2 2024-25"*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2024-25 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 2024-25 Capital Works Program, endorse the indicative four-year program for the period 2026 to 2029, and note the five-year program for the period 2030 to 2034*
 - (viii) *the Debt Policy*
- (c) *note the following documentation applies as adopted 20 June 2024*
 - (i) *the Revenue Policy*
 - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget, and*
 - (iii) *the Revenue Statement*
 - (iv) *the rates and charges to be levied for the 2024-25 financial year and other matters as adopted 20 June 2024*
 - (v) *the Strategic Environment Levy Policy*
 - (vi) *the Strategic Arts and Heritage Levy Policy*
 - (vii) *the Strategic Transport Levy Policy*
 - (viii) *Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year and*
- (d) *endorse the 2024-25 Minor Capital Works Program (Appendix B).*

Ordinary Meeting 26 September 2024 (OM24/82)

That Council:

- (a) *receive and note the report titled "Budget Review 1 – 2024-25" and*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2024-25 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. *Council's 2024-25 Capital Works Program, endorse the indicative four-year program for a period 2026 to 2029, and note the five-year program for the period 2030 to 2034*
- (c) *note the following documentation applies as adopted 22 June 2024*
 - 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 2024-25 financial year and other matters as adopted 22 June 2024*
 - vi. *the Strategic Environment Levy Policy*
 - vii. *the Strategic Arts and Heritage Levy Policy*
 - viii. *the Strategic Transport Levy Policy*
 - ix. *Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Special Meeting 20 June 2024 (SM24/4)

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 2023-24 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 2024-25 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 30 May 2024)*
- viii. *the Revenue Policy (adopted by Council resolution on 30 May 2024)*

- 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 2024-25 Capital Works Program, endorsing the indicative four-year program for the period 2026 to 2029, and noting the five-year program for the period 2030 to 2034*
- xii. *the rates and charges to be levied for the 2024-25 financial year and other matters as detailed below in clauses 3 to 10*
- xiii. *the 2024-25 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. *Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year.*

Related Documentation

2024-25 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

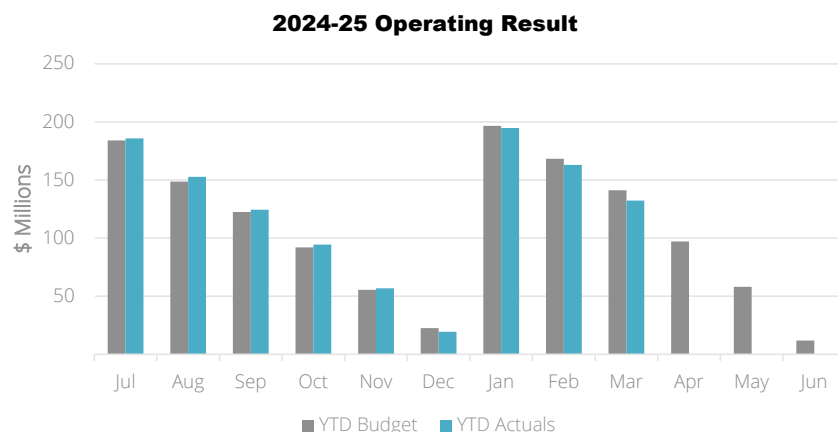
2024-25 BUDGET

Financial Performance Report

March 2025



Statement of Income and Expenses



As at 31 March, Council had an operating result of \$134.3 million, which is \$887,000 (0.7%) above current budget.

Budget Review 3 budget adjustments are reflected in March 2025 results.

Statement of Income & Expenses							March 2025
	Annual		YTD				Annual
	Original Budget \$'000	Current Budget \$'000	Current Budget \$'000	Actuals \$'000	Variance \$'000	Variance %	Year End Forecast \$'000
Operating Revenue							
General Rates	319,728	318,428	317,449	317,267	(183)	(0.1%)	318,245
Cleansing Charges	84,008	94,680	92,785	92,782	(3)	(0.0%)	94,380
Levies	23,872	23,890	23,810	23,818	7	0.0%	23,898
Fees and Charges	77,152	77,215	59,531	57,931	(1,600)	(2.7%)	75,615
Interest Received from Investments	14,883	12,870	9,266	7,897	(1,369)	(14.8%)	11,501
Operating Grants and Subsidies	16,129	17,407	13,653	13,677	25	0.2%	17,407
Operating Contributions	320	320	298	271	(28)	(9.3%)	292
Unitywater Participation	52,500	52,500	46,675	46,675	0	0.0%	52,500
Other Revenue	18,775	23,620	17,991	18,383	392	2.2%	24,012
Internal Sales/Recoveries	2,720	4,034	2,970	2,034	(936)	(31.5%)	4,034
Total Operating Revenue	610,085	624,963	584,428	580,734	(3,694)	(0.6%)	621,884
Operating Expenses							
Employee Costs	186,081	187,096	132,183	132,430	247	0.2%	187,096
Materials and Services	234,321	246,269	181,501	175,335	(6,166)	(3.4%)	243,521
Finance Costs	13,284	11,484	8,982	9,326	343	3.8%	11,828
Company Contributions	4,149	4,149	4,149	4,149	0	0.0%	4,149
Depreciation Expense	115,664	126,800	95,218	95,316	98	0.1%	126,800
Other Expenses	29,587	30,301	21,200	21,324	124	0.6%	30,417
Recurrent Capital Expenses	4,000	7,811	7,811	8,583	772	9.9%	8,583
Total Operating Expenses	587,086	613,910	451,043	446,462	(4,581)	(1.0%)	612,393
Operating Result	22,999	11,053	133,385	134,272	887	0.7%	9,491
Capital Revenue							
Capital Grants and Subsidies	25,000	49,446	27,979	27,979	-	-	49,446
Capital Contributions - Cash	33,629	25,000	20,916	20,916	-	-	25,000
Capital Contributions - Fixed Assets	74,538	74,538	7	7	-	-	74,538
Total Capital Revenue	133,167	148,984	48,903	48,903	-	-	148,984
Non-recurrent Expenses							
Profit/Loss on disposal, revaluation & impairment	-	-	-	734	734	-	734
Movements in landfill and quarry provisions	2,982	2,982	2,236	2,236	-	-	2,982
Recurrent Capital Expenses - Prior Year	-	-	-	5,940	5,940	-	5,940
Assets Transferred to Third Parties	-	-	-	-	-	-	-
Total Non-recurrent Expenses	2,982	2,982	2,236	8,911	6,675	298.5%	9,656
Net Result	153,185	157,056	180,052	174,264	(5,788)	(3.2%)	148,818

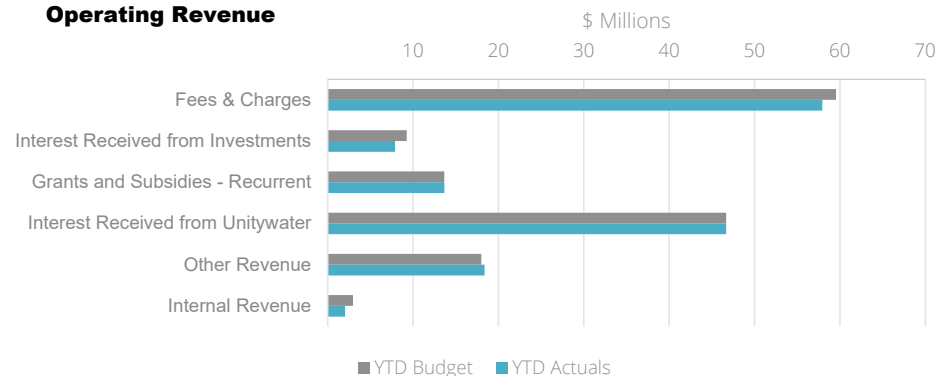
Operating Result - Revenue

\$580.7 million in operating revenue has been received which is \$3.7 million lower than budget

- Fees and Charges below budget \$1.6 million
 - Holiday Parks Fees \$654,000 below budget
 - Development Services Fees \$840,000 below budget
 - Refuse Tip Fees \$434,000 below budget
- Interest Received from Investments \$1.4 million lower than budget

Operating Summary			March 2025			
	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	610,085	624,963	584,428	580,734	(3,694)	(0.6%)
Operating Expenses	583,086	606,099	443,232	437,879	(5,353)	(1.2%)
Recurrent Capital Expenses	4,000	7,811	7,811	8,583	772	9.9%
Operating Result	22,999	11,053	133,385	134,272	887	0.7%
Capital Revenue	133,167	148,984	48,903	48,903	-	-
Non-recurrent Expenses	2,982	2,982	2,236	8,911	6,675	298.5%
Net Result	153,185	157,056	180,052	174,264	(5,788)	(3.2%)

Operating Revenue



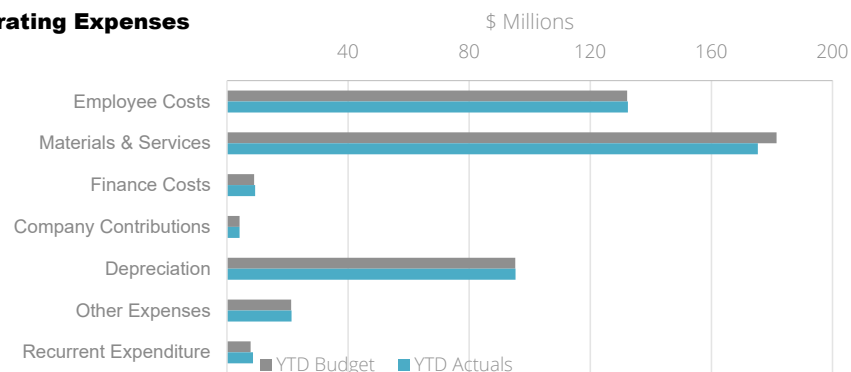
Operating Result - Expenses

\$446.5 million in operating expenses has been incurred which is \$4.6 million (1.0%) lower than budget

- Materials and Services under budget \$6.2 million (3.4%)
 - Contracts under budget
 - Waste \$1.2 million
 - Transport Network Operations \$1.0 million
 - Digital and Information Services \$544,000
 - Property Management \$564,000
- Levy Projects \$1.8 million under budget
Environment Levy and Transport Levy
- Projects under budget \$611,000

Operating Summary				March 2025		
	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	610,085	624,963	584,428	580,734	(3,694)	(0.6%)
Operating Expenses	583,086	606,099	443,232	437,879	(5,353)	(1.2%)
Recurrent Capital Expenses	4,000	7,811	7,811	8,583	772	9.9%
Operating Result	22,999	11,053	133,385	134,272	887	0.7%
Capital Revenue	133,167	148,984	48,903	48,903	-	-
Non-recurrent Expenses	2,982	2,982	2,236	8,911	6,675	298.5%
Net Result	153,185	157,056	180,052	174,264	(5,788)	(3.2%)

Operating Expenses



Capital Expenditure

\$183.3 million (68.3%) of Council's \$268.4 million total capital works budget has been expensed.

This is compared to the same period last year with \$207.5 million (62.4%) expensed of Council's \$332.7 million total capital works budget.

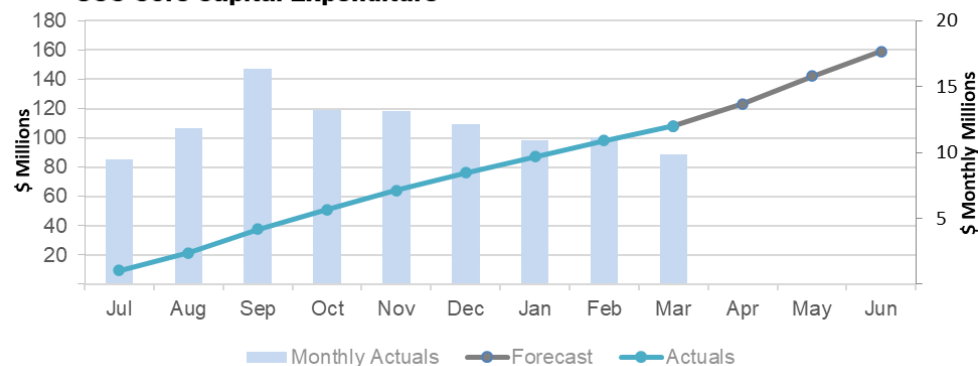
The Core Capital Program has expensed \$108.2 million, 71.0% of budget.

Budget Review 3 budget adjustments are reflected in March 2025 results.

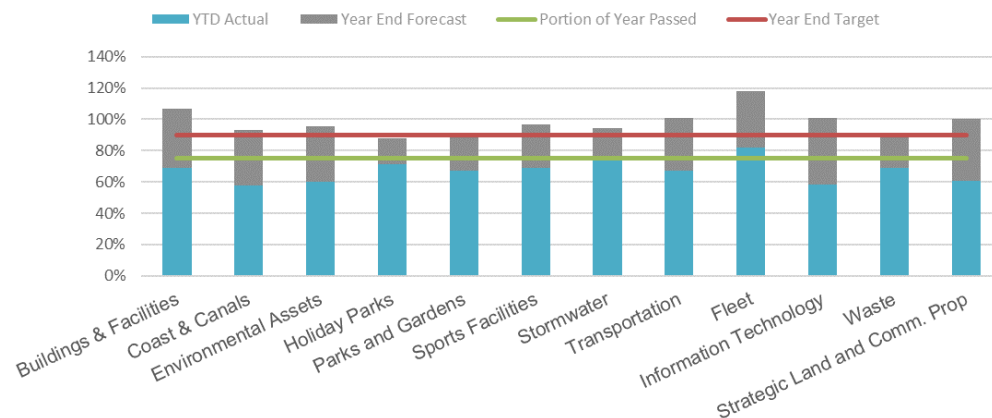
Capital Expenditure					March 2025	
	Annual		YTD		Year End	
	Original Budget \$000s	Current Budget \$000s	Actuals \$000s	% of FY Budget Spent	Forecast Year End Actual	Forecast Year End Variance to Budget
Core Capital Works Program						
Aerodromes	1,525	450	138	30.7%	373	(77)
Buildings and Facilities	28,286	16,498	11,336	68.7%	17,614	1,116
Coast and Canals	6,200	4,307	2,488	57.8%	4,018	(288)
Minor Works	5,862	6,767	3,397	50.2%	5,833	(934)
Environmental Assets	4,120	2,262	1,354	59.9%	2,168	(94)
Holiday Parks	2,881	2,732	1,953	71.5%	2,403	(329)
Parks and Gardens	10,480	10,301	6,905	67.0%	9,403	(898)
Sports Facilities	20,738	21,449	14,797	69.0%	20,730	(720)
Stormwater	14,318	11,346	8,606	75.9%	10,733	(613)
Transportation	99,213	85,372	57,185	67.0%	85,962	590
Deliverability Factory	-	(9,097)	-	-	-	-
Total SCC Core Capital Program	193,624	152,386	108,159	71.0%	159,239	(2,245)
Disaster Recovery Funding Arrangements	4,590	14,174	5,812	41.0%	12,528	(1,645)
Fleet	3,500	3,583	2,929	81.8%	4,233	651
Information Technology	10,000	10,680	6,235	58.4%	10,763	83
Waste	12,882	25,118	17,314	68.9%	22,149	(2,969)
Corporate Major Projects	39,730	41,761	30,296	72.5%	42,029	268
Strategic Land and Commercial Properties	18,992	20,679	12,507	60.5%	20,679	-
Total Other Capital Program	89,694	115,994	75,093	64.7%	112,382	(3,612)
TOTAL PROGRAM	283,318	268,380	183,252	68.3%	271,621	(5,856)
<i>The above program of works includes recurrent and non-recurrent expenditure, as reporting in the operating statement</i>						
Recurrent Expenses	4,000	7,811	8,583	109.9%	8,583	772
Non-Recurrent Expenses	-	-	5,940	-	5,940	5,940

Capital Expenditure

SCC Core Capital Expenditure



% YTD spent compared to profiled budget by Program



Building and Facilities

Program YTD spend at 68.7% of total budget. Major Project spends under benchmark spend of 75% - Caloundra South Clubhouse 49% spent; TEC Stage Door Life replacement 56%; Landsborough Museum 17% spent.

Coast and Canals

Program YTD spend at 57.8%. Major Project spends under benchmark spend of 75%. Penny Lane Cove Revetment 11% spent; Quota Park Fishway Construction 1% spent.

Environmental Assets

Program YTD spend at 59.9%. Major Project spends under benchmark spend of 75%. Mary Cairncross Butterfly Park 17% spent; Sunshine Coast Nature Base Recreation Precinct 69% spent.

Parks and Gardens

Program YTD spend at 67% of total budget. Coastal Pathway 76.9% YTD spend.

Sports Facilities

Program YTD spend at 69% of total budget. Honey Farm Sports & Rec Precinct 67% YTD spend.

Transportation

Program YTD spend at 67% of total budget. Bus Stop Program 67% spend YTD. Road Resurfacing 60.2% spend YTD. Pedestrian and Cyclist Facilities 43.4% spend YTD. Streetscape Programs 59.6% spend YTD.

Information Technology

Program YTD spend at 58.4% of total budget. All Project spends under benchmark spend of 75%.

Strategic Land and Commercial Properties.

Program YTD spend at 60.5% of total budget.

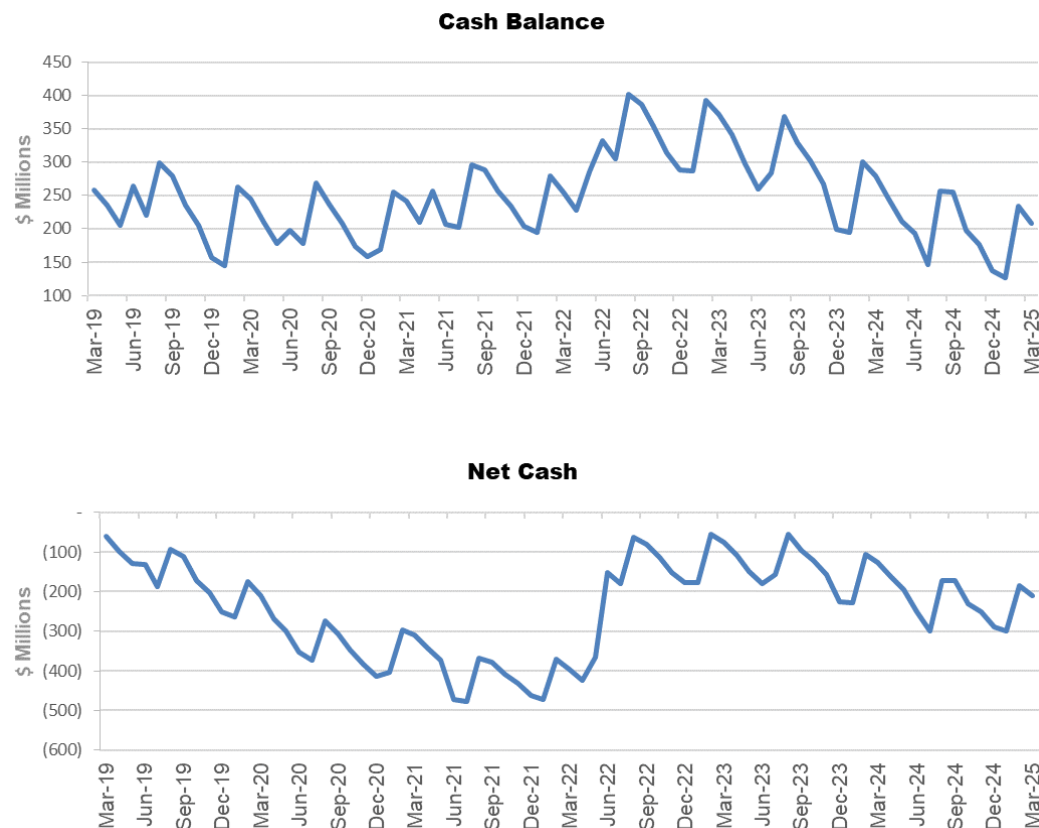
Disaster Recovery Funding Arrangements

Program YTD spend at 41% of total budget. Council have requested an extension of time for delivery to 30 June 2025 for Buderim Tramway Landslide and Trail Repair 1% spent; David Low Way Landslip 13% spent.

Cash Flows and Balance Sheet

- Cash balance at 31 March was \$208.9 million excluding Trust
- Debt balance at 31 March was \$421 million

Cash and Balance Sheet March 2025			
	Current Full Year Budget \$000s	YTD Budget \$000s	YTD Actuals \$000s
CASH FLOWS			
Opening Cash	193,347	233,810	233,810
Net Cash Inflow/(Outflows) from:			
Operating Activities	77,275	85,661	87,417
Investing Activities	(103,314)	(104,216)	(86,954)
Financing Activities	(2,781)	(25,975)	(25,384)
Net Increase/(decrease) in Cash Held	(28,820)	(44,530)	(24,921)
Cash at year end	164,527	189,280	208,889
BALANCE SHEET			
Current Assets	251,889		
Non Current Assets	9,043,510		
Total Assets	9,295,399		
Current Liabilities	190,333		
Non Current Liabilities	489,867		
Total Liabilities	680,200		
Net Community Assets/Total Community Equity	8,615,199		



Debt

Council's current debt balance is \$421 million.

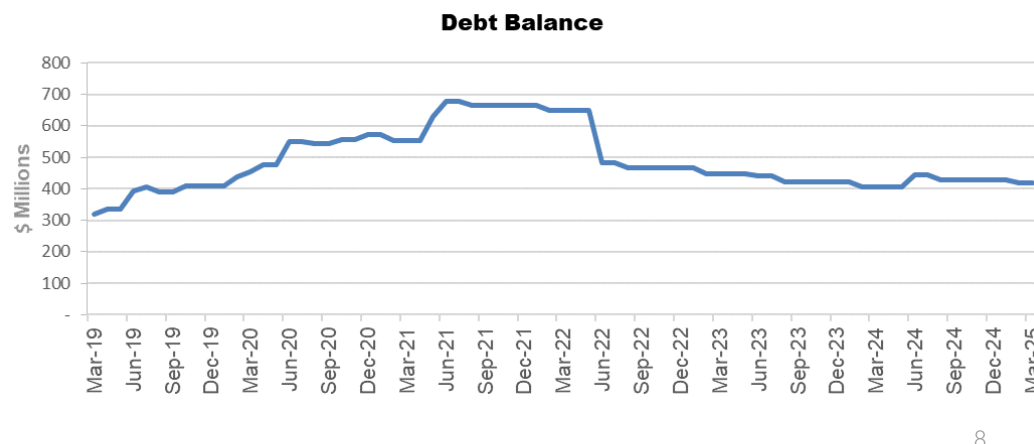
Sunshine Coast Council's debt program is governed by the 2024-25 Debt Policy, which was adopted with the Original Budget adoption on 20 June 2024 and updated with Budget Review 2 on 12 December 2024.

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 forecast borrowings for the 2024-25 financial year after budget review 2 have increased from \$20.3 million to \$23.2 million and relate to:

- \$21.2 million for Waste
- \$1.8 million for Holiday Parks
- \$288,000 for Caloundra Aerodrome Master Plan

Debt - 2024-25				
	Opening Balance \$000	Debt Redemption \$000	New Borrowings \$000	Closing Balance \$000
Sunshine Coast Council Core	345,795	20,064	23,194	348,925
Maroochydore City Centre	100,213	5,784	-	94,429
Total	446,008	25,847	23,194	443,354



Investment Performance

At month end Council has \$208.9 million cash (excluding Trust funds), with an average interest rate of 4.87%, being 0.21% above benchmark. This is compared to the same period last year with \$279.5 million cash (excluding Trust funds) with an average interest rate of 5.1%, being 0.9% above benchmark.

The benchmark used to measure performance of cash funds is the Bloomberg AusBond Bank Bill Index (BAUBIL).

All investment parameters remain within the guidelines established by the Investment Policy.

Investment Performance - March 2025				
Liquidity as at:			31/03/2025	
	\$'000's			
At-call accounts				
QTC + CBA (excl. trust)	138,889	59.42%		
Maturities within 7 days	-	0.00%		
Total at-call	138,889	59.42%		
Investment Policy Target		10.00%		

Term deposits maturing:			31/03/2025	
	\$'000's			Count
within 30 days	-	-		-
30-59 days	-	-		-
60-89 days	70,000	-		3
90-179 days	-	-		-
180-364 days	-	-		-
1 year - 3 years	-	-		-
Total	70,000			3

INVESTMENT SUMMARY (including Trust) as at:							Investment Policy	
							Individual Limit	Group Limits
	31/03/2025		31/12/2024		31/03/2024			
A1+ (QTC)	141,113	60%	102,201	62.4%	92,953	30.7%	100%	100%
A1+ (Other)	92,620	40%	61,600	37.6%	190,045	62.7%	100%	100%
A1	-	0%	-	0.0%	-	0.0%	60%	100%
A2	-	0%	-	0.0%	20,000	6.6%	60%	90%
A3	-	0%	-	0.0%	-	0.0%	10%	30%
Total Funds	233,734		163,801		302,998			
FUND SUMMARY								
General Funds	208,889		139,014		279,522			
Trust Funds	24,845		24,787		23,476			
Total Funds	233,734		163,801		302,998			

Risks

The 2024-25 budget has been developed to ensure long term financial sustainability for the Sunshine Coast region. A key element to long term financial sustainability is achieving the targeted operating result.

The following items need continued attention:

- The achievement of revenue targets
- The delivery of the \$9.9 million in savings initiatives included in the operating result, of which \$8.1 million is attributed to the Employee Vacancy Rate.

Failure to achieve the budgeted operating result will negatively impact Council's financial sustainability both in the short term and long term.

Continued monitoring of the delivery of the capital works program within budgeted scope and cost.

Thanks for your time



sunshinecoast.qld.gov.au

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2022-24 Financial Performance Summary							
	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
Federal Government						(\$8,641)	\$9,863
1	Roads to Recovery Program					(\$4,800)	
Local Road and Community Infrastructure Grant Funding - Round 4						(\$3,141)	\$8,634
2	H5683 - LRCIP4 Venue 114 - Stage 1 Solar Install	Division 03	Bokarina	February 2024	March 2025	(\$400)	\$2,136
3	H7797 - LRCIP4 Kawana Waters Regional Aquatic Centre	Division 03	Bokarina	March 2023	June 2025	(\$547)	\$4,178
4	K3827 - LRCIP4 Charles Clarke Park Revetment Wall	Division 04	Mooloolaba	February 2024	September 2024	(\$500)	\$601
5	H4607 - LRCIP4 Maple Street - Maleny Streetscape	Division 05	Maleny	May 2025	November 2025	\$0	\$58
6	H7584 - LRCIP4 Mountain View Road Maleny Lookout	Division 05	Maleny	March 2024	March 2025	(\$500)	\$542
7	H2063 - LRCIP4 Power Memorial Park Renew Play Equipment	Division 08	Mudjimba	October 2024	November 2024	(\$98)	\$318
8	K4113 - LRCIP4 Lions and Norrie Job Coolum Park	Division 09	Coolum Beach	June 2024	October 2024	(\$500)	\$562
9	K3519 - LRCIP4 Nambour Yandina United Football Club	Division 10	Yandina		May 2024	(\$196)	\$1
10	K8468 - LRCIP4 Mooloolaba Esplanade Roadworks	Division 04	Mooloolaba	January 2025	May 2025	(\$400)	\$238
Local Road and Community Infrastructure Grant Funding - Round 3						(\$400)	\$1,229
11	K2732 - LRCIP3 WOR LED Streetlighting Upgrades	Whole of Council		July 2024	June 2025	(\$400)	\$1,229
Urban Rivers and Catchments Program						(\$300)	\$3
12	K6643 - Quota Park Fishway Construction	Division 10	Nambour	August 2025	October 2025	(\$300)	\$3
State Government						(\$20,262)	\$16,359
13	Disaster Recovery Funding Arrangements					(\$11,549)	
Disaster Ready Fund - Round 1						(\$500)	\$0
14	H7884 - Mooloolaba Foreshore Central Meeting Pla	Division 04	Mooloolaba			(\$500)	\$0
Blackspot Funding						(\$1,238)	\$254
15	K4895 - BlackSpot - Old Gympie Road Beerburnum	Division 01	Beerburnum	March 2025	June 2025	(\$500)	\$155
16	K6053 - BlackSpot Cotton Tree Area - Speed Reduction	Division 04	Maroochydhore	April 2025	April 2025	(\$50)	\$26
17	K6054 - BlackSpot Sixth Ave Maroochydhore - side	Division 04	Maroochydhore			(\$350)	\$37
18	K3444 - BlackSpot Ilkley Road Ilkley	Division 05	Ilkley			(\$70)	\$12
19	K6056 - Blackspot - Mons Road Forest Glen	Division 07	Forest Glen			(\$268)	\$24
Community Sustainability Action Grant - Round 8						(\$14)	\$1
20	K7987 - Bankfoot House - Dairy Shingle Roof Rene	Division 01	Glass House Mountains			(\$14)	\$1
Minor Infrastructure and Inclusive Facilities Fund						(\$474)	\$96
21	K7686 - MSSWP2 - Ocean View Avenue and Palm Driv	Division 04	Mooloolaba	April 2025	April 2025	(\$112)	\$27
22	K7687 - MSSWP3 - Meta Street and Douglas Street	Division 04	Mooloolaba	March 2025	April 2025	(\$112)	\$33
23	K7596 - Maleny Skate Park Upgrade Phase 2	Division 05	Maleny	May 2025	August 2025	(\$250)	\$37
Minor Infrastructure Program						(\$125)	\$1,075
24	H3892 - Lions-Norrie Job Park, Coolum Landscape Plan	Division 09	Coolum Beach			(\$125)	\$1,075
Queensland Transport Cycle Network Program						(\$1,861)	\$9,813
25	K2705 - Coastal Pathway BA 233 to 229 Warana	Division 04	Warana			(\$575)	\$435
26	H3839 - LGIP Stringybark Rd Footbridge-Pathway	Division 07	Sippy Downs			(\$596)	\$9,339
27	H8416 - Emu Mountain Road Pathway Construction	Division 09	Coolum Beach			(\$690)	\$39
2022-24 Local Government Grants and Subsidies Program						(\$98)	\$183
28	H5637 - Caloundra Headland Coastal Pathway	Division 02	Kings Beach	September 2023	July 2024	(\$98)	\$183
Walking Network Plans						(\$36)	\$0
29	K3037 - Walking Network Plans	Whole of Council				(\$36)	\$0
30	Passenger Transport Accessible Infrastructure Program					(\$422)	
School Transport Infrastructure Program						(\$821)	\$524
31	K7471 - STIP - Landsborough State School - Pathway	Division 01	Landsborough	September 2024	April 2025	(\$492)	\$279
32	K7376 - STIP - Brightwater State School Dianell	Division 06	Mountain Creek	December 2024	April 2025	(\$300)	\$213
33	K7377 - STIP - Good Samaritan Catholic College	Division 09	Bli Bli			(\$29)	\$31
South East Queensland Community Stimulus Program						(\$2,560)	\$2,603
34	K2914 - SEQCSP Beerwah Cemetery entrance feature and carparking	Division 01	Beerwah			(\$310)	\$1
35	K6414 - SEQCSP Khancoban Drive Park - District Park Development	Division 06	Buderim			(\$250)	\$30
36	K7394 - SEQCSP Albany Lakes Park - Public Amenity	Division 06	Sippy Downs			(\$200)	\$26
37	H5133 - South Coolum Road Coolum New Pathway	Division 08	Coolum Beach			(\$250)	\$45
38	K7568 - SEQCSP Sundew Street MUDJIMBA - East Section kerb and channel	Division 08	Mudjimba	April 2025	July 2025	(\$400)	\$20
39	K3347 - SEQCSP Lions Norrie Job Park Coolum Pump Track	Division 09	Coolum Beach			(\$550)	\$16
40	H4605 - SEQCSP Eumundi Town Centre Placemaking	Division 10	Eumundi	August 2024	September 2025	(\$600)	\$2,464
Transport Infrastructure Development Scheme						(\$564)	\$1,809
41	H4613 - Cotton Tree Precinct Improvements	Division 04	Maroochydhore	March 2025	April 2025	(\$150)	\$1
42	K1771 - Petrie Creek Road Shoulder Widening from Paynters Creek Road to Celestine Place	Division 07	Rosemount			(\$282)	\$212
43	K1719 - Ridgeview Drive and Havana Road West Junction	Division 09	Peregian Springs	January 2025	February 2025	(\$132)	\$361
44	H9072 - North Arm Yandina Creek Road Seal Wideni	Division 09	Yandina Creek	November 2024	May 2025	\$0	\$1,235
Project Complete							

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 Wednesday 21 May 2025.

13 MEETING CLOSURE