Adopted Report

for the

Lifestyle and Community Committee Meeting

held on

Thursday 15 February 2018

at

2pm

City of Gold Coast Council Chambers
135 Bundall Road
Surfers Paradise
## Index

### Adopted Report

**Lifestyle and Community Committee Meeting**

**Thursday 15 February 2018**

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### Closed Session

| 6    | LC      | LG211/898/15(P15)     | 89   | Kirra Beach Tourist Park |

### General Business

| 7    | LC      | FN334/375/02(P41)     | 110  | Naming of Cultural Precinct Lookout and Trail |

**KEY:**

- **OCEO** - Office of the Chief Executive Officer
- **EDMP** - Economic Development and Major Projects
- **EPE** - Economy, Planning and Environment
- **LC** - Lifestyle and Community
- **OCOO** - Office of the Chief Operating Officer
- **OS** - Organisational Services
- **TI** - Transport and Infrastructure
- **WW** - Water and Waste
ADOPTED BY COUNCIL 27 FEBRUARY 2018

RESOLUTION   G18.0227.007 moved Cr Vorster  seconded Cr O’Neill

That the Report of the Lifestyle and Community Committee’s Recommendations of Thursday, 15 February 2018, numbered LC18.0215.001 to LC18.0215.007, be adopted with the exception of Recommendation Numbers LC18.0215.004 and LC18.0215.006 which were specifically resolved.

CARRIED UNANIMOUSLY

ATTENDANCE

Cr H Vorster  (Chairperson)
Cr G Baildon AM  departed at 3.02pm
Cr K Boulton
Cr C Caldwell
Cr D Gates
Cr R La Castra
Cr G O’Neill
Cr G Tozer

Cr W Owen-Jones  Visitor
Cr P Taylor  Visitor
Cr PC Young  Visitor
Cr PJ Young  Visitor

Ms A Ewens  Director Lifestyle and Community
Mr L Wallace  Manager Executive Services
Mr R Pascoe  Manager Community Venues and Services
Mr D Jepson  Executive Coordinator Strategic Operations Portfolio
Mr R Greenwood  Executive Coordinator Parks
Mr J Kearney  Principal Regulatory Services Officer Commonwealth Games
Mr T Windsor  Coordinator Project Development
Ms R Rae  Coordinator Design Services

APOLOGY / LEAVE OF ABSENCE

Nil

PRESENTATIONS

Kirra Beach Tourist Park (Confidential)

GC2018 Parking and Vehicle Access Permits – Commonwealth Games Unit (Confidential)
## 2018 PROPOSED AGENDA ITEMS FOR THE LIFESTYLE AND COMMUNITY COMMITTEE
LG115/1327/01/2017(P1)

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| Lifestyle and Community Committee – 15 February | | |
| **Petition regarding Installation of Lights on Swift Park Pathway** | Parks & Recreational Services | Petition response |
| **Kirra Beach Tourist Park** | Community Venues & Services | Follow up report |
| **Gold Coast Cultural Precinct – Update Report Stage 1** | EDMP | Update |
| **Outdoor Dining Guideline – Consultation Response** | Licensing & Approvals | Update |
| **GC2018 Parking and Vehicle Access Permits** | Commonwealth Games Unit | Presentation only |
### 2018 PROPOSED AGENDA ITEMS FOR THE LIFESTYLE AND COMMUNITY COMMITTEE
LG115/1327/01/2017(P1)

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<td>Parks &amp; Recreational Services</td>
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<td>City Planning</td>
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<td>Health Regulatory and Lifeguard Services</td>
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<td>Establishment of the Operations Centres</td>
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<td>Presentation only</td>
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<td>Commonwealth Games Unit</td>
<td>Presentation only</td>
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**RECOMMENDATION**

It is recommended that Council resolves as follows:

That the 2018 Proposed Agenda Items for the Lifestyle and Community Committee be noted.

**Authorised by:**
Alison Ewens  
Director Lifestyle and Community
ITEM 1 (Continued)
2018 PROPOSED AGENDA ITEMS FOR THE LIFESTYLE AND COMMUNITY COMMITTEE
LG115/1327/01/2017(P1)

COMMITTEE RECOMMENDATION LC18.0215.001
moved Cr Gates seconded Cr Tozer

That the 2018 Proposed Agenda Items for the Lifestyle and Community Committee be noted.

CARRIED
ITEM 2   LIFESTYLE AND COMMUNITY
2017-18 LOCAL AREA WORKS PROGRAM – ADDITIONS
FN334/375/02/06(P1)

Refer 1 page attachment

1 BASIS FOR CONFIDENTIALITY

Not Applicable.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

The purpose of this report is for Council to approve additions to the 2017-18 Local Area Works Program as detailed in Attachment 1.

4 PREVIOUS RESOLUTIONS

Not Applicable.

5 DISCUSSION

Councillors in conjunction with City officers have suggested that the projects in Attachment 1 be added to the 2017-18 Local Area Works Program.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

1.0 The best place to live and visit.
   1.1 Our city provides a choice of liveable places
       We can choose diverse lifestyle and housing options from rural to city living.

2.0 Prosperity built on a strong diverse economy
   2.3 We have infrastructure that supports productivity and growth.
       We have connected and vibrant economic precincts.

3.0 People contribute to a strong community spirit
   3.6 We are an active community
       We enjoy the city and its enviable climate.

7 COAST 2018 COMMONWEALTH GAMES IMPACT

Not Applicable.

8 FUNDING AND RESOURCING REQUIREMENTS

Funds are available within the various Local Area Works allocations to carry out the works as indicated in Attachment 1 within the 2017-18 financial year. In the case of the Local Area Works Program – Additions, details of the additional annual operational/maintenance costs, estimated new/upgrade and renewal costs and estimated useful life of the new assets created are shown in Attachment 1.
ITEM 2 (Continued)
2017-18 LOCAL AREA WORKS PROGRAM – ADDITIONS
FN334/375/02/06(P1)

The new/upgrade cost is the cost to create or upgrade the asset.

The renewal cost is the cost to renew the asset in today’s dollars and includes disposal costs and design costs as required at the end of the asset’s estimated useful life. The works proposed in this report will be maintained and operated using WOC maintenance budgets unless otherwise specified. Budget submissions will therefore be lodged during future budget deliberations to cover maintenance and operational costs. These assets will be included in the relevant Asset Management Plans.

9 RISK MANAGEMENT

Transport and Infrastructure’s risk in the terms of project development and delivery is mitigated by the risk management procedure 6-3 which is aligned with the Risk Management Standards AS/NZS 31000:2009.

Lifestyle and Community’s risk in the terms of project development and delivery is mitigated by undertaking risk assessments (including consequence and likelihood assessments and mitigation actions) as part of project planning and execution.

10 STATUTORY MATTERS

Not Applicable.

11 COUNCIL POLICIES

The policy applicable to the inclusion of Local Area Works projects listed for endorsement by Council is the Local Area Works and Services Program Policy (iSPOT #48181699) and the Community Grants Policy.

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

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<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
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<td>Matthew Doak, Mobile CCTV Officer</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
<tr>
<td>Tim Harding, Senior Parks and Open Space Services Officer</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
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14 STAKEHOLDER IMPACTS

The community, ratepayers and visitors to the Gold Coast will benefit from the new and improved facilities funded from the Local Area Works Program as listed in Attachment 1.
ITEM 2 (Continued)
2017-18 LOCAL AREA WORKS PROGRAM – ADDITIONS
FN334/375/02/06(P1)

15 TIMING

Projects listed with “TBA” will be added to the Local Area Works Program once formally approved by Council and included in Design/Construction Programs for implementation in conjunction with other priority works contained in the City’s Capital Works Program.

16 CONCLUSION

The proposed additions to the Local Area Works and Services Program as suggested by divisional councillors in conjunction with City officers are listed in Attachment 1. It is recommended that Council approve the additions in order that they can be delivered as soon as practicable.

17 RECOMMENDATION

It is recommended that Council resolves as follows:

That the additions listed in Attachment 1 be approved for the 2017-18 Local Area Works Program.

Author: Garry Ellis  
Program Coordinator Project Management Unit  
30 January 2018  
Tracks Ref: 68021507

Authorised by: Alison Ewens  
Director Lifestyle and Community

COMMITTEE RECOMMENDATION  LC18.0215.002
moved Cr Gates  seconded Cr Tozer

That the additions listed in Attachment 1 be approved for the 2017-18 Local Area Works Program.

CARRIED
**ATTACHMENT 1**

**LIFESTYLE AND COMMUNITY – ADDITIONS**

<table>
<thead>
<tr>
<th>Line #</th>
<th>Project Manager</th>
<th>Div</th>
<th>Project No</th>
<th>Location and / or Recipient Organisation</th>
<th>Description</th>
<th>Proposed Local Area Works Allocation New / Upgrade. Preliminary Estimated Capital costs $</th>
<th>Additional Annual Operations &amp; Maintenance Costs $</th>
<th>Estimate Useful Life Years</th>
<th>Future Renewal Costs</th>
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<tr>
<td>1</td>
<td>M. Doak (CR13555)</td>
<td>1</td>
<td>TBA</td>
<td>Division 1</td>
<td>Allocation for the purchase and deployment of a relocatable CCTV Camera Unit across the Division.</td>
<td>25,529</td>
<td>6,060</td>
<td>5</td>
<td>25,529</td>
</tr>
<tr>
<td>2</td>
<td>T. Harding (CR18259)</td>
<td>8</td>
<td>TBA</td>
<td>Greenbank Circuit / Pappas Way / Nielsens Road Carrara</td>
<td>Allocation for the complete re-landscaping of the existing roundabout.</td>
<td>29,755</td>
<td>780</td>
<td>20</td>
<td>29,755</td>
</tr>
<tr>
<td>3</td>
<td>M. Doak (CR57397)</td>
<td>12</td>
<td>TBA</td>
<td>West Street / Justin Lane, Burleigh Heads</td>
<td>Allocation for the installation of a CCTV pole, switchboard and decorative tree lighting.</td>
<td>31,653</td>
<td>3,030</td>
<td>5</td>
<td>31,653</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sub Total</td>
<td>9,870</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cumulative Total</td>
<td>327,428</td>
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* Cumulative total is the total value of the additional annual operational maintenance costs for local area works funded Community assets submitted to Council for notation for the 2017-18 financial year as at the date of this report.
ITEM 3 OUTDOOR DINING GUIDELINE – CONSULTATION RESPONSE
HL21/573/-(P3)
Refer attachment – Outdoor Dining Guidelines

1 BASIS FOR CONFIDENTIALITY
Not Applicable.

2 EXECUTIVE SUMMARY
Not Applicable.

3 PURPOSE OF REPORT
The purpose of this report is to update Council on industry feedback on the draft Outdoor Dining Guideline (guideline).

4 PREVIOUS RESOLUTIONS
PROCEDURAL MOTION – 748, 30 November 2017
That the matter be deferred for further community stakeholder consultation with all potentially impacted businesses in roadside dining areas and be brought back to the Community Services Committee in February 2018.

5 DISCUSSION
The Community Services Committee considered a report in June 2017 which presented a draft guideline for Outdoor Dining and recommended that a process of industry consultation be undertaken, feedback incorporated into the guideline and then returned to Committee for subsequent noting.

The process of consultation was undertaken during August & September 2017 targeting identified industry groups through direct contact and the City’s “Have Your Say” portal. The response was minimal.

The subsequent report, which included an unchanged guideline was presented to the Community Services Committee meeting of 30 November 2017.

The Committee resolved that the matter be deferred for further community stakeholder consultation with all potentially impacted businesses in roadside dining areas and be brought back to the Community Services Committee in February 2018.

The results of this and previous consultation to then be reviewed and incorporated into a revised Outdoor Dining Guideline for presentation at the February meeting of the Lifestyle and Community Services Committee.

The Health, Regulatory and Lifeguard Services have undertaken this additional consultation via the following process in order to meet the deadline:

- Letter mailed to all outdoor dining operators inviting them to provide feedback on the draft guidelines by 25 January 2018 through the City’s “Have Your Say” engagement portal.
- Flyer provided to all potentially impacted businesses, similarly inviting them to provide feedback by the January deadline.
- Individual meetings with Councillors/Mayoral COS during the period of 8 - 25 January 2018.
ITEM 3 (Continued)
OUTDOOR DINING GUIDELINE – CONSULTATION RESPONSE
HL21/573/-(P3)

A number of factors have impacted the ability to conduct the additional consultation within the timeframe imposed by Council. These are:

1. The establishment of the online portal was delayed by staff leave during the lead up to Christmas.
2. The scope of the additional consultation left insufficient time to undertake a consultation process, subsequent analysis and complete revisions to the guidelines.
3. The time of year coincided with one of the industry’s busiest trading periods which would potentially result in reduced industry engagement and feedback quality.

On balance, it is recommended that the period available for the additional consultation and subsequent review be extended until the third quarter of 2018. This will not have any impact on the current outdoor dining program and would provide the opportunity for better City and Industry outcomes.

6  ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Supporting the delivery of Gold Coast 2022
What we want to see by 2022
C  We actively engage residents, customers and visitors
    We deliver a positive city experience.

7  GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Our city benefits from a great Gold Coast 2018 Commonwealth Games
Key programs of work include:
- Implement public area improvements to make the city beautiful.

8  FUNDING AND RESOURCING REQUIREMENTS

Not Applicable.

9  RISK MANAGEMENT

Community Services - CO000445

Risk Name: Non-compliance with evolving disability legislation and standards resulting in litigation and reduction in City image.

The delaying of industry consultation until June and July 2018 and consideration of the revised report by the Lifestyle and Community Committee in September 2018 will not result in increased or consequential risk.

Compliance with current disability legislation and standards is adequately addressed through the application of licence conditions prescribed in Local Law No. 11 (Roads and Malls) 2008 and compliance with relevant building standards.
10 STATUTORY MATTERS

Roadside dining is administered pursuant to Council’s Local Laws and in particular, Local Law No. 11 (Roads and Malls) 2008 and Subordinate Local Law No. 11.2 (Roadside dining).

The following legislation is also relevant to the operation of roadside dining:

Australian Standards
Building Act 1975
Building Code of Australia
Building Regulation 2006
Disability (Access to Premises – Buildings) Standards 2010
Electricity Act 1994
Electricity Regulation 2016
Electrical Safety Act 2002
Environmental Protection Act 1994
Environmental Protection Regulation 2008
Food Act 2006 / Food Regulation 2006 / Food Standards Code Australia New Zealand
Liquor Act 1992
Local Government Act 2009
Pest Management Act 2001/Pest Management Regulations 2003
Public Health Act 2005/Public Health Regulation 2005
The Building Act 1975/Building Regulation 2006
Tobacco and Other Smoking Products Act 1998
Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011

11 COUNCIL POLICIES

The guideline reflects the intent of the City’s Equitable Access Policy and AICAP.

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

Industry consultation

Not Applicable.

14 STAKEHOLDER IMPACTS

Not Applicable.

Internal (Organisational) Stakeholder Impacts

Environmental Health and City Law Service Officers will ensure operators comply with their permit conditions during routine patrols.
ITEM 3  (Continued)
OUTDOOR DINING GUIDELINE – CONSULTATION RESPONSE
HL21/573/-(P3)

15  TIMING

- Industry consultation will be completed during June and July 2018.
- The draft guidelines will be revised to incorporate feedback.

16  CONCLUSION

Due to a range of factors mentioned in this report it is proposed to extend the period for industry consultation because:

- Effective and accessible industry consultation is vital step to the development of the proposed Outdoor Dining Guideline.
- The process must realise maximum benefit for all stakeholders and as such the timing of the engagement must be aligned to the industry’s ability to respond and provide sufficient time provided for them to do so.

17  RECOMMENDATION

It is recommended that Council resolves as follows:

1  Industry consultation on the draft Outdoor Dining Guideline be delayed and undertaken during June and July 2018.

2  The Outdoor Dining Guideline be revised in response to industry consultation and bought back to the Lifestyle and Community Committee in September 2018.

Author: Rob Smith
Manager Health Regulatory and Lifeguard Services
1 February 2018

Authorised by: Alison Ewens
Director Lifestyle and Community Services

COMMITTEE RECOMMENDATION  LC18.0215.003
moved Cr Gates seconded Cr Tozer

1  Industry consultation on the draft Outdoor Dining Guideline be delayed and undertaken during June and July 2018.

2  The Outdoor Dining Guideline be revised in response to industry consultation and bought back to the Lifestyle and Community Committee in September 2018.

CARRIED
Outdoor dining guidelines
For outdoor dining and associated activities.
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1.0 Introduction

1.1 Introduction

The Gold Coast’s sub-tropical climate makes it an ideal location for outdoor dining, providing an enhanced dining experience for patrons and contributing to the streetscape vibrancy.

Well planned and maintained outdoor dining areas provide a link between businesses and pedestrians. They encourage active street life beyond normal trading hours which adds to the safety of the area. When grouped together, cafés with outdoor dining areas can create a thriving and vibrant café culture.

City of Gold Coast (City) encourages café and restaurant operators to create outdoor dining areas that are inviting, contemporary, engaging and attractive and in this regard these guidelines reflect the intent of the City Vision, the City Plan and Gold Coast 2020 through the following themes:

Our modern centres create vibrant communities

Key programs of work include:

- Deliver the City Place Making projects to ensure that the amenity of the city is improved for local residents and tourists in a variety of commercial precincts across the city.

Our city benefits from a great Gold Coast 2018 Commonwealth Games™.

Key programs of work include:

- Implement public area improvements to make the city beautiful and ready to accept visitors and ensure best global coverage during and after GC2018.

The Outdoor Dining Guidelines have been created in consultation with local business and key stakeholders including Restaurant Industry Support (GC), Gold Coast Combined Chamber of Commerce, Surfers Paradise Alliance, Broadbeach Alliance and Connecting Southern Gold Coast.

To be completed
1.2 Objectives

The objective of these guidelines is to provide operators with easy to locate and useful information that will assist when applying for using the public footpath for outdoor dining. The guidelines also provide requirements and criteria intended to enhance public safety and the city’s amenity.

The guidelines:
- encourage the use of public footpath for outdoor dining in appropriate locations
- protect and enhance the character of the surrounding streetscape and built form
- consider the needs of all street users, including the safety of pedestrians and diners
- increase local business and residential amenity by ensuring well maintained and hygienic public space with minimal noise, interference or nuisance
- provide design recommendations and examples of acceptable outdoor dining solutions
- ensure footpath use is environmentally sustainable and compatible with low energy use
- maintain a clear and straightforward application and compliance process
- ensure pedestrian sight lines and important view corridors are maintained.

1 Outdoor dining and roadside dining have the same meaning, that is, setting up furniture associated with a food premises on a City road for the provision of food or drink to customers.

1.3 Key principles

The guidelines adopt the following key principles in relation to outdoor dining:
- Permits are issued with the intent of balancing the needs of all footpath users.
- The City encourages outdoor dining areas that are readily accessible to and usable by all people, including those with a mobility or sensory impairment.
- The use of the footpath must not cause an obstruction or interfere with the safe movement of traffic or the safe use of a footpath.
- Operators and customers are able to make use of the footpath but do not have exclusive rights over the area; and the footpath should be reinstated as public space outside of permitted hours.
- Operators are encouraged to create a layout that is appropriate to the setting and provides a high quality outcome that suits the function of the business and enhances the streetscape and built form.
- When located near heritage or character areas, outdoor dining that complements the heritage or character significance of the area is preferred.
- We support outdoor dining that is integrated with trees, landscape and other significant streetscape elements.

1.4 Where do these guidelines apply and to whom?

These guidelines apply to all individuals, businesses and organisations that wish to operate outdoor dining on areas of footpath administered by the City.

Businesses that operate outdoor dining on a footpath located on private property do not require a roadside dining permit, for example businesses located in shopping centres and in private complexes.
2.0 Dining location

2.1 Principles

The City supports applications for outdoor dining where the location, size and layout will not compromise public access, circulation, safety of patrons and motorists sight lines.

The preferred location for outdoor dining is on the kerb side of the footpath. This allows all people, including those with vision impairment, to comfortably use the property boundary line (the building edge in the majority of cases) as a continuous point of reference when moving along the footpath.

It also provides a window shopping zone where pedestrians stop to browse. Proposals for dining areas against the property boundary will be considered where it benefits most footpath users and is consistent with the location of existing outdoor dining areas.

Outdoor dining areas on the same street should have the same alignment, that is, all be located kerbside or shopfront.

It is important that operators assess the streetscape in its current state when choosing a location from which to trade, in particular taking into consideration the existing infrastructure and the criteria identified in these guidelines.

The City will only consider relocating minor infrastructure, for example public seating, bins and bicycle stands and only when it can be relocated nearby. The cost of relocating the infrastructure may be at the applicant’s expense. The City is unable to relocate garden beds or large infrastructure to allow adequate room for outdoor dining.

On roads with a speed limit in excess of 60km per hour the City only supports outdoor dining areas located against the property boundary.

When located on State controlled roads, operators must also obtain approval from the Department of Transport and Main Roads (TMR) (please see section 6.6).

The ground surface must also be suitable and sufficiently level to provide a safe area for dining and associated activities. Outdoor dining areas located on grass verges are not considered appropriate.
2.2 Accessibility

The City strongly encourages good access for people when setting up an outdoor dining area, including those with wheelchairs and mobility devices and people with sensory impairment such as vision or hearing impairment. This helps to make the space accessible and attractive to all patrons, including older people and families with children and prams.

Outdoor cafés are required to provide minimum clearance areas in accordance with Australian Standards to allow pedestrian access and circulation. The Australian Standards set out the minimum access requirements for pedestrians, including people with sensory impairment and users of mobility devices.

The City’s Accessible and Inclusive City Action Plan (AICAP) promotes compliance with the anti-discrimination legislation, and aims to provide access and inclusion for all. The City is implementing more than 170 actions to remove potential barriers and improve access to create a city that is genuinely accessible and inclusive.

The City encourages businesses and organisations to be aware of their obligations to provide access to premises, goods and services for people with disabilities and older people under antidiscrimination legislation. In addition, being accessible is beneficial to your business as every person is a potential customer and ease of access might help someone and his or her family and friends make the choice whether to visit your business.

It is recommended that some of the outdoor dining furniture meets the following criteria as outlined in Diagram 1.

Please see ‘Attachment B’ at the rear of these guidelines for considerations to make your outdoor dining area more accessible.
2.3 Existing public infrastructure

Outdoor dining areas should be located a minimum of 2 m from infrastructure items such as a public seat, bin, telephone box, post box or bicycle rack and a minimum of 2 m from ATMs. Outdoor dining furniture must not inhibit access to or inhibit the effective operation of any:

- Fire and emergency infrastructure.
- Access pits and inspection chambers.
- Kerb ramp or pedestrian crossing.
- Road sign or traffic control device.

2.4 Area size

The size of an outdoor dining area depends on the available footpath space and clearway requirements. For further advice please contact the City on 1300 GOLDCOAST (1300 465 326).

The minimum practical width for outdoor dining areas is 700 mm which allows a standard size table to be used. This width may be reduced where the location is adjacent to private property and some of the dining area is located on private property.
Diagram 2:
General layout requirements and clearways (isometric)
- Minimum outdoor dining area width of 0.7 m.
- Minimum pedestrian access zone width of 2 m.
- All furniture set back 500 mm from kerb face.
- For every 10 m of obstructed kerbside footpath there must be a 2 m clearway to allow pedestrian access to road.
- Outdoor dining areas should be located a minimum of 2 m from street infrastructure such as a public seat, bin, telephone box, post box or bicycle rack.
- Outdoor dining areas should be located a minimum of 2 m from ATMs.
- A minimum 1 m clearance must be maintained either side of TGSIs.
- Café barrier placement.
- A circulation space of 1.7 m in front of or between the tables is recommended.

2.5 Pedestrian clearways
The primary purpose of the footpath is to allow pedestrian movement so it should remain obstruction free and wide enough to allow this movement.

In this regard, the City requires that the following clearway distances must be maintained:

- A minimum footpath width of 2 m.
- All furniture must be set back a minimum of 500 mm from the kerb face to avoid conflict with car doors.
- A maximum length of kerbside that can be obstructed by outdoor dining, garden beds and street infrastructure is 10 m. For every 10 m of obstructed kerbside a 2 m gap must be left to allow access to and from the road.
- Outdoor dining areas must be set back a minimum of 500 mm from the edge of any driveway.
- A minimum clearway of 1 m must be maintained either side of tactile ground surface indicators (TGSIs).
- A 2 m clearway must be maintained from pedestrian ramps and other significant changes in footpath levels.
The main areas where the minimum clearways differ from above are identified below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Clearway distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Esplanade, Surfers Paradise, from Cavill Avenue to the roundabout at the northern end of the Soul Building.</td>
<td>Minimum clearway of 4 metres.</td>
</tr>
<tr>
<td>Orchid Avenue, Surfers Paradise Boulevard from Cavill Avenue to Chevron Renaissance, Elkhorn Avenue.</td>
<td>Minimum clearway of 3 metres.</td>
</tr>
<tr>
<td>Soul building, The Esplanade, Surfers Paradise.</td>
<td>Minimum clearway of 4 metres. Placing obstructions in the 4 metre pedestrian easement or the designated kerbside pedestrian corridor is prohibited.</td>
</tr>
<tr>
<td>Nerang Street, Southport, east of Scarborough Street.</td>
<td>Outdoor dining will only be approved on the kerbside of the southern side of the street. On the northern side of the street dining may be approved kerbside or shopfront however a minimum clearway of 1 metre must be maintained either side of the tactile strip.</td>
</tr>
<tr>
<td>Cavill Avenue between Surfers Paradise Boulevard and Orchid Avenue.</td>
<td>Due to the limited space and high pedestrian flow the City will not support outdoor dining on the footpath.</td>
</tr>
</tbody>
</table>

Please note: Each outdoor dining area will be individually assessed with consideration given to the above.
2.6 Gold Coast Light Rail Corridor (G:Link)

The minimum clearway distance for outdoor dining areas located on the light rail corridor varies; however, there must be at least a 3 metre clearway when located near light rail stations. For advice please contact the City on 1300 GOLDCOAST (1300 465 326).

Please Note: We are monitoring pedestrian flows around the light rail corridor. Should patronage of the light rail system result in the clearway distances being inadequate, minimum pedestrian clearways may be increased which could result in an operator’s outdoor dining area being reduced.

2.7 Intersections and traffic line of sight

Please contact a City Laws Approval Officer on 1300GOLDCOAST (1300 465 326) should the proposed outdoor dining area be located near a pedestrian crossing or street corner as a number of sight line restrictions apply.

2.8 Additional space outside of adjoining premises

An operator with an approved outdoor dining area may apply to use additional footpath space in front of adjoining premises.

When considering such applications, we will assess the impact of the increased dining on the amenity of the area and consideration will only be given to applications for extensions up to one premises directly abutting either side of the operator’s business.

Operators who wish to use this space must provide letters of no-objection from both the building owner or body corporate and the premises occupier (tenant). The no-objection must be provided every 12 months and when the building owner, body corporate or tenant change.

Operators must advise the City and remove outdoor dining furniture if the adjoining building owner, body corporate or tenant withdraws consent.

2.9 Obstruction free zones

A minimum clearway of 2 m must be maintained from designated vehicle zones to prevent them impacting on outdoor dining areas. Examples of these zones include bus, taxi, disabled parking and loading zones.

For areas located near building fire exits or fire hydrant systems the minimum clearway distance must be provided by a Building Certifier in consultation with the Queensland Fire Service.

2.10 Energy Absorbing Bollards

Energy absorbing bollards (EAB) provide protection for footpath users from vehicles and may be required in locations where outdoor dining would otherwise be considered unsuitable due to traffic conditions. Where required, the installation of EABs will be at the applicant’s expense.
Item 3

Adopted Report

Attachment
3.0 Furniture and equipment

3.1 Principles

The City encourages uncluttered outdoor dining areas that have an ‘al fresco’ feel. The use of structures, lights, fans, cooling units and other equipment should be avoided. Furniture should have minimal visual impact, contribute positively to the streetscape and utilise materials, colours and finishes which are attractive and durable.

All furniture must be removed from the footpath or mall at the end of the day or when the business is closed, unless otherwise specified in the permit. This allows for street cleaning, reduces the impression that public space has been privatised and provides more room for pedestrian movement.

Fixed furniture will be considered in limited circumstances, for example for takeaway restaurants that are open 24 hours a day.

Key design objectives for outdoor dining furniture include:

- Furniture and equipment that complements the streetscape and has minimal visual impact.
- Furniture that does not cause damage to the footpath.
- Furniture that can be removed from the footpath when the business is closed.

It is important that operators only use furniture that is safe for use by the public, for example furniture that has no sharp edges, glass components, hinges and other moving parts. The operator is responsible for ensuring that any furniture or equipment meets Australian Safety Standards and is used in accordance with the manufacturer’s specifications and within Work Health and Safety requirements.

3.2 Café furniture (tables and chairs)

Café furniture should be attractive, functional and durable. It should be unobtrusive, integrate well into the streetscape and ideally be designed for commercial outdoor use. Café furniture should:

- be easy to handle and be stackable to facilitate ease of storage
- meet appropriate safety standards
- be suitable for exposure to weather (particularly seating material and covers)
- not use pale colours, as they tend to show stains and wear
- not display advertising, as this is not permitted on tables and chairs.

Chairs should not be placed with their back to the roadway, unless café barriers or another type of barrier is used, to prevent patrons inadvertently sliding chairs over the kerb edge.
3.3 Menu signs

The use of menu signs must comply with the City’s Subordinate Local Law No. 16.8 (Advertising Devices) 2016. Please contact the City on 1300 GOLDCOAST (1300 465 326) for advice should your menu sign fail to comply with the below criteria.

Changeable menu signs

Changeable menu signs, for example ‘A-frame’ signs, are used to promote menu items and specials. Their use must comply with the City’s Subordinate Local Law No. 16.8 (Advertising Devices) 2016 and in particular they must:

• be located within the outdoor dining area or on private property
• be higher than they are wide
• be self-supporting
• have a maximum of two faces
• have a maximum single face area of 0.75 m²
• not be illuminated.

Menu stand signs

Menu stand signs are single face signs displaying a menu. Their use must comply with the City’s Subordinate Local Law No. 16.8 (Advertising Devices) 2016 and in particular they must:

• be located within the outdoor dining area or on private property
• have a maximum height of 1.5 metres
• not be illuminated
• have only one face with a maximum total area of 1 m²
• not display any third party advertising
• be the only menu stand sign for the business
• be self-supporting.

3.4 Waiter stations

Waiter stations allow waiter service to be located closer to patron seating. They must only be placed within the approved outdoor dining area and there should only be one waiter station per operator.

Waiter stations should be movable and fabricated from a material that matches the outdoor dining furniture. They should be no higher than 1.2 m and have a footprint area not exceeding 500 mm x 500 mm.

Waiter stations must be removed from the footpath at the close of business each day unless otherwise specified in the permit.
3.5 Café barriers

The City encourages open and inviting outdoor dining areas and the use of café barriers is discouraged as they tend to privatise the area. Where used they are to:

- be located within the permit area
- be under 900 mm in height
- The side of the dining area that faces the thoroughfare must remain open. An exemption will be considered where the outdoor dining area is licensed for the provision of liquor.
- be removed from the footpath at the close of business unless otherwise approved
- not be fixed to the footpath unless approved.

Café barriers are subject to the provisions of the City’s Subordinate Local Law No. 16.8 (Advertising Devices) 2016. Any advertisement on a café barrier must:

- be less than 25 per cent of the face area and not exceed 2 m²
- not be illuminated.

Menus, advertising and other items hung from café barriers can look untidy and so is not permitted.

To protect the footpath and prevent staining, café barriers need to have a protective coating on the feet or be made of non-ferrous material.

If the barriers form a continuous barrier along the kerb side of the footpath, a 2 metre wide clearway is to be provided every 10 metres to allow access to and from the road.

**Barrier footpath locking devices**

Barrier footpath locking devices provide a safe and secure way to prevent café barriers from tipping over, removing the need to have bases that can be a trip hazard and damage the footpath.

We will consider applications for the use of such devices on a case by case basis. Where their use is permitted the operator may be required to pay a bond to the City to cover the cost of removing the anchors and reinstating the footpath, should the operator close down.

Please contact the City on 1300 GOLDCOAST (1300 465 326) for further advice.
3.6 Heating

Gas heaters can be used to provide additional comfort for patrons. The operator is responsible for ensuring that gas appliances meet Australian Safety Standards and are operated in accordance with the manufacturer’s instructions.

Heating is permitted subject to the following conditions:

- They must be self-contained, free standing and well supported.
- They must be removed outside trading hours.
- The proximity of gas appliances to all combustible materials (for example, plastic weather blinds, umbrellas, awnings) must be in accordance with the manufacturer’s recommendations.
- The gas appliance burner must be located a minimum of 1 metre from pedestrian footpaths and designated fire egress pathways.
- Gas appliances must not be used unless sufficient ventilation is provided and fire egress pathways must be kept clear.

3.7 Planter boxes

Pot plants and planter boxes can enhance the outdoor dining area and contribute to the colour and ambience of the streetscape; however they must not compromise the safety of motorists, pedestrians, or outdoor diners.

We encourage their use within outdoor dining areas subject to the following criteria:

- Unless otherwise approved, pot plants/planter boxes must be removed from the footpath at the end of the day’s trade or when outside of the hours of operation specified in the roadside dining permit.
- Pot plants/planter boxes must be located within the permit area.
- The total height of the planter including plants must not exceed 900 mm in height from ground level, 400 mm in width and 1.2 m in length.
- The physical appearance of pot plants/planter boxes, including material and style must:
  - be consistent with the surrounding streetscape character
  - be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians
  - not have sharp corners or edges
  - be elevated a minimum of 20 mm above the pavement to allow for drainage.
- Plants must be pruned so that they do not exceed 900 mm in height, or spread in such a way that impedes pedestrian access within or around the roadside dining area. Empty or broken pots or planter boxes must be removed immediately.
- Pot plants/planter boxes must not compromise the safety of motorists, pedestrians and outdoor diners and must not unduly impede pedestrian access or the line of sight to adjoining shops.
Outdoor dining guidelines

3.8 Cooking
For safety reasons the City does not support the use of barbeques or other forms of cooking in outdoor dining areas.

3.9 Decks
The use of decks will only be considered in limited circumstances. Please contact the City should you wish install a deck.

3.10 Other equipment
We support the use of the footpath for outdoor dining, however the use of ancillary equipment, for example cash registers, coffee urns and bain-maries can present a safety hazard and so are not generally supported. Please contact the City should you wish to use this type of equipment.
3.11 Weather protection

Outdoor dining is just that, dining in the open air and so outdoor dining areas should remain substantially open to the elements. Areas should also be easily accessible from the footpath.

However, there are times when weather protection may be required and in these circumstances the following will be considered.

3.11.1 Umbrellas (market style)

Removable ‘market style’ umbrellas can add to the ambience of the outdoor dining area, provide shade and some protection from rain. They should only be used where the existing shelter, such as a building verandah or awning, is inadequate.

Their use is encouraged where they:
- are secured to prevent tipping or becoming airborne
- are located within the permitted area
- the canopy is setback a minimum of 0.5 m from the kerb
- they are not permanently fixed to the footpath.

Umbrella footing sockets

Umbrella footing sockets are devices installed into the footpath used to secure market style umbrellas. The sockets remove the need for operators to use large steel bases or heavy items to support and weigh down the umbrellas.

Applications will be considered on a case by case basis, as allowing their use will depend on the location, the footpath construction and available space. The City must give approval before installation.

Where their use is permitted the operator may be required to pay a bond to the City to cover the cost of removing the sockets and reinstating the footpath, should the operator close down.

Please contact the City on 1300 GOLDCOAST (1300 465 326) for further advice or to apply to install umbrella footing sockets.
3.11.2 Shade Structures

Shade structures that are bolted to the footpath must have building approval.

We will only consider applications for a structure which complements the existing environment, complies with the relevant building codes and does not negatively affect the operation of our security camera network, which is a vital part of our public safety strategy.

Shade structures must be located entirely within the approved roadside dining permit area and they must not overhang neighbouring businesses.

Operators wishing to install shade structures must contact the City on 1300 GOLDCOAST (1300 465 326) to arrange a meeting to discuss design requirements. Applications will be assessed by the Office of the City Architect, City Place Making, Safe and Liveable Communities and Urban Precincts Unit.

Shade structures must complement the streetscape, be in keeping with the other removable structures in the vicinity and be:

- removable (bolted to the footpath)
- self-supporting with the support column(s) located within the outdoor dining area
- sympathetic to surrounding architecture, in particular where a strong architectural theme is present
- consistent with the scale and design of City infrastructure
- light weight unobtrusive structures with a minimum number of posts to allow for clear sight lines and view corridors. All structures must be engineered and certified by a Registered Professional Engineer (RPEQ)
- Footings must be fixed below the footpath surface, designed to be removable and allow paving to be reinstated at existing surface level.

Shade structures are subject to the provisions of the City’s Subordinate Local Law No. 16.8 (Advertising Devices) 2016. For example, any advertisement on the structure must not exceed 25% of the surface (including valances) or 2 m².

If the proposed fixture or shade structure impacts on the City security surveillance network the operator may be required to pay the relocation cost of camera(s) or the cost of additional camera(s).

The following requirements apply to shade structure applications:

- The freehold property owner must provide consent in writing that they have no objection to the installation of the structure(s).
- A minimum bond of $1000.00 (or an amount determined by an authorised officer) for each structure must be provided as security in the event the City becomes responsible for removal of the structure(s).
- The applicant must complete a Building Application as well as an application for removable shade/umbrella structures and/or electrical installations. Please contact the City on 1300 GOLDCOAST (1300 465 326) for further information.
3.11.3 Retractable weather blinds

Roadside dining permits are issued for the purpose of providing an 'al fresco' dining experience and as such these areas must remain substantially open to the elements at all times.

Weather blinds (blinds) are not encouraged as they enclose dining areas and separate them from public space. They may only be used to reduce the impact of some adverse weather conditions, for example to shield patrons from rain or wind; however they must be rolled up once weather conditions have improved.

Certification must be provided to the City by a Registered Professional Engineer of Queensland stating the structure to which the blinds are attached is adequate to support such attachments.

The following criteria apply to weather blinds:

- Blinds must be rolled up and secured when fine weather prevails and when the business is closed.
- When shade structures are located kerbside, weather blinds may only be used along the kerbside edge and sides of the structure. The side that faces the thoroughfare must remain open.
- When shade structures are located shop front, blinds may only be used on the two sides of the structure. The side that faces the thoroughfare must remain open.
- Advertising is not permitted on blinds.
- Anchoring points must be flush with the pavement and located within the permit area.
- Blinds must not enclose any area other than the approved permit area.
- If the blinds form a continuous barrier along the kerb, a 2 m wide clearway must be provided every 10 m to allow access to and from the road.

When the blinds are not in use they must be recessed and concealed within the building awning structure or within a pelmet that is designed to appear as part of the awning structure. If used, blind tracks must also be removed when the blinds are rolled up.

Certification from a Registered Professional Engineer of Queensland confirming that the building awning is structurally sound and capable of supporting the extra loads must also be provided.

Please contact the City for more information.

We will only consider the use of a link (weather protection) between the structure and adjacent building when the structure directly abuts a building.

Weather blind anchors

Weather blind anchors are devices installed into the footpath used to secure weather blinds.

The only type of anchors that will be considered are those that are flush with the pavement and that do not present a trip hazard. They must also be located within the permit area. Where their use is permitted the operator may be required to pay a bond to the City to cover the cost of removing the anchors and reinstating the footpath, should the operator close down.

We will consider applications for the use of such devices on a case by case basis and the City must give approval before the installation of any device. Please contact the City on 1300 GOLDCOAST (1300 465 326) for further advice.

3.11.4 Lighting

Adequate lighting should be provided to ensure public safety, however too much lighting or lighting that produces glare should be avoided. Ambient lighting is encouraged where it adds to the atmosphere and character of the dining area and streetscape.

The operator must ensure that lighting complies with the relevant Australian Standards, is well maintained and does not cause a hazard or nuisance to pedestrians, vehicles, or City property.

We do not support the use of chasing, flashing or freestanding lights in outdoor dining areas.

Please contact the City on 1300 GOLDCOAST (1300 465 326) for information regarding extending an electrical line beyond the private property boundary.
3.11.5 Electrical Installations

The following criteria apply if electrical installations are to be connected to a shade structure:

- Approval in writing from ENERGEX stating that they have no objection to the installation or operation of a low voltage (240V) electric line.
  - The form can be found at energex.com.au. Enter 1724 into the search box at the top of the page and click on ‘Form 1724 – Application for Installation and Operation of a low Voltage Electric Line Beyond Property Boundary’.
  - Please note: an approval from ENERGEX is not required in the case of a person wishing to install an extra low voltage supply line.

- Consent from the freehold property owner immediately adjoining the outdoor dining area that they have no objection to the installation and operation of a low voltage electric line or extra low voltage supply line.

- A minimum bond of $300.00 must be lodged with the City (or another amount determined by an authorised officer) as security in the event we become responsible for removing the low voltage electric line or extra low voltage supply line and any ancillary equipment.

- A copy of the “Certificate of Test” must be provided confirming that the low voltage (240V) electrical equipment (including wiring) has been installed by a licensed electrical contractor.

- If extra low voltage power (24V and below) is used, a written statement from a Licensed Electrical Contractor certifying that the installation is an extra low voltage system.

- If a premises has more than one structure with electrical installations, a $100.00 bond for each additional structure is required.

3.11.6 Fixed and retractable awnings

Fixed and retractable awnings are generally classified as ‘special structures’ under the Building Code of Australia and require a building application to be completed. For further information please contact the City’s Town Planning Advice Centre on 1300 GOLDCOAST (1300 465 326).

The City supports fixed and retractable awnings. These generally consist of two or more bi-fold arms which support a canvas shade cloth which rolls out from the building frontage.
4.0 Operation and management

4.1 Principles
Outdoor dining must not cause an obstruction or interfere with the safe use of the footpath or have a detrimental impact on the safety of pedestrians or road users.

Operators should recognise that outdoor dining is considered supplementary to the business and it should not be relied upon to make a business viable.

It is recommended that patrons are seated when using the outdoor dining area and table service by a waiter is encouraged. Table service includes clearing crockery, cleaning tables and rubbish disposal.

4.2 Permit holder responsibilities
We encourage operators to provide safe outdoor dining areas that contribute to the vibrancy of the streetscape. In order to achieve this, operators must:

- maintain a valid roadside dining permit and public liability insurance
- comply with roadside dining permit conditions and applicable legislation
- create an attractive and inviting environment
- maintain access for all footpath users
- minimise noise and nuisance
- be socially and environmentally aware.

4.3 Maintenance and cleaning
The operator is responsible for maintaining the outdoor dining area in a clean, tidy, litter free and sanitary condition at all times. This includes periodic cleaning of the footpath to remove food and grease stains.

To ensure that your dining area remains inviting and attractive, items including weather blinds, should be replaced when damaged or aged.
4.4 Food licence
The operator must ensure that the appropriate Food Licence has been obtained and that all food preparation and other activities are completed in accordance with the Food Act 2006 and Food Safety Standards. For further information please contact the City on 1300 GOLDCOAST (1300 465 326).

4.5 Waste
The operator must ensure that waste created by the business, for example fast food packaging, is disposed of and not allowed to accumulate in the area. Public waste bins should not be used for waste generated from the business. Additional waste containers sufficient to accommodate the waste must be:
- provided in the manner and locations specified by the City;
- regularly cleaned and maintained in a tidy, sanitary and hygienic condition;
- designed and constructed to prevent access by pests.

All waste, including waste water, generated as part of the outdoor dining:
- must be disposed of in a safe and sanitary manner and in accordance with the Environmental Protection Act 1994;
- must be disposed of in a manner which maintains the outdoor dining area and surrounding area in a tidy, sanitary and hygienic condition.

Any spillage of waste, contaminant or other material must:
- be cleaned up immediately;
- not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material into any stormwater system or waterway.

4.6 Animals
The Australia New Zealand Food Standards Code (the Code), Standard 3.2.2, sets out requirements that relate to animals in food premises. Further information can be found at: foodstandards.gov.au/code

- The Code states that a food business must not permit live animals (except seafood or other fish or shellfish) in areas in which food is handled or served.

**Assistance animals**
All food businesses must permit an assistance animal in areas used by customers. This applies to both outdoor and indoor dining, as well as other customer areas.

The definition of ‘assistance animal’ includes an accredited guide dog or a dog trained to assist a person with a disability to alleviate the effect of the disability. This definition is contained in Section 9 of the Disability Discrimination Act 1992.

**Dogs in outdoor dining areas**
The operator of a food business has the choice whether or not to permit a dog that is not an assistance animal to be present in an outdoor dining area, so long as the area is not enclosed.

**Key points:**
- A food business is legally required to permit an assistance animal in all customer areas.
- It is the choice of the food business as to whether or not they permit a dog that is not an assistance animal, to be present in an outdoor dining area.
- A food business may exclude a dog that is not an assistance animal for any reason.
4.7 Tobacco laws (smoking)
Smoking is not permitted in outdoor dining areas.

4.8 Liquor
We encourage cafes and restaurants to provide safe and comfortable outdoor dining areas where patrons can enjoy a meal, rather than ‘liquor only’ establishments. Outdoor dining areas are not to be used solely as beer gardens or outdoor drinking areas.

The operator must obtain a liquor licence from the Office of Liquor and Gaming Regulation (OLGR) to supply or allow the consumption of liquor in an outdoor dining area. Further information relating to liquor licencing is available at: olgr.qld.gov.au

Operators that permit alcohol to be served in outdoor dining areas must have their liquor licence endorsed with the outdoor dining area as part of the “licensed area”. Serving liquor is restricted to the hours stated in the Liquor Licence and must not be served in the outdoor dining area outside of those hours.

Liquor may only be served in accordance with the conditions in the liquor licence and only to patrons seated at a table and in conjunction with a meal.

4.9 Operating hours
The outdoor dining area must only be used during the hours specified in the roadside dining permit and only when the business is open.

If the business closes prior to the “times of approval”, tables, chairs and any ancillary equipment must be removed, unless otherwise specified by the local government, with the area reverting to a public space.

The permitted hours will be consistent with those allowed by the City Plan or a development approval.

4.10 Advertising and flyers
We are keen to ensure that outdoor dining areas are attractive and not dominated by advertising.

Accordingly, any advertising in the outdoor dining area must comply with the City’s Subordinate Local Law No.16.8 (Advertising Devices) 2016. For further information please contact the City on 1300 GOLDCOAST (1300 465 326).

Handing out flyers and promotional material in a public place, including outdoor dining areas, is prohibited pursuant to the City’s Local Law No.5 (Distribution of Business Advertising Publications and Touting) 2008.
4.11 Noise
Operators are responsible for minimising noise and disruption from the outdoor dining area. This is particularly important when located near residential areas or buildings. Operators and staff should be particularly aware of noise created whilst setting up or removing tables and chairs and when receiving early morning goods deliveries.

4.12 Entertainment
Live entertainment is not permitted in outdoor dining areas. Amplified music systems must be positioned so that the music is directed away from a road, footpath or mall.

4.13 Storage and sale of goods
We encourage uncluttered outdoor dining areas therefore goods or materials must not be stored or displayed in these areas.

The City’s Local Laws prohibit the sale or offering for sale of goods in outdoor dining areas.
5.0 Compliance

5.1 Principles
We have a responsibility to maintain the amenity of public space and prevent the obstruction of or interference with the safe use of the footpath. For this reason Environmental Health and City Law Services Officers monitor outdoor dining operators to ensure they comply with their permit conditions, the local laws and in particular that the footpath is not obstructed and minimum clearway distances are maintained.

5.2 Compliance with health legislation
Providing safe food to customers is not only good for a food business’s reputation but it is also required by law. Queensland legislation exists to ensure food businesses sell food that is safe and suitable to consume. The legislation requires most food businesses to be licensed by the City which will assess the standard of businesses against the \textit{Food Act 2006} and \textit{Australian New Zealand Food Standards Code}.

In addition to the above, the area used for outdoor dining must:
- be maintained in a clean and sanitary condition at all times
- not attract fly breeding or vermin infestation
- be kept free of pests and conditions offering refuge for pests.

All furniture must be maintained in a sound and aesthetically acceptable condition and meals are to be prepared in the building and not within the outdoor dining area.

5.3 Environmental nuisance
The outdoor dining area must not cause an environmental nuisance within the meaning of the \textit{Environmental Protection Act 1994} and the \textit{Environmental Protection (Noise) Policy 1997}.

The operator must ensure that any horizontal discharge from mechanical exhaust ventilation does not affect pedestrians and diners in an outdoor dining area.

Where premises discharge mechanical exhausts to the footpath, the discharge point must be designed and configured so that:
- it is protected from vermin and weather
- does not cause nuisance
- exhaust fumes or gases are not directed towards pedestrians and diners.

5.4 Anti-discrimination legislation
The \textit{Disability Discrimination Act 1992} provides uniform protection against unfair and unfavourable treatment for people with a disability in Australia. Accordingly, it is unlawful to discriminate against a person with a disability and/or an ‘associate’ (such as a friend, carer or family member).

- Operators should provide equitable, dignified access to goods and services and to premises used by the public.
- Other anti-discrimination legislation includes the \textit{Queensland Anti-Discrimination Act 1991} and the \textit{Age Discrimination Act 2004}.

5.5 Penalties
The following action may be taken where there is a breach of permit conditions, or where a business owner is operating outdoor dining on a City footpath without a permit:
- verbal or written warning
- service of a Penalty Infringement Notice (fine)
- suspension or cancellation of a permit
- removal and/or seizure of outdoor dining furniture
- court action.

5.6 Maintenance access
Occasionally, City staff and other service providers may require access to public infrastructure located within the outdoor dining area, for example, service pits.

We will attempt to minimise any disruption from such access, however, we will not be liable for any resulting costs, expenses or losses. The operator is responsible for removing all structures and furniture should access be required.
6.0
Applying for a roadside dining permit

6.1 Application process

Please see ‘Attachment A’ at the rear of these guidelines for a step by step guide on the roadside dining permit application process.

The Roadside Dining Permit application form is available by typing ‘dining’ into the search box on the City’s website at: goldcoast.qld.gov.au/forms-applications.html

Completed application forms must be signed, dated and returned to the City together with any required documentation.

A City Laws Approval Officer will then contact you to assist with the completion of your application.

Planning approval

Prior to leasing a premises the operator should ensure that the property has the relevant development approval allowing the required use. For further information please contact the City’s Town Planning Advice Centre on 1300 GOLDCOAST (1300 465 326).
6.2 What operators need to provide

In addition to the completed application form, all operators must provide the following:

6.2.1 Public liability insurance

A copy of the operator's public liability insurance noting the Council of the City of Gold Coast as an interested party in respect of roadside dining. The sum insured must be a minimum of $10 million dollars.

Evidence of such cover is required in the form of a Certificate of Currency or Certificate of Insurance and the following items must be noted on the form:

• The period of insurance must be current at the time of application (usually a 12 month period).

• The insured name must match, or there must be a clear link with, either the applicant or company name, that is the ABN/ASIC details.

• The trading name (café/restaurant name).

• The address where the outdoor dining will be operated.

• A minimum of $10,000,000 (AUD) broadform public liability cover.

• The Council of the City of Gold Coast must be noted as an Interested Party in respect of roadside dining.

Please see ‘Attachment C’ at the rear of these guidelines for the Public Liability Insurance Fact Sheet that provides the information required on the Certificate of Currency.

6.2.2 Building awning certification

We must be satisfied that the location of the outdoor dining area is safe.

For locations where the outdoor dining is located beneath a building awning, certification must be provided to the City that the awning is structurally sound. In this regard, the following is required:

An inspection report prepared by a Registered Professional Engineer of Queensland (RPEQ) competent in structural engineering advising the following:

• The date the awning was inspected and the scope of the inspection undertaken.

• The RPEQ’s opinion on the structural adequacy and condition of the awning, the awning connection to the building and any items attached to the awning, for example signs.

• That the awning, the awning connection to the building and any items attached to the awning, are structurally adequate.

• The certification from the RPEQ must state the next and subsequent awning maintenance and inspection periods, when further certification advising the structure’s ongoing structural adequacy is to be provided.

RPEQ certification must be provided to Council within 30 days for any alteration or addition that increases the load to an already certified awning, for example additional signage, solar panels etc.

Please contact the City on 1300 GOLDCOAST (1300 465 326) for further information.

6.2.3 Fire egress pathway requirements

For locations where outdoor dining has not previously been approved, operators may also need to provide the following:

• Certified plan by a Building Services Authority Licensed Building Certifier identifying fire egress pathway exits from the operator’s premises.

Please contact the City on 1300 GOLDCOAST (1300 465 326) for further information.

6.2.4 Outdoor dining area site plan

A City officer will carry out an on-site inspection with the applicant to discuss the proposed area and identify any issues.

The City officer will then prepare an outdoor dining area plan and provide a copy to the applicant. The plan provides the applicant with a scale diagram of the proposed outdoor dining area that can be used by a Building Certifier to mark the Fire Egress Pathway should this be required.
6.3 Operational matters

6.3.1 Display of permit

The permit or a copy of the permit must be displayed in a prominent position at the premises so it is easily visible to patrons and authorised persons.

6.3.2 Term of permit

Roadside dining permits expire on the 31 August each year in line with the City's licensing renewal period.

We may also issue a ‘trial permit’ for a limited period, including on a month-to-month basis, to allow time to consider any particular issues, for example:

- Any possible risk to public safety that may arise.
- The assessment and monitoring of noise nuisance or any detrimental effects on the amenity of neighbouring premises.

6.3.3 Renewals

The permit period for roadside dining permits is 1 September to 31 August of the following year. To assist operators with the renewal process, we will send operators a permit renewal request form in July of each year.

6.3.4 Amendments

A permit holder may request that the City amend their permit by making a written request. Examples of permit amendments include changes to hours of operation and area extensions or reductions.

We may amend a permit in accordance with the provisions of Section 16 of the City’s Local Law No. 11 (Roads and Malls) 2008.

6.3.5 Cancellation or suspension of permit

A permit holder may cancel their permit at any time by notifying the City in writing.

Operators wishing to suspend their permits, for example over the winter or during quiet trading periods, must cancel their permit and re-apply by submitting a new application together with a current Certificate of Currency when ready to recommence using their area.

We may cancel or suspend a permit in accordance with the provisions of Section 16 of the City’s Local Law No. 11 (Roads and Malls) 2008.

6.3.6 Change of owner

The current operator must notify the City in writing the date of the last day of trade. We will cancel the current operator’s permit and send out a final invoice for fees due, or refund any additional fees paid.

Roadside dining permits are not transferable, so the new owner must apply to the City for a permit. Until a new permit has been issued the new owner must not place outdoor dining furniture on the footpath.
6.4 Fees

There is no application fee for outdoor dining permits. Outdoor dining area fees are charged per square metre of footpath area used per day. They are payable monthly in advance and are charged from the issue date of the Roadside Dining Permit.

The cost per square metre of footpath area used for outdoor dining varies with the location and is reviewed annually in accordance with the City’s Schedule of Fees and Charges.

Please contact the City for the current roadside dining area fees or click on the roadside dining application at: http://www.goldcoast.qld.gov.au/documents/fa/fm135_he_tables_chair_form.pdf

6.5 Outdoor dining area markers

Once an outdoor dining area has been approved, we will install metal area markers. The markers assist the operator to set up and contain their roadside dining furniture within their permitted area.

6.6 State roads

Approval is required from the Department of Transport and Main Roads (TMR) when an outdoor dining area is located on a State controlled road.

In this regard TMR require the completion of a Road Corridor Permit application, available from the TMR website: tmr.gov.au

TMR may at any time request the City to cancel the roadside dining permit or modify the area without compensation to any party. Should the permit be cancelled, all equipment associated with the outdoor dining area must be removed from the footpath at the expense of the permit holder.

Note: We can only consider outdoor dining areas located against the property boundary when located on roads with a speed limit in excess of 60 kph.
7.0
General information and legislation

7.1 Legislation
Outdoor dining and associated activities are subject to the following Local Government and State Legislation:

- Local Government Act 2009
- Disability Discrimination Act 1992
- Queensland Anti-Discrimination Act 1991
- Age Discrimination Act 2004
- Environmental Protection Act 1994/Environmental Protection Regulation 2008
- Building Code of Australia /Building Regulation 2006/The Building Act 1975
- Liquor Act 1992
- Tobacco and Other Smoking Products Act 1998 / Tobacco Legislation Amendment Bill 2012
- Public Health Act 2005/Public Health Regulation 2005
- Pest Management Act 2001/Pest Management Regulations 2003
The local laws, corporate strategies and policies that provide a basis for these guidelines are:

- Local Law No. 11 (Roads and Malls) 2008
- Subordinate Local Law No.11.2 (Roadside Dining) 2008
- Local Law No. 16 (Licensing) 2008/Subordinate Local Law No. 16.8 (Advertising Devices) 2016
- Food Act 2006 / Food Regulation 2006 / Food Standards Code Australia New Zealand
- City Vision, the City Plan and Gold Coast 2020 plan
- Gold Coast Corporate Plan
- AustRoads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths

In addition, the following standards are applicable to outdoor dining:

- Australian Standards (AS1428)
- Gas appliance safety standards
- Electrical safety standards
- Disability (Access to Premises – Buildings) Standards (Premises Standards)

### 7.2 Links to local laws and application forms:

Local Law No.11 (Roads and Malls) 2008.pdf
Subordinate Local Law No.11.2 (Roadside Dining) 2008.pdf

Application forms:
- Roadside Dining and/or removable umbrella structure application form.pdf
- Application for removable shade/umbrella structures and/or electrical installations
- Certificate of testing and compliance

### 7.3 Other agency information

The following activities may require further approvals or ongoing compliance and where applicable the applicant should make contact with the agency responsible to determine the necessary requirements.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical supply extending beyond private property</td>
<td>Energex</td>
</tr>
<tr>
<td>Gas appliance connections and use</td>
<td>Department of Natural Resources and Mines – Petroleum and gas safety</td>
</tr>
<tr>
<td>Disability Access</td>
<td>Building Certifier/Access Consultant from the Association of Consultants in Access Australia (ACAA)</td>
</tr>
<tr>
<td>Building matters and structures</td>
<td>Building Certifier</td>
</tr>
<tr>
<td>Smoking within outdoor dining areas</td>
<td>Queensland Health</td>
</tr>
<tr>
<td>Liquor Licensing</td>
<td>Office of Liquor and Gaming Regulation</td>
</tr>
</tbody>
</table>
7.4 Definitions

Ancillary equipment
For the purposes of roadside dining, any item placed on a local government road, footpath or mall that is used in connection with or is associated with outdoor dining, such as a barrier, heating appliance, tray stand or menu stand or the like.

Approval
A consent, permit, licence, authorisation, registration, membership or approval under a local government Act or a local law and includes the conditions of a consent, permit, licence, authorisation, registration, membership or approval.

Café barrier
A vertical structure positioned to enclose a roadside dining area, such as plastic, canvas or glass barrier but does not include plastic weather blinds attached to a removable umbrella structure.

Building
Has the meaning given in the Building Act 1975.

Café
Has the meaning given in the City Plan.

Commercial establishment
Means premises used for—
(a) a restaurant; or
(b) a hotel; or
(c) a childcare centre; or
(d) a golf course; or
(e) a real estate or subdivision development; or
(f) a resort.

Designated animal
(a) a guide dog; and
(b) an animal which is being delivered or collected from a pet shop or a veterinary surgeon located in a mall; or
(c) a dog or a horse which is under the control of a police officer in the course of the police officer’s duties; or
(d) a dog which is under the effective control of a keeper in accordance with Local Law No. 12 (Keeping and Control of Animals) Law; and
(e) an animal specified in a subordinate local law.

Environmental harm
Has the meaning given in the Environmental Protection Act 1994.
• Environmental nuisance
Has the meaning given in the Environmental Protection Act 1994.
• Fast food premises
• Has the meaning given in the local government’s planning scheme.

Footpath
The meaning given by the Transport Operations (Road Use Management) Act 1995 and includes a mall, square, court or other public place specified to be a footpath in a subordinate local law.

Install
• Means construct, make, mark, place or erect, or affix to or paint on any surface or structure, and repair, maintain, manage and control.
• Interfere with a road
• An activity, other than roadside dining or roadside vending, involving—
  – the erection or installation of a structure or a building in, on, across or over a road; or
  – interference with a road including—
    – a structure in, on, across, under or over a road.

Land
Has the meaning given in the Sustainable Planning Act 2009.

Local Government Act
Has the meaning given in the Local Government Act 2009 and includes approvals granted pursuant to local government Acts.

Local Law
Includes any subordinate local laws and all approvals granted pursuant to this local law.

Mall
Means a road or part of a road established as a mall pursuant to the Local Government Act 2009.

Nuisance
Has the meaning given in Local Law No. 8 (Public Health, Safety and Amenity) 2008.

Occupier
The person who has the control or management of the premises and includes a person in charge of the operation of the regulated activity on the premises.

Outdoor dining
For the purpose of these guidelines has the same meaning as roadside dining.

Owner
Of premises means the person for time being entitled to receive the rent for the “premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

Footpath
Has the same meaning as footpath.

Permanent fixture/s
A structure permanently fixed to the footpath and not removed and replaced on a daily basis e.g. umbrella concreted into footpath.
Permit
A permit which has been granted pursuant to Section 13 (Grant of a permit) of Local Law No.11 (Roads and Malls) 2008 or amended, renewed or transferred pursuant to Section 17 (Amendment, renewal or transfer of a permit) of this local law which—

- has not expired pursuant to Section 14(2) (Term of a permit) of this local law; and
- has not been cancelled pursuant to Section 18 (Cancellation of a permit) of this local law.

Planning scheme
Has the meaning given in the Sustainable Planning Act 2009.

Premises
Any land, building or structure and includes any part thereof.

Regulated activity
a. an interference with a local government road; or
b. roadside vending; or
c. roadside dining.

Removable fixture/s
A fixture where an approved method of fixing to the footpath enables the fixture to be removed and replaced daily or removed on a temporary basis if required e.g. umbrella bolted to footpath by means of a base plate.

Removable umbrella structure
Means a structure used or designed for the provision of shade or shelter from the weather that can be removed and replaced daily or removed on a temporary basis.

Restaurant
Has the meaning given in the City Plan.

Road
Means a local government road or a State-controlled road.

Roadside dining
The setting up on or bringing onto a road of a table, a chair, ancillary equipment and a removable umbrella structure on a local government road, a footpath or a mall for the purpose of the provision of food or drink or both associated with premises being a café, fast food premises, nightclub, restaurant, take-away food premises or tavern; or
The provision on a local government road, a footpath or a mall of food or drink or both associated with premises being a café, fast food premises, nightclub, restaurant, take-away food premises or tavern.

State-controlled road
A State-controlled road under the Transport Infrastructure Act 1994.

Structure
Has the meaning given in the Building Act 1975 and includes –

a. a structure as defined in the Local Government Act 2009; and
b. a pipe, scaffolding, door, gate, grid, fence, wall, light, lamp, sign, downpipe, facility, line, cord, pole, stage or equipment; and

- any other thing specified in a subordinate local law.

Take-away food premises
Has the meaning given in the City Plan.

Tavern
Has the meaning given in the City Plan.

Traffic
Includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing whatsoever.

Waste
Has the meaning given in the Environmental Protection Act 1994 and includes anything specified in a subordinate local law.

Weather blind
Clear plastic (PVC) weather blind to provide weather protection.

7.5 Acknowledgements
Copy to be advised.

7.6 Stakeholder organisations

Stakeholder organisations
Gold Coast Combined Chamber of Commerce
PO Box 983
Surfers Paradise Qld 4217

Restaurant Industry Support (GC) Inc
PO Box 7966
Gold Coast Mail Centre 9726

Surfers Paradise Alliance Ltd
Level 3 (Rooftop), Surfers Paradise Transit Centre
10 Beach Road
Surfers Paradise Qld 4217

Surfers Paradise Alliance Ltd
Level 3 (Rooftop), Surfers Paradise Transit Centre
10 Beach Road
Surfers Paradise Qld 4217

Broadbeach Alliance Ltd
Ground Floor Synergy Building
2729 Gold Coast Highway
Broadbeach Qld 4218

Connecting Southern Gold Coast
4/421 Golden Four Dr
Tugun Qld 4224
## Appendix A

### Outdoor dining permit application process table

This table provides the application process for roadside dining.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong></td>
<td>Applicant to complete the roadside dining application form and return to the City along with the following documentation:</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>A City Laws Approval Officer (CLAO) will contact the applicant to discuss the application and arrange a site inspection. During the site inspection the CLAO will identify available space, any issues and measure up in order to create a scale AutoCAD plan of the proposed outdoor dining area.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>CLAO will assess the application and advise the applicant of any outstanding correspondence or issues. Fire egress pathway: The applicant must arrange for a Building Services Authority Licensed Building Certifier to identify the fire egress pathway and mark it on the plan provided by the CLAO.</td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>If granted, the roadside dining permit will be posted to the applicant, together with an approved area plan. An invoice for first two months of area fees will follow. The operator must display the roadside dining permit or a copy of the permit in a position at the premises so it is easily visible to patrons and City officers.</td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>CLAO will install the outdoor dining area markers. The operator and staff must ensure that all furniture and equipment is contained within the area identified by the outdoor dining markers.</td>
</tr>
</tbody>
</table>

### For locations where outdoor dining has not been previously approved:

**Building awning certification: (if any of the proposed dining area is under an awning)**

An inspection report prepared by a Registered Professional Engineer of Queensland (RPEQ) competent in structural engineering advising the following:

- The date the awning was inspected and the scope of the inspection undertaken.
- The RPEQ's opinion as to the structural adequacy and condition of the awning, the awning connection to the building and of any items attached to the awning, for example signs.
- That the awning, the awning connection to the building and any items attached to the awning, are structurally adequate.
- The certification from the RPEQ must state the next and subsequent awning maintenance and inspection periods, when further certification advising the structure's ongoing structural adequacy is to be provided.

RPEQ certification must be provided to the City within 30 days for any alteration or addition that increases the load to an already certified awning i.e. additional signage, solar panels etc.

**When on a State controlled road:**

Completed Road Corridor Permit application available from the Department of Transport and Main Roads (TMR).
Appendix B

Accessibility of outdoor dining areas

Please consider these ways to make your outdoor dining more accessible.

Outdoor dining

- Is your furniture in need of repair to ensure it is stable?
- Can a wheelchair fit easily under some of your tables? A table surface height of 750mm – 850mm is recommended.
- Can access for a wheelchair user be provided to your dining tables without impeding pedestrian movement space? A clearance space of 800mm should be provided between table legs and a clear circulation space of 1700mm in front of or between the tables.
- Is your seating access friendly? Seating height of 450mm – 520mm is recommended.
- Is there sufficient lighting (without glare) in the area to assist those with vision impairment?
- Does the colour luminance of your furniture contrast with the area around it, to enable a person with vision impairment to navigate the area?
- Do your premises offer an accessible unisex toilet for a person with a disability?

Menus and cutlery

- Are your menus in large font and easy to read?
- Do you have hard copy menus that can be read at the table rather than having to locate a menu board?
- Is your crockery and cutlery easy to hold and use?

General accessibility

- Are your staff aware of the considerations to make outdoor dining more accessible?
- Are your doorways clear of hazards, for example, A-frame sign boards, menus etc?
- Are any step edges clearly marked with a strip of luminance contrast?
- Are there any hazards at head height?
- Have you considered emergency egress for people with limited mobility?

Guide dogs and assistance animals

- Is there space for a guide/assistance animal to be placed without impeding pedestrian access?
- Is a water bowl available on request for guide/assistance animals?

Appendix C

Public liability insurance fact sheet

This fact sheet provides the information required on your Certificate of Currency.

Does your public liability insurance cover provide all the information required by Council?

To assist you in providing the correct documentation that will meet Council of the City of Gold Coast (Council) minimum requirements, please ensure your public liability cover has all of the following:

**Insured**
The insured name must match or there must be a clear link with either the applicant or company name.

**Trading as**
The name of the restaurant, café etc.

**Situation**
The address where the roadside dining is being operated.

**Period of cover**
The period of insurance is shown and is current at the time of application (usually a 12 month period).

**Public liability**
A minimum of $10,000,000 (AUD) public liability cover.

**Interested party**
Council of the City of Gold Coast must be noted as an Interested Party in respect of roadside dining.

**Example**

**Certificate of Currency**

- **Insured:** John Smith or Dough House Pty Ltd or John Smith as trustee for The Smith Family Trust
- **Trading as:** Dough House Café
- **Situation:** 123 Richmond Street Miami QLD 4220
- **Period of Cover:** 1/1/2010 to 1/1/2011
- **Public Liability:** $10,000,000
- **Interested Party:** Council of the City of Gold Coast in respect of the operation of roadside dining.

This document is an example only of information required on a Certificate of Currency or a Certificate of Insurance.

Please note tax invoices are not acceptable.

**For more information**

- P 1300 GOLDCOAST (1300 465 326)
- W cityofgoldcoast.com.au

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PUBLIC LIABILITY INSURANCE COVER

Does your public liability insurance cover provide all the information required by Council?

To assist you in providing the correct documentation that will meet Council of the City of Gold Coast (Council) minimum requirements, please ensure your public liability cover has all of the following:

**Insured**
The insured name must match or there must be a clear link with either the applicant or company name.

**Trading as**
The name of the restaurant, café etc.

**Situation**
The address where the roadside dining is being operated.

**Period of cover**
The period of insurance is shown and is current at the time of application (usually a 12 month period).

**Public liability**
A minimum of $10,000,000 (AUD) public liability cover.

**Interested party**
Council of the City of Gold Coast must be noted as an Interested Party in respect of roadside dining.

---

This document is an example only of information required on a Certificate of Currency or a Certificate of Insurance.

Please note tax invoices are not acceptable.

**For more information**

- P 1300 GOLDCOAST (1300 465 326)
- W cityofgoldcoast.com.au
ITEM 4  PARKS & RECREATIONAL SERVICES
PETITION REGARDING INSTALLATION OF LIGHTS ON SWIFT PARK PATHWAY
PN166328/16(P3)

Refer 2 page attachments

1 BASIS FOR CONFIDENTIALITY

Not Applicable.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

The purpose of this report is to consider the installation of lights along a shared pathway in Swift Park, Nerang.

4 PREVIOUS RESOLUTIONS

Ex-Minute: G17.0725.024

That the above Petition be received and referred to the appropriate committee for consideration and report to Council.

Ex-Minute: CC14.0904.001

1 That Parks Officers’ assess lighting in parks and open space, in consultation with the Mayor and Divisional Councillors, to ensure it is appropriate for the intended level of night time use in line with Crime Prevention Through Environmental Design (CPTED) principles and the methodology outlined in the report.

2 That all park lighting renewals, upgrades and new installations utilise Light-Emitting Diode (LED) energy efficient technology where possible to minimise the whole of life costs of lighting infrastructure.

5 DISCUSSION

Council received a petition requesting lighting of a pathway in Swift Park, Nerang. A copy of the petition is attached and is self-explanatory. It contains 55 signatures from people that primarily originate from the surrounding area. A locality plan of Swift Park that shows the pathway network is also attached. While the subject open space functions as a local park, it includes a community centre which caters for a wider district catchment.

The park includes a shared pathway managed by City Infrastructure and forms part of the local cycle network as identified by the draft Active Transport Network Plan (2017). The role of the Local Cycle Network is to provide access to Principal and District Routes while also connecting to local destinations such as parks, community facilities and shops.

The existing pathway network through Swift Park forms a minor east-west active transport corridor from Weedons Road through to the adjoining residential area. The nature of this pathway and adjoining environmental conditions mean that this pathway is popular for recreational use and not only commuter trips.

Data indicates that this corridor is more heavily utilised by recreational users such as walkers, runners and cyclists.
ITEM 4 (Continued)
PETITION REGARDING INSTALLATION OF LIGHTS ON SWIFT PARK PATHWAY
PN166328/16(P3)

The petition calls for the path to be illuminated to provide for evening recreational use, especially through the shorter daylight periods of the year. The petitioners claim the lighting would enhance safety and that would increase activation of the area.

If lighting were to be provided it would need to link with existing street lighting to achieve continuity, and thus avoid “black spots”. Following desktop reviews, those entire sections of shared pathway through Swift Park from its most eastern and western boundaries would require lighting over a distance of some 1,500 metres. Alternatively, a shorter eastern section of the park pathway, also offering connections with streets (and terminating at the Community Centre) could be provided over a shorter section of some 550 metres. This would still achieve the objectives of providing a lighted recreational corridor during evening hours. However, this would require residents from the western boundaries of the park to use the lighted street network should they choose to access the park during “night” hours.

Pathway lighting costs are dependent on whether the lights are solar or delivered via a main fixed system, and the illuminated levels required to achieve standards specified in AS1158 – Lighting for Roads and Public Spaces. This will be investigated during any design phase and include consideration of energy efficiencies and its alignment with city lighting strategies.

High order pathway lighting costs (i.e. without pre-design input) are estimated at $240 per lineal metre. The entire pathway network within the park could incur costs in the order of $360,000 whilst the shorter section $132,000. While these provide an indicative cost, the detailed costs to light sections of Swift Park will only be clarified once further lighting assessments and design are undertaken. The annual operating costs of the lights over this section are estimated at $15,000 per year.

Given the pathway network, it is considered that residents would find the proposed lighting of a smaller section acceptable, but may then seek further lighting in future years. As such, support of this may be best considered on the first stage of a potential two stage approach.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

1.0 The best place to live and visit
1.2 We live in balance with nature:
   We manage quality rural and urban living while looking after the future of the city’s rainforest, bushland, waterways and open space.

3.0 People contribute to a strong community spirit
3.1 Our city is safe:
   We feel secure and confident in our communities
3.6 We are an active and healthy community
   We enjoy our city and its enviable climate.

7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Not Applicable.
8 FUNDING AND RESOURCING REQUIREMENTS

Following consultation with the respective Division Councillor, the following sources of indicative funding have been proposed to support implementation of path lighting.

<table>
<thead>
<tr>
<th>Proposed Source of Funding</th>
<th>2017-18</th>
<th>2018-19</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Lighting Infrastructure Unconstrained Contributions - Street Lighting Div. 5</td>
<td>$45,651</td>
<td>$45,651</td>
<td>$132,000</td>
</tr>
<tr>
<td>LAW</td>
<td>$86,349</td>
<td>$86,349</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$132,000</td>
</tr>
</tbody>
</table>

It is suggested the proposed trust funds be initially used to progress design and documentation including a detailed analysis of solar versus mains powered options and that will inform a more accurate cost to construct and place the project in a construction ready phase in 2018-19 when LAW funding is likely to become available.

9 RISK MANAGEMENT

There are no corporate and/or directorate risks related to this matter.

A crime prevention through environmental design (CPTED) assessment of the site has been conducted by community safety officers, with input from the Queensland Police Service. The outcome being that such lighting and use of the park during night hours is supported.

10 STATUTORY MATTERS

Lighting design will be required to meet relevant Australian Standards.

11 COUNCIL POLICIES

Council's Park Lighting Strategy refers:

Local Parks
Night time use is generally considered inappropriate. Exceptions may include reasons such as forming part of a linkage.

District Parks
Some night time use considered appropriate, lighting should only be provided to main pathway thoroughfare and adjoining recreation facilities. Lights to be placed on a timer. Off at 10pm with signage advising this. If park has expected early morning use for walkers, Personal Trainers etc. then lights to come back on at 4am, otherwise off until next evening.
ITEM 4 (Continued)
PETITION REGARDING INSTALLATION OF LIGHTS ON SWIFT PARK PATHWAY PN166328/16(P3)

The City Plan Policy - Land development guideline and Austroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths state pathways generally considered for lighting form part of the Principal Path Network. Other considerations for pathway lighting include the need for cyclists to have greater sight distance in areas of high shared use and where there maybe general concerns for user safety (CPTED/passive surveillance).

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Division Representative consulted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manager Parks &amp; Recreational Services</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
<tr>
<td>Manager City Assets</td>
<td>Transport &amp; Infrastructure</td>
<td>Yes</td>
</tr>
<tr>
<td>Coordinator Sustainable Transport</td>
<td>Transport &amp; Infrastructure</td>
<td>Yes</td>
</tr>
<tr>
<td>Executive Coordinator Transport Program &amp; Delivery Portfolio</td>
<td>Transport &amp; Infrastructure</td>
<td>Yes</td>
</tr>
<tr>
<td>Technical Officer Street lighting</td>
<td>Transport &amp; Infrastructure</td>
<td>Use of street lighting trust funds is considered appropriate for this proposal</td>
</tr>
<tr>
<td>Senior Community Safety Officer</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
<tr>
<td>Executive Coordinator Directorate Finances</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
<tr>
<td>Senior Lawyer Office of Chief Operating Officer</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

14 STAKEHOLDER IMPACTS

It is anticipated lighting would be well received by the community should Council decide to support its implementation.

15 TIMING

Subject to approved funding and priorities surrounding the 2018 Commonwealth Games, it is anticipated lighting may not see full implementation until late 2018 or early 2019.
ITEM 4 (Continued)
PETITION REGARDING INSTALLATION OF LIGHTS ON SWIFT PARK PATHWAY
PN166328/16(P3)

16 CONCLUSION

- A petition has been received requesting lighting to a shared pathway located in Swift Park, Nerang.
- The pathway through Swift Park is a localised active transport link with a low level of patronage by pedestrians and cyclists that does not necessitate the need for lighting at this time. Consideration should however be given to the desire by residents for Swift Park to be activated after sunset for recreational purposes.
- An option exists to light a section of park/pathway to provide for recreational use into the evening hours at this location.
- The Division Councillor has indicated support in funding the proposed lighting.

17 RECOMMENDATION

It is recommended that Council resolves as follows:

1. That Council supports lighting a section of pathway in Swift Park to enhance its recreational appeal and make it a safer commute during evening hours.

2. That an initial funding allocation to the value of $45,651 be sourced from the Street Lighting Infrastructure (unconstrained) Contributions - Street Lighting Division 5 to allow design and documentation to progress, with any unspent balance used for construction.

3. That subject to adequate LAW allocations in the 2018-19 budget an amount of $86,349 be approved for the Swift Park pathway lighting construction, noting such budget is yet to be fully verified via design estimates.

4. That the chief petitioner be advised of Council’s decision and be requested to pass such information onto other petitioners.

Author: Ross Greenwood
Authorised by: Alison Ewens
Executive Coordinator Parks
Director Lifestyle and Community
15 January 2018

TRACKS REF:64265587
ITEM 4 (Continued)
PETITION REGARDING INSTALLATION OF LIGHTS ON SWIFT PARK PATHWAY
PN166328/16(P3)

RECOMMENDATION CHANGED AT COUNCIL MEETING 15 FEBRUARY 2018

COMMITTEE RECOMMENDATION  LC18.0215.004
moved Cr Vorster  seconded Cr Tozer

1 That Council supports lighting a section of pathway in Swift Park to enhance its
   recreational appeal and make it a safer commute during evening hours.

2 That an initial funding allocation to the value of $45,651 be sourced from the
   Street Lighting Infrastructure (unconstrained) Contributions - Street Lighting
   Division 5 to allow design and documentation to progress, with any unspent
   balance used for construction.

3 That subject to adequate LAW allocations in the 2018-19 budget an amount of
   $86,349 be approved for the Swift Park pathway lighting construction, noting
   such budget is yet to be fully verified via design estimates.

4 That the chief petitioner be advised of Council’s decision and be requested to
   pass such information onto other petitioners

CARRIED

COUNCIL MEETING 15 FEBRUARY 2018

Cr PJ Young declared that a real (or perceived) conflict of interest in this matter could exist
(as per section 173 of the Local Government Act 2009) due to his involvement with the
Nerang Neighbourhood Centre (unpaid Chairman) which manages the Bert Swift Community
Centre in Swift Park, which is not a direct beneficiary of the proposed lighting, but that he had
considered his position and was firmly of the opinion he could participate in debate and vote
on this matter in the public interest.

Cr PJ Young remained in the room

RESOLUTION  G18.0227.005  moved Cr PJ Young  seconded Cr Vorster

That Committee Recommendation LC18.0215.004 be adopted as printed which reads
as follows:-

1 That Council supports lighting a section of pathway in Swift Park to enhance its
   recreational appeal and make it a safer commute during evening hours.

2 That an initial funding allocation to the value of $45,651 be sourced from the
   Street Lighting Infrastructure (unconstrained) Contributions - Street Lighting
   Division 5 to allow design and documentation to progress, with any unspent
   balance used for construction.

3 That subject to adequate LAW allocations in the 2018-19 budget an amount of
   $86,349 be approved for the Swift Park pathway lighting construction, noting
   such budget is yet to be fully verified via design estimates.

4 That the chief petitioner be advised of Council’s decision and be requested to
   pass such information onto other petitioners.

CARRIED UNANIMOUSLY

Cr PJ Young voted in the positive
PETITION TO THE
GOLD COAST CITY COUNCIL

The Chief Executive Officer
Gold Coast City Council
PO Box

Dear Sir,

We, the undersigned hereby respectfully request the Gold Coast City Council install lighting along the walkway path which runs through Swift Park, Nerang. Many residents use the park and the pathway every afternoon for exercise, to walk their dogs, and take their children out for a bike ride. Due to the absence of lighting we are forced to participate in these activities in complete darkness after 5pm. Most people don’t finish work until 5pm so it is dark before they even arrive at the park. It is also a matter of safety for those who use the path to walk home from the shops or public transport, as many do.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mrs. Jones</td>
<td>27 Sandalwood Drive, Nerang</td>
<td></td>
</tr>
<tr>
<td>2. Angela Baker</td>
<td>3 Mount St, Nerang</td>
<td></td>
</tr>
<tr>
<td>3. Sarah Miller</td>
<td>75 Montessori Road, Nerang</td>
<td></td>
</tr>
<tr>
<td>4. Lisa Waters</td>
<td>54 Weather Rd, Nerang</td>
<td></td>
</tr>
<tr>
<td>5. Viv Clark</td>
<td>11/10 McLeod St, Nerang</td>
<td></td>
</tr>
<tr>
<td>6. Sue Black</td>
<td>12 Koel Dr, Bittern</td>
<td></td>
</tr>
<tr>
<td>7. Jane Dyer</td>
<td>7 Ramona Pl, Highland</td>
<td></td>
</tr>
<tr>
<td>8. John Dyer</td>
<td>7 Ramona Pl, Highland</td>
<td></td>
</tr>
<tr>
<td>9. Margo Roberts</td>
<td>5 Kaitlin St, Nerang</td>
<td></td>
</tr>
<tr>
<td>10. Penny Hancox</td>
<td>20 Birubiri Avenue, Nerang</td>
<td></td>
</tr>
<tr>
<td>11. Lisa Baker</td>
<td>41 Rayo Gt, Nerang</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT 2

Locality Plan Showing Park and Shared Pathway Network
ITEM 5 MAJOR PROJECTS
GOLD COAST CULTURAL PRECINCT UPDATE REPORT STAGE 1
LG235/46/03/01(P1)
Refer 19 page attachment

1 BASIS FOR CONFIDENTIALITY

Not Applicable.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

The purpose of this report is to update Council on the Gold Coast Cultural Precinct Project (GCCP) Stage 1 which includes Stage 1a Versatile Outdoor Space (VOS) and Stage 1b art gallery and green bridge.

4 PREVIOUS RESOLUTIONS

Previous resolutions pertaining to the Cultural Precinct are contained in attachment 1.

5 DISCUSSION

5.1 Stage 1a - Versatile Outdoor Space (VOS)

The VOS achieved Practical Completion (PC) on 27th November 2017, ahead of the contracted PC date. The site was demobilised and opened to the public 15 December 2017 and management of the facility was transferred to the Arts Centre Gold Coast (TACGC) in early January 2018.

The 12 months Defects and Liability Period (DLP) and three month 'green' landscape maintenance commenced on the PC date. The final project cost of the project is tracking within budget and financials will be finalised in early 2018, once all invoices/claims have been processed.

The TACGC personnel, City of Gold Coast asset custodians and maintenance providers participated in a program of technical training sessions during December 2017 to become familiar with the facility.

TACGC have recommended a brand name and logo for full Council approval on 30 January to be launched 6 February 2018. The program for the outdoor stage will be launched under the new brand and includes a combination of international and national artists, community events, ticketed and free experiences throughout 2018.

5.2 Stage 1b

5.2.1 Stage 1b - Gold Coast City Art Gallery (art gallery)

The new art gallery will be a significant cultural achievement for our city and will play an important role within the success of the GCCP by broadening the cultural offering for the community and becoming a landmark for the Gold Coast through its physical form. The building will be architecturally designed to achieve both the brief for gallery and the aspirations for the precinct, providing a rich and distinctive response to operations and place.
ITEM 5 (Continued)
GOLD COAST CULTURAL PRECINCT UPDATE REPORT STAGE 1
LG235/46/03/01(P1)

Council resolved at its meeting of 14 November 2017 (Ex Minute: G17.1114.018) to accept the offer submitted by Hansen Yuncken Pty Ltd for the Managing Contractor Two Stage Design and Construction Management (Guaranteed Construction Sum) to design and construct the art gallery.

The project has subsequently progressed as follows:

- Project Status Period completed, whereby the Managing Contractor reviewed project documentation, engaged consultants and developed a detailed strategy for delivery of the project
- Stakeholder engagement commenced, with pre-start meetings for each specialist interface area to coordinate actions and facilitate an efficient design phase
- Schematic Design commenced with the input of the full team of consultants and with stakeholder engagement integrated into the design process

The design of the building will celebrate and respond to the enviable climate of south east Queensland, applying best practice sub-tropical design principles for user comfort inside and out and attracting visitation to both art and built form.

The new art gallery will be designed to connect to the top of the amphitheatre and the great terrace envisioned by the master plan. This arrangement will ultimately connect the entry to the existing arts centre and providing an iconic civic plaza as a welcoming setting for casual meetings and programmed gatherings.

5.2.2 Stage 1b - Green Bridge (green bridge)

This landmark infrastructure will become a vital gateway to the GCCP and contribute to establishing the precinct’s new identity and presence. The green bridge is an essential element of the master plan and components of the bridge design will adopt the dynamic and generative principles of the voronoi cell, which organises and connects elements across the precinct to establish a coherent, memorable and consistent pattern language. The southern landing will aim to achieve the master plan intent for lake edge activation and activity.

The bridge is currently in a market process for a design and construct contract with construction of the green bridge programmed to commence in late 2018, with delivery to be completed by end 2019.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Gold Coast 2020 Corporate Plan

The project vision aligns directly with the core themes and values of the Gold Coast 2020 Corporate Plan. The most relevant Signature Action to the Cultural Precinct in the Corporate Plan 2020 is:

Plan and develop the city’s cultural heartland at Evandale with a world class Cultural Precinct connected to Surfers Paradise via a cultural corridor.
Culture Strategy 2023
The strategy identifies key strategic outcomes and catalysts for change. The Gold Coast Cultural Precinct is identified as a key catalyst for change, with outcomes detailed below:

Strategic Outcome 1: Our Culture is distinctly Gold Coast
Strategic Outcome 2: A place where culture is everyday
Strategic Outcome 3: A community that values its cultural heritage
Strategic Outcome 4: A city where creativity creates opportunity

Economic Development Strategy 2023
A key activity of the Economic Development Strategy 2023 is to “develop the city’s cultural heartland at Evandale with a world class Cultural Precinct and parklands connected to Surfers Paradise via a cultural corridor”.

A key plan of the Economic Development Strategy is the Destination Tourism Management Plan (DTMP), which cites delivery of Infrastructure and Investment Attraction as a Strategic Priority (Section 3). A Signature Action within Section 6 (Nature and Culture) is to deliver two ‘catalyst projects (which) provide a once-in-a-generation opportunity for the City’. These include the GC2018 cultural and entertainment program and the Cultural Precinct. The Gold Coast Cultural Precinct is described as “a cultural and tourism activity hub for the city including an Arts Museum, Artscape, Arts Centre and Art Walk to Surfers Paradise”.

7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Stage 1a of the GCCP has been delivered in time to provide a venue for various supporting events in the GC2018 arts and cultural program and provide a platform to showcase the city’s cultural aspirations. This further extends to promotional opportunities to attract collaborative partnerships, take advantage of the investment in stage 1, and assist in investment attraction for future stages of the precinct.

The timing proposed in section 15 shows the continued commitment to delivery of the important Stage 1b assets immediately following Gold Coast 2018 Commonwealth Games.

8 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

With the decision by Council to proceed with the green bridge and new art gallery as part of a revised stage 1 of the Cultural Precinct, an updated funding plan was adopted at Council meeting 17 May 2017 (Ex Minute: G17.0517.007).

9 RISK MANAGEMENT

The GCCP project has a project Risk Register which identifies potential risks and outlines suggested strategies to mitigate these risks. The Risk Register is in line with Council policy and will be maintained throughout the life of the project. Any major risks identified will be elevated to the GCCP Steering Committee for consideration.

10 STATUTORY MATTERS

Not Applicable.
ITEM 5 (Continued)
GOLD COAST CULTURAL PRECINCT UPDATE REPORT STAGE 1
LG235/46/03/01(P1)

11 COUNCIL POLICIES

Not Applicable.

12 DELEGATIONS

Not Applicable.

13 COORDINATION & CONSULTATION

The following internal and external stakeholders that have been involved / participated in the project to date:

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criena Gehrke, Chief Executive Officer</td>
<td>The Arts Centre Gold Coast</td>
<td></td>
</tr>
<tr>
<td>Glenn Potter, Director</td>
<td>Organisational Services</td>
<td></td>
</tr>
<tr>
<td>Leah Lang, City Architect</td>
<td>Office of City Architect</td>
<td></td>
</tr>
</tbody>
</table>

14 STAKEHOLDER IMPACTS

A detailed list of stakeholders and engagement methods is outlined in the project’s Communication and Engagement Plan. Precinct stakeholders include neighbouring residents and businesses, local event organisers, park users, Council staff, visitors and customers, staff and volunteers of TACGC.

The Project Team will continue to engage with TACGC, Corporate Communication, The Arts and Culture Unit, City Events and other sections within Council to identify and minimise potential impacts. In association with stage 1 works, key communication methods include At the Precinct project eNewsletters, construction updates, website updates and community information offered at key milestones.

Stakeholder engagement and related communication since the previous report focused on Stage 1a and Stage 1b.

Stage 1a Versatile Outdoor Space (VOS):
- Construction activities, focusing on local business targets, trades training and shade structure design (eNewsletter and website updates)
- Precinct neighbour engagement with two direct mail drops to 500 residents and businesses of planned sound testing scheduled for 8 November and additional testing 16-17 November 2017
- Precinct-wide signage review and interim wayfinding implementation
- Site tours and briefings with stakeholders, City of Gold Coast officers, design community
- Video and documentary capture of the construction of the VOS to mark completion of Stage 1a

Stage 1b art gallery and green bridge:
- Media announcement on appointment of Managing Contractor for city gallery (14 November 2017)
- Website content updates.
Communication and engagement during the next quarter will focus on the brand and name implementation, opening of Stage 1a and project planning for the art gallery, green bridge and associated works.

15 TIMING

The following timeframes are anticipated for Stage 1b (refer Tables 3 and 4).

<table>
<thead>
<tr>
<th>Table 3: Art Gallery Delivery Timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>New art gallery action/Item</td>
</tr>
<tr>
<td>Concept Design complete</td>
</tr>
<tr>
<td>Contract award</td>
</tr>
<tr>
<td>Commence Schematic Design</td>
</tr>
<tr>
<td>Design Development complete</td>
</tr>
<tr>
<td>Commence Early Works</td>
</tr>
<tr>
<td>Construction phase commences</td>
</tr>
<tr>
<td>Art gallery commissioning and opening</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4: Green Bridge Delivery Timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green bridge action/Item</td>
</tr>
<tr>
<td>Contract award</td>
</tr>
<tr>
<td>Contractor Design Process commence</td>
</tr>
<tr>
<td>Construction commence</td>
</tr>
<tr>
<td>Construction complete</td>
</tr>
</tbody>
</table>

16 CONCLUSION

Delivery of the VOS has been completed before time, within budget and ahead of the Commonwealth Games in 2018. The facility has been handed to TACGC for management. The 12 month Defects Liability Period commenced at Practical Completion and is scheduled to finish November 2018.

The new art gallery and green bridge are progressing in accordance with the recommended procurement strategies and maintaining program as city-building projects to be delivered after the Commonwealth Games.

17 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That Council notes the update report for the Gold Coast Cultural Precinct.
2 That the next stage 1 update report be brought back to Council in July 2018.

Author: Trent Windsor
Coordinator Project Development
25 January 2018

Authorised by: Bryan Case
A/ Director Economic Development and Major Projects

TRACKS REF: 66022870
ITEM 5 (Continued)
GOLD COAST CULTURAL PRECINCT UPDATE REPORT STAGE 1
LG235/46/03/01(P1)

COMMITTEE RECOMMENDATION LC18.0215.005
moved Cr Tozer seconded Cr Baildon

1 That Council notes the update report for the Gold Coast Cultural Precinct.
2 That the next stage 1 update report be brought back to Council in July 2018.

CARRIED
<table>
<thead>
<tr>
<th>Council</th>
<th>Date</th>
<th>Subject</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>735</td>
<td>Wednesday 17</td>
<td><strong>Stage 1 update report</strong></td>
<td>COMMITTEE RECOMMENDATION ED17.0511.00</td>
</tr>
<tr>
<td></td>
<td>May 2017</td>
<td></td>
<td>Moved Cr Gates seconded Cr Caldwell</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 That Council notes the report, including the key principles and alternative concept design</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>for the art gallery.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>2 That the Chief Executive Officer be authorised to do all things necessary to progress the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>art gallery and green bridge to be completed by October 2020.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 That the next stage 1 update report be brought back to Council in August 2017.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>CARRIED</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cr Crichlow requested that her vote in the negative be recorded.</td>
</tr>
<tr>
<td>735</td>
<td>Wednesday 17</td>
<td><strong>Special Budget Meeting 2</strong></td>
<td>PROCEDURAL MOTION moved Cr Tate seconded Cr La Castra</td>
</tr>
<tr>
<td></td>
<td>May 2017</td>
<td><strong>May 2017</strong></td>
<td>That the MOTION be PUT</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>735th Council Meeting 17</strong></td>
<td>CARRIED</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>May 2017</strong></td>
<td>Cr Crichlow requested that her vote in the negative be recorded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Funding Plan V4.0 for Stage 1,</strong></td>
<td>RESOLUTION G17.0517.004 be adopted, with changes to Part 3 and the addition of Part 11,</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>incorporating a new purpose</strong></td>
<td>such that it reads in its entirety as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>built Art Gallery and Green</strong></td>
<td>1. That the report be deemed a non-confidential document except those parts deemed by the</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Bridge.</strong></td>
<td>Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(5) of the Local Government Act 2009.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. That Council approves the following revised Funding Plan (Version 4.0) for the Cultural</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Precinct (Stage 1)</td>
</tr>
</tbody>
</table>
3. That Council approves the sale of the Surfers Paradise Transit Centre and Bruce Bishop Car Park by public tender, subject to the satisfactory resolution of matters detailed in the report. Such matters include, but are not limited to, the following:

a. Acknowledgement of current leases/tenancies in place including provision of twelve month lease options for those tenants currently on month to month arrangements.

b. Current operational arrangements.

c. Provision of 640 public parking spaces with such to be retained by the purchaser.

d. Provision of 100 additional parking spaces with such to be retained by the purchaser, and made available at no cost to the Council, for community use.

e. That a report be brought back to the relevant standing committee in regards to how a public car parking management plan would be developed to ensure that during any future redevelopment of the site a minimum of 740 car spaces were able to be maintained.

f. Provision of other commercial, residential and visitor parking for any future redevelopment will need to be in strict accordance with the requirements of the City Plan (and will be calculated without consideration to the public and community use parking spaces requirements already identified).
### Council Report Resolutions

<table>
<thead>
<tr>
<th>735th Council Meeting 17 May 2017</th>
<th>Special Budget Meeting 2 May 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>735th Council Meeting 17 May 2017</td>
<td>Funding Plan V4.0 for Stage 1, incorporating a new purpose built Art Gallery and Green Bridge.</td>
</tr>
<tr>
<td>Canvasses funding aspects associated with the future operation of the Cultural Precinct.</td>
<td>g Any future redevelopment of the site will be required to provide for transit centre operations that will be designed, in consultation with bus/coach operators, to include suitable sized set down areas.</td>
</tr>
<tr>
<td>h Any future redevelopment will need to provide for a civic space that incorporates elements of lawn, trees, and natural shade structures to create a place for visitors, friends and family to gather and to play.</td>
<td></td>
</tr>
<tr>
<td>Key functional requirements for the Civic Park, in order to deliver an attractive, high quality, accessible, well-connected, multifunctional public realm should include:-</td>
<td>i. the design of space must be centred around ‘play’</td>
</tr>
<tr>
<td>ii. A range of size (2,000m² to 4,000m²)</td>
<td>iii. width must be commensurate with length</td>
</tr>
<tr>
<td>iv. deep planting in structural soils</td>
<td>v. 50% of space naturally shaded</td>
</tr>
<tr>
<td>vi. 50%-75% road frontage to the space</td>
<td>vii. Paving surface to respond to the climate</td>
</tr>
<tr>
<td>viii. flat, with at grade access</td>
<td>ix. surrounding buildings must face and activate the square</td>
</tr>
<tr>
<td>x. easily identifiable image (i.e. fountain)</td>
<td>xi. attraction to a wide range of users – variety of smaller ‘places’</td>
</tr>
<tr>
<td>xi. incorporates amenities</td>
<td>xii. ability for flexibility to cater for a variety of different uses with supporting management, programming of activities and maintenance regimes</td>
</tr>
<tr>
<td>xiii. pedestrian connectivity from the Civic space to the transport hub</td>
<td>xiv. solar access, buildings to the north tiered back</td>
</tr>
<tr>
<td>xv. no volumetric subdivision above</td>
<td>xvii. surrounding urban fabric directs pedestrian access into civic park</td>
</tr>
<tr>
<td>xviii. due to site requirements such as the need to allow for mature shade trees, the Civic space (or parts of) may not be able to accommodate underground parking.</td>
<td></td>
</tr>
</tbody>
</table>
### Council Report Resolutions

<table>
<thead>
<tr>
<th>735 (Cont)</th>
<th>Wednesday 17 May 2017</th>
<th><strong>Special Budget Meeting 2 May 2017</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>735th Council Meeting 17 May 2017</strong></td>
<td>Funding Plan V4.0 for Stage 1, incorporating a new purpose built Art Gallery and Green Bridge. Canvasses funding aspects associated with the future operation of the Cultural Precinct.</td>
<td></td>
</tr>
</tbody>
</table>

4. That asset matters detailed in the report be separately addressed via the annual budget and budget review process.

5. That an allocation of the future net proceeds of the sale to the future Isle of Capri bridge, as identified in the report, be included in the City’s 10 year financial model.

6. That Council approves the sale of land at Robina (287 Scottsdale Drive and 9 Energy Circuit) with proceeds to be allocated to the Cultural Precinct and divisional projects as outlined in the report.

7. That the following parcels of land not be sold:-

   a. Lots 9, 11 and 12 on RP21872
   b. Lot 10 on SP188400
   c. Lot 87 and 88 RP91593
   d. Lot 807 N1161

8. That the funding plan version 4 be re-assessed in April 2018.

9. That a Cultural Precinct Endowment Fund (Reserve) be gradually established over time, as surplus funds are identified, with a view to ultimately funding the annual operational and maintenance costs of the Cultural Precinct.

10. That the funding options related to the projected operating costs of the Cultural Precinct, as outlined in the report, be considered as part of the annual draft budget process.

11. That Council notes that there were various sites within the original Master Plan for the Cultural Precinct site that had previously been identified with a variety of potential end uses including residential, commercial, hotel and retail. It is however not considered necessary, or appropriate, to progress with the proposition to divest with sites B1, B2 and B3 as part of any future funding plan for the Cultural Precinct.
## Council Report Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Date</th>
<th>Description</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>735 (Cont)</td>
<td>Wednesday 17 May 2017</td>
<td><strong>Special Budget Meeting 2 May 2017</strong>&lt;br&gt;<strong>735th Council Meeting 17 May 2017</strong>&lt;br&gt;Funding Plan V4.0 for Stage 1, incorporating a new purpose built Art Gallery and Green Bridge.&lt;br&gt;Canvasses funding aspects associated with the future operation of the Cultural Precinct.</td>
<td>A division was called.&lt;br&gt;For 11 Cr Tozer, Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr O’Neill, Cr La Castra, Cr Boulton, Cr Gates, Cr PC Young, Cr Taylor, Cr Tate&lt;br&gt;Against 4 Cr PJ Young, Cr Baildon, Cr McDonald, Cr Crichlow&lt;br&gt;Abstained 0&lt;br&gt;Absent 0</td>
</tr>
<tr>
<td>272</td>
<td>Tuesday 29 November 2016</td>
<td><strong>Art Gallery Concept Design endorsed</strong>&lt;br&gt;Art Gallery and green bridge to be progressed</td>
<td>RESOLUTION G16.1129.018 moved Cr Tate seconded Cr Owen-Jones&lt;br&gt;That Committee Recommendation ED16.1124.002 be adopted as printed which reads as follows:-&lt;br&gt;1 That Council endorses the new art gallery concept design as outlined in Section 5.0 and attachment 2, including as part of stage 1 the design and construction of the green bridge.&lt;br&gt;2 That the art gallery and bridge are progressed through:&lt;br&gt;   a continuation of the design process sufficient to obtain a development approval.&lt;br&gt;   b continuing stakeholder engagement to address issues raised during concept design.&lt;br&gt;3 That the next stage 1 update report be brought back to Council in March 2017.&lt;br&gt;CARRIED UNANIMOUSLY</td>
</tr>
</tbody>
</table>
### Council Report Resolutions

<table>
<thead>
<tr>
<th>#723</th>
<th>Thursday 15 September 2016</th>
<th>VOS MCU acceptance</th>
<th>RESOLUTION G16.0906.016</th>
<th>moved Cr Caldwell</th>
<th>seconded Cr Gates</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>That the Report of the City Planning Committee's Recommendations of Wednesday, 31 August 2016, numbered CP16.0831.001 to CP16.0831.010, be adopted with the exception of:- Recommendation Numbers CP16.0831.001 CP16.0831.002 CP16.0831.004 CP16.0831.006 and CP16.0831.008 which were specifically resolved.</td>
<td>CARRIED UNANIMOUSLY</td>
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</table>

**COMMITTEE RECOMMENDATION: CP16.0831.007**

moved Cr Tate seconded Cr Vorster

Development permit for material change in use (code assessment) for A theatre and function facility (versatile outdoor space), being Stage 1 of the gold coast cultural precinct - lot 4 on SP148594 – 135 Bundall road, surfers paradise - division 7 PN246688/01/DA17

Changed Recommendation

A presentation was provided by the independent external consultant who assessed the development application on behalf of Council.
<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Date</th>
<th>Meeting Type</th>
<th>Resolution Title</th>
<th>Resolution Details</th>
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<td>CARRIED UNANIMOUSLY</td>
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<td>Changed Recommendation</td>
<td>COMMITTEE RECOMMENDATION: ED16.0804.005 moved Cr Vorster seconded Cr La Castra 1 That Council notes the update report. 2 That Council notes the revised scope of the Art Gallery and corresponding brief as outlined in Section 5 of this report. 3 That the Gold Coast Art Gallery Functional Brief not fetter the delivery of the future art tower. 4 That the next Stage 1 update report be brought back to Council in November 2016.</td>
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<td>CARRIED</td>
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<tr>
<td>719</td>
<td>Tuesday 26 July 2016</td>
<td>MACA Disbandment</td>
<td>MOTION</td>
<td>That the Mayor’s Arts and Cultural Reference Board be disbanded and all participants are noted, thanked for their service to the City and appropriately recognised by the Mayor and Council. RESOLUTION G16.0726.005 moved Cr Tate That the Mayor’s Arts and Cultural Reference Board be disbanded and all participants are noted, thanked for their service to the City and appropriately recognised by the Mayor and Council.</td>
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<td>CARRIED UNANIMOUSLY</td>
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<td>No.</td>
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<tr>
<td>709</td>
<td>Tuesday 1 December 2015</td>
<td>Gold Coast Cultural Precinct update report</td>
<td>RESOLUTION G15.1201.021 moved Cr Grew seconded Cr Gilmore That the Report of the Economic Development &amp; Major Projects Committee’s Recommendations of Thursday, 26 November 2015, numbered ED15.1126.001 to ED15.1126.003, be adopted. CARRIED UNANIMOUSLY</td>
<td>COMMITTEE RECOMMENDATION: ED15.1126.001 moved Cr Betts seconded Cr Taylor 1. That Council notes the update report. 2. That the next quarterly update report be brought back to Council in April 2016. CARRIED</td>
</tr>
<tr>
<td>705</td>
<td>Tuesday 8 September 2015</td>
<td>Special Budget Resolutions</td>
<td>RESOLUTION G15.0911.014 moved Cr Tate seconded Cr Owen-Jones That the Report of the Special Budget Committee Meeting held on Tuesday, 8 September 2015 covered by Recommendations numbered B15.0908.001 to B15.0908.007 be received with a correction to Item 6 to add ‘Carried’ after resolution. Changed Recommendation COMMITTEE RECOMMENDATION B15.0908.002 (11 September 2015, Special Budget Committee Meeting 8 September 2015 Moved Cr Grummitt seconded Cr La Castra 1. That Council endorses the design concept B as presented at Council for the Versatile Outdoor Space. 2. That Council note that a report on governance of the Cultural Precinct will be presented by the CEO in due course, to inform future programming and operational matters relevant to the precinct. 3. That the next quarterly report be brought back to Council in November 2015 including an update on design development. 4. That budget matters relating to stage 1 be referred to Special Budget Committee Meetings. 5. That the agenda and minutes of Mayor’s Arts and Cultural Advisory Committee be circulated to Councillors. CARRIED UNANIMOUSLY</td>
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</tbody>
</table>
### Council Report Resolutions

| 705 | Tuesday 8 September 2015 | Special Budget Resolutions #51061214 | COMMITTEE RECOMMENDATION B15.0908.005  
7.b $5,001,069 - transfer to Strategic Priority Reserve as funding towards the Cultural Precinct Bridge and other public access to Cultural Precinct, with the allocation being subject to the endorsed value engineering exercise and the outcome of the funding application through the National Stronger Regions Fund. |
|-----|-------------------------|--------------------------------------|----------------------------------------------------------------------------------|
| 697 | Tuesday, 5 May 2015     | Gold Coast Cultural Precinct Project Update | Council, at its meeting of 5 May 2015 considered Version 2.0 of the Stage 1 Funding Plan and resolved Ex Minute No. G15.0505.032 and B15.0504.006  
That Committee Recommendation B15.0504.006 be adopted, with an additional Part 11, such that it reads in its entirety as follows:-  
1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.  
2. That Council notes the update report.  
3. That the outcomes of the review process for the Versatile Outdoor Space - amphitheatre concept is provided to Council as part of the regular quarterly project reporting.  
4. That Council note the inclusion of the design of the Greenbridge, within the Stage 1 project costs, is to progress design, obtain and address certainty regarding approvals to position the Greenbridge as a ‘Shovel Ready’ project should construction funding become available.  
5. That Council endorse the updated Cultural Precinct Stage 1 Funding Plan (Version 2.0 as at May 2015) as detailed in the attached advice, and that Version 3.0 as proposed be tabled and publicly disclosed no later than the adoption of the 2015-16 budget.  
6. That Council notes a Version 3.0 of the Funding Plan will be submitted in due course, pending the outcome of the National Stronger Regions Grant Funding application.  
7. That the next quarterly report be brought back to Council in August 2015, including an update on the design development of Stage 1 elements and budget status. |
| 713 | Tuesday 8 September 2015 | Special Budget Resolutions #51061214 | COMMITTEE RECOMMENDATION B15.0908.005  
7.b $5,001,069 - transfer to Strategic Priority Reserve as funding towards the Cultural Precinct Bridge and other public access to Cultural Precinct, with the allocation being subject to the endorsed value engineering exercise and the outcome of the funding application through the National Stronger Regions Fund. |
| 697 | Tuesday, 5 May 2015     | Gold Coast Cultural Precinct Project Update | Council, at its meeting of 5 May 2015 considered Version 2.0 of the Stage 1 Funding Plan and resolved Ex Minute No. G15.0505.032 and B15.0504.006  
That Committee Recommendation B15.0504.006 be adopted, with an additional Part 11, such that it reads in its entirety as follows:-  
1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.  
2. That Council notes the update report.  
3. That the outcomes of the review process for the Versatile Outdoor Space - amphitheatre concept is provided to Council as part of the regular quarterly project reporting.  
4. That Council note the inclusion of the design of the Greenbridge, within the Stage 1 project costs, is to progress design, obtain and address certainty regarding approvals to position the Greenbridge as a ‘Shovel Ready’ project should construction funding become available.  
5. That Council endorse the updated Cultural Precinct Stage 1 Funding Plan (Version 2.0 as at May 2015) as detailed in the attached advice, and that Version 3.0 as proposed be tabled and publicly disclosed no later than the adoption of the 2015-16 budget.  
6. That Council notes a Version 3.0 of the Funding Plan will be submitted in due course, pending the outcome of the National Stronger Regions Grant Funding application.  
7. That the next quarterly report be brought back to Council in August 2015, including an update on the design development of Stage 1 elements and budget status. |
### Council Report Resolutions

| 697 | Tuesday, 5 May 2015 | Gold Coast Cultural Precinct Project Update | 8. That budget matters relating to Stage 1 be referred to Special Budget Committee Meetings.  
9. That copies of the following reports be distributed to Councillors:-  
   a Quantity Surveyors Report by Donald Cant Watts Corke;  
   b Results from community consultation from The Reveal;  
   c Business Plan for Stage 1;  
   d Minutes from the Mayor’s Arts & Cultural Advisory Committee;  
   e That the Mayor write to Gold Coast Waterways Authority requesting an update on the ferry utilisation for events to date and prospects for future ferry services to Evandale.  
10. That Council note that noise mitigation measures will need to be considered in relation to the Outdoor Performance Space.  
11. That 58 Sovereign Drive, Mermaid Waters (Lot 639, RP138951) be further considered by the Council prior to any decision to dispose of or otherwise. |
| 693 | Friday, 17 February 2015 | Gold Coast Cultural Precinct Project Update | G15.0217.020 and ED15.0212.001  
That Committee Recommendation ED15.0212.001 be adopted as printed which reads as follows:-  
1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.  
2. That Council notes the update report.  
3. That Council adopt the latest revision of the site wide masterplan (Attachment 2) with main changes described in the report in section 5.1 only.  
4. That the next quarterly report be brought to Council in May 2015, including an update on the design development of Stage 1 elements and budget status.  
5. That budget matters, relating to Stage 1, be referred to Special Budget Committee.  
6. That Council note that noise mitigation measures will need to be considered in relation to the outdoor performance space. |
## Council Report Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Date</th>
<th>Details</th>
<th>Resolution Text</th>
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<tbody>
<tr>
<td>687</td>
<td>Thursday, 16 October 2014</td>
<td></td>
<td>Adoption of Governance, Administration &amp; Finance Committee Report RESOLUTION G14.1016.022 Moved Cr Owen-Jones Seconded Cr Tozer That the Report of the Governance, Administration &amp; Finance Committee’s Recommendations of Wednesday, 15 October 2014, numbered GA14.1015.001 to GA14.1015.016, be adopted with the exception of:- Recommendation Number GA14.1015.009 which was specifically resolved. CARRIED UNANIMOUSLY COMMITTEE RECOMMENDATION GA14.1015.014 1. Moved Cr Crichlow Seconded Cr Bell That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution. 2. That Council commences the compulsory acquisition of the privately owned land outlined in this report for bridge and landing place purposes. 3. That the City serve a Notice of Intention to Resume the land in recommendation 2 in accordance with Section 7 of the Acquisition of Land Act 1967. 4. That Council subsequently considers any objections as a result of recommendation 2 above, in accordance with Section 8 of the Acquisition of Land Act 1967, and provided that there are no objections, the City apply to the Minister for Natural Resources and Mines for the resumption of the land in accordance with the provisions of the Acquisition of Land Act 1967. 5. That the reasonable costs of valuation fees, legal costs, registration, stamp duty and any other fees connected with the acquisition be at the City’s expense. 6. The costs associated with the acquisition of land is to be funded from ED5550C001 WBS 55154. CARRIED</td>
</tr>
</tbody>
</table>
That Council resolve as follows:

1. To endorse the scope of works for Stage 1 of the Gold Coast Cultural Precinct as described in the Councillor advice of 8 May 2014, shown in the attached images, and summarised as follows:
   - Studies and design for site approvals
   - Site-wide schematic design
   - Design and construct Versatile Performance Space
   - Design and construct Riverside Gallery
   - Design and construct Artscape
   - Site-wide precinct planning

2. To note the estimated cost of $37 million (in 2014 dollars) for Stage 1.

3. To note the following schedule of works for Stage 1 of the Gold Coast Cultural Precinct:
   - 2014-15 – Vacate Surfers Administration building
   - Late 2015 – Vacate Childcare facility
   - January 2016 – Commence construction
   - February 2018 – Stage 1 complete

4. To endorse the Funding Plan as identified in the Councillor advice of 8 May 2014 which may comprise a mix of the following, over the next four years:
   a. Disposal of surplus land assets
   b. Recreational Space Separate Charge adjustment of $5.00 per year
   c. Tourism Levy adjustment
   d. Other (subject to current commercial-in-confidence negotiations)

5. That the following sites be immediately endorsed for future disposal, subject to pre-disposal ‘optimisation’ as determined by the CEO:
   a. 13 Hinze Street, Southport – Lot 1 RP156450 (incorporating appropriate car parking)
   b. 29 Pine Street, Jacobs Well – Lot 95 RP99812
   c. 262 Benowa Road, Benowa – Lot 151 RP97038
   d. 262 Benowa Road, Benowa – Lot 152 RP97038
   e. 11 Thornton Street, Surfers Paradise – Lot 161 RP21845
   f. 467 Gold Coast Springbrook Road, Mudgeeraba – Lot 16 RP99265
## Council Report Resolutions

<table>
<thead>
<tr>
<th>Special Meeting (Cont)</th>
<th>Wednesday, 18 June 2014</th>
<th>Adoption of the 2014-15 Budget Gold Coast Cultural Precinct</th>
<th>g 2977 Nerang Murwillumbah Road, Natural Bridge - Lot 5 RP147374</th>
</tr>
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<tbody>
<tr>
<td></td>
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<td>h 49 Kalimna Drive, Broadbeach Waters – Lot 102 RP90789</td>
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<td>i 1 Paddington Place, Robina – Lot 71 SP202854</td>
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<td>j 58 Sovereign Drive, Mermaid Waters – Lot 659 RP138951</td>
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<td>k 12 Encamp Street, Reedy Creek – Lot 7 RP907373</td>
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<td>l 33 Station Street, Currumbin Waters – Lot 14 RP32008</td>
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<td>m 31 Station Street, Currumbin Waters – Lot 13 RP32008</td>
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<td>n 39 Gavin Arterial Road, Oxenford – Lot 10 SP188408</td>
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<td>o Boyd Street, Tugun – Part Lot 31 SP240300</td>
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<td>p Lot 5 RP911795 – Old Pacific Highway Pimpama</td>
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<td>q Lot 6 RP911795 – Old Pacific Highway Pimpama</td>
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6 That the following be subject to a site specific options review which will be considered by the Council prior to any decision to dispose or otherwise:

   a 44 Price Street, Nerang – Lot 807 N1161
   b 460 Gilston Road, Gilston – Lot 9 RP21872
   c 14 Longhill Road, Gilston – Lot 12 RP21872
   d 12 Longhill Road, Gilston – Lot 11 RP21872
   e 451 Gilston Road, Gilston – Lot 10 SP188400
   f 49 North Road, Lower Beechmont – Lot 87 RP91593
   g 51 North Road, Lower Beechmont – Lot 88 RP91593
   h 6 Sandpiper Drive, Burleigh Waters – Lot 901 RP123797
   i 1 Yvonne Court, Miami – Lot 20 RP160021

7 That prior to any agreements being entered into with third parties in relation to the funding plan, the matter be brought back to Council.

8 That a Gold Coast Cultural Precinct Reserve be established for the purpose of establishment, maintenance and operation of the Gold Coast Cultural Precinct.

9 That Councillors be provided with a Quarterly update on development progress and related funding actions.
<table>
<thead>
<tr>
<th>Resolution Number</th>
<th>Date</th>
<th>Description</th>
<th>Resolution Text</th>
</tr>
</thead>
</table>
| 669  | Friday, 15 November 2013 | Gold Coast Cultural Precinct Design Competition Outcome | **CONFIDENTIAL REPORT UNTIL 5PM THURS 21 NOV 2013**  
- RESOLUTION G13.1119.027 Moved Cr Gates Seconded Cr Taylor  
 That Committee Recommendation CG13.1115.001 Be Adopted As Printed Which Reads As Follows:-  
1. That The Report/Attachments Be Deemed A Confidential Document And Be Treated As Such In Accordance With Sections 171 (3) And 200 (5) Of The Local Government Act 2009 And Remain Confidential Until 5.00pm Thursday 21 November 2013.  
2. That Council endorse the Gold Coast Cultural Precinct Design Competition Jury evaluation and selection of a winner, subject to finalisation of an MOU.  
3. That the competition winner be publicly announced on 21 November 2013 including all related competition documentation.  
4. That Council notes THE REVEAL exhibition and community engagement activities program that will run from 21 November to 15 December 2013.  
5. That officers bring back a report after THE REVEAL, with a methodology and budget for proceeding with development of the cultural precinct project for the remainder of the 2013-14 Financial Year and for the staged delivery of the Gold Coast Cultural Precinct.  
CARRIED UNANIMOUSLY |}
| 659  | Tuesday 28 May, 2013 | Adoption Of Commonwealth Games & Major Projects Committee Report | **Gold Coast Cultural Precinct - Evandale To Chevron Island Greenbridge Report**  
- RESOLUTION G13.0528.012 Moved Cr Tate Seconded Cr Gates  
CARRIED COMMITTEE RECOMMENDATION CG13.0515.001  
Moved Cr Bell Seconded Cr Tate  
1. That Council note the content of this report and the attached results of the Chevron and Cronin Island Green Bridge Survey.  
2. That this report, its attachments including the survey outcomes, further flood modeling information and a copy of the Chevron Island development approvals be provided to the Design Competition Stage Two Shortlisted Competitors as an addendum to the reference information for consideration in their design responses. |
## Council Report Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Date and Meeting</th>
<th>Report Title</th>
<th>Resolution Details</th>
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</thead>
</table>
| 659 (Cont) | Tuesday 28 May, 2013 | Gold Coast Cultural Precinct - Evandale To Chevron Island Greenbridge Report | 3. That in response to the survey results, the Chevron Island alignment of the proposed Green Bridge be at Mawarra Street, and that the community be informed accordingly.  
4. That the Evandale alignment of the Green Bridge be as further determined by Council following the Design Competition.  
5. That any necessary property or planning matters to facilitate the above resolutions be progressed by Council officers. |
| 655 | Tuesday, 12 March 2013 | Gold Coast Cultural Precinct Design Competition | REPORT CONFIDENTIAL  
RESOLUTION G13.0312.012 Moved Cr Tate Seconded Cr Gates  
That Committee Recommendation CG13.0227.001 be adopted, with a change to Part 2, such that it reads in its entirety as follows:  
1. That the report and attachments be deemed a confidential document and be treated as such in accordance with sections 171 (3) and 200 (9) of the Local Government Act 2009 and that the document remain confidential until the public launch of the design competition, unless Council decides otherwise by resolution.  
2. That Council endorse the competition documentation provided in Attachment 1.  
3. That Council endorse the recommended jury shortlist (with reserves) provided in Attachment 2 as amended.  
4. That Council endorse the competition schedule as outlined in Attachment 3 | CARRIED |
| 648 | Monday 5 November, 2012 | Mayoral Minute | RESOLUTION G12.1105.003 Moved Cr Tate Seconded Cr Gates  
That the Gold Coast City Council support the community consultation to be undertaken to determine the alignment of the Chevron Island Greenbridge. | CARRIED UNANIMOUSLY |
## Council Report Resolutions

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<thead>
<tr>
<th>#</th>
<th>Date</th>
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<tbody>
<tr>
<td>647</td>
<td>Tuesday 23 October 2012</td>
<td><strong>Gold Coast Cultural Precinct – Project Planning Update</strong></td>
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<tr>
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<td>RESOLUTION  G12.1023.009  Moved Cr Taylor  Seconded Cr Tozer</td>
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<td>That Committee Recommendation CG12.1010.001  be adopted, with a change to Part 3, such that it reads in its entirety as follows:</td>
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<td>1 That Council endorse the Gold Coast Cultural Precinct Vision September 2012 for the purpose of proceeding with a competitive design process to attain high quality, detailed design concepts.</td>
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<td>2 That Council consider the budget submission included in the 2012/13 September Budget Review to progress the Gold Coast Cultural Precinct including Greenbridge project.</td>
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<td>3 That Council resolve that it is in the public interest that a competition in the structure of an Expression of Interest (EOI) and tender process be undertaken to deliver a concept design for the Cultural Precinct.</td>
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<td>4 That the Chief Executive Officer undertake the necessary planning and activities to move Council staff out of the existing Evandale administration buildings at the appropriate time in advance of the development of the Evandale Cultural Precinct with the exception of the riverside and civic chambers buildings.</td>
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<td>5 That the design brief be brought back to Council for consideration prior to commencement of the competition process.</td>
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CARRIED

Cr Crichlow requested that her vote in the negative be recorded.
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<tr>
<th>Resolution Number</th>
<th>Date</th>
<th>Resolution Description</th>
<th>Proposed by</th>
<th>Seconded by</th>
<th>Resolution Outcome</th>
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</thead>
<tbody>
<tr>
<td>616</td>
<td>Friday, 16 September 2011 #32410721</td>
<td>Gold Coast Cultural Precinct – Governance Framework and Preliminary Project Planning Update</td>
<td>RESOLUTION G11.0916.012 Moved Cr Douglas Seconded Cr Grummitt</td>
<td>That Committee Recommendation ED11.0913.004 be adopted as printed.</td>
<td>CARRIED</td>
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<td>COMMITEE RECOMMENDATION ED11.0913.004 Moved Cr La Castra Seconded Cr Grew</td>
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<td>1 That Council endorse the proposed Project Governance and Decision-Making Framework for the preliminary project planning stage of the Gold Coast Cultural Precinct.</td>
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<td>CARRIED</td>
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<td>2 That Council note progress on the project planning activity associated with development of the Gold Coast Cultural Precinct and the scheduled intention to report back to Council by January/February 2012 for consideration of the consolidated outcomes of the Cultural Resources Audit and draft Strategic Assessment of Service Requirement submission, including a forecast of the 2012-13 budget required to progress the project.</td>
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<td>3 That a briefing be arranged for Councillors, State and Federal Members and endorsed candidates.</td>
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<td>Cr Crichlow requested her vote in the negative be recorded.</td>
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<th>Description</th>
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<tbody>
<tr>
<td>G11.0624.008</td>
<td>24 June 2011</td>
<td>Gold Coast Cultural Precinct – Community Consultation Outcomes</td>
</tr>
</tbody>
</table>

**RESOLUTION**

Moved Cr Douglas Seconded Cr La Castra

That the Report of the Economic Development & Tourism Committee Meeting held on Tuesday, 21 June 2011 covered by Recommendations numbered ED11.0621.001 to ED11.0621.006 be received.

**CARRIED**

**COMMITTEE RECOMMENDATION**

ED11.0621.006

Moved Cr Grew Seconded Cr La Castra

1. That Council note the overall outcome of the Gold Coast Cultural Precinct consultation program which substantiates that there is significant community support for proceeding with the proposal to develop the Evandale site as the primary cultural precinct for the City (79.9 per cent) and 70.7 per cent supporting the site masterplan presented.

2. That Council note the synthesis of key issues arising through the consultation program as:
   a. **DISTINCTIVE, INNOVATIVE & GREEN:** ensuring design of the precinct is forward-thinking, distinctively Gold Coast in style and sympathetic to the natural environment;
   b. **ACCESSIBLE:** improving public and active transport connections and providing adequate on-site car parking;
   c. **DIVERSE & ACTIVE:** ensuring a greater mix of cultural activities and facilities for all types and ages of people;
   d. **PARKLAND RETENTION & ENHANCEMENT:** maximising access and enhancing the parkland, especially the lake and riverfront edges, for community recreation;
   e. **VALUE:** demonstrating and delivering return on financial investment required for the development;

and that all community feedback be considered and addressed as the project design brief and business case development proceed in the next stage.

1. That the Gold Coast Cultural Precinct Consultation Report and the Communication Report to be made publicly available on the project website.

2. That a Community Engagement Strategy for on-going community information and participation through the life of the project be developed, including particular attention to engagement of visitors and people under 20 years of age.
### Council Report Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
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<th>Details</th>
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| 606 (Cont) | Friday, 24 June 2011 | Gold Coast Cultural Precinct – Community Consultation Outcomes | 3 That a further report be brought back to Council with:  
a. the proposed Project Governance and Decision-Making Framework; and  
b. detail of the project plan for moving the project forward as outlined in the diagram - Attachment 6.7  
4 That the Director Economic Development and Major Projects progress discussions with Queensland and Australian Government agencies with prospective partnership interests in the Gold Coast Cultural Precinct. |

<table>
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<tr>
<th>Resolution</th>
<th>Date</th>
<th>Description</th>
<th>Details</th>
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| 576        | Thursday, 15 February 2018 | Evandale Cultural and Workplace Progress Report No 7 | RESOLUTION G10.0917.009 Moved Cr Douglas Seconded Cr Grew  
CARRIED  
That Committee Recommendation ED10.0914.002 be adopted, with the addition of a part 8, such that it reads in its entirety as follows:  
1 That Council notes the potential city transformation and economic benefits that a redeveloped cultural and civic precinct can bring to the city.  
2 That Council notes the high level cost plan.  
3 That Council proceed with community consultation and the procurement of consultants to progress schematic design for the cultural and civic precinct and that a report be provided to Council presenting the outcomes.  
4 That Council notes the potential funding model which is based on securing funding from State, Federal and private funding partners.  
5 That Council acknowledges the outcomes of the Evandale Taskforce and the Mayor write to the external Taskforce members thanking them for their participation and time in assisting Council.  
6 That Council note that the Evandale Taskforce has endorsed the project scope and seeks Councils support for this endeavour.  
7 That the Evandale Taskforce recommend that Council recognise the significance of the green bridge connections as a component of the project and further recommends their inclusion in the project scope and the necessity for detailed investigations.  
8 That the Director Economic Development & Major Projects bring forward Terms of Reference for the ongoing Taskforce to move the project forward. |
CLOSSED SESSION
LOCAL GOVERNMENT ACT 2009 AND SUPPORTING REGULATIONS

PROCEDURAL MOTION
moved Cr Gates seconded Cr Boulton

That the Committee move into Closed Session pursuant to Section 275(1) of the Local Government Regulation 2012, for the consideration of the following item for the reason shown:-

<table>
<thead>
<tr>
<th>Item</th>
<th>Subject</th>
<th>Reason</th>
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<tbody>
<tr>
<td>6</td>
<td>Kirra Beach Tourist Park</td>
<td>Prejudicial Matter</td>
</tr>
</tbody>
</table>

CARRIED

PROCEDURAL MOTION
moved Cr Tozer seconded Cr O’Neill

That the Committee move into Open Session.
1 BASIS FOR CONFIDENTIALITY

1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the Local Government Regulation 2012 for the reason that the matter involves other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

The purpose of this report is to outline the options available to Council should it wish to discontinue its policy of allowing up to 80 sites at the Kirra Beach Tourist Park to be occupied by permanent residents.

At present there are 69 sites at the Tourist Park occupied by residents under either the:-

1 Manufactured Homes (Residential Parks) Act 2003 (48 sites); and
2 Residential Tenancies and Rooming Accommodation Act 2008 (21 sites).

The Acts contain various provisions to protect the interests of people residing in either a manufactured home or caravan on site.

A full review of these provisions has been undertaken, along with a review of previous case law in this area.

4 PREVIOUS RESOLUTIONS

Ex Minute CS17.0907.004 (in part)

1 That the report remain confidential.

2 That a further report be brought back to the Community Services Committee Meeting scheduled for Tuesday 10 October 2017 at 2pm.

Council’s policy position with respect to sites occupied by permanent residents (pursuant to resolutions G02.0419.048 and C02.1108.010) is as follows:
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

a  With the exception of the Kirra Beach Tourist Park permanent residents under Manufactured Homes (Residential Parks) Act 2003 agreements, all other tourist park sites be progressively vacated over time and under a process of natural attrition, ensuring the availability of additional sites for use by bona fide tourists.

b  Sites devoted to permanent residents under Residential Tenancies and Rooming Accommodation Act 2008 agreements or Storage Van Licences are required to remove their caravan/annexe from site upon exiting the park.

c  Any applications for the construction of structural improvements or fixtures, such as ensuites, at the Tallebudgera Creek, Broadwater, Ocean Beach and Burleigh Beach Tourist Park sites by permanent residents holding a Residential Tenancy Act Agreement will not be approved by Council unless the applicant confirms in writing that they are fully aware of Council’s position that upon vacating the park their caravans/annexes must be removed.

d  Kirra Beach Tourist Park is restricted to a maximum of 80 sites occupied by permanent residents in caravans or relocatable homes.

5 DISCUSSION

Since 2002, Council has maintained a policy of allowing a maximum of 80 sites at Kirra Beach Tourist Park (KBTP) to be occupied by permanent residents in caravans or manufactured homes. For all other tourist parks in the city, a policy of progressively removing permanent sites to make them available to bona fide tourists has been pursued. There are now just 28 permanent resident sites at other tourist parks in the City.

The KBTP is located adjacent to the Gold Coast International Airport, major regional and national roads (including the Gold Coast Highway and Pacific Motorway), public transport (including potentially a future light rail extension), the growing Southern Cross University, internationally popular southern Gold Coast beaches and the retail centres of Coolangatta and Kirra. As the southern Gold Coast continues to grow, it is prudent for Council to consider its permanent resident policy at the KBTP so future Councils are positioned to pursue other options including:

1  An expanded Tourist Park operation with more accommodation for bona fide tourists; or
2  Some form of higher and better use of the land (e.g. for community purposes); or
3  A combination of the above options given the 9.25 hectares available at the site.

With 69 permanent residents living at the site, 48 under the Manufactured Homes (Residential Parks) Act 2003 (MH Act) and 21 under the Residential Tenancies and Rooming Accommodation Act 2008 (RTRA Act), the MH Act and the RTRA Act each provide different protections to long term residents. The provisions under the MH Act are far more onerous than those in the RTRA Act.

The RTRA Act provides that a long term residential tenancy agreement may be terminated by the agreement of the tenant and lessor (the City); or by issuing a notice to leave with at least two months’ notice to vacate (for a periodic agreement); or the later of two months’ notice or the end date of a fixed term agreement (for a fixed term agreement).
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

There are options the City can pursue under the *MH Act*. Pursuant to Section 38(1)(f) of the *MH Act*, Council can apply to the Queensland Civil Administrative Tribunal (QCAT) for an order to terminate a site agreement where Council wishes to use the residential park land, or a part of the park in which the site is located, for another purpose; and that purpose is the subject of a local government approval stating that it is lawful for the park land, or a part of the park in which the site is located, to be used for that purpose.

Given the two separate pieces of legislation, and the different approaches required under each Act, options for acquiring control of these sites are now outlined for both *MH Act* residents and *RTRA Act* residents.

**Acquiring Control of the Sites of Manufactured Home Owners Under the *MH Act***

Having reviewed the *MH Act*, the recommended process for acquiring the sites is by agreement via a written approach made to each owner in the first instance. That approach would outline Council’s desire to obtain full control over the site, but state that Council wishes to respect the needs and legal rights of existing manufactured home owners and negotiate acquisition terms and timeframes that are fair and reasonable to both parties.
Accordingly, in the event that the home owners do not reach a mutual agreement to vacate KBTP, Council will need to:

- Wait until the home owner removes the manufactured home out of KBTP; or
- Wait until the home owner is in a position to sell the manufactured home and, at or during that time, seek to negotiate to purchase the manufactured home; or
- Apply to QCAT to seek orders that the site agreement be terminated pursuant to Section 38(1)(f) of the MH Act.
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

The key issues relevant to this approach are as follows:

- Residents are provided with choices including, if desired, the opportunity to continue residing at KBTP for a further period of time;
- Council is provided with the most certainty reasonably available regarding the future use of KBTP including a likelihood that more sites will be available for tourist use in the short to medium term and a likelihood that all 48 sites currently occupied by manufactured homes will be available in the coming years, subject to QCAT rulings (if applicable);
- Residents could achieve “fair market value” for their manufactured home (a process for determining “fair market value” would need to be agreed);
- This may be financially advantageous to home owners because, if Council achieved a termination order at QCAT Council may be ordered to compensate the home owner only for the costs of removing their home, transporting their home and contents, repositioning their home and contents, and anything else QCAT considers relevant.
- Accordingly, the home owner may not receive as much compensation from a QCAT order as what might be offered by Council, and the home owner will also be able to avoid the time, cost, stress and angst of the process of going through a QCAT proceeding.
- It is also considered that this would be a fair outcome for home owners, many of whom may have paid a premium for their manufactured home given its location at Kirra;
- There would be no need to seek orders from QCAT provided agreement could be reached with all manufactured home owners;

Redacted

Under this approach it is considered likely that home owners would be interested in one or more of the options. As such, it is likely that Council may acquire some manufactured homes and /or sites fairly quickly. The homes acquired could either be on-sold for removal so as to free up the sites for other uses, or renovated as future accommodation to bona fide tourists. Either way Council would receive some return on its outlay.
Acquiring Control of the Sites of Caravan Owners Under the *RTRA Act*

The protections afforded to tenants under the *RTRA Act* are significantly less onerous than those given by the *MH Act*. Essentially, if the tenant is not on a fixed term agreement, the lessor (the City) can provide a notice to leave without grounds to the tenant, requiring the tenant to provide vacant possession of the site within two months or if they are on a fixed term agreement by the later of two months’ notice or the date of the expiry of their lease term.

Council could conceivably take 3 paths:

1. Write to all tenants advising them of Council’s intention to serve a notice to leave within a short timeframe, e.g. two months (the minimum required under the *RTRA Act*) or some slightly longer period, say six to 12 months; or
2. Write to all tenants advising them of Council’s intention to serve a notice to leave within a longer timeframe (to be agreed but basically within a timeframe that would be likely to coincide with the departure of all *MH Act* residents from the KBTP); or
3. As is currently occurring at other Tourist Park sites apply a policy of natural attrition, that is:
   - as each tenant vacates KBTP re-take possession of that site; and
   - if necessary, when Council decides to repurpose or redevelop the site, issue a notice to leave within two months to all tenants that remain at KBTP.

The main benefit to Council of option 1 is that the sites can be obtained in a shorter timeframe and Council could start to benefit from any future investments in KBTP more quickly. Options two or three would obviously see Council obtain access to the sites for future tourism purposes over a longer timeframe e.g. 10 years, but would be a more compassionate approach to long term *RTRA Act* residents who are also, generally, elderly people who might suffer social, financial and health impacts if asked to leave in a shorter timeframe. It is also noted that some *RTRA Act* residents have also made a significant investment to obtain their site at KBTP and would be financially disadvantaged by a shorter lead time to vacate the park.

If option two is pursued it would be advisable to cap the maximum length of lease to a period no longer than the maximum proposed, or subsequently agreed, period for manufactured home owners. Tenants can then stay in their caravans on site until they elect to leave KBTP or upon the termination date expressed in the notice to leave.

Option three is similar to option two; however, would align more closely with the current natural attrition policy position of Council in relation to permanent residents at its other Tourist Parks of natural attrition. The benefit of this option is that allows the resident to depart at a time of their choice and also provides Council with the option to terminate the agreements when they are ready to do so, on at least two months’ notice.
The other key issue for consideration is assignment of manufactured home site agreements and caravan tenancy agreements. With the volume of permanent resident sites (69 in total), the assignment of sites is a reasonably regular occurrence in any given year. For example Council recently received two separate requests to assign Manufactured Home Agreements to new owners.

Both the RTRA Act and the MH Act provide that consent to an assignment must not be unreasonably withheld. Indeed, the MH Act contains a penalty provision for hindering the assignment of a site agreement. Given the desire to recover the permanent resident sites, it is felt that each request for an assignment should be considered on a case by case basis and, if possible, refused if there are reasonable grounds for doing so (e.g. having regard to the terms of the agreement requested to be assigned, the details of the incoming tenants etc.).

It should be noted that QCAT has previously held that transitioning out of the provision of manufactured home sites (and/or permanent sites) in the park is not a reasonable ground for refusing consent to an assignment, so this cannot be relied on. Additionally, it should be made a condition of Council’s consent to any assignment that the resident who wishes to assign their agreement to a new purchaser must provide a copy of Council’s letter that is sent to residents confirming that Council intends to transition out of the provision of permanent sites so that incoming buyers are not misled as to Council’s intentions with respect to the operation of KBTP. As mentioned earlier, the recovery of control of these sites will enable the Community Venues Branch to plan with certainty for the KBTP’s future including the conversion of sites previously used by permanent residents for use by bona fide tourists.

With regard to MH Act residents, the purchase / compensation options discussed in this report will ensure that existing home owners, or their heirs, will not be financially disadvantaged. With regard to RTRA Act residents, or their heirs, their caravans naturally remain their personal property and they retain the capacity to sell the vans, or move them to other locations etc.
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

6  ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The Kirra Beach Tourist Park in its “as is” form contributes to the following Strategic Actions of Gold Coast 2020:

1.0 The best place to live and visit
  1.7 Everyone can enjoy a beach experience
    Our Beaches are open and accessible to everyone.

2.0 Prosperity built on a strong diverse economy
  2.5 We are a globally recognised tourism destination
    Our city attracts visitors from all over the world.

3.0 People contribute to a strong community spirit.
  3.3 Our community is inclusive and supportive
    We are a diverse community where everyone is welcome, families thrive and people know their neighbours.

7  GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Not Applicable.

8  FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

Redacted
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

Costs for Capital Works and Service Proposals

Not Applicable.

People and Culture

Significant community consultation has been required in the past when consideration of sale or changes to the Permanent Residents Policy at KBTP has been mooted. Whilst it is anticipated that the conciliatory approach being proposed by Council will mitigate resident concerns to some extent, there will still be significant work involved in communicating with residents, explaining options, developing new agreements and budgets etc. A dedicated resource may be required to assist in such matters, particularly given the timing of these considerations just ahead of the Commonwealth Games.

9 RISK MANAGEMENT

10 STATUTORY MATTERS

Council must adhere to the provisions of the Manufactured Homes (Residential Parks) Act 2003 and the Residential Tenancies and Rooming Accommodation Act 2008 as outlined in the report.
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

11 COUNCIL POLICIES

Council’s policy position with respect to sites occupied by permanent residents (pursuant to resolutions G02.0419.048 and C02.1108.010) is as follows:

- With the exception of the Kirra Beach Tourist Park permanent residents under Mobile Homes Act agreements, all other tourist park sites be progressively vacated over time and under a process of natural attrition, ensuring the availability of additional sites for use by bona fide tourists.
- Sites devoted to permanent residents under Residential Tenancy Act Agreements or Storage Van Licences are required to remove their caravan/annexe from site upon exiting the park.
- Any applications for the construction of structural improvements or fixtures, such as ensuites, at the Tallebudgera Creek, Broadwater, Ocean Beach and Burleigh Beach Tourist Park sites by permanent residents holding a Residential Tenancy Act Agreement will not be approved by Council unless the applicant confirms in writing that they are fully aware of Council’s position that upon vacating the park their caravans/annexes must be removed.
- Kirra Beach Tourist Park is restricted to a maximum of 80 sites occupied by permanent residents in caravans or relocatable homes.
- When a permanent resident vacates Kirra Beach Tourist Park the structure may remain in place subject to the caravan or relocatable home being permanently occupied and provided:
  - The caravans / relocatables are compliant with regulations
  - The caravans / relocatables are in a good condition
  - The purchaser is an acceptable tenant
- That permanent sites be clearly designated on the Kirra Beach site plan and a consolidation of permanent and tourist sites be achieved as appropriate to the effective operation of the park.

12 DELEGATIONS

Delegation 472: To enter into, vary and discharge leases, licences, permits, assignments, subleases and tenancy arrangements of a routine or minor nature, where Council is the lessee or lessor. Any action approved pursuant to this delegation to be reported to Council on a quarterly basis. The CEO to confer with the Divisional Councillor prior to taking action.

13 COORDINATION & CONSULTATION

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
</tr>
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<tbody>
<tr>
<td>Richard Pascoe</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
<tr>
<td>Paul Vesperman</td>
<td>Lifestyle and Community</td>
<td>Yes</td>
</tr>
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</tbody>
</table>
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

Right to Information (RTI) and Information Privacy (IP) Legislation 2009

Not Applicable.

14 STAKEHOLDER IMPACTS

The following stakeholder impacts are identified for consideration:

- The MHA provides residents with the right to on-sell their home (or lease hold), while Council’s policy currently infers similar rights to those residents on the RTA.
- Guests of the park – planned improvements to the park and associated marketing will support both continued repeat business and new business to the park in future years.
- Businesses surrounding the park may benefit if proposals are able to increase occupancy of the park, as is expected, at a greater rate than currently achieved.

15 TIMING

A flexible buy-back / compensation process that may unfold over several years, as outlined in this report, is preferred and demonstrates a more compassionate approach to existing residents. Appropriate provision will be made in Council’s 10 year financial model and adjusted as required as and when residents commit to timeframes.

Communication with current residents and tenants should be commenced quickly so people are aware of Council’s intentions and can make appropriate decisions about their own futures and/or communicate clearly with others should they wish to sell their site at KBTP in the immediate years ahead.

16 CONCLUSION

Permanent residents have been located at the Kirra Beach Tourist Park (KBTP) for several decades. In 2002 Council took the decision to progressively reduce permanent residents at other Tourist Parks in the City, where Council was not the freehold owner, and to allow a maximum of 80 permanent residents at Kirra.

With ongoing growth on the southern part of the Gold Coast, including major events such as Cooly Rocks On, world surfing tour events etc., KBTP is starting to become a more popular location with future investment earmarked for the site to make it an even more attractive destination for tourists.

To achieve maximum utility from this site, it is important that Council has the capacity to enhance and redevelop the Tourist Park in the years to come and this would be difficult with 69 sites at the park currently set aside for permanent residents in either manufactured homes or caravans.
In the interests of a negotiated transition for residents, this report recommends a progressive phasing out of permanent residents over approximately a 10 year period potentially commencing from 2018/19 depending on the preference of existing residents. This will also give Council certainty from a future planning perspective and ensure reinvestment at KBTP starts to pay dividends almost immediately as some sites are returned to the tourist letting pool immediately as they are vacated.

17 **RECOMMENDATION**

It is recommended that Council resolves as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. That a negotiated process is commenced with existing permanent residents that will lead to all permanent residents vacating the Tourist Park by no later than 30 June 2028.

3. That Council’s Policy in this matter be amended as outlined in the report and that correspondence (as attached) be issued to existing residents at the earliest opportunity.

4. That the CEO be delegated the power to do all things necessary, as outlined in this report, to implement the revised policy approach including, but not limited to, ensuring the protection of Council’s long term interests with regard to alterations, scrutinising all requests for assignments, and ensuring new agreements are only considered on a case by case basis with full disclosure of Council’s intentions to prospective new tenants.

5. That subsequent to negotiations with residents Council’s 10 Year Financial Model be updated appropriately.

---

**Author:** Luke Wallace  
Manager, Office of the CEO  
23 January 2018

**Authorised by:** Alison Ewens  
Director Lifestyle and Community

**TRACKS REF:** #64477021
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

RECOMMENDATION CHANGED AT COUNCIL MEETING 15 FEBRUARY 2018

COMMITTEE RECOMMENDATION LC18.0215.006
moved Cr Vorster seconded Cr Tozer

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council’s Policy in this matter be amended as outlined in the report and that correspondence (as attached) be issued to existing residents at the earliest opportunity.

3 That a negotiated process commence as per the report.

4 That the CEO be delegated the power to do all things necessary, as outlined in this report, to implement the revised policy approach including, but not limited to, ensuring the protection of Council’s long term interests with regard to alterations, scrutinising all requests for assignments, and ensuring new agreements are only considered on a case by case basis with full disclosure of Council’s intentions to prospective new tenants.

5 That subsequent to negotiations with residents Council’s 10 Year Financial Model be updated appropriately.

CARRIED

Cr O’Neill requested that her vote in the negative be recorded
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

COUNCIL MEETING 15 FEBRUARY 2018

RESOLUTION  G18.0227.006  moved Cr Vorster  seconded Cr La Castra

That Committee Recommendation LC18.0215.006 be adopted as printed which reads as follows:-

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.
2. That Council’s Policy in this matter be amended as outlined in the report and that correspondence (as attached) be issued to existing residents at the earliest opportunity.
3. That a negotiated process commence as per the report.
4. That the CEO be delegated the power to do all things necessary, as outlined in this report, to implement the revised policy approach including, but not limited to, ensuring the protection of Council’s long term interests with regard to alterations, scrutinising all requests for assignments, and ensuring new agreements are only considered on a case by case basis with full disclosure of Council’s intentions to prospective new tenants.
5. That subsequent to negotiations with residents Council’s 10 Year Financial Model be updated appropriately.

CARRIED
ITEM 6 (Continued)
KIRRA BEACH TOURIST PARK
LG211/898/15(P15)

Attachments Redacted
ITEM 7
NAMING OF CULTURAL PRECINCT LOOKOUT AND TRAIL
FN334/375/02(P41)

COMMITTEE RECOMMENDATION LC18.0215.007
moved Cr Vorster seconded Cr Gates

That the lookout and trail that meanders over the top of the Cultural Precinct's outdoor space be named as the Hicks Family Lookout Trail in honour of Charles Hicks and his family and their contributions to our City over the years.

CARRIED

There being no further business the meeting closed at 3.04pm.
These Pages
Numbered 1 to 111
Constitute The Adopted Report Of The Meeting
Of The Lifestyle and Community Committee
Held Thursday 15 February 2018