

# Agenda

## **Ordinary Meeting**

**Tuesday, 30 April 2019**

**commencing at 9:00am**

**Council Chambers, Corner Currie and Bury Streets, Nambour**



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**1 DECLARATION OF OPENING**

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

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

That the Minutes of the Ordinary Meeting held on 28 March 2019 be received and confirmed.

**5 INFORMING OF PERSONAL INTERESTS****5.1 MATERIAL PERSONAL INTEREST**

Pursuant to Section 175C of the *Local Government Act 2009*, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the Councillor's material personal interest in the matter and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

**5.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST**

Pursuant to Section 175E of the *Local Government Act 2009*, a Councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees, must inform the meeting about the Councillor's personal interest the matter.

The other Councillors must then decide

- (a) whether the Councillor has a real conflict of interest or perceived conflict of interest in the matter and
- (b) if they decide the Councillor has a real conflict of interest or perceived conflict of interest in the matter
  - (i) whether the Councillor must leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on, or
  - (ii) that the Councillor may participate in the meeting in relation to the matter, including by voting on the matter.

**6 MAYORAL MINUTE****7 PRESENTATIONS / COUNCILLOR REPORTS**



**8 REPORTS DIRECT TO COUNCIL****8.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE TO ESTABLISH A HOTEL - 6 BEDDINGTON ROAD, DOONAN**

File No: MCU18/0243

Author: Principal Development Planner  
Customer Engagement & Planning Services GroupAttachments: Att 1 - Detailed Assessment Report.....17  
Att 2 - Proposal Plans .....35

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0243>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	IB Town Planning
<b>Owner:</b>	Doonan Property Pty Ltd J Jones Investments Pty Ltd NLA Hotel Investments Pty Ltd
<b>Consultant:</b>	IB Town Planning
<b>Proposal</b>	Development Permit for Material Change of Use of Premises to Establish a Hotel
<b>Properly Made Date:</b>	5 September 2018
<b>Decision Due Date</b>	6 February 2019
<b>Number of Submissions</b>	148 (142 Properly Made Submissions of which 137 in support and 5 objections)
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Street Address:</b>	6 Beddington Rd DOONAN
<b>RP Description:</b>	Lot 48 RP137354
<b>Land Area:</b>	2.06ha
<b>Existing Use of Land:</b>	Restaurant for 40 persons (not currently operating)
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014 (29 June 2018)
<b>SEQRP Designation:</b>	Rural Living Area
<b>Strategic Plan Designation:</b>	Rural Residential
<b>Local Plan Area</b>	No Local Plan Area applicable.
<b>Planning Zone:</b>	Rural Residential
<b>Assessment Type:</b>	Impact

## PURPOSE

The purpose of this report is to seek Council's determination of an application for a Development Permit for Material Change of Use of Premises to Establish a Hotel at 6 Beddington Road, Doonan.

The application is before Council at the request of the Divisional Councillor, S Robinson.

## EXECUTIVE SUMMARY

The application seeks approval for a development permit for a material change of use of premises to establish a hotel at 6 Beddington Road, Doonan. The proposal converts an existing building, which was approved and used historically as a restaurant, into a hotel with an expanded outdoor area and bottle shop.

The site is located in the Rural residential zone, which does not support non-residential uses that are not small scale or compatible with the character of the area. The previous approval for a restaurant on this site accommodated 40 persons. Given the proposal significantly increases the number of people that can visit the site, the development does not comply with the *Rural residential zone code*.

The site is also affected by the *Flood hazard overlay code*. The nature of flooding in the area is flash flooding with floodwaters rising quickly providing very limited time for people to evacuate prior to flooding. As floodwaters rise, the entire site becomes inundated during major flood events. The site becomes isolated with little warning time, and then is completely inundated. Therefore, approval of the application potentially puts additional people at risk of a known flood hazard.

It has not been demonstrated that the existing waste (sewerage) treatment facility on site can accommodate the intended increase in use.

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

## OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Development Application for a Material Change of Use to establish a Hotel - 6 Beddington Road, Doonan"**
- (b) REFUSE application number MCU18/0243 for a Development Application for a Material Change of Use to establish a Hotel - 6 Beddington Road, Doonan for the following reasons:**
  - (i) The proposal conflicts with the *Strategic Framework* of the Sunshine Coast Planning Scheme 2014**
  - (ii) The proposal conflicts with the *Flood hazard overlay code* of the Sunshine Coast Planning Scheme 2014**
  - (iii) The proposal conflicts with the *Rural residential zone code* of the Sunshine Coast Planning Scheme 2014**
  - (iv) The proposal has not demonstrated that it can be provided with a satisfactory on-site effluent treatment system, and**
  - (v) The applicant has not demonstrated sufficient grounds to justify approval despite the conflicts with the Planning Scheme and the proposal cannot be conditioned to comply.**



## FINANCE AND RESOURCING

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

## CORPORATE PLAN

**Corporate Plan Goal:** *Service excellence*

**Outcome:** 4.4 - Service quality assessed by performance and value to customers

**Operational Activity:** 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

## CONSULTATION

### Councillor Consultation

The Divisional Councillor S Robinson has requested the matter be brought to Council for consideration.

### Internal Consultation

The application was referred to the following Council specialists:

- Development Engineer, Engineering and Environment Assessment Team, Development Services
- Principal Hydraulic Development Engineer, Engineering and Environment Assessment Team, Development Services
- Landscape Officer, Engineering and Environment Assessment Team, Development Services
- Environmental Health Officer, Engineering and Environment Assessment Team, Development Services
- Urban Design Officer, Planning Assessment Team, Development Services
- Plumbing Officer, Building and Plumbing Services, Development Services
- Coordinator, Planning Scheme and Projects, Strategic Planning

Their assessment forms part of this report.

### External Consultation

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a referral agency in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*: The department is a concurrence agency for development occurring on a State Controlled Road.

The Department responded by letter dated 16 October 2018 stating that they had no requirements for the application.

### Community Engagement

The application was publicly notified for 15 days between 19 November 2018 and 7 December 2018 in accordance with the requirements of the *Planning Act 2016*. A total of 148 submissions were received, of which 142 were determined to be 'properly made' in accordance with the *Planning Act 2016*.

Of the 142 properly made submissions, 137 were in support of the development and 5 were against.

A summary of the issues raised by submitters together with a response is provided in the Detailed Assessment Report at Attachment 1.

**PROPOSAL**

The application seeks approval for a development permit for a material change of use of premises to establish a hotel at 6 Beddington Road, Doonan.

The proposal is to convert an existing building, which was approved and used historically as a restaurant, into a hotel with an expanded outdoor area and bottle shop. The existing building has a gross floor area of 595m<sup>2</sup> comprising a licensed restaurant and caretaker’s residence. The total floor area of the proposal is 2,180m<sup>2</sup> as detailed below:

Ground floor – Hotel including restaurant	250m <sup>2</sup>
First floor – Hotel including functions and storage area	225m <sup>2</sup>
Second floor – Ancillary office area for Hotel	120m <sup>2</sup>
Outdoor area associated with use	1465m <sup>2</sup>
Bottle shop	120m <sup>2</sup>

A total of 65 car parking spaces are proposed with 28 of these already existing on the premises.

The site is located on the corner of Eumundi-Noosa Road and Beddington Road on the northern edge of the Sunshine Coast Council boundary with Noosa Council. The location of the subject site in relation to its surrounds is shown in Figures 1 & 2 below:

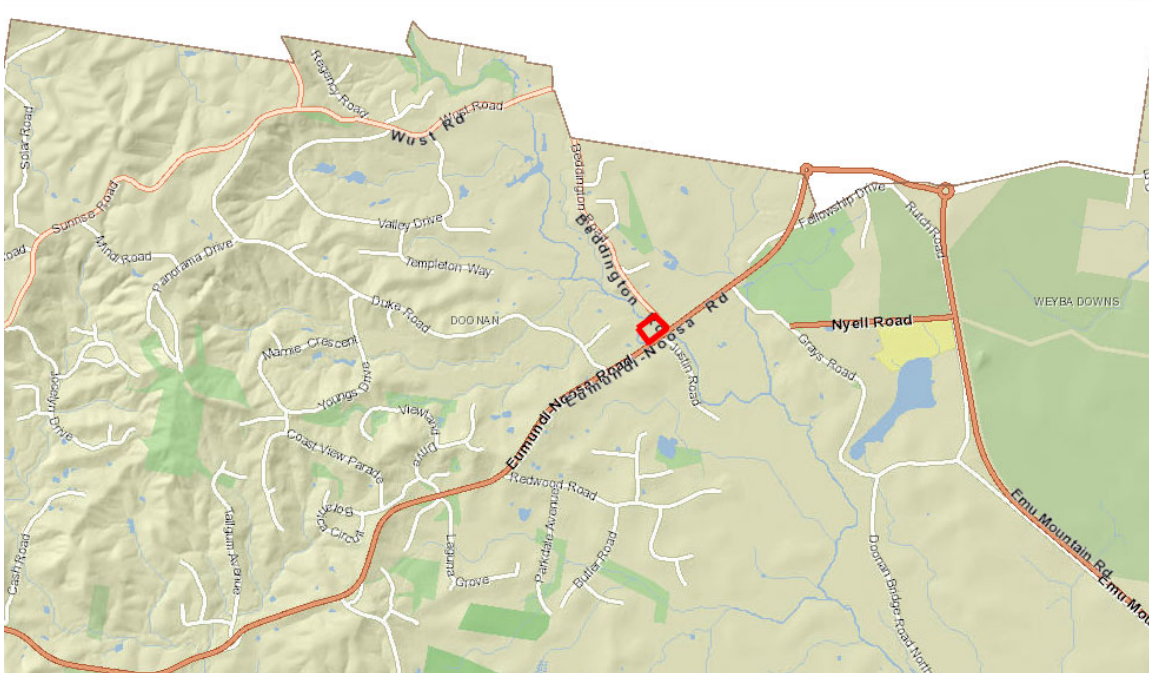


Figure 1 – Location Plan

There are a range of commercial uses within proximity to the subject site along Eumundi-Noosa Road, including a garden centre, fruit shop, café and real estate office in a small ‘hub’ on the southern side of Eumundi–Noosa Road north east of the subject site.



Figure 2 – Aerial photo of the subject site

#### Development History of Site

Council, at a General Meeting on 18 December 1997, granted a Town Planning Consent Permit (permit number C977070) for a Catering Shop (Restaurant) and a Caretakers Residence within the existing two storey building located on the site. The application was lodged as a result of enforcement action taken by Council in respect of the premises being used for 'functions' without approval. The original application proposed to have a capacity of 80 people, but was later amended by the applicant to limit the capacity to 40 persons (due to limitations of the existing on-site sewerage treatment facilities) with the provision of 23 car parking spaces. The restaurant operations were approved for the ground floor with the caretaker's residence being located on the mezzanine (first) floor.

An application was refused at an Ordinary Council meeting on 12 March 2009 for the redevelopment of the existing restaurant (Council Reference MCU07/0195). The proposed Hotel (tavern) comprised approximately 1,091m<sup>2</sup> floor area comprising internal dining and bar areas, terrace dining areas, a gaming lounge for 40 machines, TAB services and bottle shop. The proposed dining area (seating) was for 140 people. An outdoor children's play area was provided from the dining areas, with a cleared grassed area behind the tavern.

The site has been used as a restaurant/café in recent years, with a number of different operators. A site inspection in September 2018, shortly after the current application was lodged, revealed that the building is currently empty and not in use as a restaurant.

#### Assessment

The following sections relate to the provisions of the Planning Scheme.

##### *Land Use*

A hotel is an inconsistent use and not intended to occur in the rural residential zone.

The purpose and overall outcomes of the Rural residential zone code identify that:

- *Non-residential uses are limited to small scale and low density rural activities that are compatible with the rural residential character and amenity of the prevailing rural residential character of the surrounding locality*

- *Development incorporates a high level of residential amenity, personal health and safety and protection for property*
- *Development is designed and sited to sensitively respond to the physical characteristics and constraints of land including flooding, steep land landside hazard and bushfire hazard, where applicable*
- *Development is provided with an appropriate level of services and infrastructure that maintains public health, ensures the safety of buildings and works and avoids negative impacts on the natural environment.*

The development does not comply with the purpose and overall outcomes of the Rural residential zone code for the following reasons:

- The use is proposed to change from an approved small scale restaurant (capped at 40 patrons) contained within an existing building, to a hotel that expands the possible numbers of persons at the site at any one time. The development includes a bottle-shop which adds to the commercial presence on the site.
- The expanded use also includes a large outdoor area which will locate patrons outside the building and create the potential for noise nuisance.
- The change in use will result in higher levels of activity on the site, increasing the number of people to the area, resulting in increased cars on the roads.
- The development is not responsive to the flood hazard that exists locally in Doonan which is addressed below.
- The applicant has not demonstrated that the development is provided with a satisfactory level of services and infrastructure (on-site effluent treatment and disposal) as detailed below.

Given this, consideration has been given to the Strategic Framework of the Sunshine coast Planning Scheme 2014. The proposal for a hotel in the Doonan rural residential zone compromises achievement of Specific outcome 3.4.3.1 (c) of Element 2 – Sunshine Coast Activity Centre Activity Network as follows:

- (c) *Development does not undermine or compromise the activity centre network either by inappropriately establishing centre activities outside of an activity centre or proposing a higher order or larger scale of uses than intended for a particular activity centre*

The development is likely to compromise the defined activity centre network by locating a commercial 'urban' type use in a rural residential area. It is acknowledged that there is already a commercial presence on the site, but the planning scheme does not identify this site as one that could expand, and the development has the potential to conflict with the surrounding rural residential community be exacerbated by an expanded commercial use.

### Flooding

The entire site is affected by the Flood hazard overlay mapping as Figure 3 indicates:

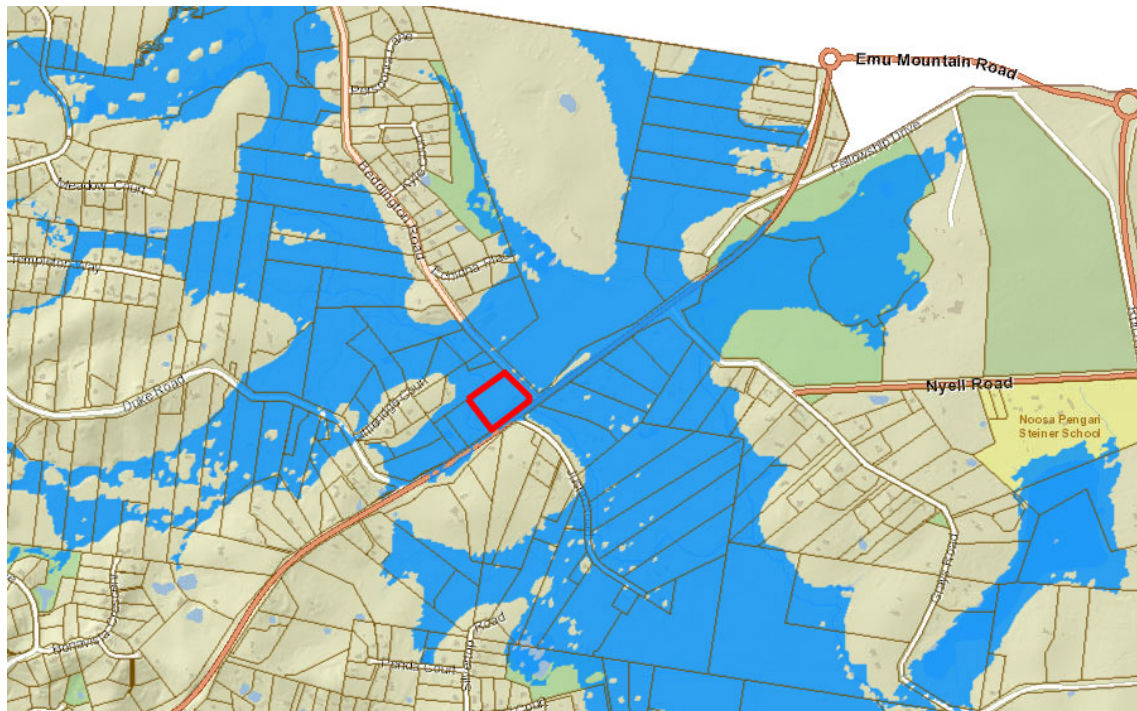


Figure 3 – Flood hazard overlay mapping

The Acceptable outcome is replicated as follows:

*Development provides an effective evacuation route that remains passable, with sufficient flood warning time, to enable people to progressively evacuate to areas above the Probable Maximum Flood or probable maximum storm tide in the face of advancing flood or storm tide waters for events exceeding the defined flood event or defined storm tide event.*

OR

*Development incorporates building floor levels or surface levels within each lot, as adequate safe refuges, that are above the probable maximum flood or probable maximum storm tide.*

Based on the flooding information available, the site would need to be evacuated for events greater than the 1 in 5 Annual Exceed Probability (AEP) or less. For events greater than the 1 in 5 AEP, a small passenger car or sedan in the car-parking area is likely to potentially be affected by flood water. Reporting indicates that flood free access to and from the site would typically only be possible in events less than a 1 in 2 AEP.

In addition, the State Planning Policy requires (among other things) that the development mitigates the risks to people and property to an acceptable or tolerable level. A Flood Emergency Management Plan was submitted detailing how the flood risk is proposed to be managed. The key elements to the plan include implementing a flood warning system, early evacuation and if evacuation is not possible then 'shelter in place'.

The nature of flooding in the area is flash flooding with floodwaters rising quickly providing very limited time for people to evacuate prior to flooding. As floodwaters rise, the entire site becomes inundated during major flood events. The site becoming isolated with little warning time, and then becoming completely inundated is considered to be a dangerous situation.

The proposal plans indicate that approximately 126 table spaces could be provided, with further space for standing space such as the fire-pit area, children's playground, cellar door area etc. In this regard, it is clear that there would be more than 40 patrons accommodated on site.

The applicant did not provide sufficient information to demonstrate that all expected patrons could be adequately accommodated in safe refuge. The reporting indicated that approximately 150 people (based on a gross floor area of 465m<sup>2</sup>) could 'shelter in place'. However, the site could potentially accommodate more than 150 people in areas that are not defined as 'gross floor area' such as the extensive outdoor areas that are to be used for outdoor dining etc.

The associated performance outcomes of the *Flood hazard overlay code* requires:

*Development does not compromise the safety of people resulting from the residual flood or storm tide inundation risk associated with events exceeding the defined flood event or defined storm tide event up to and including the probable maximum flood or probable maximum storm tide*

It is considered that the proposed development puts additional people at risk of a flood hazard.

Further, the development does not comply with Strategic outcome 3.10.5.1 (d) of Element 4 – Flooding as follows:

(d) *Development ensures that:*

- (i) *The flood storage and conveyance capacity of floodplains and waterways is maintained or enhanced*
- (ii) *Natural hydrological systems, landforms and drainage lines are protected*
- (iii) *There is no worsening in flood conditions*
- (iv) *Areas of community isolation are not created*
- (v) *Floor levels for habitable rooms are located above the defined flood event and defined storm tide event*

The development worsens an existing situation whereby patrons (of the restaurant) may become trapped during periods of flash flooding. Likewise, the development could potentially result in significant community isolation of a large number of locals (including children) who may be at the hotel during a flood event. This potentially creates a situation that puts more people at risk of being trapped and isolated at a commercial premises during a flood event.

In summary, the proposed development puts additional people at risk of a flood hazard and does not comply with the purpose and overall outcomes of the Flood hazard overlay code or the Strategic Framework.

#### *Onsite effluent disposal*

The site is in the Rural residential zone and is not connected to a reticulated sewerage supply. As such, the proposed development must rely on treatment and disposal of effluent 'on site'. The site is already provided with an on-site effluent disposal system which is proposed to be upgraded to cope with the expansion of the commercial use.

At this time, the equation to calculate the land application area has not been provided in full. The calculation requires a peak load of Equivalent Persons (EP) at one time, not an assumption of litres/day.

At this time, there is insufficient information to demonstrate that the proposed effluent treatment and disposal strategy can adequately cater for the development.

### *Noise amenity*

An acoustic assessment was provided that clarifies that live and amplified music levels achieve the relevant noise criteria. Whilst this may impact upon the ability of the venue (if approved) to provide substantial entertainment, the operators would be able to provide low-key outdoor entertainment along with slightly louder music levels inside the building.

It is noted that the assessment demonstrates that the noise limits specified within the *Environmental Protection (Noise) Policy 2008* can be achieved particularly in regard to 'background creep'. This means that the noise levels from the proposed use are not likely to be generally distinguishable above the background noise levels in the area. Whilst noise may be heard from time to time, it should generally blend with existing background noise levels currently dominated by road traffic noise and normal ambient noises within a rural residential setting.

In this regard, conditions could be applied to ensure that the proposed could operate without compromising the rural residential amenity of the local area.

### *Assessment Conclusion*

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

### **Legal**

There are no legal implications relevant to this report.

### **Policy**

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

### **Risk**

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

### **Previous Council Resolution**

#### **Ordinary Meeting 12 March 2009 (OM09/072)**

*That Council REFUSE Application MCU07/0195 by Marcoola Custodians Ltd Tte for Material Change of Use (Hotel) at 6 Beddington Road Doonan described as Lot 48 RP 137354, on the grounds identified below, pursuant to the provisions of Section 3.5.5 (Impact Assessable) of the Integrated Planning Act 1997.*

### **REASONS FOR REFUSAL**

*The application is recommended for refusal for the following reasons:*

- 1. The proposal (Hotel) is for an urban commercial land use that is not of a scale or nature supported by the Planning Area or Precinct Intents, the DEOs or the relevant Strategic Objectives, particularly DEO 3 & 6, Strategic Objectives 3.5.5 and 3.5.6 of the Urban Strategy, Objective 4.4.1 of the Retail and Commercial Strategy (local centres), and Objective 7.4.4 of the Visual Amenity Strategy.*
- 2. The proposed scale of the Hotel prevents the achievement of key environmental performance requirements relating to the width of riparian buffers to Doonan Creek. The proposal particularly has not demonstrated compliance with the Code for*

*Waterways and Wetlands, and conflicts with Objectives 10.5.2, 10.5.3 and 10.5.4 of the Natural Resources Strategy.*

3. *The proposed filling requirements for the site impact upon the flood plain storage capacity requirements for the site and do not adequately demonstrate that non-worsening can be achieved downstream. The proposal particularly has not demonstrated compliance with the Code for Integrated Water Management in respect of flooding and water quality management.*
4. *The proposal does not achieve the required car parking provisions for a use of that scale and has not provided sufficient justification for the reduced rate. The proposal therefore conflicts with the Code for Transport, Traffic and Parking. Increased parking requirements will further adversely impact upon buffers and filling requirements, therefore also conflicting with the Code for Waterways and Wetlands, the Code for Integrated Water Management and the related Strategic Objectives under the Natural Resources Strategy.*
5. *The proposal has not demonstrated planning grounds supporting the proposal, or that benefits would arise from the development, that could be considered sufficient to override the significant conflicts with the Planning Scheme as identified above.*

### **Related Documentation**

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

A copy of the proposed architectural drawings are provided as Attachment 2 to this report.

### **Critical Dates**

Council's decision for the application was due on 6 February 2019. Given a decision has not been made by this date, the applicant may elect to take a deemed refusal. This results in the decision being taken to the Planning and Environment Court to consider the matter.

### **Implementation**

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.



## 8.2 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT AT 82 STEGGALLS RD, YANDINA

<b>File No:</b>	REC15/0127
<b>Author:</b>	Senior Development Planner Customer Engagement & Planning Services Group
<b>Appendices:</b>	App A - Approval Conditions ..... 49
<b>Attachments:</b>	Att 1 - Detailed Assessment Report ..... 63 Att 2 - Amended Concurrence Agency Response ..... 79 Att 3 - Proposed Plans of Layout ..... 85

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=REC15/0127>

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Tiprush Pty Ltd
<b>Owner:</b>	Tiprush Pty Ltd
<b>Consultant:</b>	Covey Associates Pty Ltd
<b>Proposal:</b>	Development Permit to Reconfigure a Lot (1 Lot into 23 Lots and Reserve)  <i>Note: The original application lodged was for a Development Permit to Reconfigure a Lot (1 Lot into 48 Lots, 2 Drainage Reserves and Environmental Reserve)</i>
<b>Properly Made Date:</b>	15 July 2015
<b>Decision Due Date:</b>	19 February 2019
<b>Number of Submissions:</b>	131 properly made 5 not properly made
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	10
<b>Street Address:</b>	82 Steggalls Rd, YANDINA
<b>RP Description:</b>	Lot 343 CG228
<b>Land Area:</b>	63,460m <sup>2</sup>
<b>Existing Use of Land</b>	Vacant bushland lot
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Maroochy Plan 2000 (16 September 2013)
<b>SEQRP Designation</b>	Urban Footprint
<b>Strategic Plan Preferred Dominant Land Use:</b>	Urban
<b>Planning Area:</b>	Yandina
<b>Planning Precinct:</b>	Yandina North (Neighbourhood Residential)
<b>Assessment Type:</b>	Impact

## PURPOSE

The purpose of this report is to seek Council's determination of an application for a Development Permit to Reconfigure a Lot (1 Lot into 23 Lots and Reserve) at 82 Steggalls Road, Yandina. The application is before Council at the request of the Divisional Councillor G Rogerson and due to the significant public interest.

The application is assessed against the superseded *Maroochy Plan 2000* (16 September 2013).

## EXECUTIVE SUMMARY

The application seeks approval for a residential subdivision comprising 23 urban residential lots, new road and environmental reserve.

The proposal as originally submitted in 2015 was not supported due to conflicts with the *Maroochy Plan 2000*, primarily in relation to the extent of vegetation clearing (up to 80% of the site area). The applicant has participated in ongoing negotiations with Council's assessment team and has submitted an amended proposal to substantially reduce the extent of vegetation clearing (35% of the site area).

The amended proposal is considered to meet the requirements of the *Maroochy Plan 2000*, specifically:

- the overall objectives of the Strategic Plan in relation to urban development of land with biodiversity values;
- the intent and desired character for the Yandina Planning Area;
- the purpose and outcomes of the Special Management Area (overlay) codes in relation to nature conservation and biodiversity, bushfire hazard and waterways;
- the purpose and outcomes of the Code for Reconfiguring Lots in relation to overall road layout, minimum lot size and provision of infrastructure; and
- the purpose and outcomes of the other applicable development codes of the *Maroochy Plan 2000*.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Development Application for Reconfiguring a Lot at 82 Steggalls Rd, Yandina" and
- (b) **APPROVE** application no. REC15/0127 for a Development Permit for Reconfiguration of a Lot (1 Lot into 23 Lots and Reserve) situated at 82 Steggalls Road, YANDINA QLD 4561 subject to reasonable and relevant conditions provided at Appendix A.

## FINANCE AND RESOURCING

If Council were to approve this development, Council's Transport and Infrastructure Policy Branch has determined that infrastructure charges would be payable in the amount of approximately \$340,860.

## CORPORATE PLAN

**Corporate Plan Goal:** *Service excellence*

**Outcome:** 4.4 - Service quality assessed by performance and value to customers

**Operational Activity:** 4.4.6 - Position Development Services to effectively meet business and legislative requirements into the future with a focus on statutory assessment and compliance, ensuring timely decision making, positive customer experiences and strong industry engagement.

## CONSULTATION

### Councillor Consultation

The Divisional Councillor, Councillor G Rogerson has been consulted throughout the assessment and has requested the matter be brought to Council for consideration.

### Internal Consultation

The application was referred to the following Council specialists:

- Development Engineer, Development Services, Customer Engagement and Planning Services Group
- Principal Development Engineer, Development Services, Customer Engagement and Planning Services Group
- Principal Environment and Landscape Officer, Development Services, Customer Engagement and Planning Services Group
- Environmental Health Officer, Development Services, Customer Engagement and Planning Services Group
- Urban Design Officer, Development Services, Customer Engagement and Planning Services Group
- Coordinator, Planning Scheme and Projects, Strategic Planning, Customer Engagement and Planning Services Group

Their assessment forms part of this report.

### External Consultation

The application was referred to Department of State Development, Manufacturing, Infrastructure and Planning for concurrence agency assessment in relation to vegetation clearing

The Department responded by letter dated 1 April 2019 imposing conditions to attach to any development approval (refer to Attachment 2).

### Community Engagement

The application was publicly notified for 15 business days in accordance with the *Sustainable Planning Act 2009*. A total of 131 properly made and 5 not properly made submissions were received during public notification of the original development application. All submissions were in objection to the proposal.

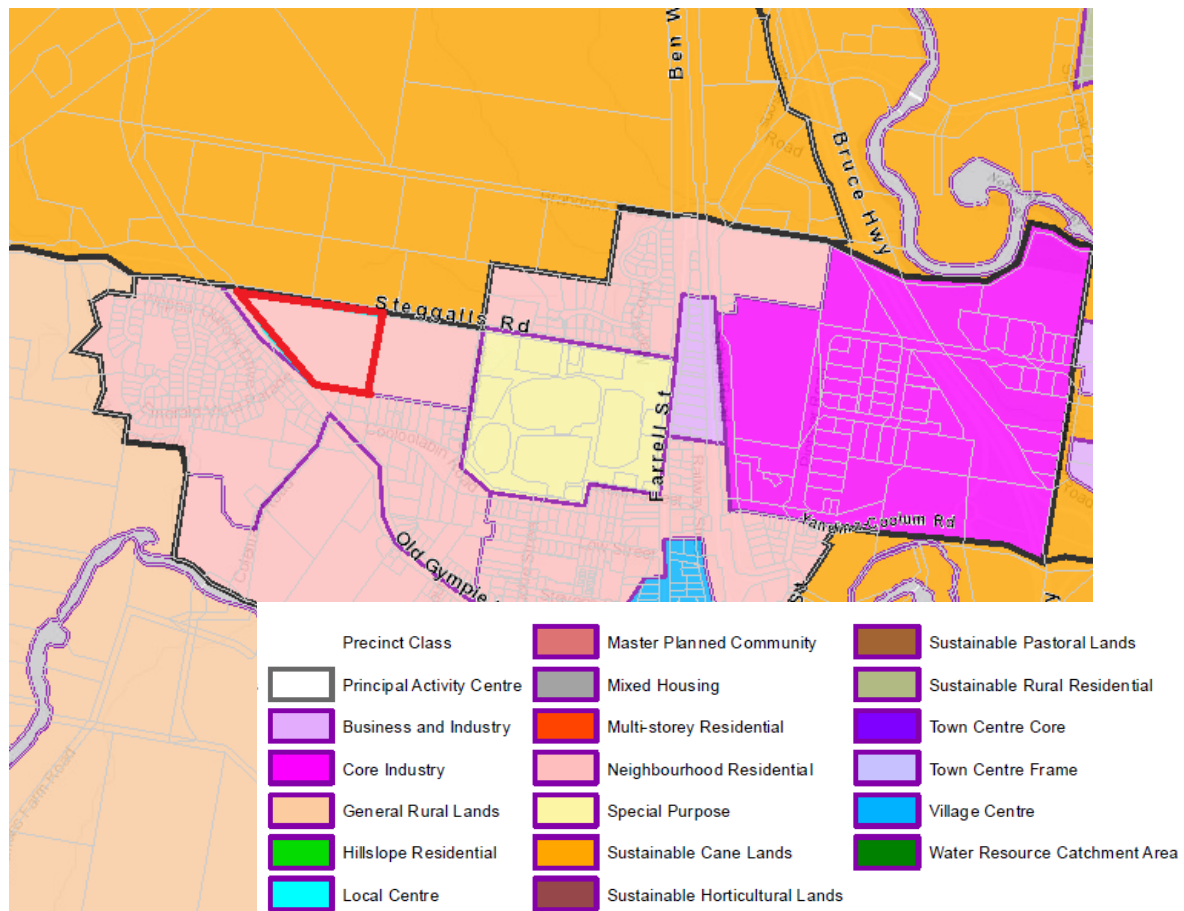
A summary of the issues raised by submitters together with a response is provided in the Detailed Assessment Report at Attachment 1.

**PROPOSAL**

The original development application sought approval under the superseded planning scheme (*Maroochy Plan 2000*) for a Development Permit to Reconfigure a Lot (1 Lot into 47 Residential Lots, Drainage Lot and Environmental Reserve). The proposed lots ranged in area from 600m<sup>2</sup> - 1,104m<sup>2</sup>, with an average lot size of 664m<sup>2</sup>.

In response to ongoing concerns raised by Council’s assessment team, the application was amended on 20 December 2018 to reduce the overall number of lots to 23, with a minimum lot size of 700m<sup>2</sup> and an environmental reserve of approximately 4.04 hectares.

Figure 1 below provides an extract from *Maroochy Plan 2000* showing the Planning Area / Precincts.



**Figure 1: Planning Area/ Precinct Plan (*Maroochy Plan 2000*)**

Figures 2 and 3 below shows the change from the applicant’s proposed development layout from original lodgement in July 2015 to the amended layout submitted in December 2018.



Figure 2: Original proposed layout

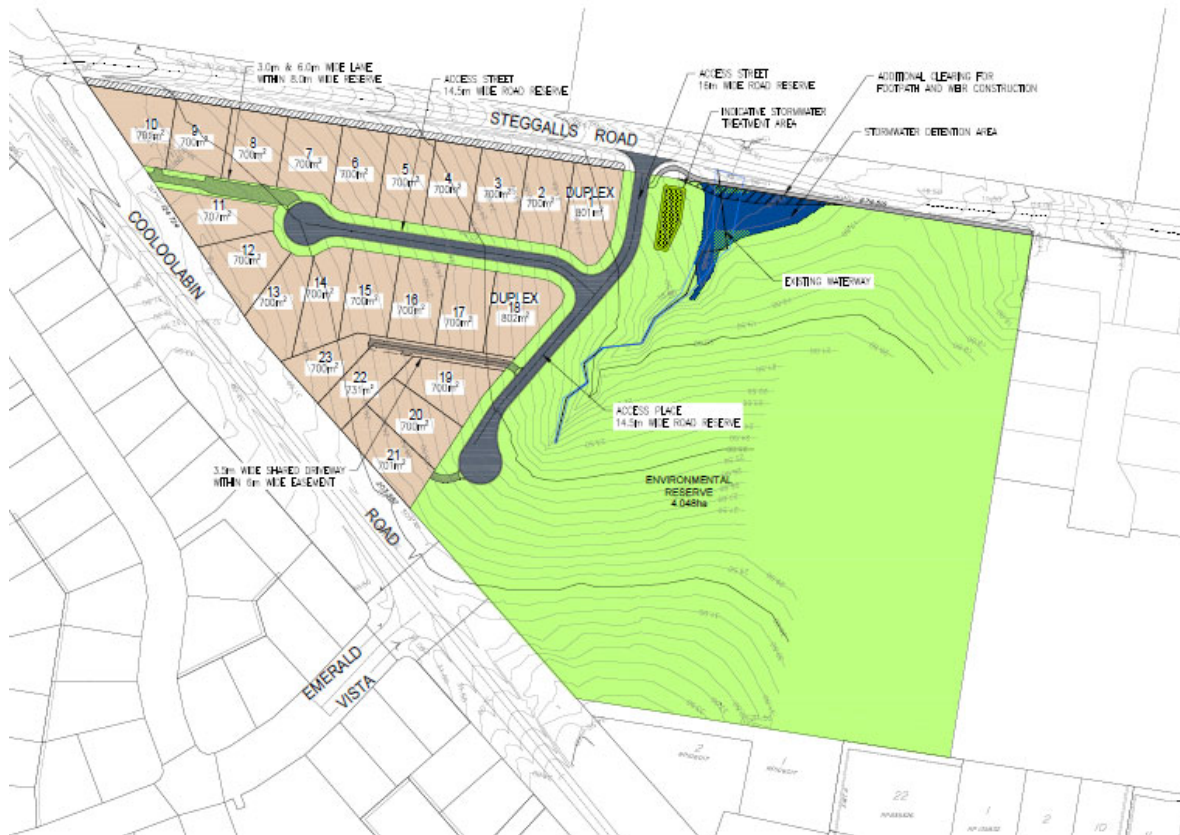


Figure 3 Final amended layout (refer Attachment 3)

**ASSESSMENT**

The application requires assessment against the following statutory planning documents:

- State Planning Policy
- South East Queensland Regional Plan
- Planning Scheme for the local government area – Maroochy Plan 2000

State Planning Policy

Under the *State Planning Policy* (July 2014), the State interest matter of Biodiversity is relevant to this development application. The amended proposal generally meets the requirements of the *State Planning Policy* in relation to biodiversity in that it:

- focusses the development footprint in the least constrained area of the site to minimise significant impacts on matters of state environmental significance; and
- allows for consolidation of significant vegetation with the adjoining bushland reserve to maintain ecological processes and connectivity while minimising fragmentation of areas of environmental significance.

South East Queensland Regional Plan 2009-2031

The site is located within the Urban Footprint of the *South East Queensland Regional Plan 2009-2031*. The intent of the Urban Footprint is to establish a boundary for urban development, however not all land within the Urban Footprint is suitable for development for urban purposes for reasons such as flooding, slope, scenic amenity and the need to protect biodiversity values.

With a maximum cleared area of 36% of the site, the amended proposal is considered to meet the intent of the South East Queensland Regional Plan 2009-2031, Urban Footprint designation and biodiversity outcomes generally.

Maroochy Plan 2000

The applicable planning scheme for the application is the superseded *Maroochy Plan 2000* (16 September 2013).

*Strategic Plan*

The subject land is designated as Urban on the Strategic Plan. The amended proposal generally meets the objectives and implementation measures for the Urban land designation.

*Yandina Planning Area*

The site falls within the Yandina Planning Area - Yandina North (Neighbourhood Residential) Precinct. The intent for this precinct includes the protection of significant vegetation immediately west of the Wonga Park Sports Ground, with new development to be sited and designed to minimise loss of mature vegetation, erosion and extensive earthworks.

The amended proposal involves clearing of 26% of the existing vegetation to accommodate 23 urban residential lots, with an additional 10% clearing for road (firebreak), bio-retention and stormwater detention. The remaining 64% would ultimately be transferred to Council as Environmental Reserve (Bushland Park), consolidating the existing Council-owned reserve immediately to the east that was transferred to Council under development approval REC15/0158.

The current population growth and the release of new land within the urban footprint demonstrate an existing and future demand for residential land within the Yandina Planning

Area. The amended proposal is therefore considered to satisfactorily address the Precinct intent in relation to responding to demand for residential development while protecting the majority of significant vegetation on the site.

#### Special Management Areas (overlays)

The following Special Management Area codes are applicable to this application:

- Code for Nature Conservation and Biodiversity
- Code for Development in Bushfire Prone Areas
- Code for Waterways and Wetlands
- Code for Development in the Vicinity of the Airport

The site is mapped as remnant vegetation containing an “*of concern regional ecosystem*”, and is known to contain a variety of significant flora and fauna habitat for protected birds and arboreal mammals. The Acceptable Measures of the *Code for Nature Conservation and Biodiversity* identify that any clearing of remnant vegetation be minimised to retain at least 70% of the vegetation. This allows for up to 30% clearing of remnant vegetation on the site.

While the original application submitted to Council depicted a clearing rate of up to 80% of the site area, the applicant has significantly reduced the extent of proposed clearing to 36% of the site. All clearing would be effectively “compensated” by vegetation offsets imposed by the State in accordance with their concurrence agency response of 1 April 2019. The application is considered to meet the requirements of the *Code for Nature Conservation and Biodiversity*.

The site is mapped as a bushfire prone area (medium hazard). The proposed road layout provides an adequate firebreak between the edge of the retained vegetation and future dwellings in the order of 16 metres. The applicant has also submitted a Bushfire Management Plan which recommends measures for construction of future dwellings and maintenance of firebreaks within road reserves and residential lots. Safe emergency access is also available from the proposed cul-de-sac heads through to the external road network. The application is considered to meet the requirements of the *Code for Development in Bushfire Prone Areas*.

The site is identified as having a watercourse (Stream Order 1) running north-south, generally through the centre of the site. The amended layout provides a setback to the waterway in excess of 10 metres, increasing to at least 20 metres in parts. All existing native vegetation within the setback buffer is to be retained. The application is considered to meet the requirements of the *Code for Waterways and Wetlands*.

Council’s ecology and hydraulic specialists have confirmed that the amended proposal meets *Code for Reconfiguring Lots*

The *Code for Reconfiguring Lots* requires a minimum lot size of 700m<sup>2</sup> for the Yandina Planning Area of 700m<sup>2</sup>. The original proposal included lots down to 600m<sup>2</sup>, however the amended proposal maintains the 700m<sup>2</sup> minimum. Thus, the proposal is consistent with the requirements of the *Code for Reconfiguring Lots* in relation to size and dimensions.

Accordingly, the application is recommended for approval, subject to the conditions contained at **Appendix A**.

#### Legal

There are no legal implications relevant to this report.

#### Policy

The application has been assessed against the *Maroochy Plan 2000* (16 September 2013) and all relevant Council and State policies.

**Risk**

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

**Previous Council Resolution**

There is no previous Council resolution relevant to this report. Refer to Detailed Assessment Report at Attachment 1 for details of previous development applications over this site.

**Related Documentation**

A copy of the officers' full and detailed assessment report is included as Attachment 1 to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application. A copy of the concurrence agency response is provided as Attachment 2 and a copy of the proposed development layout drawings are provided as Attachment 3 to this report.

**Critical Dates**

Council's decision for the application was due on 19 February 2019. Given a decision has not been made by this date, the applicant may elect to take a deemed refusal. This results in the decision being taken to the Planning and Environment Court to consider the matter.

**Implementation**

Council officers will communicate the outcome of Council's resolution to the applicant and submitters as appropriate.





**8.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES (MULTIPLE DWELLING UNITS X 73 AND CORNER STORE)**

**File No:** MCU18/0190

**Author:** Senior Development Planner  
Customer Engagement & Planning Services Group

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To be provided



#### 8.4 PROPOSED EXTENSION TO THOMPSON INSTITUTE, 12 INNOVATION PARKWAY, BIRTINYA

<b>File No:</b>	MPC19/0001
<b>Author:</b>	Senior Development Planner Customer Engagement & Planning Services Group
<b>Appendices:</b>	<p>App A - Details for Notice of Determination for Amended Master Plan No. 5 - Detailed Planning Area Plan ..... 5/366</p> <p>App B - Details for Notice of Determination for Amended Master Plan No. 9 - Existing Site Development Plan ..... 9/366</p> <p>App C - Details for Notice of Determination - New Site Development Plan ..... 13/366</p>
<b>Attachments:</b>	<p>Att 1 - Locality Plan and Site Aerial Photo ..... 25/366</p> <p>Att 2 - Proposed Master Plan No. 108 - New Site Development Plan ..... 27/366</p> <p>Att 3 - Proposed Amended Master Plan No. 5 - Detailed Planning Area Plan ..... 67/366</p> <p>Att 4 - Proposed Amended Master Plan No. 9 - Existing Site Development Plan ..... 125/366</p>

**Link to Development.i:**

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MPC19/0001>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	University of the Sunshine Coast (Thompson Institute)
<b>Owner:</b>	University of the Sunshine Coast
<b>Consultant:</b>	Adams and Sparkes Town Planning
<b>Proposal</b>	<ul style="list-style-type: none"> <li>• Approval of amended Master Plan No. 5 (Detailed Planning Area Plan – Business Village) 2004</li> <li>• Approval of amended Master Plan No. 9 (Site Development Plans 1-6 &amp; 8 – Business Village) 2004</li> <li>• Approval of Master Plan No. 108 (Site Development Plan – Business Village – Precinct 2a) 2019 – 2,096m<sup>2</sup> extension to the Thompson Institute.</li> </ul>
<b>Received Date:</b>	19/12/2018
<b>Request for Further Particulars Date:</b>	Not applicable
<b>Duly Made Date:</b>	05/04/2019
<b>Decision Due Date</b>	04/06/2019
<b>Number of Submissions</b>	Nil
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	3

<b>Property Address:</b>	12 Innovation Parkway BIRTINYA
<b>RP Description:</b>	Lot 13 SP169746
<b>Land Area:</b>	4,402m <sup>2</sup>
<b>Existing Use of Land:</b>	Existing Thompson Institute facility
<b>STATUTORY DETAILS</b>	
<b>Planning Scheme:</b>	Sunshine Coast Planning Scheme 2014
<b>SEQRP Designation:</b>	Urban Footprint
<b>Strategic Framework Land Use Category:</b>	Urban
<b>Planning Area / Locality:</b>	Kawana Waters
<b>Planning Precinct / Zone:</b>	Land Subject to Development Control Plan 1
<b>Assessment Type:</b>	Site Development Plan.

## PURPOSE

The purpose of this report is to seek:

- Council's recommendation to the Minister for Natural Resources, Mines and Energy that the application for minor amendments to Master Plan No. 5 (Detailed Planning Area Plan – Business Village) 2004 be approved
- Council's determination of the application to amend Master Plan No. 9 (Business Village Site Development Plans 1-6 & 8) to remove all reference to Precinct 2a (the subject site) from the Master Plan
- Council's determination of the application for approval of Master Plan No. 108 (Site Development Plan – Business Village – Precinct 2a) 2019. The Site Development Plan (SDP) is intended to facilitate a 2,096m<sup>2</sup> extension to the Thompson Institute (mind and neuroscience facility)
- A delegation to the Chief Executive Officer to decide any applications for minor or administrative amendments resulting from the implementation of Master Plan No. 108.

The Department of Natural Resources, Mines and Energy is the approving authority for amendments to the Detailed Planning Area Plan (DPAP). Council is the approving authority for the proposed new and amended Site Development Plans (SDPs).

The application is before Council as there is no delegation for officers to determine applications for new or amended master plans applying to the site.

## EXECUTIVE SUMMARY

An application has been received from the Thompson Institute over the subject site, which is situated at 12 Innovation Parkway, Birtinya and is owned by the University of the Sunshine Coast (**Attachment 1 – Locality Plan and Site Aerial Photo**). The application has three (3) components and seeks approval of the following:

- Master Plan No. 108 (Site Development Plan – Business Village – Precinct 2a) 2019. The SDP is intended to facilitate a 2,096m<sup>2</sup> extension to the Thompson Institute (mind and neuroscience facility)
- Associated minor amendments to Master Plan No. 5 (Detailed Planning Area Plan – Business Village) 2004
- Associated minor amendments to Master Plan No. 9 (Business Village Site Development Plans 1-6 & 8) to remove all reference to Precinct 2a (the subject site) from the Master Plan.

The proposal relates to part of Precinct 2 of the Kawana Waters Business Village. The proposal involves amendment to the master planning for the site to create a new sub-precinct with its own SDP that would permit the proposed extensions to the Thompson Institute building. The proposed extensions comprise 2,096m<sup>2</sup> gross floor area (GFA) located within a new four storey building on the western part of the site. The new building will consist of a podium level car park and two storeys of research/clinical space above, with elevated walkways at each level connecting to the existing building.

Under Master Plan No. 5 – The DPAP for the Business Village, the maximum yield for each site is controlled through a measure of plot ratio. In this case, the proposed extensions will result in the nominated plot ratio for the site being exceeded. Despite this, Council officers have determined that there is sufficient infrastructure capacity to support the additional proposed yield. Therefore, the applicant seeks an amendment to Master Plan No. 5 to introduce the new sub-precinct 2a and nominate the maximum yield for the site as the total proposed GFA (comprising the existing building and proposed extensions).

In order to facilitate the proposed development, the applicant seeks approval for a new SDP for sub-precinct 2a and consequential amendments to the existing Master Plan No. 9 (the existing SDP for the majority of the Business Village) to remove all reference to the site.

Council officers have consulted with Stockland (the master developer for Kawana Waters) and Unitywater, who have indicated that they have no objections to the proposed development.

All Master Plans (and amendments thereto) are required to maintain consistency with the intent of Development Control Plan 1 – Kawana Waters and the Kawana Waters Structure Plan.

Council officers have assessed the proposed new master plan and amended master plans against the Kawana Waters Development Documents, including Development Control Plan 1 as well as the Kawana Waters Structure Plan and Master Plan No. 5 (Detailed Planning Area Plan – Business Village) 2004. The proposal generally complies with the Development Documents and applicable master plans and it is therefore recommended for approval subject to relevant conditions.

## **OFFICER RECOMMENDATION**

### **That Council:**

- (a) receive and note the report titled "Proposed Extension to Thompson Institute, 12 Innovation Parkway, Birtinya"**
- (b) recommend to the Minister for Natural Resources, Mines and Energy that amended Master Plan No. 5 (Detailed Planning Area Plan – Business Village) 2004 be approved, subject to conditions contained in Appendix A**
- (c) upon approval of amended Master Plan No. 5 by the Minister for Natural Resources, Mines and Energy, approve the amended Master Plan No. 9 (Business Village Site Development Plans 1-6 & 8) 2004, subject to conditions contained in Appendix B**
- (d) upon approval of amended Master Plan No. 5 by the Minister for Natural Resources, Mines and Energy, approve Master Plan No. 108 (Site Development Plan – Business Village - Precinct 2a) 2019, subject to conditions contained in Appendix C and**
- (e) with respect to (d) above, delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of Master Plan No. 108 (Site Development Plan – Detailed Planning Area 2 – Precinct 2a) 2019.**

## FINANCE AND RESOURCING

There are no Council related Financial Contributions triggered with this Site Development Plan application.

The proposed development does not have any financial implications in relation to infrastructure under the Kawana Waters Development Agreement.

The applicant has paid \$14,617 to Council in application fees for the assessment of this application.

## CORPORATE PLAN

**Corporate Plan Goal:** *Service excellence*

**Outcome:** 4.5 - Assets meet endorsed standards for sustainable service delivery

**Operational Activity:** 4.5.3 - Support and facilitate the ongoing delivery of new development and infrastructure in the major development areas of Kawana Waters and Palmview.

## CONSULTATION

### Councillor Consultation

Officers have discussed the proposed development with the Divisional Councillor on a number of occasions.

### Internal Consultation

The application was forwarded to the following internal Council specialists:

- Principal Engineer, Development Services Branch
- Landscape Officer, Development Services Branch
- Environment Officer, Development Services Branch
- Principal Architect, Strategic Planning Branch
- Program Director, Urban Growth Projects Branch
- Principal Engineer, Urban Growth Projects Branch

Their assessment forms part of this report

### External Consultation

The application did not require referral to any referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*.

Stockland (as the Master Developer for Kawana Waters) has provided a letter to Council confirming their support for the proposed extension.

Unitywater was consulted as part of the assessment of the proposed SDP. They have provided conditions which are recommended for inclusion on Council's Notice of Determination.

### Community Engagement

As the land is subject to the Kawana Waters Development Agreement and the Master Planned Community Development Process, public notification was not required for this application.

All master plan applications are publicly available via Council's Development-i online system.

## PROPOSAL

### Background

The *Sunshine Coast Planning Scheme 2014* requires that all land included within the Development Control Plan 1 designation default to the provisions of Development Control Plan 1, as contained within the *Caloundra City Planning Scheme 1996*.

Development Control Plan 1 sets out the Master Planned Community Development Process applicable to the Detailed Planning Area, which applies to the approval of the proposed master plans.

The DPAP for the Business Village (Master Plan 5) was originally approved by Caloundra City Council on 22 February 2001. The most recent version of this master plan was approved on 10 January 2018 (MPC15/0007.02).

The Master Plan containing the individual SDPs for the Business Village (Master Plan 9) was approved by Council on 14 May 2001. The most recent version of this master plan was approved on 10 January 2018 (MPC15/0007.02).

On 24 December 2004, Council issued a Development Permit for Material Change of Use of Premises to establish Offices (10 Tenancies) on the site.

On 24 July 2015, Council confirmed by letter to the university that a change of use within the existing building from Office to Public Purpose (being the university use) would be permitted development and would not require any approval from Council.

The current application is triggered due to the proposed extension to the Thompson Institute exceeding the maximum plot ratio permitted for the site under the current applicable master plans.

The Thompson Institute is a mind and neuroscience facility providing mental health research, teaching and clinical services.

### Application Details

#### Site Information

The site comprises a 4,402m<sup>2</sup> land parcel located on the western side of Innovation Parkway and the eastern side of Kawana Way, Birtinya. The site contains the existing three storey, 3,454m<sup>2</sup> Thompson Institute facility.

#### Proposed Site Development Plan

The proposed SDP (**Attachment 2**) is intended to facilitate the development of a 2,096m<sup>2</sup> extension to the Thompson Institute. The proposed extension is located in the western part of the site and includes four storeys.

On the ground floor, the car parking will be reconfigured and a stairwell and lift provided for access to the new levels above. A total of 77 car parking spaces are proposed at ground level.

The first floor comprises a podium car park with 35 parking spaces.

The second and third floor comprise 2,096m<sup>2</sup> of university research and administration space. This floor area is inclusive of a 5 bedroom emergency overnight accommodation facility located on the second floor. This is considered ancillary to the primary Public Purpose use of the site. Both these floors will be connected to the existing building via a double storey internal link bridge.

The north-western and south-western corners of the site will be converted to deep planting areas containing large feature trees. Once mature, these trees will assist in screening the proposed extension from the north and south. Minimum 3 metre landscaping strips are proposed to the northern, western and southern site boundaries.



The application also seeks Operational Works approval for landscaping.

#### Proposed Amendments to the Detailed Planning Area Plan and Existing Site Development Plan

The existing Detailed Planning Area Plan prescribes a maximum plot ratio for each precinct as a means of controlling development yield. Plot ratio is the ratio of Gross Floor Area (GFA) relative to the size of the site. The DPAP specifies a maximum plot ratio for Precinct 2 of 0.75:1. The subject site is 4,402m<sup>2</sup> in size. As such, under the current DPAP, the maximum GFA of development on the site is 3,301.5m<sup>2</sup>. The total GFA on the site following the proposed extensions will be 5,550m<sup>2</sup> (1.26:1 plot ratio).

The implications of this additional yield have been assessed and are considered acceptable, as discussed below.

If the DPAP were amended to lift the plot ratio for the whole of Precinct 2, this would also increase the development yield of other sites within the Precinct. The infrastructure capacity implications of this have not been assessed. As such, the applicant proposes to extract the site from Precinct 2 and create a new sub-precinct 2a containing the subject site only. The applicant proposes to nominate the maximum yield for sub-precinct 2a as the total GFA proposed on the site (**Attachment 3**). In this way, the additional yield granted for the site will not have any implications on adjoining sites.

The proposed amendments to Master Plan No. 9 are administrative in nature and are designed to remove all reference to the subject land from the master plan (**Attachment 4**). As such, the site will no longer be subject to this master plan.

#### **Assessment of amendments to Detailed Planning Area Plan and existing Site Development Plan**

As outlined above, the applicant proposes to amend the DPAP to increase the allowable development yield (plot ratio) for the site and to amend the existing SDP which applies to the majority of the Business Village to remove all references to the subject site (as it will now have its own site specific SDP)

The additional yield is considered acceptable for the following reasons:

- The submitted traffic report advises that the proposed development would have a negligible impact on Kawana Way. Council's Principal Transport Engineer has reviewed the report and advised that the additional traffic generated by the proposed development is unlikely to result in requirements for external road upgrades.
- Unitywater have advised that sufficient capacity exists in both water and sewer networks to accommodate the additional demand of the proposed extension.
- The development will benefit the local community by expanding on the capacity of the existing Thompson Institute facility, which provides an integrated model of care and research focusing on mental health issues including dementia, suicide prevention, post-traumatic stress disorder and youth mental health.

No new conditions are recommended to be imposed as a result of approving the amended master plans. However, for ease of reference, it is recommended that a consolidated list of all previous conditions applying to each master plan that are still relevant be included in Council's Notices of Determination.

#### **Assessment of proposed new Site Development Plan**

##### Interface with Kawana Way

The proposed extension is located in the western part of the site, adjacent to Kawana Way. The building is setback 9 metres from the Kawana Way frontage and the vehicle ramp to the podium parking level is setback 3 metres.

In order to screen the podium car park and vehicle ramp from Kawana Way, a 5.2 metre high perforated metal screen is proposed to the full length of the western façade. The submitted plans nominally show an image of children playing on this screen. This image has been chosen based on its relevance to the work carried out within the Institute. The final imagery will be subject to Council endorsement, prior to issue of a Building Approval for the development.

The architectural screen will be supplemented by landscaping, including a large feature tree at both the north-western and south-western corners of the site and a row of trees and shrubs along the northern, western and southern boundaries.

The upper levels of the building will feature a continuation of the facade treatment of the existing building, comprising angled sun shading devices to all windows featuring the university's corporate colours.

#### Car Parking

The proposal includes a total of 112 on site car parking spaces, this equates to 1 space per 49m<sup>2</sup> GFA. The parking requirements for this site are based on the 1996 Caloundra City Planning Scheme. In relation to the proposed use ("Public Purpose") the planning scheme requires "sufficient spaces to accommodate the number of vehicles likely to be requiring parking at any given time". The proposal is considered to meet this requirement. Whilst the rate of 1 space per 49m<sup>2</sup> is a lower rate than that required for uses such as Commercial Premises (1 per 30m<sup>2</sup>), it is considered sufficient for this development for the following reasons:

- The applicant advises the proposed extensions will only result in 12 additional staff;
- A parking survey undertaken by the applicant between 15 and 19 October 2018 determined that the average car park occupancy of the existing development during peak times was approximately 60%;
- A condition is recommended requiring a regular bus service be made available for staff, patients and students between the site and the university campus at Sippy Downs.
- Conditions are recommended requiring 40 on-site bicycle parking spaces as well as end of trip facilities. This is based on the Kawana Waters Structure Plan requirement that development in Kawana Waters incorporate best practice facilities for active transport.

#### Landscaping

The applicant proposes to increase the width of the landscaping strips to the western (Kawana Way frontage) and southern boundaries to 3 metres, whilst maintaining the existing 4.3 metre wide landscape strip to the northern boundary. In addition, new 9 metre by 9 metre deep planting areas are proposed in the north-western and south-western corners of the site. These landscaping areas will assist in screening the proposed podium car park structure and vehicle ramp from Kawana Way.

Some of the existing landscaping within the landscaping strip along the Kawana Way frontage is in good health and is providing screening and buffering of the existing car park from the street. The applicant proposes to remove this landscaping and replace anew. However, it is recommended that only the areas of landscape that are poorly performing, bare or dead be replaced. A condition is recommended requiring the addition of trees to ensure adequate spacing of approximately 6 metres.

The two *Cupaniopsis* proposed within the deep planting area in each corner of the car park should be replaced with two feature trees. *Ficus obliqua* are recommended as two trees that will assist in making a green attractive frontage. Conditions are recommended accordingly.

Street trees have also been conditioned to Kawana Way at 6 metre centres. These are subject to Department of Transport and Main Roads approval.

**Legal**

There are no legal implications with respect to this report. Council does however have a legal obligation pursuant to the Kawana Waters Development Agreement to make a determination with respect to the Master Plan applications within the specified timeframes.

**Policy**

There are no policy implications arising from this report.

**Risk**

Council is required to assess and make a decision in regards to Kawana Master Plan applications in accordance with the contractual requirements of the Kawana Waters Development Agreement.

**Critical Dates**

In accordance with section 7.6.3 of DCP-1 Council is required to make a determination by 4 June 2019 (60 days after the application was taken to be duly made).

**Implementation**

Council is required to issue a Notice of Determination to the applicant, the Master Developer (Stockland) and the Department of Natural Resources Mines and Energy (DNRME) within ten (10) working days of Council making its determination.

Council's approval of the new and amended SDPs will only take effect upon approval of the amended DPAP by DNRME.

## 8.5 SUNSHINE COAST PLANNING SCHEME 2014 - PROPOSED CALOUNDRA CENTRE MASTER PLAN AMENDMENT - CONSIDERATION OF SUBMISSIONS

<b>File No:</b>	<b>Council meetings</b>
<b>Author:</b>	<b>Senior Strategic Planner Customer Engagement &amp; Planning Services Group</b>
<b>Appendices:</b>	<b>App A - Amendment Instrument ..... 193/366</b>
<b>Attachments:</b>	<b>Att 1 - Consultation Report ..... 285/366 Att 2 - Explanatory Memorandum ..... 311/366</b>

### PURPOSE

The purpose of this report is to:

- present to Council the outcomes from public consultation on the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Caloundra Centre Master Plan* and
- seek Council's endorsement to proceed with the proposed planning scheme amendment, subject to changes, and to forward to the Planning Minister seeking approval to adopt the amendment.

### EXECUTIVE SUMMARY

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Caloundra Centre Master Plan*, was placed on public consultation from 15 October to 9 November 2018.

During the public consultation period, Council received a total of 64 submissions (including 1 e-petition with 88 signatories) in relation to the proposed planning scheme amendment. Of the submissions received:

- 24 submissions outlined provisional or full support for the proposed planning scheme amendment, including support for the initiatives underpinning the proposed planning scheme amendment and the implementation of the *Caloundra Centre Master Plan*, and support for the proposed increase in building heights for specific key sites.
- 27 submissions (including the e-petition) objected to the proposed planning scheme amendment. The matters raised in submissions objecting to the proposed planning scheme amendment were mostly in relation to the proposed increase in building heights across the Caloundra Centre or for a specific site or area, with some submissions objecting to the proposed zoning change for Felicity Park and land at Industrial Avenue.
- 13 submissions (although not explicitly objecting) raised a range of concerns in relation to specific aspects of the proposed planning scheme amendment, primarily in relation to the proposed increase in building heights and the impact on character, amenity and environmental values and in relation to the provision and location of car parking and public transport facilities and services within the Caloundra Centre.

**Attachment 1 – Consultation Report** provides a summary of the key issues/concerns raised in submissions and Council's proposed response and recommendations.

Having considered all submissions, a small number of changes are proposed to the publicly notified version of the planning scheme amendment. The proposed changes to the planning

scheme amendment are not considered to make the amendment significantly different to the version that was placed on public consultation and therefore do not require re-notification.

In accordance with the *Minister's Guidelines and Rules* under the *Planning Act 2016*, it is recommended that Council proceed with the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Caloundra Centre Master Plan*, with changes, and seek the Planning Minister's approval for Council to adopt the amendment.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Sunshine Coast Planning Scheme 2014 - Proposed Caloundra Centre Master Plan Amendment - Consideration of Submissions"
- (b) having considered all submissions received about the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master Plan, decide to proceed with the proposed planning scheme amendment, with changes (Appendix A)
- (c) delegate authority to the Chief Executive Officer to progress and finalise the proposed planning scheme amendment in accordance with the *Planning Act 2016* and
- (d) adopt the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master Plan, subject to receiving advice from the Planning Minister that Council may proceed to adopt the amendment.

## FINANCE AND RESOURCING

Sufficient funds are available within the Strategic Planning Branch 2018/19 budget to finalise the planning scheme amendment process.

## CORPORATE PLAN

**Corporate Plan Goal:** *A smart economy*

**Outcome:** 1.1 - Strong economic leadership, collaboration and identity

**Operational Activity:** 1.1.3 - Continue to administer the Sunshine Coast Planning Scheme 2014 including progression of Council nominated priority amendments, and responding to changes arising from the ShapingSEQ - South East Queensland Regional Plan 2017, State Planning Policy, local planning investigations and master planning.

## CONSULTATION

### Councillor Consultation

Council officers provided a briefing to the Divisional Councillor T Dwyer, on 15 March 2019, on the outcomes of the public consultation of the proposed planning scheme amendment.

### Internal Consultation

Consultation has occurred with relevant internal officers from the following Groups and Branches within Council:

- Built Infrastructure - Transport and Infrastructure Planning Branch, in relation to stormwater management and flooding issues and concerns raised in relation to the proposed new road link/access from Nicklin Way and

- Economic Development – in relation to the viability and requirements for hotel development.

### **External Consultation**

The proposed planning scheme amendment was sent to the Minister for State Development, Manufacturing, Infrastructure and Planning (the Planning Minister) on 5 January 2018, for consideration of state interests and for approval for Council to proceed to public consultation. On 6 September 2018, the Planning Minister advised that Council may proceed to public consultation, with conditions.

If Council decides to proceed with the proposed planning scheme amendment, the amendment will need to be re-submitted to the Planning Minister to seek approval for Council to adopt the amendment.

### **Community Engagement**

The proposed planning scheme amendment was subject to public consultation from 15 October to 9 November 2018.

The consultation and communications strategy implemented during the public consultation period included:

- Public notice published in the Sunshine Coast Daily prior to the commencement of the public consultation period.
- Copy of public notice, amendment documentation and information sheets made available at all Council offices, the Caloundra Library and on Council's website.
- Written notice (letters and emails) sent prior to the public consultation period to affected and adjoining landowners, which included a series of information sheets about the proposed planning scheme amendment.
- Newsflash issued to all regular planning scheme users and community members that have previously expressed an interest in receiving information about planning and development matters.
- Dedicated webpage on Council's 'Have your say' webpage, including a copy of the public notice, amendment documentation, information sheets and an online submission form.
- Briefings to key stakeholder groups (including Organisation Sunshine Coast Association of Residents (OSCAR), Sunshine Coast Environment Council (SCEC), Caloundra Residents Association, Take Action for Pumicestone Passage (TAPP) and Caloundra Chamber of Commerce.
- Information session held at The Events Centre, Caloundra, on 18 October 2018.
- Various phone, email and counter enquiries.

During the public consultation period, Council received 64 properly made submissions (including 1 e-petition with 88 signatories) in relation to the proposed planning scheme amendment.

**Attachment 1 – Consultation Report** provides a summary of the key issues/concerns raised in submissions and Council's proposed response and recommendations.

### **PROPOSAL**

This report presents to Council the outcomes from public consultation on the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Caloundra Centre Master Plan*.

### Background

In March 2017, Council endorsed the *Caloundra Centre Master Plan*. The *Caloundra Centre Master Plan* seeks to support and encourage future development in the Caloundra Centre, building on its existing strengths, and in keeping with the vision of Caloundra as a 'city of beaches' with spectacular views to the Glass House Mountains and a relaxed coastal character.

Key aspects of the *Caloundra Centre Master Plan* include the promotion of residential and mixed use development to support Bulcock Street, the creation of a new town square and community hub, a new and improved gateway into Caloundra and initiatives to improve transport connections. The Master Plan also includes provision for redevelopment of several Council owned sites as transformative projects to revitalise the Caloundra Centre.

The *Caloundra Centre Master Plan* includes an action plan, which details a range of implementation measures, responsibilities, funding and timing. Action A1.2 requires the preparation of a planning scheme amendment to support the implementation of the *Caloundra Centre Master Plan*, including amendments to zoning, building height provisions and built form requirements for new development in the Caloundra Centre.

To facilitate the implementation of the *Caloundra Centre Master Plan*, Council resolved (at the Ordinary Meeting held on 23 March 2017), to delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress a proposed major amendment to the *Sunshine Coast Planning Scheme 2014* (refer Council resolution OM17/48).

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) - Caloundra Centre Master Plan* was presented to Council at the Ordinary Meeting held on 12 October 2017. At this meeting, Council resolved to forward the proposed planning scheme amendment to the Planning Minister for consideration of state interests and to seek approval for Council to proceed to public consultation (refer Council resolution OM17/197).

On 6 September 2018, Council received advice from the Planning Minister that it may proceed to public consultation, subject to a ministerial condition in relation to the regulation of Places of Worship. The proposed planning scheme amendment was modified in accordance with the ministerial condition and placed on public consultation from 15 October to 9 November 2018.

### Outcomes of public consultation and consideration of issues

Council received a total of 64 properly made submissions in relation to the proposed planning scheme amendment. Of the 64 submissions, 24 submissions outlined provisional or full support for the proposed planning scheme amendment, 27 submissions (including the e-petition) objected to the proposed planning scheme amendment and 13 submissions raised a range of concerns in relation to specific aspects of the proposed planning scheme amendment but did not explicitly object to the proposed planning scheme amendment.

The matters raised in submissions supporting the proposed planning scheme amendment generally included:

- support for the proposed initiatives underpinning the proposed planning scheme amendment and the implementation of the Caloundra Centre Master Plan;
- support for the proposed increase in building heights across the Caloundra Centre and for key sites to facilitate redevelopment and revitalisation; and
- support for an integrated transport system and improved connectivity within the Caloundra Centre.

The matters raised in submissions objecting to the proposed planning scheme amendment were mostly in relation to the proposed increase in building heights across the Caloundra Centre or for a specific site or area, with some submissions objecting to the proposed

change in the zoning of Felicity Park and the land along the eastern side of Industrial Avenue.

The range of issues/concerns raised in submissions, related mostly to:

- the impact of the proposed increased building heights on character, amenity and the environment
- the number and need for four star hotel accommodation in Caloundra and the impact on Caloundra as a family-friendly holiday destination and housing for residents and
- the provision and location of car parking (public and private) and public transport facilities and services.

Some submissions were also received in relation to the key sites (namely Key Site 1 (Top of Town), Key Site 2 (Western Sites), Key Site 3 (Bulcock/Maloja), Key Site 6 (Kronks Motel) and Key Site 7 (Stockland Shopping Centre)). The key issues raised in relation to Key Sites 1, 2 and 3 generally related to the application of building height incentives. Some submitters sought additional height allowance or greater flexibility for the additional height to be triggered irrespective of whether a hotel is proposed or not. Some submissions also objected or raised concerns about specific provisions in the Caloundra local plan code relating to built form, setbacks, site cover, pedestrian through site linkages and street activation.

**Attachment 1 – Consultation Report** provides a summary of the key issues/concerns raised in submissions and Council's proposed responses and recommendations.

In summary, it is considered that:

- The proposed planning scheme amendment has been prepared to facilitate the outcomes sought in the *Caloundra Centre Master Plan*, through amendments to zoning, building height provisions and built form requirements for new development in the Caloundra Centre.
- The proposed planning scheme amendment includes specific provisions which seek to maintain the desired character and identity of Caloundra, consistent with the vision of the *Caloundra Centre Master Plan*, such as generous above podium setbacks and side boundary setbacks, lower site cover requirements to avoid buildings dominating the street and to ensure access to views and sunlight between buildings, and to provide a reasonable level of amenity.
- The proposed building heights are finely balanced between the need to minimise impacts on the prominent public view lines to the Pumicestone Passage and the Glass House Mountains and to provide sufficient incentives at key locations to facilitate the delivery of desired land use outcomes (i.e. four star hotels or integrated vertical retirement/aged care facilities). Any additional increase to the proposed building height incentives are not considered desirable or appropriate. However, there is merit in reconsidering the requirements and distribution of the building height incentives for specific key sites, particularly in terms of how the proposed building height incentives are triggered. It is proposed that the building height incentives for Key Site 1 (Top of Town) continue to apply where a proposal provides for a minimum four-star standard accommodation hotel. However, it is considered reasonable that this incentive apply more broadly across Key Site 1 and as a consequence, review site amalgamation requirements, to provide greater flexibility for design and siting.
- It is proposed that the building height incentives for Key Site 2 (Western Sites) and Key Site 3 (Bulcock/Maloja) are changed to provide flexibility in the provision of either a minimum four-star standard accommodation hotel and/or a vertical retirement facility. It is also proposed to remove the requirement for an aged care facility, noting that these uses may still occur within the proposed 'base' level building heights of 25 metres (or 30 metres where site amalgamation occurs in the case of Key Site 2 (Western Sites)).



- The proposed changes to Key Site 1 (Top of Town), Key Site 2 (Western Sites) and Key Site 3 (Bulcock/Maloja) continue to provide for an appropriate mix of incentives across the Caloundra Centre to incentivise hotel developments as a key economic development priority whilst also retaining potential for vertical retirement living and the contribution that this can make to the vitality of the centre.

#### Summary of recommended changes to the proposed planning scheme amendment

Following consideration of submissions, the below changes are recommended to the public consultation version of the proposed planning scheme amendment:

- change Table 5.9.2 (Caloundra local plan: material change of use), section 7.2.6.3(2)(ff) (Purpose and overall outcomes) and Performance Outcome PO53 of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)), relating to development on properties in the Medium density residential zone fronting the western side of Bowman Road between Gosling Street and Cowan Street, to refer to 'mixed use development' rather than 'mixed use building' to be consistent with the terminology used in the relevant Purpose and overall outcome and to provide for residential uses to occur above or behind non-residential uses
- change Performance Outcome PO4 of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)) to include a requirement for development to provide low reflective glazing
- change Acceptable Outcome AO8 of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)) to reduce the separation requirement between buildings above two storeys from 15 metres to 12 metres to align with side setback requirements
- change Performance Outcome PO29(b) of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)) and Specific Site Note 1 on Overlay Map OVM45H, to remove the requirement for all lots to be amalgamated and replace with a minimum requirement of 3,500m<sup>2</sup> to be amalgamated for development on Key Site 1 (Top of Town) to exceed the maximum building height of 30 metres up to 40 metres
- change the boundary of Key Site 1 (Top of Town) (as shown on Figure 7.2.6A and 7.2.6B (Caloundra Local Plan Elements) and Figure 7.2.6O Key Site 1 (Top of Town)) to include 45 Bombala Terrace to provide for an integrated development outcome
- change the boundary of Specific Site Note 1 (as shown on the Height of buildings and structure overlay map), to apply to all lots included in Key Site 1 (Top of Town) to provide for flexibility of siting and design
- change Performance Outcome PO31(b) of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)) and Specific Site Note 2 on Overlay Map OVM45H, relating to Key Site 2 (Western Sites), to remove reference to 'where for a single tower' and 'where for a second tower' as well as reference to 'residential care facility' and replace with the requirement for development to incorporate a minimum four star standard accommodation hotel and/or a vertical retirement facility to exceed the maximum building height of 25 metres up to 45 metres
- change Performance Outcome PO33 (b) of Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development within Precinct CAL LPP-1 (Caloundra Central)) and Specific Site Note 3 on Overlay Map OVM45H, relating to Key Site 3 (Bulcock/Maloja), to remove reference to 'where for a single tower' and 'where for a second tower' as well as reference to 'residential care facility' and replace with the requirement for development to incorporate a minimum four star standard

accommodation hotel and/or a vertical retirement facility to exceed the maximum building height of 25 metres up to 40 metres and

- change Zone Map ZM45 to include 1 and 3 Edith Street and 25 Maud Street (located on the south-eastern corner of Maud Street and Edith Street) and land bound by Regent Street, Edith Street, John Street and Mary Street, in the Medium density residential zone, to be consistent with the outcomes sought in the adopted *Caloundra Centre Master Plan* and the proposed building height of 12 metres for these properties.

In addition to these proposed changes, minor editorial changes and drafting refinements are also recommended to correct spelling, grammatical or mapping errors and to improve the clarity and efficiency of the proposed planning scheme amendment.

**Appendix A – Amendment Instrument** and **Attachment 2 – Explanatory Memorandum** provide details on the post-consultation changes to the proposed planning scheme amendment. The text changes to the proposed planning scheme amendment are highlighted in yellow in the Amendment Instrument.

### Conclusion

Having considered all submissions received, it is recommended that Council proceed with the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master Plan*, with changes.

The recommended changes are not considered to make the proposed planning scheme amendment significantly different to the version that was placed on public consultation, such that Council can now proceed to seek the Planning Minister's approval for Council to adopt the amendment in accordance with the *Minister's Guidelines and Rules*.

### **Legal**

The proposed planning scheme amendment has been prepared in accordance with the *Minister's Guidelines and Rules*, which sets out the process, under the *Planning Act 2016*, that Council must follow when making and amending a planning scheme.

### **Policy**

The proposed planning scheme amendment aligns with Council's adopted policy framework, including the *Corporate Plan 2018-2022*, *Operational Plan 2018-2019*, *Sunshine Coast Regional Economic Development Strategy 2013* and the *Caloundra Centre Master Plan 2017*.

### **Risk**

The proposed planning scheme amendment will ensure the planning scheme recommendations from the adopted *Caloundra Centre Master Plan 2017* are implemented. Without the amendment, Council will be unable to implement the relevant actions outlined in the Master Plan, including the full realisation of opportunities for redevelopment within the Centre.

### **Previous Council Resolution**

#### **Ordinary Meeting 12 October 2017 (OM17/197)**

*That Council:*

- (a) *decide to amend the Sunshine Coast Planning Scheme 2014 under section 20 of the Planning Act 2017*
- (b) *delegate authority to the Chief Executive Officer to:*
  - (i) *carry out the statutory process to prepare and progress the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master*

*Plan under the Minister's Guidelines and Rules and section 20 of the Planning Act 2017*

- (ii) *forward the proposed planning scheme amendment to the Minister for Infrastructure, Local Government and Planning for approval to proceed to public notification*
- (iii) *publicly notify the proposed planning scheme amendment in accordance with the Planning Act 2017 and the Minister's Guidelines and Rules*
- (iv) *following public notification of the proposed planning scheme amendment and receipt of any submissions, present a further report for formal consideration of the Council*
- (c) *request that the Chief Executive Officer undertake a review of the bonus provisions for key sites incorporated within the final planning scheme amendment within 4 years of the planning scheme amendment taking effect with a view to ensuring the provisions have been utilised in the short term as intended noting Council's intent to revoke the bonus provisions if not taken up*
- (d) *request the Chief Executive Officer to actively work with the owners of identified key sites to assist in the development of hotel and other high priority uses as intended by the bonus provisions incorporated in the planning scheme amendment and*
- (e) *delegate to the Chief Executive Officer to review the draft scheme amendment with the strategic planning team to ensure that Council is the decision making body on the contents of the Draft Planning Scheme Amendment for the Caloundra Centre Master Plan and any changes are to be communicated to Councillors for their feedback.*

### **Related Documentation**

*Planning Act 2016*

Minister's Guidelines and Rules

Sunshine Coast Planning Scheme 2014

Caloundra Centre Master Plan 2017

### **Critical Dates**

The *Caloundra Centre Master Plan* action plan (action A1.2) identifies the progression of related planning scheme amendments as a short term (0-5 years) implementation priority. Given that public consultation on the proposed planning scheme amendment has concluded, it would be desirable to progress and implement the proposed amendment as soon as practicable.

### **Implementation**

If Council decides to proceed with the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master Plan*, with changes, the following actions will be required:

- (a) provide a copy of the Consultation Report to each person who made a properly made submission about the proposed planning scheme amendment
- (b) upload a copy of the Consultation Report to Council's website
- (c) write to the Planning Minister seeking approval to adopt the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Caloundra Centre Master Plan* and
- (d) once approval is received from the Planning Minister, place an adoption notice in the Queensland Government Gazette and the Sunshine Coast Daily and prepare the amended planning scheme for commencement.

## 8.6 PROPOSED VARIATION TO THE 2018-2019 SUNSHINE COAST INTERNATIONAL MISSIONS PROGRAM

<b>File No:</b>	<b>Council meetings</b>
<b>Author:</b>	<b>Senior Project Officer Economic &amp; Community Development Group</b>
<b>Appendices:</b>	<b>App A - Proposed Variation to the Sunshine Coast Council 2018-2019 International Missions Program ..... 113</b>

### PURPOSE

This report seeks endorsement of a variation to the 2018-2019 Sunshine Coast International Missions Program (the Program) to enable Council to fulfill its obligation to be represented in New York City in June 2019 at the Intelligent Communities Forum (ICF). This opportunity has arisen as a result of the nomination of the Sunshine Coast in the global Top7 Intelligent Communities by the ICF and its candidacy for the top Intelligent Community for 2019.

The report also seeks authorisation for Council to send a representative to Xiamen in China in September 2019 to mark the 20<sup>th</sup> anniversary of the Friendship City relationship between Xiamen and the Sunshine Coast.

### EXECUTIVE SUMMARY

On 11 October 2018, Council approved the Report on the Implementation of the International Relations Policy and the 2018-2019 Sunshine Coast International Missions Program.

There were three international missions included in the approved Program. The following two missions will now not take place this financial year –

- the Sunshine Coast Trade Mission to China and Hong Kong and
- the Sunshine Coast Trade and Investment Mission to Singapore, Hong Kong and Japan.

As a result of the Sunshine Coast being named in the global Top 7 Intelligent Communities (the only Australian city in this year's Top 7), the region must (among other criteria) send a delegation/ representative to the Intelligent Community of the Year award announcement in New York City in June 2019, if the region is to be considered for the top award.

The Mayor is the senior elected representative of the Sunshine Coast region and could attend this event. Accompanied by a number of Sunshine Coast business delegates (at their own cost), it is proposed Mayor Jamieson attend the 2019 ICF Global Summit (the Summit), on 12-13 June 2019 where the Intelligent Community of the Year for 2019 will be announced.

To accommodate this opportunity, it is proposed the Program be amended to remove the two missions identified above which will now not take place this year and replace it with the proposed mission to New York City in the United States of America. This will result in a net saving to the previously approved 2018-2019 International Missions program budget of \$23,000.

In line with the Policy, a report will be provided to Council at a future Ordinary Meeting on the conduct of Council's international relationships, missions and delegations in 2018-2019. The learnings and outcomes from the proposed international mission to New York City will be presented in that report. Further, under section 188 of the *Local Government Regulation 2012*, the purpose and costs associated with any international travel undertaken by a Councillor or a Council officer as part of an international mission will be reported in Council's annual report for the relevant financial year.

This year also marks the 20<sup>th</sup> anniversary of the Friendship City relationship between Xiamen and the Sunshine Coast. Coinciding with the annual China International Fair for Investment and Trade (CIFIT), the Xiamen Municipal Government is proposing a celebration to acknowledge this milestone in its relationship with the Sunshine Coast Council and has invited a representative of Council to attend.

Given Councillor McKay has been directly associated with maintaining this relationship through most of its history and her status as an Honorary Citizen of Xiamen, it is proposed that Council authorise her travel to Xiamen in September on behalf of Council. This travel can be undertaken at minimal cost to Council (airfares only, as on-ground costs including accommodation will be met by the Xiamen Municipal Government). A decision on this travel (which will take place in the next financial year) is required as early as possible, as the Xiamen Municipal Government is seeking confirmation of Council attendance in September so that it can proceed with appropriate arrangements to mark the anniversary.

### **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Proposed Variation to the 2018-2019 Sunshine Coast International Missions Program”**
- (b) approve a variation to the 2018-2019 Sunshine Coast International Missions Program as outlined in Appendix A**
- (c) approve overseas travel for the Mayor and a Council officer to participate in the proposed Sunshine Coast International Business Mission to New York City and**
- (d) approve overseas travel for Councillor McKay to Xiamen, China in September 2019 to represent Council at the 20<sup>th</sup> anniversary celebration of the Friendship City relationship between Xiamen and the Sunshine Coast.**

### **FINANCE AND RESOURCING**

The 2018-2019 Sunshine Coast International Missions Program approved by Council in October 2018 nominated a total budget for the three approved missions of \$68,000. As indicated above, two of the originally approved missions will now not take place. The budget allocated to these two missions was \$48,000.

Initial quotations for the Mayor and a Council officer to participate in the proposed international business mission to New York City indicate the estimated cost of travel would be in the order of \$21,000.

While every effort will be made to contain the cost to within the \$21,000 threshold, it is possible that this may be exceeded due to the higher cost of travel and accommodation in the United States when compared with destinations in Asia and/or the impacts of foreign exchange variations. It is considered, however, that the total cost of travel and accommodation associated with the proposed business mission to New York City will not exceed a maximum of \$25,000.

Overall, the cancellation of the two previously approved missions and the approval of the business mission to New York City will result in a net saving of \$23,000 to the approved 2018-2019 International Missions program budget in the Economic Development Branch.

The cost of a return airfare from Brisbane to Xiamen is estimated to cost no more than \$1,100. If approved and purchased prior to the end of the financial year, this cost can be met from savings in the existing 2018-2019 operational budget for International Missions in the Economic Development Branch. The travel would however, be undertaken in the 2019-2020 financial year.

## CORPORATE PLAN

- Corporate Plan Goal:** *A smart economy*  
**Outcome:** 1.4 - Strong local to global connections  
**Operational Activity:** 1.4.1 - Plan and coordinate delivery of an annual International Relations (including missions) Program.

## CONSULTATION

### Councillor Consultation

In relation to this proposal, consultation has occurred with:

- Mayor M Jamieson
- Deputy Mayor T Dwyer
- Portfolio Councillor for Economic Development and Innovation, Councillor S Robinson
- Portfolio Councillor assisting the Mayor on International Relations, Councillor J McKay

### Internal Consultation

- Chief Executive Officer
- Chief of Staff, Office of the Mayor
- Head of Economic Development

No objections have been raised in relation to seeking endorsement for the proposed variation to the 2018-2019 Program or the proposed travel to Xiamen.

### External Consultation

Consultation on the proposed business mission to New York City in the United States has been undertaken with representatives of:

- Helimods
- Innovation Centre
- Office of the Queensland Government Trade and Investment Commissioner to the Americas
- Sunshine Coast Regional Innovation Program (#SCRIPT)
- Typefi
- Unitywater
- University of the Sunshine Coast.

### Community Engagement

While broad scale community engagement has not been undertaken as part of developing this proposal, engagement has occurred with a range of business and industry representatives across the Sunshine Coast to elicit their interest in participating (at their own cost) in the visit to New York City to attend the 2019 ICF Annual Summit. At this stage, expressions of interest have been received from four business and industry representatives.

## PROPOSAL

On 11 October 2018, Council approved the 2018-2019 Sunshine Coast International Missions Program.

Under the International Relations Policy, if it is proposed that Council participate in an international mission that has not been identified in the approved Program, then:

- the proposed mission needs to be assessed against the criteria nominated in the Policy and
- if the proposed Council participant is to be a Councillor, a recommendation is to be made to Council in relation to participation in the mission.

There were three international missions included in the previously approved Program for 2018-2019. The following two missions will now not take place this financial year –

- the Sunshine Coast Trade Mission to China and Hong Kong and
- the Sunshine Coast Trade and Investment Mission to Singapore, Hong Kong and Japan.

### **New international mission and study tour proposal**

As a result of the Sunshine Coast being named in the Top 7 Intelligent Communities in the world (the only Australian city in this year's Top 7), the region must (among other criteria) send a delegation/ representative to the Intelligent Community of the Year award announcement in New York City in June 2019, if the region is to be considered for the top award.

The Mayor is the senior elected representative of the Sunshine Coast region and could attend this event. It is proposed Mayor Jamieson attend the 2019 ICF Global Summit (the Summit) on 12-13 June 2019 in support of the Top 7 series of events, activities and commitments required of the finalists.

The Intelligent Community of the Year for 2019 will be announced at the conclusion of the Summit on the evening of 13 June 2019. It is intended that a number of business and industry representatives that contributed to the ICF nomination from the Sunshine Coast will also participate (at their own cost) in the visit to New York City, to support the Sunshine Coast region on the global stage.

The ICF is a global network of cities and regions with a think tank at its centre. Its mission is to help communities use information and communications technology (ICT) to create inclusive prosperity, tackle social and governance challenges and enrich their quality of life.

Intelligent Communities are defined as those which have – whether through crisis or foresight – come to understand the challenges of the Broadband Economy and have taken conscious steps to create an economy capable of prospering in it.

The ICF presents an annual awards program for Intelligent Communities and the public-sector and private-sector partners who contribute to those communities. The awards program has two goals:

- To salute the accomplishments of communities in developing inclusive prosperity on a foundation of information and communications technology
- To gather data for ICF's research programs.

The Top 7 Intelligent Communities represent models of economic and social transformation in the 21st Century. Each exemplifies best practices in broadband deployment and use, workforce development, innovation, digital inclusion and advocacy that offer lessons to regions, cities, towns and villages around the world.

An opportunity to further leverage the visit has also emerged, with Council able to meet with senior representatives of a leading global information technology and digital applications company in New York City to generate interest in this region, establish an awareness of the international broadband submarine cable and other game-changer projects and to encourage their interest in considering the Sunshine Coast as a potential location for future investment in their Australian operations.

These activities are consistent with Council's commitments in the *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033* (REDS or the Strategy) in that they seek to strengthen Local to Global connections and encourage new

investment in the Knowledge Industries and Professional Services – which is one of the seven high-value industry groups identified in the Strategy.

#### Assessment of the proposed Mission

The Policy requires that, in assessing whether Council should participate in or lead a proposed international mission, the mission should meet at least five of the following criteria:

1. Identifiable economic benefits may potentially develop as a result of participating in the mission.
2. Provides an opportunity for the region to promote its competitive strengths and export capability.
3. Enhances business, industry and government connections.
4. Clear potential exists to establish new trade opportunities for Sunshine Coast businesses.
5. Provides an opportunity to promote the region as a competitive destination for visitation and investment.
6. Is relevant to developing and generating investment in one of the seven high-value industries identified in the Sunshine Coast Regional Economic Development Strategy.
7. Facilitates the region's learnings from international best practice and locations of excellence.
8. The mission destination(s) has an existing international relationship with the Sunshine Coast Council.
9. The mission destination(s) has a government structure and/or an allocated representative to maintain and further international relationships and/or
10. The mission destination is located in a Tier 3 area nominated in the Policy.

The scope, objectives and areas of interest associated with the proposed mission to New York City have been considered in this context and eight of the 10 criteria can clearly be satisfied. Only criteria (8) and (10) are not able to be satisfied, given Council does not have any formal city relationships with the locality to be visited and the United States of America is identified as a Tier 2 Destination in the assessment matrix. This does not detract however, from the strategic importance, global positioning and learnings that could be acquired through Council's participation in the mission.

In line with the Policy, a report will be provided to Council at a future Ordinary Meeting on the conduct of Council's international relationships, missions and delegations in 2018-2019. The learnings and outcomes from this proposed international mission will be presented in that report.

#### **20<sup>th</sup> Anniversary of the Friendship City relationship between the Sunshine Coast and Xiamen in China**

This year also marks the 20<sup>th</sup> anniversary of the Friendship City relationship between Xiamen and the Sunshine Coast. Coinciding with the annual China International Fair for Investment and Trade (CIFIT), the Xiamen Municipal Government is proposing a celebration to acknowledge this milestone in its relationship with the Sunshine Coast Council and has invited a representative of Council to attend.

Given Councillor McKay has been directly associated with maintaining this relationship through most of its history and her status as an Honorary Citizen of Xiamen, it is proposed that Council authorise her travel to Xiamen in September 2019 on behalf of Council. A decision on this travel (which will take place in the next financial year) is required as early as possible, as the Xiamen Municipal Government is seeking confirmation of Council attendance in September, so that it can proceed with appropriate arrangements to mark the anniversary.



### Assessment of the proposed Mission

In line with the requirements of Council's International Relations Policy, the proposed travel has been assessed against the ten criteria nominated above. The scope, objectives and areas of interest associated with the visit to Xiamen have been considered in this context and at least six of the 10 criteria can clearly be satisfied (given the visit also includes attendance at the China International Fair for Investment and Trade). Should Council approve this proposed travel to Xiamen, this will be reflected in the proposed 2019-2020 international missions program when it is submitted for the consideration of Council later this year.

### **Legal**

The proposals contained in this report do not give rise to any additional legal issues or risks for Council.

Under section 188 of the *Local Government Regulation 2012*, the purpose and costs associated with any international travel undertaken by a Councillor or a Council officer as part of an international mission will be reported in Council's annual report for the relevant financial year.

### **Policy**

As outlined above, the proposals for Council to participate in an international business mission to New York City and travel to Xiamen have been assessed in accordance with Council's International Relations Policy.

The purpose and objectives of the proposed missions are also consistent with the intent and priorities contained in *Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013-2033*.

### **Risk**

There is a risk of a negative public reaction to expenditure associated with Council's participation in international missions. In this context it should be noted that:

- the scope and budget for the 2018-2019 program is not being increased by Council approving participation in the proposed mission to New York. The proposed mission (if approved) would be a substitution for two missions that were previously approved but are now not proceeding – resulting in a net saving to the International Missions operational budget of \$23,000
- the pursuit of global recognition and strengthening of international relationships is necessary if the region is to improve its local to global connections and future workforce mix, strengthen the regional economy and achieve a more sustainable and prosperous community
- the insights afforded through visiting the 2019 ICF Annual Summit in New York City will potentially inform Council's approach to developing best practices in workforce development, innovation, digital inclusion and advocacy in addition to facilitating investment in the knowledge and professional services industry on the Sunshine Coast region and
- the proposed travel to Xiamen would be at minimal cost to Council. If it did not proceed, this would likely cause offence to the Xiamen Municipal Government, which places a high value on this relationship and is seeking to acknowledge and celebrate the 20<sup>th</sup> anniversary milestone.

**Previous Council Resolution****Ordinary Meeting 11 October 2018 (OM18/169)**

*That Council:*

- (a) *receive and note the report titled “Sunshine Coast Council International Relations Policy and Missions”*
- (b) *note the “Report on the Implementation of the International Relations Policy and Sunshine Coast International Missions Program, July 2017-June 2018” (Appendix A)*
- (c) *approve Council's participation in the 2018-2019 Sunshine Coast International Missions Program (Appendix B) and*
- (d) *approve the overseas travel and costs associated with the international missions identified in Appendix B.*

**Related Documentation**

- Sunshine Coast – The Natural Advantage: Regional Economic Development Strategy 2013–2033
- Sunshine Coast Council International Relations Policy
- 2018-2019 Sunshine Coast International Missions Program

**Critical Dates**

Given the lead times involved in the organisation of an international mission and the proposed departure date of 9 June 2019 for the mission to New York, an early decision on this report is sought so that appropriate logistical arrangements can be implemented.

The Xiamen Municipal Government is seeking confirmation as soon as possible as to whether Council will send a representative to Xiamen to mark the 20<sup>th</sup> anniversary of the Friendship City relationship.

**Implementation**

Should the recommendations in this report be accepted by Council, the Chief Executive Officer will approve international travel for a Council Officer to support the Mayor and mission delegates travelling to New York, so that arrangements can be made to secure appropriate air travel and accommodation and confirm proposed meetings.



**8.7 MARCH 2019 FINANCIAL PERFORMANCE REPORT**

**File No:** Financial Reports

**Author:** Isaac Pickersgill, Coordinator Financial Services  
Business Performance Group

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Late report to be provided.



**8.8 SUNSHINE COAST CITY HALL - PROJECT UPDATE**

**File No:** Council meetings

**Author:** Manager Property Management  
Business Performance Group

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Late report to be provided.



**8.9 MAKING OF AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (MISCELLANEOUS) 2019**

**File No:** Council meetings

**Author:** Manager Corporate Governance  
Office of the CEO

**Appendices:** App A - Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 ..... 129

**Attachments:** Att 1 - Community Consultation Submissions ..... 147

**PURPOSE**

The purpose of this report is to seek a Council resolution to make Amendment Subordinate Local Law No.1 (Miscellaneous) 2019.

**EXECUTIVE SUMMARY**

As part of the 5 year local law review, Corporate Governance undertook a series of stakeholder meetings to determine what amendments were required to ensure the local laws remain current and responsive to community and environmental needs.

At the Ordinary Meeting held on Thursday 31 January 2019, Council agreed to commence the local law making process to propose to make amendments to:

- *Subordinate Local Law No. 1 (Administration) 2016,*
- *Subordinate Local Law No. 2 (Animal Management) 2011 and*
- *Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011.*

These amendments include:

- a new framework for the management of verge gardens in line with Council’s recommendation at the February 2018 Ordinary Meeting
- provisions relating to permissible fires that are aligned with the Sunshine Coast Council Planning Scheme
- further clarity and flexibility with regards to short term placement of real estate signage
- increase of Public Liability for high risk activities for works on a road
- a number of newly established dog off leash areas (DOLA) across the region, and
- some minor changes to existing dog off leash areas.

Further details on the proposed changes are highlighted in **Table 3** of this report.

In accordance with the requirements of the *Local Government Act 2009* community consultation was undertaken between 1 February and 3 March 2019. There were 64 community submissions received, 21 of which did not relate specifically to the amendments proposed. Details of the submissions received are attached to this report (**see Attachment 1**).

A Council resolution to make the amendment local law is necessary to proceed with the final stages of the local law making process.



**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Making of Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019”
- (b) resolve that Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 has been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the law does not contain any possible anti-competitive provisions and
- (c) in accordance with Council’s ‘Process for Making Local Laws’ adopted on 1 June 2010, pursuant to section 29 of the *Local Government Act 2009*, hereby resolve to make:
  - i. Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 (Appendix A).

**FINANCE AND RESOURCING**

The cost of drafting the Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 has been funded through existing budget allocations within the Corporate Governance Branch.

**Table 1** below outlines the finance and resourcing implications as a result of implementing the proposed local law amendments.

**Finance and Resourcing****Table 1**

Local Law	Proposed change	Finance and resourcing implications
Subordinate Local Law No. 1 (Administration) 2016	<p>Self-assessable criteria for low risk compliant plantings on Council verges.</p> <p>Reduction of public liability from \$20 million to \$2 million for verge garden plantings that require an approval.</p>	<p>The introduction of a self-assessable criteria for verge garden plantings will reduce the resource requirements currently required in assessing applications for approval.</p> <p>It is anticipated that due to the self-assessable guidelines, the number of applications will be minimal at approximately 10 per year.</p> <p>There are currently no fees associated with the applications required for permits that sit outside of the self-assessable guidelines, however if there is a significant increase in the number of applications a fee structure may be considered in the 2019 -2020 budget.</p>
	Inclusion of the existing dog off leash area at Lake Weyba Drive	As this is an existing dog off leash area the regulation is already included in the existing budget of Customer Response.

Local Law	Proposed change	Finance and resourcing implications
Subordinate Local Law No. 2 (Animal Management) 2011	The inclusion of five new dog off leash areas: <ul style="list-style-type: none"> <li>• Glasshouse Mountains</li> <li>• Pioneer Park, Landsborough</li> <li>• Federation Park, Palmwoods</li> <li>• Aroona Park,</li> <li>• Mooloolah Recreation Reserve</li> </ul>	Patrols of dog off-leash parks are scheduled in response to customer complaints, these patrols are undertaken by Response Services Officers in the course of their normal duties.

## CORPORATE PLAN

<b>Corporate Plan Goal:</b>	<b><i>An outstanding organisation</i></b>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S31 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

## CONSULTATION

### Councillor Consultation

Councillors have been consulted throughout the local law making process regarding proposed amendments listed in **Table 3** of this report.

### Internal Consultation

Extensive consultation with all internal stakeholders has been undertaken with regard to proposed amendments as outlined in **Table 3** of this report including:

- Manager Customer Response
- Coordinator Response Services
- Coordinator Healthy Places
- Coordinator Community Land Permits and Parking
- Coordinator Business and Technical
- Senior Technical Officer
- Coordinator Asset Strategy
- Road Corridor Technical Officer
- Coordinator Landscape Design Planning, Liveability & Natural Assets
- Principal Landscape Architect

### External Consultation

Extensive external consultation was undertaken prior to the 'Verge Garden' report being adopted on 22 February 2018 (OM18/14).

Prior to the Ordinary Meeting of Council on Thursday 22 February 2018 a number of resident associations and local garden groups were consulted with regarding verge garden proposed amendments. All relevant feedback was incorporated within the report to Council on Thursday 22 February 2018 (OM18/14).

### Community Engagement

Section 29 of the *Local Government Act 2009* provides that the local government may decide its own process for making a local law. Council may, at its discretion, determine the amount of public consultation it undertakes before adopting the amendment Subordinate Local Law

by resolution. A consultation period of no less than 28 days is considered good governance when proposing to make a local law.

The community consultation period for the proposed changes was undertaken from 1 February 2019 until 3 March 2019 (31 days). A number of initiatives were used to advise the community and businesses that proposed amendments to Council's local laws were available for public comment.

These included, but not limited to:

- Media Release sent out on commencement of consultation
- Website Information Pages "Have Your Say" for proposed changes
- Public Notice advertisement in the Sunshine Coast Daily
- Radio spotlight advertising
- Targeted email notices to 821 residents and owners around Aroona Park
- Email notification to all Chamber of Commerce organisation's on the Sunshine Coast
- Email notification to the Real Estate Institute of Queensland (REIQ) who forwarded information onto all the Sunshine Coast Members.

During the Community Consultation period, Council received 64 submissions. Overall there was a slight majority support for the proposed amendments. Some of the submitters were contacted as part of this process as their responses indicated that there was some confusion around the proposed amendments and also the current status of the local laws.

It is important to note that 21 of the submissions received did not specifically relate to the proposed amendments and have been forwarded to the relevant operational areas and Divisional Councillor for comments. Full details on the submissions are detailed in **Attachment 1** of this report.

## PROPOSAL

The Corporate Governance Branch undertakes a major review of the Local Laws and Subordinate Local Laws every 5 years to ensure they remain current to the legislative environment and are responsive to the community and environmental needs.

The local law review has been separated into two stages to allow for minor changes to subordinate local laws to be presented to Council at this meeting and further, more detailed amendments still under review, will be presented to Council at a later meeting.

Stage one of the local law review proposes amendments to the following subordinate local laws:

- *Subordinate Local Law No. 1 (Administration) 2016*
- *Subordinate Local Law No. 2 (Animal Management) 2011 and*
- *Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011.*

These amendments include:

- a new framework for the management of verge gardens in line with Council's recommendation at the February 2018 Ordinary Meeting
- provisions relating to permissible fires that are aligned with the Sunshine Coast Council Planning Scheme
- further clarity and flexibility with regards to short term placement of real estate signage
- increase for Public Liability for high risk activities for works on a road

- a number of newly established dog off leash areas (DOLA) across the region and
- some minor changes to existing dog off leash areas.

Further details on the proposed changes are highlighted in **Table 3** below. See **Appendix A** for full details of proposed changes.

**Proposed Local Law Amendments**

**Table 3**

<b>Subordinate Local Law</b>	<b>Current Status</b>	<b>Proposed Change</b>	<b>Reason for change</b>
Subordinate Local Law No. 1 (Administration) 2016 – Schedule 4 Alteration or improvement to local government controlled areas and roads.	An approval must be sought to alter a Council verge.  Public Liability for approvals is \$20 million.	Amend – according to Council Resolution OM/18.  Reduce \$20 million public liability requirement on approvals down to \$2 million and include a self-assessable criteria for compliant plantings.  Replace ‘nature strip’ with ‘road verge’.	Approved by Council OM18/14
Subordinate Local Law No. 1 (Administration) 2016 – Schedule 8 placement of moveable advertising devices	Only one real estate (residential) signage is permitted on a property.	Amend – schedule 8 (Placement of Moveable Advertising Devices) to allow for an additional real estate sign (residential) with display parameters commencing 24 hours prior to, and concluding at the end of day of Open House.	Allows greater flexibility for Real Estate (Residential) signage display times and increases signage to allow for one other sign for an open house showing.
Subordinate Local Law No. 1 (Administration) 2016 – Schedule 8 placement of moveable advertising devices	Maximum of 5 directional signs only permitted on the day of the showing of a residential property being leased, open for inspection, being auctioned.	Allow for the directional signs to be placed 24 hours before the property being open for inspection and removed at the end of the day.	Allows greater flexibility for Real Estate (Residential) signage display times to allow them to be displayed 24 hours prior to showing and removed at the end of the day.
Subordinate Local Law No. 1 (Administration) 2016 – Schedule 18 Carrying out works on a road or interfering with a road or its operation.	Current Public Liability for high risk activities for works on a road is \$5 million.	Amend – schedule 18 (Carrying out works on a road or interfering with a road or its operation) to increase Public Liability from \$5 million to \$20 million.	The current Public Liability is \$2 million for carrying out works on a road and all other high risk activities on public land requires \$20 million. This amendment aligns all high risk requirements on public land with a consistent approach.
Subordinate Local Law No. 1 (Administration) 2016 - Schedule 18 Carrying out	Grid requirements currently within the local law allow for the placement of	Removal of reference and requirements for electrified grids within the local law.	There are no identified electrical grids on public land and they are deemed a public safety hazard. This is

Subordinate Local Law	Current Status	Proposed Change	Reason for change
works on a road or interfering with a road or its operation.	electrified grids on public land.		the removal of a legacy requirement.
Subordinate Local Law No. 1 (Administration) 2016 - Schedule 18 Carrying out works on a road or interfering with a road or its operation.	No requirement for a grid to be certified by a Registered Professional Engineer of Queensland (RPEQ)	Inclusion of the requirement that on approval a gate and grid must be certified by the Registered Professional Engineer of Queensland (RPEQ).	To ensure that gates and grids installed on local government roads are compliant with Registered Professional Engineer of Queensland (RPEQ) requirements.
Subordinate Local Law No. 1 (Administration) 2016 - Schedule 18 Carrying out works on a road or interfering with a road or its operation.	Provisions in the local law relating to the installation of vehicular access (driveways)	Removal of provisions relating to the installation of vehicular access to premises.	Vehicular access (driveways) are approved under the planning scheme and operational works permits.
Subordinate Local Law No. 2 (Animal Management) 2011	New dog off leash areas not identified in the Local Laws.	Amend – schedule 6 (dog off leash areas) to include maps for: <ul style="list-style-type: none"> <li>• Glasshouse Mountains District Park, dog off leash area at all times Map SLL 2.6.41</li> <li>• Pioneer Park, Landsborough, dog off leash area at all times Map SLL 2.6.42</li> <li>• Federation Park, Palmwoods, dog off leash area at all times Map SLL 2.6.43</li> <li>• Aroona Park, dog off leash area 4pm-8am Monday to Friday Map 2.6.44</li> <li>• Mooloolah Recreation Reserve, dog off leash area at all times except during an approved temporary entertainment event issues under Local Law 1 (Administration) 2011 Map 2.6.45</li> </ul>	5 new dog off leash areas
Subordinate Local Law No. 2 (Animal Management) 2011	Area not identified in the Local Law	Inclusion of the existing dog off leash area at Lake Weyba Drive, Lake Weyba. Map SLL 2.6.9	Include existing area into local laws

Subordinate Local Law	Current Status	Proposed Change	Reason for change
Subordinate Local Law No. 2 (Animal Management) 2011	No playground identified in this area.	Removal of a small section of the dog off leash area from Quota Hideaway Park, Mountain Creek Map SLL 2.6.22	Allows for the inclusion of a children's playground.
Subordinate Local Law No. 2 (Animal Management) 2011	Map SLL 2.5.13 shows Eleanor Shipley Park as a prohibited dog area	Slight amendment to the map for the Eleanor Shipley prohibited dog area Map SLL 2.5.13	Current map shows the prohibited dog area going into the dog off-leash area on the beach. Realign the boundaries between the prohibited dog area and the dog off-leash area to accurately reflect the two areas.
Subordinate Local Law No. 2 (Animal Management) 2011	Map SLL 2.6.35 is the dog off leash map for Moffat Beach	Slight amendment to the map for the Eleanor Shipley prohibited dog area for this map SLL 2.6.35	Current map shows the prohibited dog area going into the dog off-leash area on the beach. Realign the boundaries between the prohibited dog area and the dog off-leash area to accurately reflect the two areas.
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	The current local law prohibits fires in the 'urban area' and the 'urban area' is defined as Map 1 Local Law Urban Boundaries. This local law map currently aligns with the SEQ Regional Plan.	Amend schedule 3 (Prohibited Fires) – Remove reference to the urban area in schedule 3 and replace with fires prohibited in any part of the local government area excluding the rural and rural residential area.	This amendment prohibits fires from any part of the local government area other than in 'rural and rural residential areas' as defined in SCC Planning Scheme.
Subordinate Local Law No. 3 (Community Health and Environmental Management) 2011	Definitions don't align to current SCC planning scheme	Amend schedule 4 (Definitions) – remove definition 'Urban area' and replace with definition for 'rural and rural residential area' to align to the Sunshine Coast Planning Scheme.	Alignment to SCC Planning Scheme definitions.

A Council resolution to make Amendment Subordinate local law 1 (Miscellaneous) 2019 is necessary to proceed with the local law making process.

The following table outlines the statutory requirements in accordance with Council's local law making process.

### Local Law Making Process

**Table 4**

<b>Statutory Requirement</b>	<b>Action taken</b>	<b>Date</b>	<b>Status</b>
<b>Propose to make local law amendments</b>	Report to Council to propose to make Amendment Local Law No. 1 (Miscellaneous) 2019	31 January 2019	Completed
<b>Community Consultation</b>	Undertake Community Consultation including but not limited to: <ul style="list-style-type: none"> <li>notification in Sunshine Coast Daily public notices</li> <li>targeted consultation</li> <li>information included on Council's website on "Have Your Say" page</li> </ul>	1 February to 3 March 2019	Completed
<b>Council Website Updated</b>	All relevant information and documentation placed on and available through Council's website on "Have your say" page.	1 February 2019	Completed
<b>Report to Council to make the amendment local laws</b>	Prepare report to Council to make the local laws	24 April 2019	Current
<b>Gazette Notice Publication</b>	Preparation of Government Gazette notice for publication in the Government.	3 May 2019	To be prepared
<b>Notice to Minister</b>	Preparation of notification to Minister	17 May 2019	To be prepared
<b>Consolidation of Local Laws</b>	Preparation and adoption of the consolidated local laws. This will be finalised following the local law making process for major review issues due to be presented for Council adoption in August 2019, currently underway.	17 October 2019	To be prepared

### **Legal**

The amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 has been considered in accordance with the following legislation:

- Section 29-32 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*
- Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws

Advice from Legal Services regarding verge garden planting was included and forms part of the proposed framework and associated documents adopted at Council's Ordinary Meeting on 22 February 2018 (OM18/14).

### **Policy**

There are no new policy implications in the in the proposed Amendment Subordinate Local Law No.1 (Miscellaneous) 2019.

**Risk**

- There is an identified demand for the ability to plant road verge gardens for community participation and benefit. If the proposed framework is not endorsed there is a high risk that Council will receive an adverse community response.
- Where a road verge planting permit is approved it is conditioned that \$2 million public liability insurance is required to be held by the resident at all times, covering the prescribed activity and location. This aims to reduce Council's expose of risk, however does not eliminate Council from a potential claim.
- Where individuals fail to comply with road verge gardens criteria / conditions, the Customer Response branch will manage the situation in accordance with the Local Laws. There may be adverse community reaction in some cases.

**Previous Council Resolution****31 January 2019 Ordinary Meeting (OM19/2)**

*That Council:*

- (a) receive and note the report titled "**Proposed Amendment to Subordinate Local Law No. 1 (Miscellaneous) 2019**"*
- (b) resolve to propose to make Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 (Appendix A)*
- (c) resolve to undertake community consultation on the draft subordinate local law for thirty-one (31) days and*
- (d) resolve that the proposed Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 has been reviewed in accordance with section 38 of the Local Government Act 2009 and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the law does not contain any possible anti-competitive provisions.*

**22 February 2018 Ordinary Meeting (OM18/14)**

*That Council:*

- (a) receive and note the report titled "Verge Gardens" and*
- (b) proceed to commence the local law making process to amend Subordinate Local Law No. 1 (Administration) 2016, with the proposed framework and criteria for verge gardens.*

**Related Documentation**

- *Local Government Act 2009 and Regulation*
- *Sunshine Coast Regional Council Local Laws and Subordinate Local Laws 2011*
- *State Government Guidelines for Drafting Local Laws 2016*
- *Sunshine Coast Regional Council Corporate Plan 2018-2022*
- *Compliance and Enforcement Policy.*

**Critical Dates**

There are no critical dates relevant to this report, however the local law amendments are important and should be progressed as soon as possible.



**Implementation**

Following consideration of this report, actions relevant to the recommendation will be implemented and the final stages of the local law making process will be actioned which includes:

- Publication of the Gazette notice in the Government Gazette
- Ministerial Notification
- Consolidation of the amendments.



**8.10 NAMBOUR HERITAGE TRAMWAY PROJECT STATUS UPDATE**

<b>File No:</b>	<b>Council Meetings</b>
<b>Author:</b>	<b>Coordinator Urban Projects Liveability &amp; Natural Assets Group</b>
<b>Attachments:</b>	<b>Att 1 - Alternative and/or additional material provided by TNTCo. .... 167</b> <b>Att 2 - Review of alternative and/or additional material provided from TNTCo..... 169</b> <b>Att 3 - Deferred Report 31 January 2019 Ordinary Meeting ... 5/277</b> <b>Att 4 - Deferred Report 31 January 2019 Ordinary Meeting Attachment 3 .....Confidential 5/6</b>

**PURPOSE**

Council Resolution OM19/1 deferred consideration of the 31 January 2019 Ordinary Meeting report item 8.4.1 Nambour Heritage Tramway Project Update until Council's Ordinary Meeting of April 2019. This report provides a status update on the Nambour Heritage Tramway project relevant to resolution OM19/1.

**EXECUTIVE SUMMARY**

The Nambour Heritage Tramway project has been before Council on several occasions in the past, most recently 31 January 2019 Ordinary Meeting where the Nambour Heritage Tramway Project report was deferred until Council's Ordinary Meeting April 2019.

This status update report is an update only on the actions and changes that have occurred in response to the Council resolution OM19/1 and that were available at the time of report writing. The deferred report from 31 January 2019 Ordinary Meeting remains unchanged as Attachments 3 and 4 within this status update report.

Post the 31 January 2019 Ordinary Meeting a Nambour Heritage Tramway project control group meeting was held on 4<sup>th</sup> February 2019 with Nambour Tramway Company Ltd (TNTCo) and Council representatives. Clear assignment of actions and tasks were agreed and minuted at this meeting, along with the timeframe outline for reporting to Council's April 2019 Ordinary Meeting. A follow up session was held on 8<sup>th</sup> March and again on 28<sup>th</sup> March at which progress on actions was highlighted and discussed. Timeframes for reporting to Council's April 2019 Ordinary Meeting were restated at these sessions. This status update report was written to meet Council's adopted reporting milestones, which at the time TNTCo were unable to provide new material or clear preferences as these were not finalised and still being developed.

At the time of writing the status of actions from OM19/1 are:

- (a) *undertake investigations into alternative/value engineering and construction methods for the Tramway corridor*

TNTCo engaged consultants to undertake a design review. A technical briefing session occurred between TNTCo, their nominated consultants and Council on 6<sup>th</sup> February to explain the concept design already prepared, including how it was developed and key assumptions. The alternative / value engineering and construction methods task was to be undertaken by TNTCo with their consultants with material to be provided back to Council for its review and consideration. TNTCo advised the task was being progressed and would include drawings along with costings for comparison between

original and alternative concept designs. Future stages were also being designed and costed, however no further material was available at the time this status update report was written.

- (b) *request the CEO to cease the current tender process for tram rolling stock, that closed on 18 December 2018*

Completed in full on 5<sup>th</sup> of February 2019. Subsequently, TNTCo have advised that their original tram specification has been updated by a suitably qualified consultant and that TNTCo is undertaking market sounding with manufactures using the revised specifications in order to provide alternative tram pricing estimates. No further material was available at the time this status update report was written.

- (c) *request the Chief Executive Officer to formally seek to vary the Funding Agreement with the Australian Government for the terminus building to the latest commencement and completion dates possible, noting this will require full acquittal by June 2020.*

Completed in full on the 28<sup>th</sup> February 2019. New milestones now require works to be 30% complete on the terminus building by 30 September 2019 and fully complete / operating by 27 March 2020 with grant completion reporting and acquittal by 27 May 2020.

At the 31 January 2019 Ordinary Meeting Cr Rogerson verbally advised that TNTCo had obtained a positive indication of \$1million in funding from the Thompson Foundation to contribute towards the overall project. No further material was available at the time this status update report was written.

- (d) *request the Chief Executive Officer to undertake a review regarding the operational costs and revenue streams for the Tramway and provide a clear forecast of operational costs and risks, depreciation and any expected further project stages over a minimum of a ten year period.*

TNTCo are to be the rail accredited tramway operators and therefore the costs and revenue streams for operations will be their sole responsibility. Accordingly, the required operational material is to be provided by TNTCo to Council for it to be reviewed. TNTCo have advised updated operational costs and revenues are being prepared and drafts indicate a strong, positive outlook however no further material was available at the time this status update report was written.

## **OFFICER RECOMMENDATION**

**That Council receive and note the report titled “Nambour Heritage Tramway Project Status Update”.**

## **FINANCE AND RESOURCING**

No additional information provided at the time this status update report was written. Refer to attachments 3 and 4 for deferred report.

## **CORPORATE PLAN**

**Corporate Plan Goal:** *A strong community*  
**Outcome:** 2.4 - People and places are connected  
**Operational Activity:** 2.4.5 - Progress the Nambour Activation Plan 2015.

**CONSULTATION****Councillor Consultation**

Refer to attachments 3 and 4 for deferred report.

**Internal Consultation**

Refer to attachments 3 and 4 for deferred report.

**External Consultation**

Refer to attachments 3 and 4 for deferred report.

**Community Engagement**

Refer to attachments 3 and 4 for deferred report.

**PROPOSAL**

No further information provided at the time this status update report was written. Refer to attachments 3 and 4 for deferred report.

**Legal**

Refer to attachments 3 and 4 for deferred report.

**Policy**

Refer to attachments 3 and 4 for deferred report.

**Risk**

Refer to attachments 3 and 4 for deferred report.

**Previous Council Resolution****Ordinary Meeting 31 January 2019 (OM19/1)**

*That Council defer consideration of 8.4.1 Nambour Heritage Tramway Project Update, until Council's Ordinary Meeting of April 2019, to enable the Divisional Councillor to work in partnership with the Nambour Tramway Company Ltd and Council Officers to:*

- (a) undertake investigations into alternative/value engineering and construction methods for the Tramway corridor*
- (b) request the Chief Executive Officer to cease the current tender process for tram rolling stock, that closed on 18 December 2018*
- (c) revise the functional specifications for the required tram rolling stock to enable the necessary procurement processes for this to occur*
- (d) request the Chief Executive Officer to formally seek to vary the Funding Agreement with the Australian Government for the terminus building to the latest commencement and completion dates possible, noting this will require full acquittal by June 2020 and*
- (e) request the Chief Executive Officer to undertake a review regarding the operational costs and revenue streams for the Tramway and provide a clear forecast of operational costs and risks, depreciation and any expected further project stages over a minimum of a ten year period.*

**Related Documentation**

Refer to attachments 3 and 4 for deferred report.

**Critical Dates**

The updated executed funding agreement between Council and the Australian Government for the terminus building includes a schedule for works to be 30% complete by 30 September 2019 and fully acquitted (i.e. constructed and operating) by 27 March 2020.

**Implementation**

Refer to attachments 3 and 4 for deferred report.



**9 NOTIFIED MOTIONS****10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- \* Legible
- \* Have purpose of the petition on top of each page
- \* Contain at least 10 signatures
- \* Motion limited to:
  - Petition received and referred to a future meeting
  - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
  - Petition not be received



**11 CONFIDENTIAL SESSION****11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY ACQUISITION OF LAND - KIAMBA**

**File No:** F2019/12012  
**Author:** Property Officer  
Business Performance Group

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This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council.

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**11.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SALE OF LAND - MAROOCHYDORE**

**File No:** F18/00346  
**Author:** Principal Property Officer  
Office of the CEO

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This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to 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.

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**11.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAROOCHYDORE CITY CENTRE PRIORITY DEVELOPMENT AREA**

**File No:** Council meetings  
**Author:** Project Coordinator  
Liveability & Natural Assets Group

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This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to 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.

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**12 NEXT MEETING**

The next Ordinary Meeting will be held on 23 May 2019 in the Council Chambers, 1 Omrah Avenue, Caloundra.

**13 MEETING CLOSURE**