

Agenda

Ordinary Meeting

Thursday, 29 April 2021

commencing at 9:00am

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	5
2	WELCOME AND OPENING	5
3	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE	5
4	RECEIPT AND CONFIRMATION OF MINUTES	5
5	MAYORAL MINUTE	5
6	INFORMING OF CONFLICTS OF INTEREST	5
6.1	PRESCRIBED CONFLICTS OF INTEREST	5
6.2	DECLARABLE CONFLICTS OF INTEREST	5
7	PRESENTATIONS / COUNCILLOR REPORTS	5
8	REPORTS DIRECT TO COUNCIL	7
8.1	SUNSHINE COAST LIGHTNING SPONSORSHIP PROPOSAL	7
8.2	MAJOR EVENT SPONSORSHIP AUSTRALIAN SURF LIFE SAVING CHAMPIONSHIPS	13
8.3	COMMUNITY GROUPS OCCUPYING COUNCIL OWNED OR COUNCIL CONTROLLED LAND AND/OR INFRASTRUCTURE POLICY	19
8.4	DEVELOPMENT APPLICATION FOR A VARIATION REQUEST AT 14 & 30 HENEBERY ROAD BURNSIDE	41
8.5	DEVELOPMENT APPLICATION FOR A VARIATION REQUEST TO RECONFIGURE A LOT AT 21 PETRIE CREEK ROAD NAMBOUR 93	
8.6	PROPOSED PLANNING SCHEME POLICY FOR DEVELOPMENT WORKS AMENDMENT	157
8.7	COUNCIL TO CHIEF EXECUTIVE OFFICER DELEGATION - KAWANA WATERS MASTER PLAN	171
8.8	MARCH 2021 FINANCIAL PERFORMANCE REPORT	199
8.9	APPOINTMENT OF DIRECTORS OF SUNCENTRAL MAROOCHYDORE PTY LTD	215
8.10	COUNCIL OF MAYORS SOUTH EAST QUEENSLAND WASTE MANAGEMENT PLAN	223

9 NOTIFIED MOTIONS229

10 TABLING OF PETITIONS229

11 CONFIDENTIAL SESSION229

12 NEXT MEETING.....229

13 MEETING CLOSURE.....229

1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 25 March 2021 and the Special Meeting (Brisbane, Queensland candidature to host the 2032 Olympic and Paralympic Games) held on 15 April 2021 be received and confirmed.

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

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

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

6.2 DECLARABLE CONFLICTS OF INTEREST

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

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

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

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

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 SUNSHINE COAST LIGHTNING SPONSORSHIP PROPOSAL**

File No: Council Meetings
Author: Head of Tourism and Major Events
Economic & Community Development Group
Attachments: Att 1 - Sunshine Coast Lightning Sponsorship Proposal -
Confidential..... 5/93

PURPOSE

This report seeks Council's endorsement to continue sponsorship of the Sunshine Coast Lightning Netball team, covering a further three seasons from 2022-2024.

Attachment 1 is confidential as it contains commercial in confidence information and confidential information relating to third parties. It also recognises that until Council makes a decision and a contract is executed, the content and timeframes are not final.

For these reasons, it is recommended that should Councillors wish to discuss the information in the confidential attachment, Council resolve to close the meeting under section 254J(3)(g) of the *Local Government Regulation 2012* as the attachment contains information on negotiations relating to commercial matters involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

Specifically, the matters that are considered confidential in the attachments and which would be the subject of discussion when the meeting is closed relate to the contract terms and conditions that are still the subject of negotiation with Sunshine Coast Lightning.

EXECUTIVE SUMMARY

Council has been a key strategic partner in the development and resultant success of the Sunshine Coast Lightning (SCL) netball team for the past five years. Council approved a three-year sponsorship agreement with Sunshine Coast Lightning in 2016, supplying both financial, practical and strategic support for the development of Australia's newest professional sports team.

In 2019, as the terms of the initial contract were reaching a conclusion, Council approved a two-year extension to the sponsorship agreement for the same investment. This current agreement will expire at the conclusion of the 2021 season, which commences in May 2021, and concludes with finals rounds held in August 2021.

Council has received a proposal and request from Sunshine Coast Lightning for the continuation of the sponsorship agreement for a further three seasons (2022-2024) in order to secure the region's position as a founding partner and sole home of Sunshine Coast Lightning.

Sunshine Coast Lightning commenced playing in the Australian Super Netball Championship's first season in 2017, becoming the most successful start-up sporting franchise in Australia's history by winning the premiership in their first two seasons (2017 and 2018), and continuing to be successful on court, competing in the Super Netball Finals in 2019 and 2020.

In addition to their on-court success, Sunshine Coast Lightning has achieved excellent results for the region over the past five years through their partnership with Council.

Examples of their achievements include:

- Every home game at University of the Sunshine Coast Stadium selling out in 2017–2020 seasons (demonstrating very high levels of local and visitor support for the team), including more than 2,000 paid annual members
- Generating an estimated economic impact for the region of over \$100 million over the first five years (\$20 million per season generated by visitation, local business development and national marketing and broadcast reach for the region)
- Continually exceeding expectations of community engagement by the team – with high profile players appearing at more than 320 local events, and investing over 1,200 hours of player time to the community at no additional cost to the region
- An average of 2.7 million viewers per year nationally for Sunshine Coast Lightning matches (the fourth most watched major sport across Australia, behind only men’s AFL, NRL and Big Bash Cricket)
- Working closely with Council to promote the region and secure additional events and associated activities – such as Women’s State of Origin (NRL) and Netfest (Netball Australia)
- Active social media audience of 76,000 nationally (two thirds of which are from New South Wales and Victoria), receiving direct promotion of the Sunshine Coast region and a wide range of Council backed activities (such as tourism, events, investment or community)
- Sunshine Coast Lightning now has major partnerships with 11 significant local businesses based on the Sunshine Coast, who are achieving strong results in promotion of their products and services to a national audience.

In the development of Sunshine Coast Lightning’s sponsorship proposal to Council for the 2022-2024 seasons, Council’s Tourism and Major Events team have worked directly with Sunshine Coast Lightning to further evolve the region’s benefits received from Council’s financial and practical support by focusing desired outcomes in three key areas:

1. Optimise the national exposure of the Sunshine Coast region through the audience and media reach of the high performing Sunshine Coast Lightning team.
2. Assist Council to ensure as many opportunities as possible for local businesses to gain benefit through Sunshine Coast Lightning – as suppliers, sponsors or organisations that can promote their own growth and activity through the Sunshine Coast Lightning partnership.
3. Communication and support for promotion of key Council messaging of all types to local fans and match audiences.

The proposal that has been received by Council strongly demonstrates Sunshine Coast Lightning’s understanding of Council’s key goals and desired outcomes, and their willingness to work closely with Council to build and promote the region.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Sunshine Coast Lightning Sponsorship Proposal” and**
- (b) authorise the Chief Executive Officer to negotiate and execute a contract between Council and Sunshine Coast Lightning for each of the 2022-2024 seasons, which maximises the economic and community return achieved through the continuation of this partnership.**

FINANCE AND RESOURCING

It is noted that Sunshine Coast Lightning also receives a small amount of in-kind support through Council's Sport and Community Venues Branch to assist with game day management. The Manager Sport & Community Venues also supports the extension of this arrangement due to the benefits provided by the Sunshine Coast Lightning partnership. Funds are available within existing budgets for the delivery of these services, which were valued at \$33,000 for the 2020 Suncorp Super Netball season.

CORPORATE PLAN

Corporate Plan Goal: *A smart economy*

Outcome: 3.5 - A natural, major and regional event destination

Operational Activity: 3.5.1 - Implement priority activities from the Major Events Strategy 2018-2027.

CONSULTATION

Councillor Consultation

- Councillor J O'Pray – Portfolio Councillor, Economic Development
- Councillor T Landsberg – Portfolio Councillor, Economic Development

Internal Consultation

- Group Executive – Economic & Community Development
- Head of Economic Development
- Manager, Sport and Community Venues

External Consultation

- Sunshine Coast Events Board
- University of the Sunshine Coast

Community Engagement

Due to the confidential nature of the sponsorship negotiations with Sunshine Coast Lightning, no community consultation has been undertaken.

PROPOSAL

Council has been a key strategic partner in the development and resulting success of the Sunshine Coast Lightning (SCL) netball team for the past five years. Council approved a three-year sponsorship agreement with Sunshine Coast Lightning in 2016, supplying both financial, practical and strategic support for the development of Australia's newest professional sports team.

Council's initial support of the formation of the team was based on the following assumptions:

The legacy benefits included:

1. The growing awareness and recognition of Sunshine Coast as one of Queensland's and Australia's premier regional major events and sporting destination
2. The enhancement of female sports on the Sunshine Coast and the increased community linkages by hosting our first national sporting team

3. The ability to access State, Federal and Netball Australia funding for 'grass-roots' sports programs and infrastructure
4. The ability to use the national sporting team presence to identify infrastructure gaps and secure funding for future sporting infrastructure needs on the Sunshine Coast
5. The opportunity for tourism/sport leveraging in key target markets around Australia and New Zealand and increased linkages/performance between sports and tourism
6. The ability to promote/market the Sunshine Coast to a national audience on television and print media that does not currently exist
7. The potential for the Sunshine Coast to host the national/international "Netfest" Netball Australia competition at the Maroochydore Multi-Sports Complex
8. Securing our first national sporting team sets the stage for the Sunshine Coast over the next decade to build a business case to secure additional national sporting teams to be based in the region.

In addition, the economic benefits of securing a national netball league on the Sunshine Coast have been modelled by AEC Group which has determined that the sporting team will generate:

- an estimated \$4.9 million economic impact on the local economy, and
- \$249,000 in visitor spend benefits from visiting teams and spectators.

In 2019, as the terms of the initial contract were reaching a conclusion, Council approved a two-year extension to the sponsorship arrangement for the same investment. This commitment to extending the contract was heavily based on the success of the initial partnership between Sunshine Coast Lightning and Council in achieving the agreed legacy benefit targets – as robust and significant gains have been achieved in all eight strategic categories.

The current contract is set to expire at the conclusion of the 2021 season, which will commence in May 2021, with finals rounds held in August 2021. Council's extension retained the initial eight strategic desired outcomes which again have all been met or exceeded as part of the ongoing sponsorship agreement.

Council has received a proposal and request from Sunshine Coast Lightning for the continuation of the sponsorship agreement for a further three seasons (2022-2024) in order to secure the region's position as a founding partner and sole home of Sunshine Coast Lightning.

Partnership History:

Sunshine Coast Lightning commenced playing in the Australian Super Netball Championship's first season in 2017, becoming the most successful start-up sporting franchise in Australia's history by winning the premiership in their first two years (2017, 2018) and continuing to be successful on court competing in the Super Netball Finals in 2019 and 2020.

In addition to their on-court success, Sunshine Coast Lightning has achieved excellent results for the region throughout the current partnership with Council.

As examples of their achievements:

- Every home game at USC Stadium selling out in 2017–2020 seasons (demonstrating very high levels of local and visitor support for the team), including more than 2,000 paid annual members
- Generating an estimated economic impact for the region of over \$100 million over the first five years (\$20 million per season generated by visitation, local business development and national marketing and broadcast reach for the region)

- Continually exceeding expectations of community engagement by the team – with high profile players appearing at more than 320 local events, and investing over 1,200 hours of player time to the community at no additional cost to the region
- An average of 2.7 million viewers per year nationally for Sunshine Coast Lightning matches (the fourth most watched major sport across Australia, behind only men's AFL, NRL and Big Bash Cricket)
- Working closely with Council to promote the region and secure additional events and associated activities – such as Women's State of Origin (NRL) and Netfest (Netball Australia)
- Active social media audience of 76,000 nationally (two thirds of which are from New South Wales and Victoria), receiving direct promotion of the Sunshine Coast region and a wide range of Council backed activities (such as tourism, events, investment or community)
- Sunshine Coast Lightning now has major partnerships with 11 significant local businesses based on the Sunshine Coast, who are achieving strong results in promotion of their products and services to a national audience.

In the development of Sunshine Coast Lightning's sponsorship proposal to Council for the 2022-2024 seasons, Council's Tourism and Major Events team has worked directly with Sunshine Coast Lightning to further evolve the region's benefits received from Council's financial and practical support by focusing outcomes in three key areas:

1. Optimise the national exposure of the Sunshine Coast region through the audience and media reach of the high performing Sunshine Coast Lightning team
2. Assist Council to ensure as many opportunities as possible for local businesses to gain benefit through Sunshine Coast Lightning – as suppliers, sponsors or organisations that can promote their own growth and activity through the Sunshine Coast Lightning partnership.
3. Communication and support for promotion of key Council messaging of all types to local fans and match audiences.

The proposal that has been received strongly demonstrates Sunshine Coast Lightning's understanding of key Council goals and desired outcomes, and their willingness to work closely with Council to build and promote the region.

Legal

There are no legal implications relevant to this Council report. Once a draft sponsorship agreement is prepared it will be referred to Legal Services for review.

There are no barriers to entry or event obligations that would restrict access to a person or violate one of the 26 Human Rights.

Policy

The proposed sponsorship with the Sunshine Coast Lightning is in line with Council's Sponsorship Policy.

Risk

If Council were not to continue sponsorship of Sunshine Coast Lightning, there would likely be a significant impact on their continued operations.

Previous Council Resolution**Ordinary Meeting 17 May 2018 (OM18/78)**

That Council approve the sponsorship in accordance with the recommendations of the Sunshine Coast Events Board as discussed in confidential session in relation to Proposed Sporting Initiative.

Ordinary Meeting 21 April 2016 (OM16/64)

That Council approve the sponsorship in accordance with the recommendations of the Sunshine Coast Events Board as discussed in confidential session in relation to Proposed Sporting Initiative.

Related Documentation

- Regional Economic Development Strategy 2013-2033
- Sunshine Coast Major Events Strategy 2018–2027

Critical Dates

Council's current sponsorship arrangement ends in August 2021. It is important that any future agreement with Sunshine Coast Lightning be finalised by them to allow them to adequately plan for the following season.

Implementation

Should the recommendations in this report be accepted by Council, the Chief Executive Officer will proceed to negotiate and execute a sponsorship agreement with Sunshine Coast Lightning for each of the 2022-2024 seasons.

8.2 MAJOR EVENT SPONSORSHIP AUSTRALIAN SURF LIFE SAVING CHAMPIONSHIPS

File No: Council meetings
Author: Head of Tourism and Major Events
Economic & Community Development Group
Attachments: Att 1 - Sponsorship Proposal - *Confidential*9/93

PURPOSE

The report seeks Council's endorsement to enter into a contract for the sponsorship of three (3) Australian Surf Life Saving Championships during the period 2023 to 2032. This report is before Council in compliance with the requirements of Council's Sponsorship Policy for sponsorships of the proposed value.

Attachment 1 is confidential as it contains commercial in confidence information and confidential information relating to third parties. The need for confidentiality of the information in **Attachment 1** also recognises that until Council makes a decision and a contract is executed, the outcomes of the negotiations and timeframes are not final.

For these reasons, it is recommended that should Councillors wish to discuss the confidential information in **Attachment 1**, Council resolve to close the meeting under section 254J(3)(g) of the *Local Government Regulation 2012* as Attachment 1 contains information on negotiations relating to commercial matters involving the local government for which a public discussion would be likely to prejudice the interest of the local government. Specifically, the matters that are considered confidential in **Attachment 1** and which would be the subject of discussion when the meeting is closed relate to the contract terms and conditions that are still the subject of negotiation with Surf Life Saving Australia.

EXECUTIVE SUMMARY

Council has previously sponsored the Australian Surf Life Saving Championships (the Aussies), hosting the event for the first time ever in 2016 and again more recently in April 2021. In terms of economic benefit, the Aussies is the largest event ever hosted within the region, with the 2016 event providing a direct visitor spend in excess of \$20 million to the region's economy and a resulting flow on regional benefit through marketing and regional promotion to a significant national audience.

Each of the previous two Sunshine Coast hosted events have been negotiated as single event contracts, requiring a cash sponsorship investment from Council and operational costs to Council for a range services and works to manage the staging of the event.

The sponsorship funding for these two previous events was endorsed by Council, and a specific budget was approved in April 2017 to put aside funds in each of the four years leading up to the 2021 event to ensure sufficient funds were available in the Major Events fund to cover the cash investment agreed in the sponsorship.

In 2018, Council's Tourism and Major Events team commenced discussions with Tourism and Events Queensland (TEQ) about the future hosting of the event on the Sunshine Coast beyond the end of the existing plans of Surf Life Saving Australia (SLSA), which had been confirmed until 2022. After the successful hosting of the competition in previous years.

The requested sponsorship and in-kind support costs were reviewed and discussed by the Sunshine Coast Events Board (SCEB) at its meeting on 9 February 2021. The Board recommended that Council enter into an agreement with Surf Life Saving Australia.

The Aussies are staged annually and consist of a nine-day festival of surf lifesaving sports including:

- Australian Youth Surf Life Saving Championships
- Australian Masters Surf Life Saving Championships, and
- Australian Open Surf Life Saving Championships.

The Aussies program generally consists of 400+ events and on average, 313 surf lifesaving clubs contest the event each year. In recent years, the Aussies has attracted over 6,000 participants and over 400 officials and event volunteers, along with thousands of spectators.

The Aussies provide significant economic and social benefits to the host community. This was the case with the 2016 Aussies staged on the Sunshine Coast. An independent analysis of the 2016 Aussies undertaken by Strategic Facts estimated that the event generated an economic impact of \$19.54 million for the Sunshine Coast economy.

The current information on the expectations for the 2021 event on the Sunshine Coast shows only a slight reduction in expected participation numbers in comparison to 2016. Current estimates predict the economic impact of the 2021 event will be around \$17 million (further information included in this document below). Given the challenges of marketing and promoting the event in the COVID effected 2020/21 year, this is considered by the Events Board and Council staff to be an excellent potential economic result for the event and the region, although this result has not yet been verified.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled “Major Event Sponsorship Australian Surf Life Saving Championships ”**
- authorise the Chief Executive Officer to negotiate and execute a contract for the sponsorship of three (3) Australian Surf Life Saving Championships during the period 2023 to 2032 and**
- refer the funding request for the sponsorship of the three Australian Surf Life Saving Championships during the period 2023 to 2032 for consideration in the context of the development of the 2021-2022 Council budget.**

FINANCE AND RESOURCING

The Major Events Sponsorship budget is sourced from funds collected through general rates.

Since 2017/18 Council has allocated a funding amount to be ‘banked’ in a specific fund to create the total cash funds required to host the 2021 event. This annual contribution to the Aussies has been made in addition to the annual Major Events Budget.

The same approach is being proposed with Council continuing the annual funding commencing in 2021/22. This timeframe being set by Surf Life Saving Australia and Tourism and Events Queensland would see funding included in the future budgets if Council supports the recommendation included in this report.

CORPORATE PLAN

Corporate Plan Goal: *A smart economy*
Outcome: 3.5 - A natural, major and regional event destination
Operational Activity: 3.5.1 - Implement priority activities from the Major Events Strategy 2018-2027.

CONSULTATION

Councillor Consultation

- Councillor J O'Pray – Portfolio Councillor, Economic Development
- Councillor T Landsberg – Portfolio Councillor, Economic Development
- Councillor J Natoli – Divisional Councillor

Internal Consultation

- Group Executive Economic & Community Development
- Head of Economic Development
- Senior Partnerships Lead – Major Events

External Consultation

- Sunshine Coast Events Board
- Tourism & Events Queensland

Community Engagement

Community engagement is conducted by the event organiser and is a requirement of each event application and permit application.

PROPOSAL

The Sunshine Coast Major Events Strategy 2018–2027 (the Strategy) provides a ten-year framework which seeks to maximise the value of major events to the economy and to the region. The Strategy has been developed by Council in close consultation with the Sunshine Coast Events Board and informed through valuable contributions from the tourism and event industry and key regional partners. Council has previously sponsored the Australian Surf Life Saving Championships (the Aussies) in 2016 and is the major support sponsor of the 2021 Aussies, held on the Sunshine Coast from 16-24 April.

Since 2018, Tourism and Events Queensland (TEQ) has had continued discussions with Surf Life Saving Australia (SLSA) regarding the prospect of securing the Aussies for Queensland during the next sponsorship period 2023–2032. The decision making processes within these two organisations is proceeding in parallel with the Council process.

The proposal which Council has received from (SLSA) for the Sunshine Coast to host three events between 2023 and 2032 has been reviewed by the Sunshine Coast Events Board and complies with the vision, mission and goals of the Sunshine Coast Major Events Strategy.

Previous and existing Aussies sponsorships:

The Aussies are staged annually and consist of a nine-day festival of surf lifesaving sports including:

- Australian Youth Surf Life Saving Championships
- Australian Masters Surf Life Saving Championships, and
- Australian Open Surf Life Saving Championships.

As well as the economic benefits there is a significant promotional value for the Sunshine Coast generated by the event. The event generates national media coverage pre, during and post the event that builds on the experience of those who attend the event. The successful hosting of this and similar events continues to build the regions reputation for hosting major events.

Council has previously sponsored (and the region hosted) the Aussies in 2016 and is the major support sponsor of the 2021 Aussies, held on the Sunshine Coast from 16-24 April. The costs of associated infrastructure and staff costs required to be contributed by Council were:

Infrastructure items	Costs	Budget responsibility	Delivery responsibility
Beach access provisions	\$15,000	Coastal, Constructed Water Bodies & Planning Unit (CCWBP)	CCWBP
Beach grooming	\$25,000	CCWBP	CCWBP
*Sand renourishment	\$250,000	CCWBP	CCWBP
Staff / Fleet	\$25,000	CCWBP	CCWBP
Traffic corridor provision & traffic management plan	\$50,000	Tourism & Major Events Unit (TMEU)	TMEU
Courtesy bus provision	\$50,000	TMEU	TMEU
Total Cost In-Kind support (estimated)	\$415,000		

It is noted that the largest of these works (sand renourishment) is undertaken as part of Council's usual program of works every two years, and is therefore not an event specific project, however does require coordination in timing and work activity to match the requirements of the Aussies event. Council's Environmental Management team has indicated they can continue to coordinate these works to support the delivery of the Aussies event into the future (subject to the usual Council annual budget process).

The Manager of Council's Coastal, Constructed Water Bodies and Planning Unit advises that a top up of sand would be more than likely required for the stretch of beach between the Maroochy River and the Alexandra Headland Surf Life Saving Club over and above the Maroochydhore Renourishment Program if beach conditions were not compliant with Surf Life Saving Australia requirements two months prior (February) to the staging of future Aussies (April).

Variables associated with a range of coastal processes and natural weather events may also impact on the beach conditions in the lead up to future Aussies.

Further, the Manager of the Coastal, Constructed Water Bodies and Planning Unit has recommended that future Aussies on the Sunshine Coast be scheduled in the April immediately following the regular Maroochydhore Renourishment sand pumping program to align the works with Council's usual funding and operational plans. The next sand pumping program is scheduled for June 2023.

Under the terms of the new sponsorship proposal, Council would no longer provide funds or be required to organise services such as traffic control and courtesy buses, as these would become the responsibility of Surf Life Saving Australia as the event organisers (in keeping with all other Council Major Events contracts).

Registrations / participants for April 2021 event – as at 5th April 2021

Demographics	2021 Registrations / participants	2016 Registrations / participants
Sunshine Coast	1,082	1,161
Intrastate (from outside the Sunshine Coast)	1,170	1,330
Interstate	3,729	4,369
International	1	144
Total	5,982	7,004

The Aussies program consists of 400+ events, and on average 313 surf lifesaving clubs contest the Aussies each year. In recent years, the Aussies have attracted over 6,000 participants, over 400 officials and event volunteers, along with thousands of spectators.

The Aussies provide significant economic and social benefits to the host community.

For example, the 2016 Aussies attracted 7,004 participants to the Sunshine Coast, a 14% increase in participation numbers compared to the 2015 Aussies on the Gold Coast. Including these participants, the event generated just under 20,000 visitors which resulted in an estimated 121,000 bed nights. An independent analysis on the 2016 Aussies undertaken by Strategic Facts estimated that the championships generated an economic impact of \$19.54 million for the Sunshine Coast economy.

The 2021 Aussies is expected to include a participant number approximately 83% of the size of the 2016 event, with only minor reductions in intrastate and interstate visitation (no international visitors in 2021). Within the context of 2020/21 COVID concerns during the event's launch and marketing phase, and late temporary lockdowns in Brisbane, this is considered to be an excellent result.

Current calculations predict that the 2021 event will produce a direct economic impact (spend by visitors during the event week) of approximately \$17 million. The full results from the event will be available prior to the end of the financial year.

While full data from the hosting of the Aussies on the Sunshine Coast in 2021 is still in development, it is notable that despite the challenges of attracting interstate attendees during a COVID-19 impacted period, the 2021 event has attracted a large number of entries that is expected to deliver high visitation numbers from all across Australia, further promoting the region's capacity to safely and successfully host national scale events during a challenging period for the national events and travel industry.

Legal

Should Council approve the recommendations contained in this report a draft sponsorship agreement is prepared it will be referred to the Legal Unit for review. This review will include the obligations that will reside with Council for the events and deal with the potential risks of events not proceeding.

There are no barriers to entry or event obligations that would restrict access to a person or violate one of the 26 Human Rights.

Policy

The proposed sponsorship with the Sunshine Coast Lightning is in line with Council's Sponsorship Policy.

Risk

If Council resolves not to approve this recommendation for sponsorship, the foregone economic benefit is estimated to be at least \$20 million per event, and the loss of significant audience reach promotions and media exposure value for the region.

The result for the Sunshine Coast would be:

- The loss of potential economic benefit, tourism visitation, audience reach promotions and media exposure
- A lost opportunity to secure a high profile, national standard event for a significantly reduced investment fixed over a longer term
- A loss of profile for the region as a major events destination, and
- A loss of profile as a premier holiday destination.

A decision not to approve this recommendation may also influence Surf Life Saving Australia's future decisions not to host its other national events on the Sunshine Coast.

Previous Council Resolution**Ordinary Meeting 8 December 2016 (OM16/239)**

That Council authorise the Chief Executive Officer to finalise the submission of a Major Events Proposal bid as discussed in confidential session.

Ordinary Meeting 27 April 2011 (OM11/125)

That Council authorise the Chief Executive Officer to proceed with actions as discussed in confidential session.

Related Documentation

- Regional Economic Development Strategy 2013-2033
- Sunshine Coast Major Events Strategy 2018–2027

Critical Dates

Surf Life Saving Australia and Tourism and Events Queensland are seeking to finalise the schedule of host venues for the Aussies for the period 2023–2032 and announce this outcome after the 2021 Aussies in April. Accordingly, a decision is sought from Council on this proposal in order to support the timeline set by Surf Life Saving Australia and TEQ.

Implementation

Should the recommendations in this report be accepted by Council, the Chief Executive Officer will proceed to negotiate and execute a contract for the sponsorship of three (3) Australian Surf Life Saving Championships during the period 2023 to 2032

8.3 COMMUNITY GROUPS OCCUPYING COUNCIL OWNED OR COUNCIL CONTROLLED LAND AND/OR INFRASTRUCTURE POLICY

File No: Council Meetings

Author: Head of Property
Business Performance Group

Appendices: App A - Strategic Policy 2021 - Community Groups Occupying Council Owned or Council Controlled Land and or Infrastructure.....25

Attachments: Att 1 - Strategic Policy 2014 - Community Groups Occupying Council owned or Controlled Land and or Infrastructure (Tracked Changes)33

PURPOSE

The purpose of this report is to recommend amendments to the current 2014 strategic policy Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure (Attachment 1) to introduce a shared cost model between Community Groups and Council, and to simplify the process for Community Organisations who hold tenure with Council over Council owned or controlled land and infrastructure.

EXECUTIVE SUMMARY

The 2014 endorsed Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy establishes formal agreements between Council and Community Organisations, which transfer all building and infrastructure maintenance and refurbishment obligations to the Community Group occupying the facility. The policy further discharges all cost responsibility for operating expenses, utilities and insurance to these Community Groups.

The Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure (Appendix A) policy in this report proposes the establishment a model of shared cost and delivery obligations to enhance long term asset outcomes, and substantially improve the experience for Community Groups holding tenure agreements with Council.

It is proposed that these outcomes will be achieved via the following amendments;

1. Transfer cost and service delivery responsibility for structural, refurbishment and statutory maintenance to Council where Council is the recognised owner of the asset
2. Introduce shared cost responsibility for water utilities
3. Confirms that Council become the owner of improvements on Council owned or controlled land upon construction or installation, and insures these assets from that time
4. Retains the current Unit of Rent basis for rental charges, and introduces a revenue share where a community organisation enters into a commercial agreement with a third party.

The benefits of the new policy setting include;

1. allowing Community Organisations to focus their time and energies on their community purpose
2. supporting the long-term financial viability of Community Groups

3. improvement in the built infrastructure asset base
4. the standard of the portfolio is lifted to a consistent and minimum standard regardless of the location or use of the facility
5. ensure statutory maintenance compliance, and standardise the scope and documentation associated with compliance reporting

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy" and
- (b) adopt the revised Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy (Appendix A).

FINANCE AND RESOURCING

A Three (3) year operating budget cash flow and budget briefing paper has been prepared which outlines the operating and implementation expense from the 2021/2022 financial year. This budget proposal, and Unit of Rent adjustments, are subject to consideration by Council during budget development.

The additional services will be delivered via a mixed service delivery model including both in-house and external contract resources. The management and coordination component of this new delivery model is anticipated to require resources of \$376,000 per annum.

The provision of Maintenance and Refurbishment Service will be a fully outsourced delivery model, and requires an investment of \$729,000 in the initial year of implementation to address high priority backlog maintenance issues, with equivalent amounts in Years 2 and 3.

The provision of Statutory Maintenance across the portfolio is calculated to be a recurring expense of \$989,000 per annum, with Water Access charges an ongoing year-on-year expense of \$247,000 per annum.

Delivery Component	Full Implementation Per Annum (000's)
Operation Expenditure	
<i>Management & Coordination</i>	376
<i>Backlog Maintenance</i>	729
<i>Statutory Maintenance</i>	989
<i>Water Access Charges</i>	247
Sub Total	2,341

It is proposed that the Unit of Rent basis for charging Community Organisations is retained, with the annual charge increased from \$265 per annum to \$904 per annum to recover the additional administrative expense. Groups with a Liquor and Gaming Licence will continue to

pay Five (5) Units (members under 2,000) or Ten (10) units (members over 2,000) as per the current Fees and Charges arrangement.

The revised Fees and Charges will be subject to a phased implementation as new agreements are entered into with the respective Groups. The Community Group will have some discretion in this regard, and are able to allow existing agreements to expire before entering into a new agreement with Council.

The higher fees will only apply from the point at which the obligations for maintenance and water access charges are transferred to Council. The Community Organisation will benefit significantly from this point on, due to the offset/reduction in the maintenance expenses.

The Capital Works component relating to the upgrade of the portfolio, and those high cost refurbishment/replacement activities which are sufficiently material to be financially recognised in the asset register, will be incorporated in the organisation wide 10-Year Capital Works Program. These cost elements will be scheduled and assessed annually against the region wide capital priorities.

CORPORATE PLAN

Corporate Plan Goal:	<i>Service excellence</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S22 - Property management: comprehensive management of Council's land and building assets to ensure that Council's property dealings are optimised, centrally managed, and support Councils objectives.

CONSULTATION

Councillor Consultation

A Councillor Workshop was held with Councillors to present and discuss the options assessed in reviewing the policy.

Internal Consultation

- Group Executive - Business Performance
- Group Executive - Economic and Community Development
- Manager - Sport and Community Venues
- Manager - Community Planning and Development
- Coordinator – Sports venues and Development
- Team Leader – Sports Planning and Development
- Sport and Recreation Officer (Regional Projects)
- Community Connections and Partnership Lead
- Community Grants Development Officer
- Senior Projects Officer - Economic and Community Development
- Coordinator Open Space and Social Policy
- Senior Open Space and Recreation Planner
- Manager Arts Heritage and Libraries
- Fire & Safety Workplace Health & Safety Advisor

- Chief Financial Officer
- Senior Management Accountant and Management Accountant (Property)
- Coordinator Governance Process and Policy

External Consultation

External consultation was undertaken with other Local Government Authorities to understand the range of policy settings used to administer the community use of Council owned land and buildings in South East Queensland.

- Brisbane City Council
- Logan City Council
- Moreton Bay Regional Council
- Toowoomba City Council
- Redlands Shire Council
- McCullough Robinson Lawyers

All council's above maintain responsibility for maintenance and building improvement costs for community groups.

Community Engagement

Community engagement related to this policy is ongoing with regular interactions between the Community Organisations and Council's Sports Planning & Development, Community Development and Engagement and Property Management Branch. The specific amendments proposed in this report have not been directly canvassed with Community Groups, but responds to their ongoing concerns.

PROPOSAL

The policy amendment proposed in the Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure aims to address community concerns with the general affordability of holding tenure with Council, and to simplify process and improve interactions with the community.

The current policy discharges all building maintenance and upkeep obligations, including major structural, capital replacement, heritage conservation and lifecycle refurbishment, to community groups. Many community organisations find this onerous and financially unsustainable.

The policy revision proposes that, where Council is the recognised owner of the asset, a shared cost and service delivery model is established between Council and the tenure holder. This policy setting will improve long term asset management outcomes by investing in Council owned infrastructure, improve and maintain the portfolio to a consistent and minimum standard, and represents a more sustainable and cost effective approach to long term built infrastructure management.

It is intended that the revised policy drafting will also improve flexibility in the portfolio offering, bring a focus on utilisation and demand analysis, and provide for a more responsive approach to changing community demand.

1. **Amend** Maintenance obligations and transfer cost and delivery responsibility for structural and lifecycle refurbishment to Council
2. **Amend** Maintenance obligations and transfer cost and delivery responsibility for statutory maintenance to Council

3. **Amend** Maintenance obligations and introduce shared responsibility for Heritage conservation and preservation
4. **Amend** outgoings to introduce a transfer of cost responsibility for water access charges to Council
5. **Retain** that the ownership of improvements on Council owned or controlled land transfer to Council on construction or installation
6. **Introduce** greater flexibility of tenure terms, with the introduction of assessment criteria for the determination of eligibility for long term leases
7. **Identify** that Council holds insurance for buildings and infrastructure for which it is the recognised owner and no longer require Community Groups to obtain insurance policies for buildings identified as Council owned assets
8. **Introduces** fees for a commercial sub-lease of Council owned facilities between a Community Organisation and a third party of up to 50% of the revenue generated by that sub-lease agreement
9. **Retains** existing rental charges on a units of rent basis, adjusted by Councils annual review of Fees & Charges

The benefits of the new policy setting include;

1. allowing Community Organisations to focus their time and energies on their community purpose
2. supporting the long-term financial viability of Community Groups
3. improvement in built infrastructure asset base
4. improve the standard of the portfolio so that it is provided at a consistent and minimum standard, regardless of the location or use of the facility
5. ensure statutory maintenance compliance, and standardise the scope and documentation associated with compliance reporting

Legal

Legal Services have provided advice with regards to the revised Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy.

Policy

The adoption of Appendix A - Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy will supersede Attachment 1 - Council's current Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy (2014).

The Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy will apply to all Community Organisations entering into a new or renewed tenure with Council from 1 July 2021.

Risk

The risk in not amending the Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy will result in a continued challenges to Community Groups in regard to the affordability of maintaining Council assets.

Previous Council Resolution**Ordinary Meeting 11 December 2014 (OM14/175)**

That Council:

- (a) *receive and note the report titled “**Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy**”*
- (b) *adopt the Strategic Policy - Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy (Appendix A)*
- (c) *note that adoption of this policy will formalise the existing interim policy principles and tenure arrangements for community groups and*
- (d) *note the draft Community Leaseholder Toolkit.*

Related Documentation

Council’s endorsed strategic policy 2014 Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure.

Critical Dates

Whilst there are no critical dates associated with this policy it is intended to implement 1 July 2021 to align with the Financial Year 2021/22.

Implementation

Should the recommendation be accepted by Council, the Chief Executive Officer will instruct staff to implement the recommendations within the report.

The Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure policy will apply to all Community Organisations looking to enter into new or renewed tenure with Council from 1 July 2021.

The implementation will be staged over three years with the initial introduction to sixty-seven (67) Community Organisations whose tenure agreements with Council will expire in Financial Year 2021/22.

8.4 DEVELOPMENT APPLICATION FOR A VARIATION REQUEST AT 14 & 30 HENEBERY ROAD BURNSIDE

File No:	MCU20/0201
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Recommended Conditions of Approval.....51
Attachments:	Att 1 - Detailed Assessment Report.....61 Att 2 - Recommended Plans for Approval91

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU20/0201>

SUMMARY SHEET	
Applicant:	Sundale Ltd, C/- Innovative Planning Solutions
Owner:	Sundale Ltd
Consultant:	Innovative Planning Solutions Pty Ltd
Proposal:	Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i> to apply the provisions of the Low density residential zone)
Properly Made Date:	28 September 2020
Information Request Date:	09 October 2020
Information Response Received Date:	26 November 2020
Public Notification Period:	3 December 2020 - 2 February 2021
Number of Submissions	4 properly made
State Referral Agencies:	Advice - Energex
PROPERTY DETAILS	
Division:	10
Property Address:	14 & 30 Henebery Road, BURNSIDE
RP Description:	Lot 3 RP 224558, Lot 5 RP 224558
Land Area:	69,040 & 2486 = 71,526m ²
Existing Use of Land:	Detached dwelling
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (28 January 2020)
SEQRP Designation:	Urban Footprint
Strategic Framework Land Use:	Urban
Local Plan Area:	Nambour
Zone:	Community facilities zone and Emerging community zone
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek Council's determination of an application for a Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone)

The application is before Council because it includes a Variation Request.

EXECUTIVE SUMMARY

The application seeks a Preliminary Approval for Material Change of Use of Premises (including a Variation Request) to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone to the subject site.

The site, which is owned by Sundale Ltd, has current approvals (MCU10/0025 & MCU15/0080) for a retirement / aged care facility, comprised of 119 retirement units, 60 aged care beds and a clubhouse up to 10m in height. The approval was issued pursuant to *Maroochy Plan 2000*, when the site was designated Neighborhood residential.

The current planning scheme reflected the approvals by designating most of the site (Lot 5) as Community facility zone annotated for retirement / residential care. The smaller Lot 3 was designated Emerging community zone.

Sundale advises that the site is now surplus to its needs, as it is too far (5 km) from medical and community facilities. Sundale would have to provide 'on demand' bus service to and from the site, which it contends is not viable.

As a result, Sundale is seeking a Preliminary Approval over the site for a Material Change of Use of Premises (including a Variation Request to vary the *Sunshine Coast Planning Scheme 2014* to apply the Low-density residential zone provisions to the site) to facilitate low density residential development (e.g. detached houses on traditional lots) because the Community facility zone would not permit these uses.

The proposed development has been assessed against the Sunshine Coast Planning Scheme 2014 and satisfies the requirements of the Planning Scheme subject to reasonable and relevant conditions, including several changes / amendments to the proposal to mitigate any impacts as outlined in this report.

The application is recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Development Application for a Variation Request at 14 & 30 Henebery Road Burnside"
- (b) **APPROVE** application no. MCU20/0201, and grant a Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone) subject to imposition of reasonable and relevant conditions in Appendix A and
- (c) delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the approval (MCU20/0201) where the changes would not have a material impact on the outcome of the original decision.

FINANCE AND RESOURCING

In the event of approval, the applicant would not be required to pay infrastructure charges at the Preliminary Approval stage.

Council's Transport and Infrastructure Policy Branch advise that infrastructure charges would be required for any subsequent development permit approval(s) over the site.

CORPORATE PLAN

Corporate Plan Goal:	Service excellence
Outcome:	4.4 - Service quality assessed by our performance and value to customers
Operational Activity:	4.4.1 - Deliver Planning and Development Services to ensure statutory requirements are met to achieve positive customer experiences and maintain strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor D Law was informed about this development application when the application was properly made and then further consulted at the public notification stage of the application.

Internal Consultation

The application was referred and/or discussed with the following internal Council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Landscape and Ecology Specialist, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Traffic Engineer, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Strategic Planner, Strategic Planning Branch, Customer Engagement and Planning Services Group
- Transport and Infrastructure Policy Branch, Built Infrastructure Group.

External Consultation

The application was referred to Energex as an Advice Agency due to the site being encumbered by electrical infrastructure (high voltage transmission line easement). Energex responded by letter dated 3 December 2020 recommending that the Energex easement be designated as open space to ensure that future dwellings do not impact on the use of the easement for its intended purpose. Conditions relating to the protection of the Energex easement are outlined in the officer's Detailed Assessment Report at Attachment 1.

Community Engagement

The application was publicly notified for 30 days in accordance with the requirements of the *Planning Act 2016*, from the 3 December 2020 to 2 February 2021 and 4 properly made submissions and 1 not properly made submissions were received. A summary of the issues raised by submitter together with a response is provided in the officer's Detailed Assessment Report at Attachment 1.

PROPOSAL

Preliminary Approval for Material Change of Use (including a Variation Request)

The application seeks a Preliminary Approval for Material Change of Use for Low density residential uses over the site. The application includes a Variation Request in accordance with Section 50(3) of the *Planning Act 2016* to vary the effect of the *Sunshine Coast Planning Scheme 2014* to facilities traditional residential allotments, which the current Community facilities zone (annotated to retirement / aged care facility) would not permit.

The Preliminary Approval and Variation Request seek to:

- Obtain a Preliminary Approval for residential uses (detached houses, dual occupancy, etc.) consistent with the Low density residential zone provisions
- Reduce the building height limit for the development site from 12m to 8.5m
- Apply the *Sunshine Coast Planning Scheme 2014* Low density residential zone Tables of Assessment, codes (benchmarks) and applicable overlays to the development site.

The location of the subject site is shown below in Figure 1.



Figure 1 – Site Location

The existing zone map below in Figure 2 shows the location of the site at the western edge of Nambour.

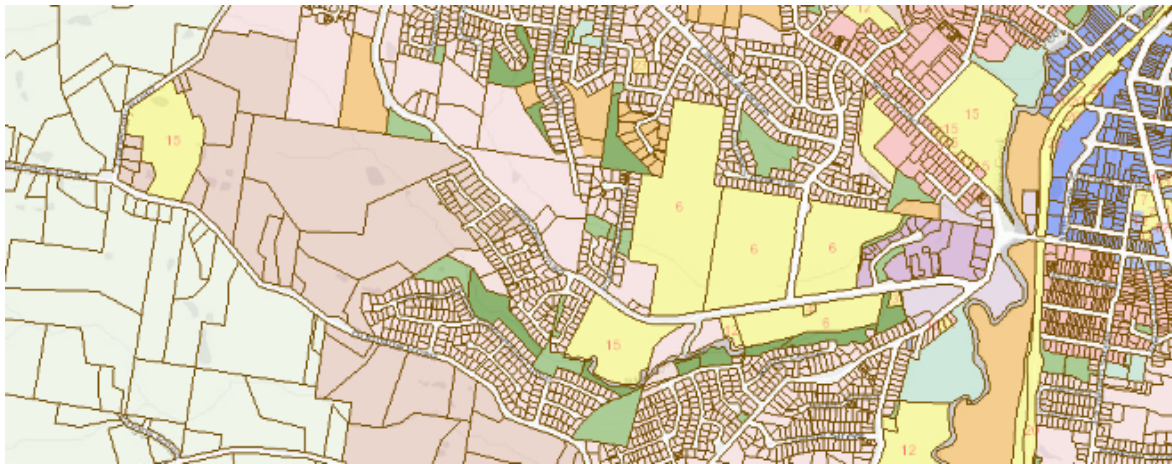


Figure 2 – Existing Zoning

A Preliminary Approval and Variation Request for Low density residential uses (e.g. detached houses, etc.) would facilitate the future low density residential subdivision of the site and lower the height limit from 12m to 8.5m.

The proposed Low density residential Zone Plan is shown below in Figure 3 and the proposed 8.5m Building Height Limit Plan is shown below in Figure 4 (also refer to Attachment 2).

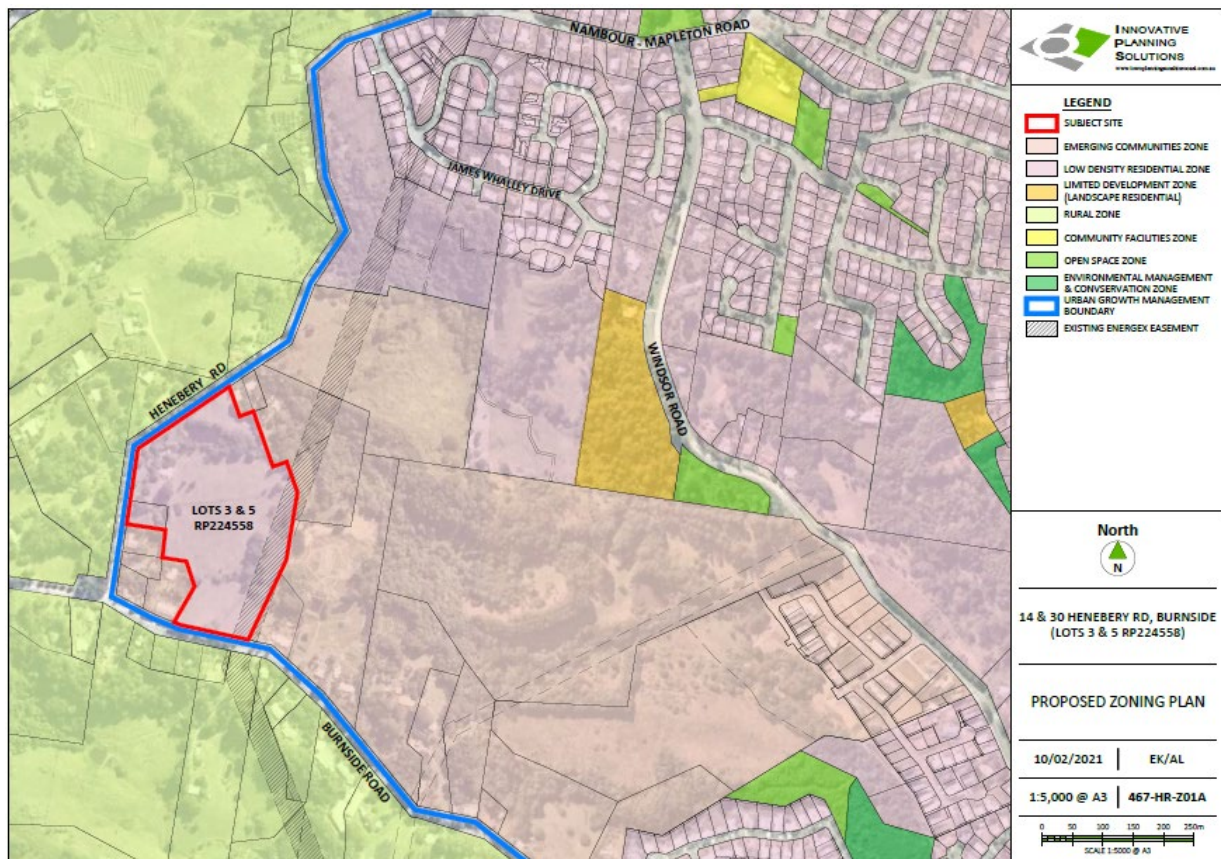


Figure 3 – Proposed Low density residential Zone Plan

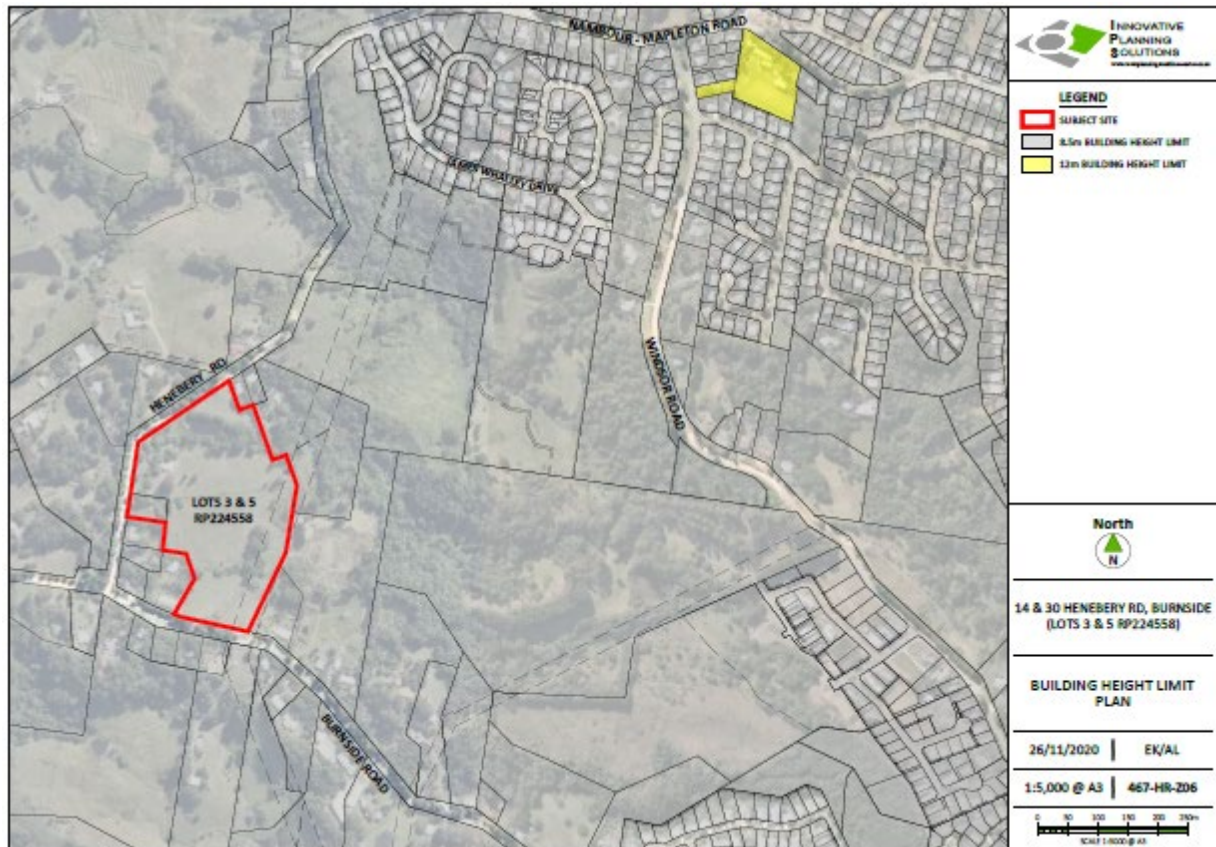


Figure 4 – 8.5m Building Height Limit Plan

Sundale's Macroplan Needs Assessment concluded that, *'It is evident that there is insufficient need for additional supply of both retirement living and aged care product within the Burnside catchment'*. The Henebery Road site's location at the westerly end of the Nambour local plan area, means that it is too remote for a viable retirement / aged care facility and is consequently superfluous to Sundale's needs. Sundale will concentrate on redeveloping its more centrally located Doolan Street Nambour site.

Sundale's Land Supply Analysis identified land capable of accommodating growing demand for detached dwellings in Nambour and concluded that, *'There will be a strong demand for future detached dwellings within the Nambour catchment and that land zoned as Low density residential and Emerging Community would be best placed to satisfy that demand, including the Henebery Road site.'*

Documentation submitted in support of the application includes:

- Market Needs Assessment
- Land Supply Analysis
- Planning Report
- Zoning Plan
- Structure Plan
- Site Constraints Plan
- Building Height Limit Plan
- Slope Assessment
- Traffic Report
- Stormwater Management Plan.

ASSESSMENT

A detailed assessment of the application has been undertaken and is included in the officers Detail Assessment Report in Attachment 1 to this report. Below is a summary of the key assessment considerations for this application:

The application seeks a Preliminary Approval for Material Change of Use of Premises (including a Variation Request) to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone to the subject site and to lower the building height limit to 8.5 metres.

The subject site is included within the Community facility zone (annotated for retirement / aged care) with a small portion of Emerging community zone. The Community Facility zone does not support low density residential uses (e.g. detached houses), as it is intended to accommodate community activities and allows buildings up to 12 metres in height. Applying the provisions of the Low density residential zone to the development site would not preclude a retirement / residential care facility, which would be code assessable where within the lower 8.5m height limit.

Council's peer review of Sundale's Needs Assessment concurred that there was sufficient land in the catchment zone for retirement / aged care to accommodate that use within the life of the current planning scheme. The need for alternative zoned sites to address the long term supply of aged care could be addressed through the current planning scheme review process.

In order to consider a variation (in this case to a zone), the 'other part' of the proposed development, in this case low density residential uses (detached dwellings), must be assessed for their appropriateness for the development site. The outcome of such assessment informs the determination of the variation component that would vary the provisions of the planning scheme. In this case, the 'other part' would entail a consideration of the suitability of the site for future low density residential uses.

The site is located on the western periphery of Nambour Local plan area approximately 5km from community and commercial services, and is surrounded by Emerging community zone, many with approvals for traditional low density residential dwellings on traditional lots, suggesting that low density residential development would be compatible with the locale.

The major site constraints include a north / south Energex easement, two east / west riparian corridors, a small amount of mapped vegetation and limited slope exceeding 15% as identified on the applicant's Constrains Plan (refer to officers Detail Assessment Report in Attachment 1). The remainder of the site is considered to be generally suitable for low density residential uses subject to further approvals. While site constrains would be assessed as part of any future application for a development permit, Preliminary Approval conditions are recommended, which would protect the Energex easement as open space, require the rehabilitation of the riparian corridors and mitigate other constraints.

From a traffic perspective, Sundale's Trip Generation and Traffic Review concluded that a hypothetical 60 lot subdivision would generate a lower peak trip rate, but a slightly higher daily trip rate than the approved retirement village. In both cases, the carrying capacity of Burnside Road was considered to be adequate. Preliminary Approval conditions are recommended to ensure that any future approval(s) over the site would result in the upgrade of both Burnside and Henebery Roads.

The proposal was publicly notified for 30 days from 3 December 2020 to 2 February 2021. Four (4) properly made submissions were received; 1 from Energex and 3 from surrounding residents, none of which objected to the proposal. Energex requested that the Energex easement (high voltage transmission corridor) be designated as open space. Residents requested that conditions similar to those imposed on the approved retirement / aged care be applied to any approval, especially in relation to access and frontage works.

If approved, the proposal would effectively change the zone for the development site to its previous zoning (low density residential) and lower the height limit from 12 to 8.5 metres, allowing the site to be developed as a low density residential estate, subject to further approvals. Any future application would have to meet the Low density residential zone benchmarks, (including the minimum 600m² lot size) or be impact assessable and open to submissions.

The planning scheme's Table of Assessment for Material Change of use and Table of Assessment for Reconfiguration of a Lot would be used as Supplementary Tables to control future development, with slight variations to limit the number of dual occupancies within any future subdivision to 15% of the total lots (where nominated on an approved Plan of Development) and to make shops impact assessable. The minor variations are considered reasonable to protect the character and amenity of the area given the site's location at the western edge of the Nambour Urban Growth Management Boundary.

In summary, the proposed development has been assessed against the *Sunshine Coast Planning Scheme 2014* and is considered to satisfy its requirements subject to the imposition of reasonable and relevant conditions on the basis that:

- The land is no longer required for retirement / residential care, but even if it were, the Low density residential zone provides for such development as code assessable.
- Reducing the building height limit from 12m to 8.5m would be more in keeping with the character of the surrounding area.
- A further development permit would be required for any development to proceed.
- Future applications complying with the provisions of the Low density residential zone, including the 600m² minimum lot size, would be code assessable.
- Future applications not complying with the provisions of the Low density residential zone would be impact assessable, preserving the submission and appeal rights of the public.

Legal

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

Policy

The application has been processed under the *Planning Act 2016* and 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 and/or submitters. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

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

Related Documentation

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

A copy of the Proposal Zoning Plan and Proposed Building Height Limit Plan associated with the development application recommended for approval are included as Attachment 2 to this report.

Critical Dates

Council's decision for the application is due on 29 April 2021. If a decision is not made by this time, the applicant may elect to appeal to the Planning and Environment Court against a 'deemed refusal' of the application.

Implementation

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

8.5 DEVELOPMENT APPLICATION FOR A VARIATION REQUEST TO RECONFIGURE A LOT AT 21 PETRIE CREEK ROAD NAMBOUR

File No:	RAL20/0010
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Recommended Conditions of Approval..... 103
Attachments:	Att 1 - Detailed Assessment Report..... 125 Att 2 - Recommended Plans for Approval 153

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=RAL20/0010>

SUMMARY SHEET	
Applicant:	Hoermann Developments Pty Ltd
Owner:	Hoermann Developments Pty Ltd
Consultant:	Murray & Associates (Qld) Pty Ltd
Proposal:	<ul style="list-style-type: none"> Development Permit to Reconfigure a Lot (1 Lot into 17 Lots plus New Road and Drainage Reserve) Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone)
Properly Made Date:	22 January 2020
Information Request Date:	20 February 2020
Information Response Received Date:	23 October 2020
Public Notification Period:	30 October 2020 - 11 December 2020
Number of Properly Made Submissions:	One (1) against
PROPERTY DETAILS	
Division:	10
Property Address:	21 Petrie Creek Rd NAMBOUR QLD 4560
RP Description:	Lot 3 RP 176566
Land Area:	2.6851ha
Existing Use of Land:	Single Detached Dwelling
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (11 November 2019)
SEQRP Designation:	Urban Footprint

Strategic Framework Land Use Category:	Urban
Local Plan Area:	Nambour Local Plan Area
Zone:	Limited Development (Landscape Residential) Zone
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek Council's determination of a development application for:

- Development Permit to Reconfigure a Lot (1 Lot into 17 Lots plus New Road and Drainage Reserve) and
- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone).

The application is before Council because the application involves a Variation Request.

EXECUTIVE SUMMARY

The application seeks to develop the subject site into 17 residential lots (plus New Road and Drainage Reserve) via a Preliminary Approval for Material Change of Use of Premises (including a Variation Request) to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone to the subject site.

The subject site is included within the Limited development (landscape residential) zone, which intends that additional lots are not created. Such zoning is typically applied to sites that have been determined to be unsuitable for urban purposes due to the presence of constraints (flooding, ecologically important areas, steep land or landslide hazard, etc.). The appropriateness of sites that are included within the Limited development (landscape residential) zone to provide for urban development is largely dependent upon whether or not the purpose of the zone remains relevant to the present site characteristics and whether the site can (physically) accommodate the form of urban development envisaged.

In this case, it has been determined that the predominant constraint that resulted in the application of the Limited development (landscape residential) zone upon the site was not accurately identified as the mapped vegetation was not in fact, 'native' vegetation.

Accordingly, it has been determined that by addressing all other site constraints and development requirements, the subject site would be able to accommodate a low density form of urban development consistent with typical low density residential zoned land. The proposed Variation Request is the mechanism sought to enable the establishment of single detached dwellings to occur on the land via the proposed reconfiguration.

The proposed development has been assessed against the *Sunshine Coast Planning Scheme 2014* and satisfies the requirements of the Planning Scheme subject to reasonable and relevant conditions, including several plan amendments, including to approve only 16 lots instead of 17 lots proposed, to mitigate any impacts from the electrical infrastructure as outlined in this report.

The application is recommended for approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Application for a Variation Request to Reconfigure a Lot at 21 Petrie Creek Road Nambour”
- (b) **APPROVE** application nos. RAL20/0010 and MCU20/0014, and grant a:
 - (i) **Development Permit to Reconfigure a Lot (1 Lot into 16 Lots plus New Road, Access Easements and Drainage Reserve) and**
 - (ii) **Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 to apply the provisions of the Low density residential zone – Precinct LDR1 (Protected Housing Area))**subject to imposition of the conditions of approval identified in Appendix A and plan amendments identified in Attachment 2, including to approve only 16 lots and
- (c) **delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the approval (RAL20/0010 and MCU20/0014) where the changes would not have a material impact on the outcome of the original decision.**

FINANCE AND RESOURCING

In the event of any approval, Infrastructure charges are payable for the development in accordance with the Infrastructure Charges Resolution. Council’s proportion of infrastructure charges that would be applicable is approximately \$244,840.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

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

Operational Activity: 4.4.1 - Deliver Planning and Development Services to ensure statutory requirements are met to achieve positive customer experiences and maintain strong industry engagement.

CONSULTATION

Councillor Consultation

The Divisional Councillor D Law was consulted once public notification of the development application commenced.

Internal Consultation

The application was referred and/or discussed with the following internal Council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Development Engineer - Hydraulics, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group

- Landscape and Ecology Specialist, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Environment Specialist, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Strategic Planner, Strategic Planning Branch, Customer Engagement and Planning Services Group
- Transport and Infrastructure Policy Branch, Built Infrastructure Group.

External Consultation

The application was referred to Energex an Advice Agency due to the site being encumbered by electrical infrastructure. Energex responded by letter dated 26 October 2020 stating that they approve of the proposed development subject to the imposition of conditions. Their requirements are detailed in the officer's Detailed Assessment Report at Attachment 1.

The application was also referred to SEQWater seeking Third Party Advice in relation to a bulk water supply main that traverses the adjacent site to the east. SEQWater provided a response on 29 January 2021, giving 'in-principle' support for the proposed development with requirements. Their requirements are detailed in the officer's Detailed Assessment Report at Attachment 1.

Community Engagement

The application was publicly notified for 30 business days between 30 October 2020 and 11 December 2020 in accordance with the requirements of the *Planning Act 2016*. One (1) submission was received objecting to the development proposal, which was determined to be 'properly made' in accordance with the *Planning Act 2016*. A summary of the issues raised by submitter together with a response is provided in the officer's Detailed Assessment Report at Attachment 1.

PROPOSAL

This development application includes a:

- Development Permit to Reconfigure a Lot (1 Lot into 17 Lots plus New Road and Drainage Reserve) and
- Preliminary Approval for Material Change of Use of Premises (including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone).

The location of the subject site and surrounding zoning is shown below in Figure 1.

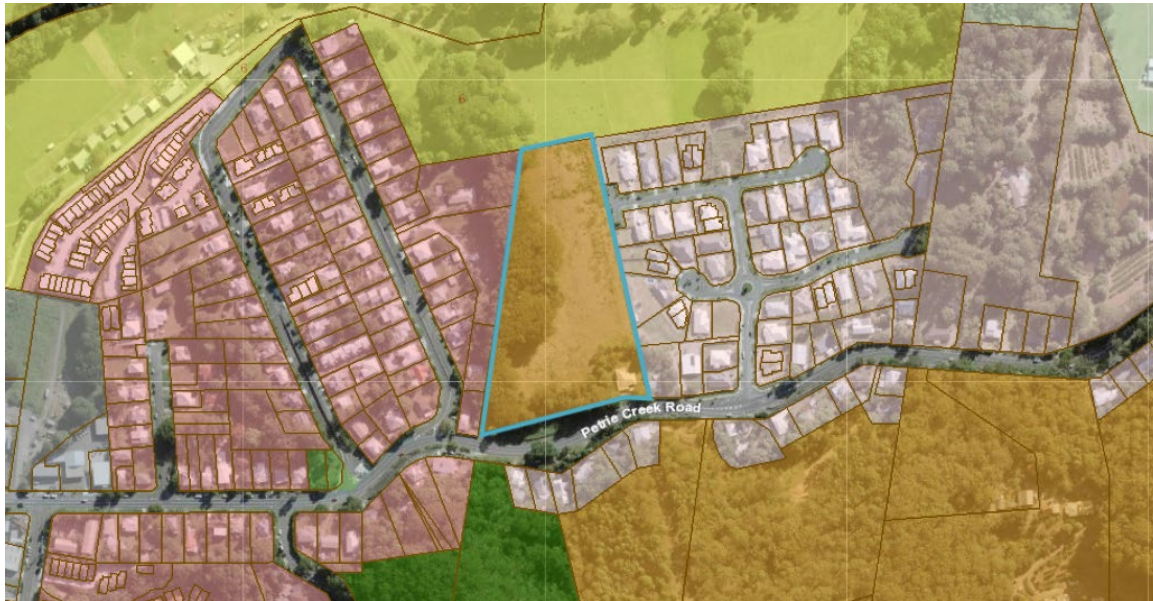


Figure 1 – Site Location and Zoning

The proposal seeks approval for the following:

Reconfiguration

Reconfiguring a lot from 1 lot into 17 residential allotments, comprising lot areas ranging from 635m² to 960m², including two hatchet (rear) lots. The proposed subdivision intends to occupy a cleared area of the site with the balance of the land being proposed as drainage reserve and new (14 m wide) road. Two separate bio retention basins are proposed for stormwater management. A number of easements are proposed throughout the development to provide for drainage and sewer reticulation. A single detached dwelling exists on the site fronting Petrie Creek Road. It is proposed that the house remain in place and that it maintains access from Petrie Creek Road. All other proposed lots would gain access from the proposed internal road.

The proposed subdivision plan is shown below in Figure 2.

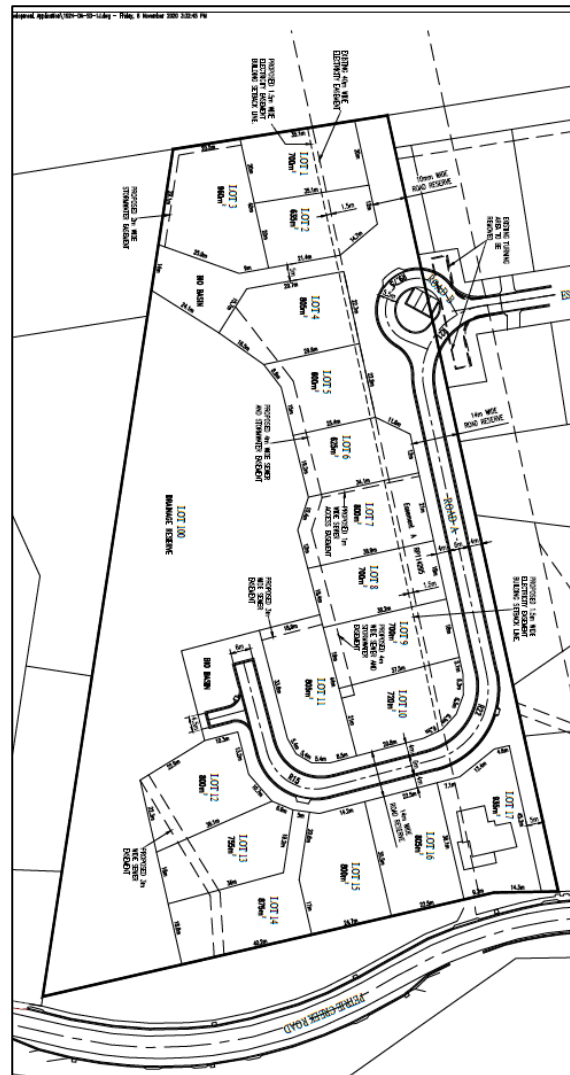


Figure 2 – Proposed Subdivision Plan

Preliminary Approval for Material Change of Use (including a Variation Request)

The application also includes a Variation Request in accordance with Section 50(3) of the *Planning Act 2016*. The Variation Request seeks to vary the effect of the *Sunshine Coast Planning Scheme 2014* as it relates to the subject site for traditional residential allotments under a Low density residential zone. The site is currently included in Limited development (landscape residential) zone. No particular variation criteria or new revised development codes have been proposed by the applicant to give effect to the proposal.

The subject site in relation to its surrounds are shown in Figure 3 below:

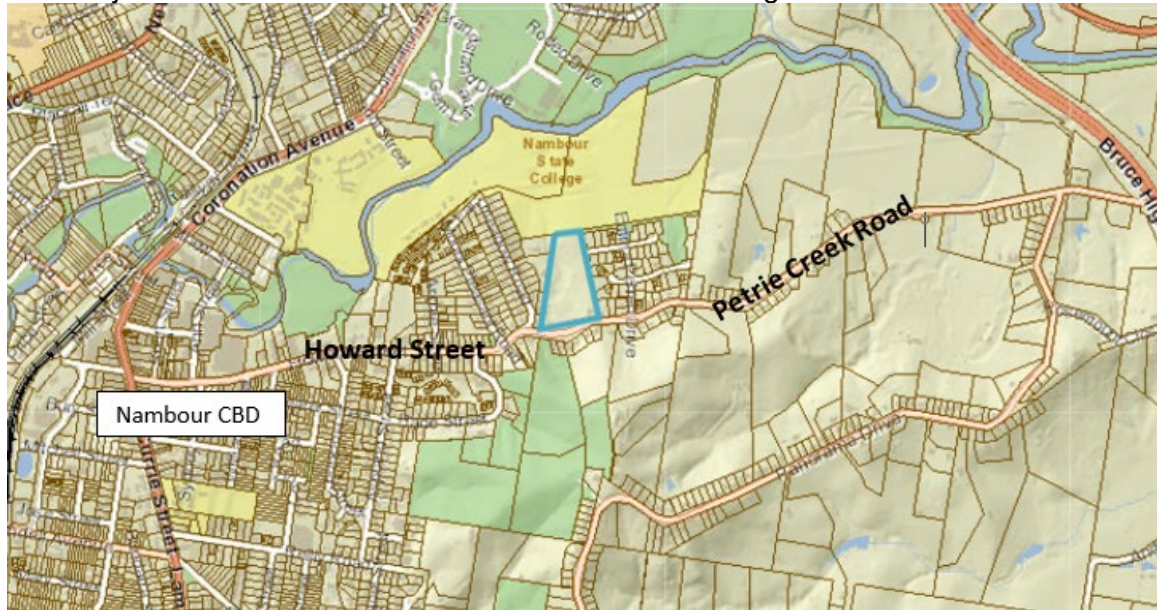


Figure 3 – Subject site and Surrounds

An aerial photograph showing the location of the subject site is included below in Figure 4.



Figure 4 – Subject Site Aerial

ASSESSMENT

The Council officers Detailed Assessment Report is included as Attachment 1 to this report. Below is a summary of the key assessment considerations for this application:

The application seeks to develop the subject site into 17 residential lots (plus New Road and Drainage Reserve) via a Preliminary Approval for Material Change of Use of Premises (including a Variation Request) to vary the effect of the *Sunshine Coast Planning Scheme 2014* to apply the provisions of the Low density residential zone to the subject site.

The subject site is included within the Limited development (landscape residential) zone, which intends that additional lots are not created. Such zoning is typically applied to sites that which have been determined to be unsuitable for urban purposes due to the presence of constraints (flooding, ecologically important areas, steep land or landslide hazard, etc.). The appropriateness of sites that are included within the Limited development (landscape residential) zone to provide for urban development is therefore, largely dependent upon whether or not the purpose of the zone remains relevant to the present site characteristics and whether the site can (physically) accommodate the form of urban development envisaged.

In order to consider a variation (in this case to a zone), the 'other part' of the proposed development, in this case low density residential uses (single detached dwellings), must be assessed for their appropriateness for the development site. The outcome of such assessment informs the determination of the variation component that would vary the provisions of the planning scheme.

In terms of locational context, aside from the Educational Facility (Agricultural College) located north of the site, the site is surrounded by traditional residential dwellings, suggesting urban development upon the site is compatible with the locale. It is noted also that the land to the west is included in the Medium density residential zone, but for the most part, the ultimate density outcomes (i.e. multiple dwelling developments) have not yet been realised in that zone.

Further, the proposed reconfiguration would be able to provide for future detached dwellings consistent with typical low density residential zoned land, taking into account the existing constraints on the site. In particular, the original reason for the subject site's inclusion within the Limited development (landscape residential) zone was based on the existence of vegetation, which no longer exists on the site, having been removed lawfully under an Operational Works approval in 2018 due to the said vegetation being determined to comprise weed and planted species rather than 'native' vegetation.

Hence in this case, the application of the Limited development (landscape residential) zone to the subject site is considered to be erroneous because the Biodiversity, waterways and wetlands overlay incorrectly mapped the (now removed) vegetation as 'native' vegetation (ie. an *ecologically important area*). This constraint therefore no longer exists and the cleared area of the site can be considered for an appropriate form of urban development. The proposal also includes the removal of mapped vegetation, being about 2,000m² in area, from the southern portion of the subject land. Council's Ecologist determined that this portion of vegetation contained 'degraded regrowth vegetation' which also did not qualify as an *ecologically important area*, such that it would warrant retention.

In terms of the ultimate use of the site, the proposed reconfiguration would result in a density that equates to that typically occurring in low density residential areas and is therefore, suitable given the context of the site in the surrounding area. The proposal is also able to satisfy all other requirements of the Planning Scheme in terms of slope, bushfire mitigation, access, as well as the protection of existing infrastructure and the provision of required infrastructure to service the development.

The proposed Variation Request seeks to apply the existing provisions of the *Low density residential zone code* to the development site and to apply the applicable Table of Assessment (Table 5.5.1- Material Change of Use) identified for the Low density residential zone along with the associated assessment benchmarks to control future development within the site. Whilst, no specific changes are proposed to the *Low density residential zone code* or other assessment benchmarks of the *Sunshine Coast Planning Scheme 2014*, the assessment has determined that amendments to the *Low density residential zone code* and *Biodiversity, waterways and wetlands overlay code* require amendment to provide for future dwellings to be established on the site.

Moreover, the recommendation of this assessment includes a prohibition (via implementation of the 'Protected Housing' provisions contained in the *Sunshine Coast Planning Scheme*

2014) on the establishment of Dual Occupancies on the subject land due to the existing road roadwork connection to the site being of an inferior standard relative to the density that would result from the addition of Dual Occupancies.

In addition, conditions and amendments to the layout are recommended, following consultation with Energex and SEQWater, to ensure the ongoing protection of critical infrastructure affecting the development site, which has resulted in mandatory setback requirements for future dwellings on proposed Lots 1 to 10 and amalgamation of two of the proposed lots to ensure that the infrastructure is not compromised into the future. These amendments are outline on Figure 5 below and are further explained in the attached officer’s Detailed Assessment Report in Attachment 1.

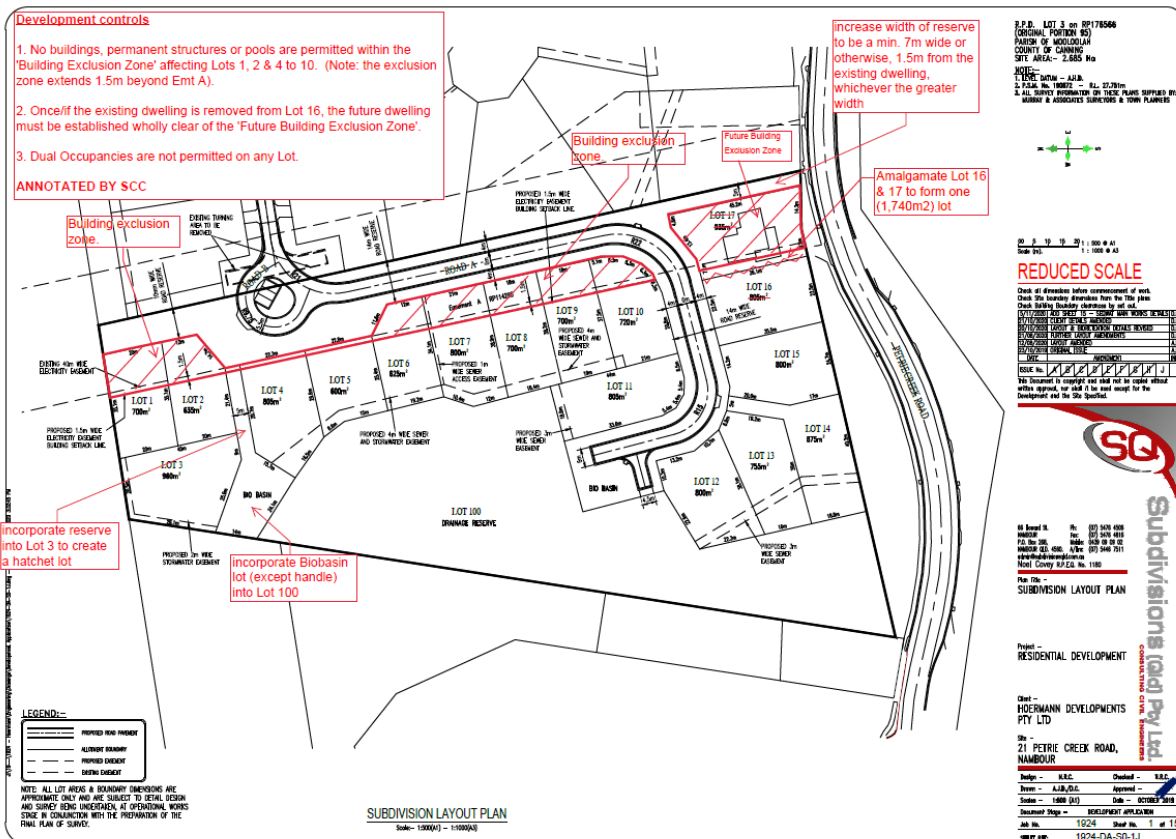


Figure 5 – Amendments to the Proposed Subdivision Plan

In summary, with the implementation of the recommended plan amendments and conditions, the proposed development is able to sufficiently comply with the requirements of the Planning Scheme in order for the proposed Variation Request to be considered. Specifically, the main impediment to the land being developed, being the mapped native vegetation, was proven to consist of weed species and has for the most part, been removed from the site for purposes of the development footprint proposed. The subject land is otherwise burdened by the same overlay constrains (such as steep land and potential landslide hazard) that also existed on the adjoining developed land to the east which is also included in the Low density residential zone, and these constraints are similarly addressed in the current application such that the land can also be adequately developed for traditional housing. Other site constraints such as electrical and water supply infrastructure have been thoroughly considered by the relevant custodians and it is considered that the existence of this infrastructure does not pose such a threat or risk to future use of the land that would warrant refusal of the development when weighed against the other relevant matters that favour its approval.

The proposed development has been assessed against the *Sunshine Coast Planning Scheme 2014* and satisfies the requirements of the Planning Scheme subject to reasonable and relevant conditions.

Legal

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

Policy

The application has been processed under the *Planning Act 2016* and 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 and/or submitters. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

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

Related Documentation

A copy of the officer's full and Detailed Assessment Report is included as Attachment 1 to this report. The detailed assessment report contains all the specific assessment details under the Planning Scheme considered in Council's assessment of this application.

A copy of the proposed Zoning Plan and Reconfiguration of a Lot Plan associated with the development application are included as Attachment 2 to this report.

Critical Dates

Council's decision for the application is due on 29 April 2021, coinciding with the Ordinary Meeting schedule in this case. If a decision is not made by this time, the applicant may elect to appeal to the Planning and Environment Court against a 'deemed refusal' of the application.

Implementation

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

8.6 PROPOSED PLANNING SCHEME POLICY FOR DEVELOPMENT WORKS AMENDMENT

File No:	Council meeting
Author:	Senior Strategic Planner Customer Engagement & Planning Services Group
Appendices:	App A - Amendment Instrument 5/243 App B - Explanatory Memorandum..... 163
Attachments:	Att 1 - Consultation Report 221/243

PURPOSE

The purpose of this report is to:

- present to Council the outcomes from public consultation on the proposed Planning Scheme Policy for Development Works Amendment and
- seek Council's endorsement to adopt the proposed Planning Scheme Policy for Development Works Amendment, subject to changes.

EXECUTIVE SUMMARY

The proposed Planning Scheme Policy (PSP) for Development Works Amendment was placed on public consultation from 2 November to 4 December 2020.

During the public consultation period, Council received a total of 12 submissions. Of the total number of submissions received, 10 submissions outlined provisional or full support for the proposed planning scheme policy amendment but raised a range of issues/concerns in relation to specific aspects of the proposed amendment. Two submissions raised matters which are considered to be outside the scope of the proposed amendment.

Key issues/concerns raised in submissions related to:-

- road infrastructure, including matters relating to kerb construction techniques and pavement thickness requirements
- stormwater management, including matters relating to design requirements
- lighting, including matters relating to lighting requirements for avoiding impacts on turtles, road and public lighting and standards
- local parks, including matters relating to desired standards of service, maintenance of park infrastructure, local park embellishments and guidelines
- landscaping infrastructure, including matters relating to landscape design for wildlife (such as kangaroos), landscape requirements and landscape bonds
- constructed waterbodies and
- specifications and construction generally.

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 range of drafting changes are proposed to the public consultation version of the proposed planning scheme policy amendment in order to address issues/concerns raised and to provide further guidance and clarification.

Key changes proposed to the post notification version of the Planning Scheme Policy as a consequence of the submission review process relate to:-

- stormwater management – to provide further guidance and clarification in relation to stormwater quality requirements, stormwater drainage systems, discharge rights, land tenure and impact mitigation, actionable nuisance and open space integration
- local parks – to provide further clarification in relation to desired standards of service, maintenance and embellishment requirements
- landscape infrastructure - to provide further guidance in relation to certain landscape design and works, and add references to Council's Landscape Infrastructure Manual and
- constructed waterbodies - to provide further clarification in relation to minimum design requirements.

The proposed changes to the planning scheme policy are not considered to make the amendment significantly different to the version that was placed on public consultation and therefore the revised Planning Scheme Policy does not require re-notification.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Proposed Planning Scheme Policy for Development Works Amendment"**
- (b) having considered all submissions received about the proposed planning scheme policy amendment, decide to adopt the proposed planning scheme policy amendment, with changes (Appendix A and Appendix B) and**
- (c) delegate authority to the Chief Executive Officer to progress and finalise the proposed planning scheme policy amendment in accordance with Section 22 of the *Planning Act 2016*.**

FINANCE AND RESOURCING

There are sufficient funds allocated in the Strategic Planning Branch 2020/21 budget for undertaking amendments to the Sunshine Coast Planning Scheme 2014 (including planning scheme policies).

CORPORATE PLAN

Corporate Plan Goal: *A healthy environment*
Outcome: 2.1 - A resilient region shaped by clever planning and good design
Operational Activity: 2.1.6 - Produce and maintain a new Planning Scheme to guide future development and growth in a sustainable way, which reflects community values

CONSULTATION

Councillor Consultation

Councillors were briefed on the proposed amendment prior to the public consultation period. However, there has been no consultation undertaken with Councillors in relation to this report.

Internal Consultation

To help inform submission responses, consultation has occurred with relevant internal officers from the following Groups and Branches:

- Customer Engagement and Planning Service Group:
 - Development Services Branch, in relation to landscape infrastructure
- Built Infrastructure Group:
 - Civil Asset Management Branch, in relation to road infrastructure
 - Parks and Gardens Branch, in relation to management of parks
 - Transport and Infrastructure Planning Branch, in relation to stormwater management
 - Transport Infrastructure Management Branch, in relation to electrical, lighting and telecommunication matters
- Liveability and Natural Assets Group:
 - Environmental Operations Branch, in relation to constructed waterbodies and landscape infrastructure
 - Environment and Sustainability Policy Branch, in relation to local parks.

External Consultation

There has been no external consultation undertaken in relation to this report. However, engagement activities were conducted during the formal consultation period and the submissions received from external parties were reviewed as part of the preparation of this report (see Community Engagement Section below for further details).

Community Engagement

The proposed planning scheme policy amendment was subject to formal public consultation from 2 November to 4 December 2020.

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

- public notice published in the Courier Mail (including online in the Courier Mail and the Sunshine Coast Daily) on 31 October 2020
- copy of public notice and amendment documentation made available at all Council offices, Council libraries and on Council's website
- newsflash issued to all regular planning scheme users and community members that have previously expressed an interest in receiving information about planning scheme and development matters
- dedicated webpage on Council's 'Have Your Say' webpage, including a copy of the public notice, amendment documentation and online submission form
- briefings to key stakeholder groups (including the Urban Development Institute of Australia (UDIA) and Organisation Sunshine Coast Association of Residents (OSCAR) and affiliates) and
- various phone and email enquiries.

During the public consultation period, Council received 12 submissions in relation to the proposed planning scheme policy amendment.

PROPOSAL

This report presents to Council the outcomes from the public consultation on the proposed planning scheme policy amendment.

Background

At the Ordinary Meeting held on 15 October 2020, Council decided to amend the Planning Scheme Policy for Development Works and delegate authority to the Chief Executive Officer to prepare and place the proposed planning scheme policy amendment on public consultation.

In summary, the proposed planning scheme policy amendment:

- updates the standards and specifications, to guide the design and construction of new development asset infrastructure, including roads, stormwater, landscaping and recreation infrastructure
- updates references and guidelines
- deletes redundant water and sewer specifications (noting that these are now specified in a separate document administered by Unitywater)
- includes a new section for the delivery of local parks and
- corrects spelling and grammatical errors.

The proposed planning scheme policy amendment has been prepared in response to the outcomes of an Audit Committee Report on Contributed Assets (presented to Council in September 2017) and a collaborative review of the standards and specifications by Council's asset custodians.

In accordance with Council Resolution OM20/109, on 15 October 2020, a copy of the proposed planning scheme policy amendment was placed on public consultation from 2 November to 4 December 2020.

Outcomes of public consultation and consideration of issues

In response to public consultation on the proposed planning scheme policy amendment, Council received a total of 12 submissions. Of the total number of submissions received, 10 submissions outlined provisional or full support for the proposed planning scheme policy amendment but raised a range of concerns in relation to specific aspects of the proposed amendment. 2 submissions raised matters which are considered to be outside the scope of the proposed planning scheme policy amendment.

The key issues raised in submissions were in relation to the following matters:

- road infrastructure, including matters relating to kerb construction techniques and pavement thickness requirements
- stormwater management, including matters relating to design requirements
- lighting, including matters relating to lighting requirements for avoiding impacts on turtles, road and public lighting and standards
- local parks, including matters relating to desired standards of service, maintenance of park infrastructure, local park embellishments and guidelines
- landscaping infrastructure, including matters relating to landscape design for wildlife (such as kangaroos), landscape requirements and landscape bonds
- constructed waterbodies and
- specifications and construction.

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

Following consideration of submissions, a range of drafting changes are recommended to the public consultation version of the proposed planning scheme policy amendment to address various technical issues raised in submissions and to provide further guidance and improve clarity and efficiency of the proposed planning scheme policy, including:

- updating references to guidance documents to reflect new documentation and versions
- amendments to the section relating to stormwater management, to provide further guidance and clarification in relation to certain requirements for stormwater quality, stormwater drainage systems, discharge rights, land tenure and impact mitigation, actionable nuisance and open space integration
- amendments to the section relating to local parks to provide further clarity in relation to the local park provision rate, embellishments and specifications
- amendments to the section relating to landscape infrastructure to provide further guidance and clarification in relation to certain requirements for landscape design, furniture and fixtures, landscape structures, lighting, engineered planting, landscape design in bushfire hazard areas, fencing, walls and screening types and recreational equipment and
- amendments to the section relating to constructed waterbodies to provide further clarification in relation to certain minimum design requirements.

Appendix A – Amendment Instrument and **Appendix B – Explanatory Memorandum** provide details on the proposed post-consultation changes to the planning scheme policy amendment. For ease of reference, proposed text changes are highlighted in yellow in the Amendment Instrument.

Conclusion

Having considered all submissions received, it is recommended that Council adopt the proposed planning scheme policy amendment, with changes.

The recommended changes to the proposed planning scheme policy amendment have been made to address issues raised in submissions, to amend a drafting error and to address new or changed planning circumstances or information.

The recommended changes are not considered to make the proposed planning scheme policy amendment significantly different to the version that was placed on public consultation, such that Council can now adopt the proposed planning scheme policy amendment in accordance with the *Minister's Guidelines and Rules 2020*.

Legal

The *Planning Act 2016* and the *Minister's Guidelines and Rules 2020* sets out the process that a local government must follow when amending a planning scheme policy. Where necessary, legal advice may be sought during the amendment process to ensure compliance with these statutory requirements.

Policy

Planning Scheme Policies support the implementation of the Planning Scheme by providing guidance and advice on how to satisfy the Planning Scheme's development requirements.

The proposed amendment to the Planning Scheme Policy for Development Works is primarily seeking to refine and update the standards and specifications in the current policy to ensure ongoing relevance and consistency with up to date engineering practices.

Risk

Failure to progress the proposed amendment to the Planning Scheme Policy for Development Works will mean that improvements in the design and construction of new

development asset infrastructure and quality of contributed assets are not effectively implemented.

Previous Council Resolution

At the Ordinary Meeting held on 15 October 2020, in relation to item 8.5 Proposed Amendment – Planning Scheme Policy for Development Works, Council decided to amend the Planning Scheme Policy for Development Works and delegate authority to the Chief Executive Officer to prepare and progress the proposed planning scheme policy amendment (refer to Council Resolution OM20/109)

Ordinary Meeting 15 October 2020 (OM20/109)

That Council:

- (a) *receive and note the report titled “Proposed Amendment – Planning Scheme Policy for Development Works”*
- (b) *decide to amend the Planning Scheme Policy for Development Works and*
- (c) *delegate authority to the Chief Executive Officer to prepare and progress the proposed amendment to the Planning Scheme Policy for Development Works under the Planning Act 2016 and Minister’s Guidelines and Rules, noting that following public consultation on the proposed amendment and receipt of any submissions, a further report will be presented to Council for formal consideration.*

Related Documentation

Planning Act 2016

Minister’s Guidelines and Rules 2020

Sunshine Coast Planning Scheme 2014

Critical Dates

There is a desire to progress and implement the proposed amendment to the planning scheme policy as soon as practicable to ensure ongoing relevance and consistency with up to date engineering practices and to improve the quality of contributed assets.

Implementation

If Council decides to adopt the proposed Planning Scheme Policy for Development Works Amendment, with changes, the following actions will be required:

- provide a copy of the Consultation Report to each person who made a properly made submission about the proposed planning scheme policy amendment
- upload a copy of the Consultation Report to Council’s website
- place a public notice in the Queensland Government Gazette and Courier Mail (including online in the Courier Mail and the Sunshine Coast Daily) about Council’s decision to adopt the proposed planning scheme policy amendment
- prepare the planning scheme (incorporating the planning scheme policy amendment) for commencement and
- write to the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) to provide a copy of the public notice and a copy of the Planning Scheme Policy for Development Works, as adopted.

8.7 COUNCIL TO CHIEF EXECUTIVE OFFICER DELEGATION - KAWANA WATERS MASTER PLAN

File No: Council meeting

Authors: Manager Corporate Governance
Office of the CEO
Senior Development Planner
Customer Engagement & Planning Services Group

Appendices: App A - C-068-2021 (v1) - Kawana Waters Master Plan Applications183

Attachments: Att 1 - C-035-2019(v3) - Planning Scheme – Development Control Plan 1 – Kawana Waters – Approval of Precinct Estate Plan in Respect of Freehold Land and Site Development Plan..... 187
Att 2 - List of Kawana Waters master planning delegations - resolutions191
Att 3 - Delegations Guiding Principles - Delegation to the CEO197

PURPOSE

In accordance with s257(5) of the *Local Government Act 2009*, it is proposed to approve a new delegation for Kawana Waters master plan applications.

EXECUTIVE SUMMARY

Council has a range of powers and functions to perform which are conferred under a number of different Acts of Parliament including the *Local Government Act 2009* as well as subordinate legislation and local laws. Council is able to delegate its powers to implement and enforce these responsibilities under section 257 of the *Local Government Act 2009*.

A new delegation for Kawana Waters master plan applications would replace a series of existing delegations, established over time, which have differing rules and delegation criteria. These delegations are proposed to be replaced by a new single, consistent delegation for all Kawana Waters master plan matters that are capable of delegation.

Specifically, the proposed delegation would enable the Chief Executive Officer (CEO) to exercise the Council’s powers under Development Control Plan 1 – Kawana Waters (DCP-1) and the Kawana Waters Development Agreement to:

- Determine an application for approval of, or amendment to, a Site Development Plan
- Determine an application to make a minor amendment to a Neighbourhood Plan, Detailed Planning Area Plan or Precinct Estate Plan involving only freehold land
- Make a recommendation to the State in relation to an application for a minor amendment to the Kawana Waters Structure Plan, a Neighbourhood Plan, Detailed Planning Area Plan or Precinct Estate Plan, involving land wholly, or partly, within the Kawana Waters Development (Term) Lease
- Make a recommendation to the State in relation to an application for subdivision of land within the Kawana Waters Development (Term) Lease.

Development within Kawana Waters is not subject to the Sunshine Coast Planning Scheme 2014. Instead it is subject to a different planning process outlined in DCP-1, which has been in place since 1996. The proposed delegation will align the CEO’s powers for Kawana Waters development applications with the existing CEO powers for development applications

on the remainder of the Sunshine Coast. It will ensure that development within Kawana Waters is not unduly delayed by having a more restrictive set of delegations.

A delegation of power is not a devolution of power. The delegated power is still able to be exercised by Council. Under section 257(5) of the *Local Government Act 2009* a delegation to the CEO must be reviewed annually by Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Council to Chief Executive Officer delegation - Kawana Waters Master Plan”
- (b) adopt the delegation C068-2021 (v1) - Kawana Waters Master Plan Applications (Appendix A)
- (c) note the delegation C068-2021 (v1) - Kawana Waters Master Plan Applications supersedes
 - (i) delegation C-035-2019 (v3) - Planning Scheme – Development Control Plan 1 – Kawana Waters – Approval of Precinct Estate Plan in Respect of Freehold Land and Site Development Plan (Attachment 1) and
 - (ii) the delegations obtained from individual Council resolutions identified in Attachment 2.

FINANCE AND RESOURCING

The activities associated with this report and its recommendation are operational activities covered by the Corporate Governance Branch core budget allocation.

The amended delegation of authority will not create any additional resource or financial impacts for Council or the community however they will provide necessary operational efficiency.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*
Outcome: We serve our community by providing this great service
Operational Activity: S29 - Governance: providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION

Portfolio Councillor Consultation

Councillor E Hungerford and Councillor J Natoli have been consulted regarding the proposed delegation as part of their portfolio for Governance.

Councillor Consultation

Further consultation has occurred with Councillor P Cox, as the divisional Councillor for the area the proposed delegation primarily relates to.

Internal Consultation

Internal consultation occurred with the following officers:

- Coordinator Governance Process and Policy

- Group Executive, Customer Engagement and Planning Services
- Manager, Development Services
- Coordinator, Kawana Waters and Palmview

External Consultation

No external consultation was conducted for the review of delegations.

Community Engagement

No community engagement was required for the preparation of this report as it relates to an internal administrative activity.

BACKGROUND

The powers of the Local Government in relation to Kawana Waters master plan applications are conferred under sections of the Kawana Waters Development Agreement and Development Control Plan No. 1 – Kawana Waters (DCP-1). As a result, these powers are not captured by the Council to Chief Executive Officer delegation (2016-73 (v6)), which includes a list of Acts under which the Local Government has powers but does not list the aforementioned Kawana Waters development documents.

Since December 2010, as part of a series of individual resolutions, Council has delegated a variety of powers to the Chief Executive Officer relating to the implementation of DCP-1 and the Kawana Waters Development Agreement. These powers primarily relate to approving new or amended Kawana Waters master plans.

Separately, there is an existing delegation (delegation instrument) dating back to 19 February 2004 and the former Caloundra City Council which provides limited powers to the Chief Executive Officer for a number of master plan application types in Birtinya Island and the Birtinya Health Hub (Attachment 1).

The existing delegations for Kawana Waters master plan applications are cumbersome, contain inconsistent delegation criteria, and do not cover all types of master plan applications.

PROPOSAL

It is proposed to replace these existing delegations with a broader new delegation (Appendix A) which captures all Kawana Waters master plan application types suitable for delegation. This will replace the need for officers to use the individual delegations obtained from previous council resolutions. It will simplify the decision-making process for Kawana Waters master plan applications, providing a single, consistent, set of delegation criteria for these decisions. Consequently, it will assist in streamlining the decision-making process for Kawana Waters Master Plan applications.

The proposed new delegation would result in an approach that is consistent with the current delegations for development applications under the Sunshine Coast Planning Scheme 2014, outside the Kawana Waters master planned area.

The proposed delegation would replace some existing powers like for like and replace others with simplified/standardised delegation criteria. It would also add some new delegated powers covering application types for which there are currently no specific delegated powers:

Replacement of existing delegated powers like for like:

- Approval of Site Development Plans (or amendments to these) for the Town Centre Detailed Planning Area
- Minor amendments to the:

- Kawana Waters Structure Plan
- Health Hub Detailed Planning Area Plan – Master Plan No. 71
- Birtinya Island Detailed Planning Area Plan – Master Plan No. 91
- Town Centre Detailed Planning Area Plan – Master Plan No. 100
- Eastbank/Regatta North Detailed Planning Area Plan – Master Plan No. 14
- Site Development Plan for Precincts 1-4 of Bokarina Beach – Master Plan No. 69
- Site Development Plan for the Sports Hub on Main Drive, Birtinya – Master Plan No. 93
- Site Developments Plans for Precincts 8, 13 and 14 of Eastbank – Master Plan Nos. 48, 61 and 63
- Site Development Plan for Precinct 7 of the Business Village Detailed Planning Area – Master Pan No. 98
- Site Development Plan for Precinct 8 of the Bokarina Beach Detailed Planning Area (Seanna Residences) – Master Plan No. 104
- Birtinya Neighbourhood Plan and Precinct Estate Plan – Master Plan Nos. 38 and 39

Replacement of existing delegated powers with simplified and standardised delegation criteria:

- Approval of all Site Development Plans (or amendments to these) in the Birtinya Island and Health Hub Detailed Planning Areas
- Approval of Site Development Plans (or amendments to these) for Precincts 5-7 and 9-16 of the Bokarina Beach Detailed Planning Area

New delegated powers:

- Amendments to all other existing Site Development Plans not listed above (for sites in the Business Village, Eastbank/Regatta North, Kawana Island, Kawana Forest, Creekside, Perrins, Birtinya Peninsula and Birtinya Island East)
- Minor amendments to all other existing Neighbourhood Plans, Detailed Planning Area Plans and Precincts Estate Plans not listed above (for the Business Village, Kawana Island, Kawana Forest, Creekside, Perrins, Birtinya Peninsula and Birtinya Island East)
- Subdivision of land within the Kawana Waters Development (Term) Lease.

Sufficient oversight will still be provided for all decisions made under the new delegation. In this regard, the proposed delegation instrument includes the following criteria:

- The matter must be referred to the Council where:
 - a Councillor requests that the matter be considered by full Council.
 - the application relates to a matter of significant public interest.
 - the application includes a significant conflict with one or more of Council's adopted policy positions.
 - the application relates to a development which has an estimated value of \$100 million or greater (excluding land content).

- The divisional Councillor must be informed of the delegated officers' proposed recommendation and given the opportunity to request the matter be referred to full Council, prior to delegation being exercised.
- The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the *Local Government Act 2009* or its successor.

Additionally:

- Regular (monthly) officer briefings will continue to occur with the divisional Councillor on current Kawana Waters applications.
- All decisions under this delegation will be documented through comprehensive assessment reports, which are also made public on Council's website after sign-off.
- A register will be maintained of all instances the delegation has been exercised.

The Chief Executive Officer may choose to present a recommended decision to Council despite the delegation being available.

Legal

Section 257 (Delegation by the Local Government) of the *Local Government Act 2009* allows, by resolution, a Local Government to delegate its powers under a Local Government act to the Mayor, Chief Executive Officer, a standing committee or a joint standing committee. While delegations provide expediency for the Local Government, a delegation is revocable and does not prevent Council from acting on a matter (in which case the delegate must not act) and does not prevent the Council or Chief Executive Officer from exercising the power.

Section 257 (5) of the *Local Government Act 2009* requires the local government to review all delegations to the Chief Executive Officer annually.

Section 259 (Delegation by the Chief Executive Officer) of the Act allows the Chief Executive Officer of a local government to delegate the Chief Executive Officer's powers (including powers delegated to the Chief Executive Officer by the Local Government) to another employee of the Local Government.

Policy

The Chief Executive Officer's delegation (C068-2021) is also supported by the Delegations Guiding Principles Policy (Attachment 3).

Risk

The delegation amendment has been prepared to mitigate the risk of any gaps in delegated powers and to ensure the Chief Executive Officer has all the powers capable of delegation under DCP-1 and the Kawana Waters Development Agreement relating to Kawana Waters master planning applications. It will ensure the Chief Executive Officer is provided with overall coverage of Council actions under the Kawana Waters master planning process to ensure continued business efficacy over Council decisions in this area.

Previous Council Resolutions

Ordinary Meeting 25 March 2021 (OM21/28)

That Council:

- (a) *receive and note the report titled "Council to Chief Executive Officer delegation - Kawana Waters Master Plan"*

- (b) *delegate powers to the Mayor to notify the Minister Foreign Affairs in accordance with the requirements of the Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)*
- (c) *adopt Delegation 2016-73 (v6) Delegation to the Chief Executive Officer (Appendix A) and*
- (d) *note that all other existing specific delegations of authority to the Chief Executive Officer are retained.*

Ordinary Meeting 20 August 2020 (OM20/84)

That Council:

- (a) *receive and note the report titled “Kawana Waters Structure Plan Amendments”*
- (b) *recommend to the Minister for Natural Resources, Mines and Energy that the amended Kawana Waters Structure Plan be approved, subject to conditions contained in Appendix A and*
- (c) *delegate authority to the Chief Executive Officer to approve any further minor or administrative amendments to the Kawana Waters Structure Plan.*

Ordinary Meeting 17 October 2019 (OM19/158)

That Council:

- (a) *receive and note the report titled “Amendment to Master Plan No. 104 (Site Development Plan - Detailed Planning Area 2 - Precinct 8) 2018 - RGD Seanna Apartments”*
- (b) *recommend to the Minister for Natural Resources, Mines and Energy that the amended Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2 – Bokarina Beach) 2015 be approved, subject to conditions contained in Appendix A*
- (c) *upon approval of the amended Master Plan No. 44 by the Minister for Natural Resources, Mines and Energy, approve the amendment to Master Plan No. 104 (Site Development Plan - Detailed Planning Area 2 - Precinct 8) 2018 - RGD Seanna Apartments, subject to conditions contained in Appendix B*
- (d) *with respect to (b) above, delegate authority to the Chief Executive Officer to recommend to the Minister for Natural Resources, Mines and Energy to approve, approve subject to conditions or refuse any application for minor or administrative amendments resulting from the implementation of Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2 – Bokarina Beach) 2015 and*
- (e) *with respect to (c) above, delegate authority to the Chief Executive Officer to approve any further amendments to Master Plan No. 104 (Site Development Plan – Detailed Planning Area 2 – Precinct 8) 2018.*

Ordinary Meeting 22 August 2019 (OM19/120)

That Council:

- (a) *receive and note the report titled “Proposed gym within existing development Regatta Boulevard Birtinya”*
- (b) *recommend to the Minister for Natural Resources, Mines and Energy that amended Master Plan No. 38 (Neighbourhood Plan - Birtinya) 2005 be approved, subject to existing conditions contained within Appendix A*

- (c) *recommend to the Minister for Natural Resources, Mines and Energy that amended Master Plan No. 39 (Precinct/Estate Plan - Birtinya) 2006 be approved, subject to existing conditions contained within Appendix B*
- (d) *upon approval of amended Master Plan No. 38 and amended Master Plan No. 39, approve a Development Permit for Material Change of Use of Premises (Indoor Entertainment - Gymnasium), subject to conditions contained within Appendix C and*
- (e) *with respect to (b) and (c) above, delegate authority to the Chief Executive Officer to recommend approval to the Minister for Natural Resources, Mines and Energy of any minor or administrative amendments resulting from the implementation of Master Plan No. 38 and Master Plan No. 39.*

Ordinary Meeting 25 July 2019 (OM19/111)

That Council:

- (a) *receive and note the report titled "Delegation to the Chief Executive Officer – Section 257 Local Government Act 2009"*
- (b) *adopt Delegation 2016-73 (v4) Delegation to the Chief Executive Officer (Appendix A) and*
- (c) *note that all other existing specific delegations of authority to the Chief Executive Officer are retained.*

Ordinary Meeting 16 August 2018 (OM18/130)

That Council:

- (a) *recommend to the Minister for Natural Resources, Mines and Energy that the amended Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2 – Bokarina Beach) 2015 be approved, subject to conditions contained in Appendix A*
- (b) *upon approval of the amended Master Plan No. 44 by the Minister for Natural Resources, Mines and Energy, approve Master Plan No.104 (Site Development Plan - Detailed planning Area 2 - Precinct 8) 2018, subject to conditions contained in Appendix B*
- (c) *with respect to (b) above, delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of Master Plan No. 104 (Site Development Plan – Detailed Planning Area 2 – Precinct 8) 2018*
- (d) *delegate authority to the Chief Executive Officer to decide future Site Development Plan Master Plans for Precincts 5-7 and 9-16 of Detailed Planning Area 2 – Bokarina Beach and*
- (e) *request the Chief Executive Officer to establish a design review panel of interested Councillors to oversight the design principles and built form on matters arising in recommendation (d).*

Ordinary Meeting 25 January 2017 (OM17/5)

That Council:

- (a) *approve Master Plan No. 98 (Site Development Plan – Business Village Precinct 7) 2016, Innovation Parkway, Birtinya, subject to conditions contained in Appendix A*
- (b) *approve consequential amendments to Master Plan No. 9 (Site Development Plans 1-8 – Business Village) 2004 subject to conditions contained in Appendix B*

- (c) *approve with conditions application number REC16/0153 for a Development Permit for Reconfiguration of a Lot – Community Title Subdivision (1 Lot into 4 Lots plus common property) subject to the conditions contained in Appendix C*
- (d) *approve with conditions application number OPW16/0783 for a Development Permit for Operational Works (Roadworks, Stormwater and Landscaping) subject to the conditions contained in Appendix C and*
- (e) *delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of the Master Plan 98 (Site Development Plan – Business Village Precinct 7) 2016, Innovation Parkway, Birtinya.*

Special Meeting 31 October 2016 (SM16/25)

That Council:

- (a) *note the discussions and delegate to the Chief Executive Officer to proceed as discussed in confidential session and*
- (b) *delegate to the Chief Executive Officer to propose to make, prepare and progress the statutory process required under the Sustainable Planning Act 2009 for the making of a Temporary Local Planning Instrument as discussed in confidential session.*

Ordinary Meeting 18 August 2016 (OM16/134)

That Council:

- (a) *approve the Master Plan 93 (Site Development Plan 15 - Eastbank) 2016, Main Drive, Birtinya, subject to conditions contained in (Appendix A), and*
- (b) *delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of the Master Plan 93 (Site Development Plan 15 - Eastbank) 2016, Main Drive, Birtinya.*

Ordinary Meeting 25 February 2016 (OM16/23)

That Council:

- (a) *receive and note the report titled “Bokarina Beach Master Plans”*
- (b) *recommend to the Minister for the Department of Natural Resources and Mines that the proposed Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2 – Bokarina Beach) 2015 be approved subject to:*
 - (i) *the conditions contained in Appendix A, as amended, namely*

Amend Condition 31

31. The Nicklin Way pedestrian/cycle underpass must be delivered prior to the registration of the first development lot within the Detailed Planning Area. The underpass must be constructed using reinforced concrete box culverts with minimum dimensions of 3.6 metres wide by 2.7 metres high as nominated in the submitted Engineering Services Report. ‘Disabled access compliant’ pathway connections must be provided between the underpass and the pathway along the Nicklin Way verge.

Amend Condition 43

43. The local street network within the Detailed Planning Area, including intersections, indented parking bays, and cycle lanes, must be provided generally in accordance with the details in the Master Plan and the supporting Local Area Traffic Network Study, except where varied as follows:

- a) *The intersection where the proposed 'Beach Frontage' street connects to the existing Wurley Drive/Oceanic Drive South corner must be designed so that the priority movement is along Wurley Drive/Oceanic Drive, with the 'Beach Frontage' leg of the T-intersection being a single lane carriageway which provides for one-way vehicle movement out of the proposed development only.*
- b) *The proposed new roundabout in Beach Drive must be designed to achieve an appropriate amount of 'deflection' at each approach to manage the speed of approaching vehicles. The existing kerb and channel on the northern side of Beach Drive at the eastern approach must be realigned as necessary to achieve this, and if necessary the road reserve in this area must be widened (by re-aligning the northern boundary of DPA2) to provide an appropriate verge width on the southern side of Beach Drive. Threshold treatments and signage must be provided on the northern (Glentree Street) and eastern (Beach Drive) legs of the roundabout to highlight the 'local access' functions of those streets, and to discourage use by non-local traffic.*
- c) *Road reserve widths for internal streets within the Detailed Planning Area must be increased if necessary (as determined at the time of operational works design) so that the verges to be able to accommodate all infrastructure (pathways, underground services, street light poles, etc) in addition to streetscape plantings as required by the Master Plan.*
- d) *At the existing Barooka Street and Ooringa Street intersections with Wurley Drive, threshold treatments must be installed, in addition to signage, to highlight the 'local access' function of those streets and to discourage their use by other than local traffic. These works must be completed in conjunction with the earliest stage of the development which includes a street connection to Wurley Drive.*

Amend Condition 58

58. To minimise the impact of development of the Detailed Planning Area on turtle nesting sites, the following actions are required to be undertaken in the construction and operational phases of the development:

Construction Phase

- a) *Construction works are to be restricted to daylight hours during the turtle nesting and hatching season (October to April).*
- b) *Restrict the use of flood lighting from October to April (turtle nesting and hatching season).*
- c) *For the construction of the coastal pathway connections, delineation of a works area to be surveyed by an appropriately qualified and experienced fauna spotter/catcher for the presence of active turtle nests prior to works within that area commencing.*
- d) *Where the works area cannot avoid the identified nest, all eggs within identified nests are to be relocated by the fauna spotter/catcher to a suitable habitat.*

Operational Phase

- a) *Maintain directional light shades on street lights within 100m of the western boundary of the foreshore reserve and replace faulty directional lighting shades accordingly.*
- b) *Provide interpretive signage within the Bokarina Beach development to inform visitors to the foreshore that the beach is an active nesting and hatching site for turtles. The signage should advise visitors not to deviate from pathways, to minimise disturbance to the dunes, and to ensure domestic pets are kept under effective control.*

- c) *Provide interpretive signage throughout the residential areas, including the Tourist Node and Residential B precincts, outlining measures to mitigate the impacts of lighting on the active turtle nesting and hatching sites. The signage should include months of the year when external light emissions should be minimised and mitigation measures (e.g. turning off lights when not in use and closing blinds/curtains after dark).*
- (ii) *the Master Developer accepting and implementing the conditions provided by the Department of Transport and Main Roads on 8 February 2016 contained in Appendix B*
- (c) *with respect to (b) above, delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of the Detailed Planning Area Plan and*
- (d) *delegate authority to the Chief Executive Officer to approve Master Plan No. 69 (Site Development Plan – Detailed Planning Area 2 – Precincts 1-4) 2015.*

Ordinary Meeting 23 July 2015 (OM15/110)

That Council:

- (a) *receive and note the report titled “Detailed Planning Area 11 (Birtinya Island) Master Plan Applications*
- (b) *for land included in Development Lease No. 2, recommend to the Minister for the Department of Natural Resources and Mines that a minor amendment to the Kawana Waters Structure Plan be approved. The amendment pertains to Detailed Planning Area 11 and the reallocation of yield from 37 detached dwelling units, to 48 attached dwelling units*
- (c) *subject to (b) above, for land included in Development Lease No. 2 recommend to the Minister for the Department of Natural Resources and Mines that the proposed Master Plan No. 91 (Detailed Planning Area Plan – Detailed Planning Area 11 – Birtinya Island) 2015 be approved, subject to conditions contained in Appendix A*
- (d) *subject to (b) and (c) above, approve Master Plan No.92 (Site Development Plan – Detailed Planning Area 11 – Precincts 1-4) 2015 subject to conditions contained in Appendix B and*
- (e) *with respect to (b), (c) and (d) above, delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of these Master Plans.*

Special Meeting 31 March 2014 (SM14/7)

That Council:

- (a) *delegate authority to the Chief Executive Officer to determine an application for a master plan or an amendment of a master plan application in accordance with the Kawana Waters Development Documents in relation to Detailed Planning Area 1 and*
- (b) *note further discussions held in confidential session in relation to Kawana Master Planning.*

Ordinary Meeting 28 March 2013 (OM13/54)

That Council:

- (a) *note the discussions held in confidential session and*

- (b) delegate authority to the Chief Executive Officer to negotiate, finalise (including execution), implement and amend an Infrastructure Agreement and other legal documents with respect to the multi-deck car parking facility in Detailed Planning Area 12 (Health Hub).

Ordinary Meeting 15 November 2012 (OM12/180)

That Council:

- (a) propose to prepare a Temporary Local Planning Instrument No.2 (Caloundra City Planning Scheme 1996) 2012;
- (b) delegate authority to the Chief Executive Officer to take the following action:
- (i) draft a Temporary Local Planning Instrument;
 - (ii) give to the Minister for State Development and Infrastructure Planning the following:
 1. a copy of the proposed Temporary Local Planning Instrument;
 2. written advice about why the local government proposes to make the proposed Temporary Local Planning Instrument;
- (c) upon receiving advice from the Minister for State Development and Infrastructure Planning that the Council may adopt the proposed Temporary Local Planning Instrument, delegate authority to the Chief Executive Officer to take the following action:
- (i) adopt the proposed Temporary Local Planning Instrument;
 - (ii) comply with any conditions imposed by the Minister for State Development and Infrastructure Planning;
 - (iii) under Step 4 of the process to make a temporary local planning instrument set out in Statutory Guideline 02/09 (Making or amending local planning instruments) (Statutory Guideline 02/09), place a notice in a local newspaper, the Government Gazette and on the Council website stating the relevant information regarding the Temporary Local Planning Instrument;
 - (iv) give to the Chief Executive of the Department of State Development and Infrastructure Planning a copy of the notice and three certified copies and one electronic copy of the Temporary Local Planning Instrument;
- (d) delegate authority to the Chief Executive Officer to follow the process under the Sustainable Planning Act 2009 for amending a planning scheme to reflect the provisions of the Temporary Local Planning Instrument in the planning scheme;
- (e) delegate authority to the Chief Executive Officer to negotiate, implement and finalise (including execute) a Deed of Variation to the Kawana Waters Development Agreement; and
- (f) delegate authority to the Chief Executive Officer to determine an application for a master plan or an amendment of a master plan application in accordance with the Kawana Waters Development Documents.

Special Meeting 7 December 2010 (SM10/90)

That Council:

- (a) delegate authority to the Chief Executive Officer to modify the policy position of Council resolved at the Special Meeting of 6 May 2009 in respect of the endorsed Kawana Position Paper and to negotiate, implement and finalise (including execution) changes to the Kawana Waters Development Agreement and other Kawana Waters Development Documents;

- (b) *delegate authority to the Chief Executive Officer to prepare and progress proposed planning scheme amendments in accordance with the Sustainable Planning Act 2009;*
- (c) *delegate authority to the Chief Executive Officer to give public notice of the proposed planning scheme amendments in accordance with the Sustainable Planning Act 2009, if the Chief Executive Officer is satisfied that the Minister's conditions do not significantly change the policy position contained in the proposed planning scheme amendments;*
- (d) *delegate authority to the Chief Executive Officer to negotiate, implement and finalise (including execution) any infrastructure agreement or other legal document in respect of the ongoing future management and maintenance of roads within the Kawana Town Centre, where resolution of access, social equity, maintenance and other public interest matters can be achieved to the satisfaction of the Chief Executive Officer;*
- (e) *delegate authority to the Chief Executive Officer to determine an application for a master plan or an amendment of a master plan application in accordance with the Kawana Waters Development Documents;*
- (f) *delegate authority to the Chief Executive Officer to take all necessary action including action under the Sustainable Planning Act 2009 to progress the development of the educational establishment activities associated with a TAFE; and*
- (g) *note that further detailed consideration of the Bokarina Beach Master Plan (detailed planning area plan) will be considered at a future meeting specifically addressing issues such as*
 - (i) *the environmental values and management options for the Bokarina Wetland and the wetlands future;*
 - (ii) *the proportion of tourism accommodation in the medium density precincts; and*
 - (iii) *the overall urban design and architectural standards for the public realm and built form components.*

Related Documentation

There is no related documentation in relation to this report.

Critical Dates

There are no critical dates relating to this report.

Implementation

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

- update Council's delegation register.
- link s259 delegations of authority from the Chief Executive Officer to officers.

8.8 MARCH 2021 FINANCIAL PERFORMANCE REPORT

File No:	Financial Reports
Author:	Coordinator Financial Services Business Performance Group
Attachments:	Att 1 - Monthly Financial Performance Report.....203
	Att 2 - 2020-21 Capital Grant Funded Project Report March 2021213

PURPOSE

To meet Council's legislative obligations, a monthly report is to be presented to Council on its financial performance and investments.

EXECUTIVE SUMMARY

This monthly financial performance report provides Council with a summary of performance against budget as at 31 March 2021 in terms of the operating result and delivery of the capital program.

Operating Performance

Table 1: Operating Budget as at 31 March 2021

	Original Budget \$000
Total Operating Revenue	465,069
Total Operating Expenses	460,733
Operating Result	4,336

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

OFFICER RECOMMENDATION

That Council receive and note the report titled "March 2021 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 31 March 2021 and meets Council's legislative reporting requirements.

CORPORATE PLAN

Corporate Plan Goal:	<i>An outstanding organisation</i>
Outcome:	5.7 - A financially sustainable organisation
Operational Activity:	5.7.1 - Develop and monitor Council's budget, including legislated requirements.

CONSULTATION

Portfolio Councillor Consultation

Consultation has been undertaken with the Portfolio Councillor, E Hungerford.

Internal Consultation

This report has been written in conjunction with advice from:

- Acting Group Executive Business Performance
- Acting Chief Financial Officer
- Acting Coordinator Financial Services

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

Legal

This report ensures that Council complies with its legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations and the *Local Government Act 2009*.

Policy

Sunshine Coast Council's 2020/21 Investment Policy and
Sunshine Coast Council's 2020/21 Debt Policy.

Risk

Failure to achieve the budgeted operating result will negatively impact Council's capacity to complete its capital expenditure program.

Previous Council Resolution

Special Meeting Budget 25 June 2020 (SM20/16)

That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2020/21 financial year incorporating:

- the statement of income and expenditure*
- the statement of financial position*
- the statements of changes in equity*
- the statement of cash flow*
- the relevant measures of financial sustainability*
- the long term financial forecast*
- the Debt Policy (adopted by Council resolution on 11 June 2020)*
- the Revenue Policy (adopted by Council resolution on 11 June 2020)*

- ix. the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
- x. the Revenue Statement*
- xi. Council's 2020/21 Capital Works Program, endorse the indicative four-year program for the period 2022 to 2025, and note the five-year program for the period 2026 to 2030*
- xii. the rates and charges to be levied for the 2020/21 financial year and other matters as detailed below in clauses 3 to 12 and*
- xiii. endorse the full time equivalent establishment as per the Sunshine Coast Council Establishment 2020/2021 report.*

Related Documentation

2020/21 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

8.9 APPOINTMENT OF DIRECTORS OF SUNCENTRAL MAROOCHYDORE PTY LTD**File No:** Council Meetings**Author:** Chief of Staff
Office of the CEO**Attachments:** Att 1 - Appointment Of Chairperson And Directors Of The Board Of Suncentral Maroochydore Pty Ltd – *Confidential.... 13/93*

PURPOSE

This report seeks Council's consideration of the proposed appointment of three Directors of SunCentral Maroochydore Pty Ltd from 1 May 2021 and the appointment of one of these Directors as the new Chairperson.

While this is a public report, the Chief Executive Officer considers that the names of the nominated candidates should be maintained as confidential information until such time as Council has made its decision on the recommendations in this report.

Accordingly, should Councillors wish to discuss the identity of the nominees for appointment to the Board of Directors of SunCentral Maroochydore Pty Ltd, it is recommended that Council resolve to close the meeting under section 254J (1) of the *Local Government Regulation 2012* on the basis that the information contained in Confidential Attachment 1 is confidential under section 254J (3) (g) of the Regulation on the basis that it relates to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Council will need to resolve its decision on this report in that part of the Council meeting which is viewable by the public.

The report also contains a recommendation to authorise the Chief Executive Officer to publically release the names of the nominees for appointment as Board Directors and the Chairperson of SunCentral Maroochydore Pty Ltd should Council resolve to accept the recommendations in this report.

EXECUTIVE SUMMARY

SunCentral Maroochydore Pty Ltd was established by Council on 11 December 2014 (OM14/181) and registered with the Australian Securities and Investments Commission (ASIC) on 12 January 2015. On 30 March 2015, Council resolved (SM15/7) to approve the appointment of the inaugural board of five directors of SunCentral (comprising a Chairperson and four Directors). On 30 April 2019, Council resolved (OM19/59) to approve the appointment of three new Directors of SunCentral, as a consequence of vacancies arising in the membership of that Board of Directors during the course of that year.

The term of appointment of the current Chairperson, Dr Douglas McTaggart, and the terms of appointment of three of the other four Directors will expire on 30 April 2021. Dr McTaggart has recently advised the Mayor that he will not be seeking renewal of his appointment on the SunCentral Board.

The Maroochydore City Centre Development Agreement (Development Agreement) between Council, Walker Corporation and SunCentral was executed on 18 November 2020. The Development Agreement substantially changes the roles of both Council and SunCentral in relation to the Maroochydore City Centre project – particularly in the context of the respective obligations under the Development Agreement.

With this in mind and in line with public statements at the time of announcing the Development Agreement, Council has initiated a review of the role, responsibilities, governance and resourcing arrangements for both Council and SunCentral to support the Maroochydore City Centre project going forward. At this point in time, it is anticipated this review will be completed by 30 June 2021. Given the obligations under the Development Agreement, it is recognised there is a continuing role for SunCentral which needs to be fulfilled.

Given the timing of the review, the imminent expiry of the terms of appointment of the Chairperson plus three of the Directors of the Board on 30 April 2021 and the Chairperson's intention not to seek reappointment, there is a need to ensure SunCentral can continue to operate as a corporate entity in line with the requirements of the *Corporations Act 2001* and fulfil its obligations under its Constitution and Statement of Corporate Intent.

Taking into account these factors, the extensive nature of the Development Agreement and the close familiarity of current Board Directors with the elements of that Development Agreement, it is in Council's and SunCentral's interests to ensure there is an appointed board in place for the next two years.

The term of appointment of the other Director expires on 30 September 2021. As such, no decision is required at this time on that appointment.

Accordingly, this report proposes to appoint three Board Directors for a term of two years expiring on 30 April 2023 and appoint one of the Directors as Chairperson of SunCentral until 31 October 2021 (as outlined in Confidential **Attachment 1**). By that time, the governance and resourcing review will have been completed and a longer-term decision on the role of Chairperson can be made in parallel with the consideration of the outcomes of the review.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Appointment of Directors of SunCentral Maroochydore Pty Ltd"**
- (b) endorse the nominations for appointment as Directors of the Board of SunCentral Maroochydore Pty Ltd for a term of two years from 1 May 2021 to 30 April 2023 inclusive, as discussed in confidential session**
- (c) authorise the Chief Executive Officer to advise the Board of Directors that under clause 68.1 of the Constitution of SunCentral Maroochydore Pty Ltd, Council will support the election of a new Chairperson of SunCentral Maroochydore Pty Ltd for a term to and including 31 October 2021, as discussed in confidential session and**
- (d) authorise the Chief Executive Officer to publically release the names of the persons nominated as the Directors of the Board of SunCentral Maroochydore Pty Ltd and the name of the proposed Chairperson, should Council endorse the recommendations in this report.**

FINANCE AND RESOURCING

The following remuneration arrangements for Directors (including base director's fee and superannuation contribution) has been in place since March 2015 and it is proposed that this continue with the appointments outlined in this report:

- Chairperson: \$120,000 per annum
- Directors: \$70,000 per annum

Details of the remuneration arrangements for the Chairperson and Directors is published in the SunCentral Annual Report. The cost of the remuneration payable to each of the Directors of SunCentral is met from the SunCentral operating budget.

CORPORATE PLAN

Corporate Plan Goal: *A smart economy*

Outcome: 3.2 - New capital investment in the region

Operational Activity: 3.2.1 - Progress the Maroochydore City Centre project to achieve a high density city centre and to deliver an identifiable city heart for the wider Sunshine Coast.

CONSULTATION

Councillor Consultation

The Mayor and Councillors have been briefed in relation to the arrangements proposed in this report for the appointments to the SunCentral Board.

Internal Consultation

Consultation has taken place with the Chief Executive Officer and the Director, Major Projects and Strategic Property, as the two other Council representatives on the Maroochydore City Centre Strategic Review Group.

External Consultation

The SunCentral Chairperson and Board Directors have been consulted in relation to the arrangements proposed in this report.

Community Engagement

No community engagement was undertaken in relation to the subject matter of this report.

PROPOSAL

SunCentral Maroochydore Pty Ltd was established by Council to manage the delivery of the Maroochydore City Centre, including the securing of private sector investment into the project. SunCentral is fully owned by Council. The SunCentral board is ultimately responsible to Council for ensuring that it achieves its objectives ethically, responsibly and within its legislative obligations.

Council authorised the establishment of SunCentral as a company under the *Corporations Act 2001* on 11 December 2014 (OM14/181). The company was registered with the Australian Securities and Investments Commission on 12 January 2015. On 30 March 2015, Council resolved (SM15/7) to approve the appointment of the inaugural board of five directors of SunCentral (comprising a Chairperson and four Directors). On 30 April 2019, Council resolved (OM19/59) to approve the appointment of three new Directors of

SunCentral, as a consequence of vacancies arising in the membership of that Board of Directors during the course of that year.

With the execution of the Maroochydore City Centre Development Agreement (Development Agreement) on 18 November 2020 between Council, SunCentral and Walker Maroochydore Pty Ltd, the roles of both Council and SunCentral – particularly in the context of their respective obligations under the Development Agreement – are changing. With this in mind and in line with public statements at the time of announcing the Development Agreement, Council has initiated a review of the role, responsibilities, governance and resourcing arrangements for both Council and SunCentral to support the Maroochydore City Centre project. Any new arrangements will be required to provide Council with continuing oversight of both the project delivery arrangements and the performance of SunCentral as a controlled entity of Council. At this point in time, it is anticipated this review will be completed by 30 June 2021.

While not seeking to pre-empt the outcome of the review, SunCentral has obligations under the Development Agreement and it is considered that SunCentral has an important role to play at this time in managing Council's interests with Walker Corporation in progressing the Maroochydore City Centre project.

Term of the current Board of Directors

The Board of Directors of SunCentral currently comprises the Chair and four other directors. The current tenure history of the SunCentral Board is outlined in Table 1 below:

Table 1. Current tenure history of the SunCentral Board

Director	Initial Appointment Date	Expiry date of current term
Dr Douglas McTaggart (Chairperson and Director)	30 March 2015	30 April 2021
Morgan Parker	30 March 2015	30 April 2021
Alison Quinn	30 April 2019	30 April 2021
Paul McLean	30 April 2019	30 April 2021
Peter Sherrie	1 October 2019	30 September 2021

As indicated in the above table, the terms of appointment of the Chairperson and three of the other four Directors expire on 30 April 2021. In addition, the Chairperson, Dr McTaggart, has recently advised the Mayor that he will not be seeking renewal of his appointment beyond that date.

Proposed Board Memberships

Given the timing of the governance and resourcing review, the imminent expiry of the terms of appointment of the Chairperson plus three of the other Directors of the Board on 30 April 2021 and the Chairperson's intention not to seek reappointment, there is a need to ensure SunCentral can continue to operate as a corporate entity in line with the requirements of the *Corporations Act 2001* and fulfil its obligations under its Constitution and Statement of Corporate Intent.

Taking into account these factors, the extensive nature of the Development Agreement and the close familiarity of current Board Directors with the elements of that Development Agreement, it is considered to be in Council's or SunCentral interests to ensure there is an appointed board in place for the next two years.

On this basis, it is proposed to support the appointment of three Directors for a term of two years from 1 May 2021 to and including 30 April 2023, as outlined in Confidential **Attachment 1**. This reflects the continuing role of SunCentral in discharging its obligations under the Development Agreement, the need for continuity in managing the Development

Agreement and the importance of maintaining the strong productive relationships that exist with Walker Maroochyore Pty Ltd.

Given Dr McTaggart is not seeking reappointment, there is a need to identify a replacement Chairperson for SunCentral. With the governance and resourcing review underway and (as indicated above), it is proposed that one of the persons to be appointed as a Director be supported to take on the role of Chairperson until 31 October 2021. This will provide sufficient time to complete the governance and resourcing review, for the outcomes of that review to be considered by both SunCentral and Council and any agreed recommendations to be implemented. As part of the consideration of the outcomes of the review, consideration could be given at that time to the ongoing arrangements for the role of Chairperson.

Under clause 68.1 of the SunCentral Constitution, the Directors of the board of SunCentral Maroochyore elect the Chairperson, subject to the approval of the Member (which is Council). On this basis, it is proposed that Council convey to SunCentral that it will support the election of a new Chairperson for a term up to and including 31 October 2021.

Legal

The arrangements recommended in this report are compliant with the terms of the Constitution for SunCentral and the requirements of the *Corporations Act 2001*, in so far as they relate to the appointment of directors of the company. Subject to Council approval of the nominations in this report, the appointment of the directors will occur under the terms of the Constitution for SunCentral and continue in effect unless concluded earlier.

Policy

There are no significant policy issues associated with the recommendations provided in this report.

Risk

The imminent expiry of the terms of appointment of the Chairperson and the majority of Directors represents a significant risk to the continuity of the Board's oversight of the operations of SunCentral on behalf of Council. The recommendations in this report will largely mitigate that risk.

Previous Council Resolution

Special Meeting 18 November 2020 (SM20/20)

That Council:

- (a) *formally accept the terms of the proposed Maroochyore City Centre Development Agreement and associated agreements*
- (b) *delegate authority to the Chief Executive Officer to finalise and execute the proposed Maroochyore City Centre Development Agreement, and associated agreements*
- (c) *request the Chief Executive Officer to advise Council of the execution of documents and prepare the necessary communications material prior to any formal announcement being agreed and scheduled between the parties and*
- (d) *authorise the Chief Executive Officer to publicly release appropriate details relating to the Maroochyore City Centre Development Agreement and associated agreements, subject to the agreement to the release of those details by the other parties to the Agreement.*

Ordinary Meeting 30 April 2019 (OM19/59)

That Council:

- (a) *receive and note the report titled "Appointment of Directors of SunCentral Maroochydore Pty Ltd" and*
- (b) *endorse the nominations for appointment to the Board of Directors of SunCentral Maroochydore Pty Ltd and the associated terms and conditions of appointment.*

Special Meeting 30 March 2015 (SM15/7)

That Council approve the nominations for appointment of the Directors of the Maroochydore City Centre development company and the associated terms and conditions of appointment as discussed in confidential session.

Ordinary Meeting 11 December 2014 (OM14/181)

That Council:

- (a) *receive and note the report titled "**Company Establishment for Maroochydore City Centre Development**"*
- (b) *authorise the Chief Executive Officer to establish a Corporations Law company generally in accordance with the draft Constitution (Appendix A) and draft Statement of Corporate Intent (Appendix B)*
- (c) *authorise the Chief Executive Officer to set the remuneration for the Chairman and board of directors based on independent advice and after consultation with the Mayor, Regional Projects Portfolio Councillor and Divisional Councillor along with officers as determined by the Chief Executive Officer*
- (d) *authorise the Chief Executive Officer to commence the recruitment of a Chairman and board of directors, including interim arrangements, and prepare a report to a future Council meeting in relation to the final appointments*
- (e) *establish a Shareholder Representative Group consisting of Mayor, Regional Projects Portfolio Councillor and Divisional Councillor along with officers as determined by the Chief Executive Officer and*
- (f) *note the existing delegation to the Chief Executive Officer to act as Council's shareholder representative and that in relation to this company that he will consult with the Shareholder Representative Group prior to exercising that delegation.*

Related Documentation

- Constitution of SunCentral Maroochydore Pty Ltd
- Corporations Act 2001
- Maroochydore City Centre Development Agreement (executed 18 November 2020)
- Statement of Corporate Intent

Critical Dates

As the terms of the appointment of the Chairperson and three of the remaining four Board Directors expire on 30 April 2021 and the Chairperson is not seeking reappointment, it is preferable for Council to consider the recommendations in this report no later than the April Ordinary Meeting.

Implementation

Subject to Council endorsing the recommendations in this report, the following actions will take place:

- The Mayor will write to Dr McTaggart and formally thank him for his service to SunCentral and his contribution to the economic development of the Sunshine Coast;
- The Mayor will write to the nominated persons in Confidential Attachment 1 and advise them of Council's decision in relation to their appointments to the Board of SunCentral; and
- The Chief Executive Officer will write to the Chief Executive Officer of SunCentral and advise of Council's approval of the appointments of Directors of SunCentral for a term of two years from 1 May 2021 to and including 30 April 2023 and advise of Council's support for the nomination of Chairperson of SunCentral Maroochydore to and including 31 October 2021.

8.10 COUNCIL OF MAYORS SOUTH EAST QUEENSLAND WASTE MANAGEMENT PLAN

File No:	Council meetings
Author:	Manager Waste and Resource Management Customer Engagement & Planning Services Group
Attachments:	Att 1 - Draft SEQ Waste Management Plan - Confidential 15/93 Att 2 - SEQ Waste Management Plan - Summary of Report Recommendations - Confidential93/93

PURPOSE

In preparing this report, the Chief Executive Officer advises that Attachment 1 and Attachment 2 contain confidential information which should be considered and discussed in a closed session of the Council meeting in accordance with Section 254J(3)(g) of the *Local Government Regulation 2012*, as the attachments contain information on negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government. The Chief Executive Officer of the Council of Mayors South East Queensland has requested that the material in these attachments be treated as confidential.

The purpose of this report is to seek Council endorsement of the Draft SEQ Waste Management Plan, drafted by McKinsey and Company Consultants on behalf of the Council of Mayors South East Queensland (CoMSEQ) Waste Working Group.

EXECUTIVE SUMMARY

In 2020, the Council of Mayors South East Queensland (CoMSEQ) Waste Working Group was tasked with developing a South East Queensland Waste Management Plan to address the challenges and opportunities associated with the ongoing management of municipal solid waste across the region.

Of the 12 Council's in South East Queensland, 11 are members of CoMSEQ and have contributed to the draft plan. The plan aims to provide a blueprint for addressing common matters and issues experienced by Councils across SEQ in managing their waste streams and identify areas where standard approaches can be adopted to assist in meeting sustainable waste management outcomes.

McKinsey and Company Consultants were engaged to lead the process, and subsequent to a number of workshops held throughout 2020 attended by representatives from the eleven member Councils and Queensland Treasury Corporation (QTC), a Draft SEQ Waste Management Plan was distributed to the member Councils on 4 December 2020.

Following the CoMSEQ board meeting held in February 2021, a revised Draft SEQ Waste Management Plan was finalised (see Confidential – Attachment 1). CoMSEQ has requested that the Draft Plan remain confidential at this stage.

The Draft Plan outlines options for member Councils to move towards alternative waste treatment mechanisms either locally where viable, or where appropriate, at a whole of SEQ scale to achieve economies of scale for efficient and cost-effective outcomes. The plan focusses on organics, recycling and residual waste, and potential options for these feedstock streams that may warrant further investigation and evaluation. The plan links to Sunshine Coast Council's existing Environment and Livability Strategy directly (strategic pathway 5) as

it identifies prospective options to divert waste from landfill, reduce greenhouse gas emissions and potentially attract sustainable business and industry to the region.

The draft plan generally aligns with the Sunshine Coast Waste Strategy 2015-2025 and the principles for a Circular Economy approach to waste management. Specifically, the Draft Plan links to the major actions in the Sunshine Coast Waste Strategy 2015-2015 through:

- Review of current and emerging alternative waste technology/treatment systems
- Reducing disposal of organics to landfill
- Increasing landfill diversion rates
- The delivery of innovative, financially viable 21st century waste infrastructure for future generations that will support projected growth and deliver landfill diversion targets.

It is recommended that Council endorse the report without changes.

OFFICER RECOMMENDATION

That Council:

- (a) note the report titled “Council of Mayors South East Queensland Waste Management Plan”**
- (b) endorse the Draft Council of Mayors South East Queensland Waste Management Plan**
- (c) authorise the Chief Executive Officer to publicly release the Council of Mayors Waste Management Plan once it has been adopted by all member councils.**

FINANCE AND RESOURCING

Options to partially or wholly subsidise the costs of implementing recommendations itemised in the plan are being considered by CoMSEQ and its eleven member Councils. It is recognised that agreement with the plan by Sunshine Coast Council does not tie Council to any financial outcome or impost, nor does it impact budgets without further Council evaluation or review.

Any future capital or operational costs associated with the plan outcomes will be fully evaluated and assessed by Council in forthcoming stages through studies and research based on one or more options and agreement by individual or multiple member Councils. The decision to opt in to any options arising from the draft plan will be at the discretion of Sunshine Coast Council in the best interests of our ratepayers and community.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S25 - Waste and resource management: collection and disposal of solid and liquid wastes, operation of waste transfer facilities and landfills, recycling and materials recovery, community education programs.

CONSULTATION

Councillor Consultation

Waste Advisory Group (WAG) Councillors C Dickson, M Suarez, J Natoli and W Johnston were provided with an overview of the Draft SEQ Waste Management Plan at a Waste Advisory Group meeting and a copy of the Draft Plan was distributed to the four WAG Councillors on the same day for their further consideration. Councillor Dickson is a member of the CoMSEQ Waste Working Group and has attended CoMSEQ Waste Working Group meetings and contributed to the development of the Draft Plan.

Internal Consultation

The Group Executive Customer Engagement and Planning Services and the Manager Waste and Resources Management are members of the CoMSEQ Waste Working Group. Both Officers have attended Waste Working Group meetings and contributed to the development of the Draft Plan.

External Consultation

The draft report has involved input from 11 member Council's, but remains the intellectual property of CoMSEQ. Consultation has been ongoing with the eleven member Councils, Queensland Treasury Corporation (QTC) and Queensland Department of Environment & Science.

Community Engagement

No community consultation on the Draft SEQ Waste Management Plan has occurred at this stage via CoMSEQ. Sunshine Coast Council continues to undertake community consultation on waste related matters and will continue to do so as it relates to our region, waste strategy and proposals.

PROPOSAL

In 2020, the Council of Mayors South East Queensland (CoMSEQ) Waste Working Group was tasked with developing a South East Queensland Waste Management Plan to address the challenges and opportunities associated with municipal solid waste management across the region.

McKinsey and Company Consultants were engaged to lead the process, and subsequent to a number of workshops held throughout the 2020 calendar year attended by representatives from respective Councils and Queensland Treasury Corporation (QTC), a Draft SEQ Waste Management Plan was distributed to member Councils on 4 December 2020.

The following eleven Councils (in alphabetical order) participated in the workshops and contributed to development of the draft Plan.

- Brisbane City Council
- City of Gold Coast
- Ipswich City Council
- Lockyer Valley Regional Council
- Logan City Council
- Moreton Bay Regional Council
- Redlands Shire Council
- Scenic Rim Regional Council
- Somerset Regional Council

- Sunshine Coast Council
- Toowoomba City Council

At a CoMSEQ board meeting held over 19th and 20th February 2021, the board agreed to the following:

- Provide endorsement 'in principle' of the recommendations in the Draft SEQ Waste Management Plan (with caveats)
- Pursuing regional, sub regional, and local approaches to waste management
- A preferred approach to government funding.

Based on the outcomes of the board meeting, a revised Draft SEQ Waste Management Plan, dated 2nd March 2021, was finalised (attachment 1). The revised Plan with caveats recommends delivery of local and/or regional solutions for managing Comingled Recyclables, Organic Materials, and Residual Waste by identifying necessary future infrastructure, funding opportunities and enabling actions.

A summary of recommendations that compares the Draft Plan recommendations with Sunshine Coast Council's Waste and Resource Management Branch plans, strategies and in progress directions for comparison is attached (attachment 2). It is noted that the Draft Plan generally aligns with actions itemized in Councils existing Sunshine Coast Waste Strategy 2015-2025. Specifically, the Draft Plan links to the major actions in the Sunshine Coast Waste Strategy 2015-2015 through:

- Review of current and emerging alternate waste technology/treatment systems
- Reducing organics disposal to landfill
- Increasing landfill diversion rates
- The delivery of innovative, financially viable 21st century waste infrastructure for future generations that will support projected growth and deliver landfill diversion targets.

The Plan if endorsed will allow Sunshine Coast Council to evaluate options that require economies of scale larger than those that can be achieved locally and may require feedstock volumes in excess of that produced within the Sunshine Coast to be economically viable. To this effect, the Draft Plan aligns with the Sunshine Coasts existing strategies, and where appropriate provides scope to review arrangements that may achieve the strategy outcomes through partnership arrangements with other SEQ Councils.

Legal

Nil legal advice obtained.

Policy

The Draft SEQ Waste Management Plan aligns with the circular economy principles for waste, recycling and resource recovery outlined in the Australian National Waste Policy 2018, the strategic priorities outlined in the Queensland Waste Management and Resource Recovery Strategy 2019 and the outcomes and actions itemised in the Sunshine Coast Waste Strategy 2015 – 2025.

Risk

In the event that Council elects not to endorse the proposed SEQ Waste Management Plan, it may be excluded from future opportunities to participate in regional solutions to improve resource recovery and any associated funding prospects. This may include options that achieve diversion of green waste from landfill (the biggest contributor to greenhouse gas emissions), achieving 21st century recycling and remanufacturing options, or waste to energy

options that require economies of scale which are larger than those contained within the Sunshine Coast as a standalone Council area. This may lead to increased costs, lower landfill lifespans, and higher greenhouse gas emissions for the Sunshine Coast over the longer term where options across multiple Council areas cannot be evaluated for opt-in implementation.

Previous Council Resolution

There is no previous Council resolution relevant to this report

Related Documentation

There is no related documentation to this plan other than the attached Draft SEQ Waste Management Plan. The plan was drafted through extensive research and evaluation of data from all member Councils, including historic and current landfill tonnages, recycling rates and landfill diversion rates.

Data sets from the Department of Environment and Science covering waste volumes and types for SEQ were utilised as a basis for the report. McKinsey further undertook global benchmarking of waste management practices and alternate treatment options, as well as both local and global industry expert interviews to inform the plan recommendations.

Critical Dates

Councils have been requested to formalise their positions on the Draft SEQ Waste Management Plan prior to the CoMSEQ board meeting on 7 May 2021, at which time CoMSEQ proposes to approve the Plan.

Implementation

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

Advise the CoMSEQ of Council's endorsement of the Draft SEQ Waste Management Plan.

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

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 27 May 2021.

13 MEETING CLOSURE