

Agenda

Ordinary Meeting

Thursday, 15 October 2020

commencing at 9:00am

Council Chambers, 1 Omrah Avenue, Caloundra

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 17 September 2020 be received and confirmed.

5 INFORMING OF CONFLICTS OF INTEREST**5.1 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.

5.2 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.

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

8 REPORTS DIRECT TO COUNCIL**8.1 2020/21 COMMUNITY GRANTS PROGRAM MAJOR GRANTS ROUND ONE AND HERITAGE LEVY GRANTS PROGRAM RECOMMENDATIONS**

File No:	Council meetings
Author:	Community Connections and Partnerships - Lead Economic & Community Development Group
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PURPOSE

This report seeks Council consideration and endorsement of funding recommendations for the first round of the Community Grants Program Major Grants for 2020/21 and the 2020/21 Heritage Levy Grants Program. This is in accordance with the adopted *Community Grants Policy*.

EXECUTIVE SUMMARY**Community Grants Program**

Council's Community Grants Program provides a transparent governance framework compliant with statutory requirements for the distribution of grant funding to community organisations across the region.

The program reflects Council's priorities as described in current corporate strategies, plans and policy positions. It ensures equitable opportunity for community organisations to access Council funding for projects and programs, which meet identified community need and result in community benefit.

The Community Grants Program for 2020/21 Major Grants Round One closed on 24 August 2020. Council received 197 applications requesting a total of \$3,114,498 across seven categories:

- Community Development
- Community Events
- Community Facilities
- Cultural Development
- Cultural Heritage
- Economic Development
- Sport, Recreation and Healthy Living.

Funding totaling \$823,200 for 102 projects is recommended for Council's consideration and endorsement (Appendix A). The project budgets for the successful applications total more than \$3.4 million (based on figures supplied by applicants). This is more than 4.1 times greater than the Council contribution recommended.

Organisations recommended for funding in this round reported the engagement of 2,185 volunteers to deliver their funded projects and estimated 88,770 people would be direct beneficiaries of their projects (includes event patrons and/or participants).

Heritage Levy Grants Program

Heritage Levy Grants are an initiative funded by Council's Cultural Heritage Levy for not-for-profit museums and heritage organisations within the Sunshine Coast local government area.

Forming part of Council's endorsed Cultural Heritage Levy Program for the year, the 2020/21 Heritage Levy Grants Program includes two stand-alone grant streams:

- Collection Care Grants – to support best practice through the care, storage and conservation of the region's heritage collections
- Exhibition and Public Programs Grants – to support best practice related to the region's cultural heritage in the areas of exhibitions, public programs and events.

The 2020/21 Heritage Levy Grants round closed on 24 August 2020. Council received a total of 10 applications requesting a total of \$53,441 across the two grant streams.

Funding totaling \$43,846 for nine projects is recommended for Council's consideration and endorsement (Appendix B). The project budgets for the successful applications total more than \$112,362 (based on figures supplied by applicants). This is nearly 2.6 times greater than the Council contribution recommended.

Organisations recommended for funding in this program reported the engagement of 56 volunteers to deliver their funded projects.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "2020/21 Community Grants Program Major Grants Round One and Heritage Levy Grants Program Recommendations"**
- (b) endorse the Major Grant Recommendations August 2020 (Appendix A) and**
- (c) endorse the Heritage Levy Grant Recommendations August 2020 (Appendix B).**

FINANCE AND RESOURCING

Community Grants Program

The 2020/21 Community Grants Program includes:

- two Major Grant funding rounds
- four Minor Grant funding rounds
- Individual Development Grants (year-round) and
- Emergency Grants (year-round).

This financial year, the program is bolstered by the temporary addition of COVID-19 Community Response Grants, increased and expanded Emergency Grants, and the temporary suspension of co-funding requirements in Major Grants which are supported through the COVID-19 Community Grants and Partnerships Response Recovery Project Budget.

This report to Council is in relation to the first Major Grant round for the 2020/21 Community Grants Program. Council received 197 applications requesting a total of \$3,114,498 at the closure of the round on 24 August 2020.

The assessment panels recommend 102 applicants be funded a total of \$823,200. Details are provided in the Major Grant Recommendations August 2020 document (Appendix A).

Budget Implications

Community Grants Program projects recommended in this report are supported by four separate budgets as detailed in Table 1 below.

BUDGETS – Major Grants	Community Grants Program Budget	COVID-19 Community Grants and Partnerships Response Recovery Budget*	Domestic Animal Management Budget**	Recreation Trails Activation Budget***	TOTAL
August 2020 Community Grants Program Recommendations	\$576,653	\$228,527	\$15,000	\$3,020	\$823,200

Table 1. Budgets for Community Grants Program Recommended Projects

- * Where an application demonstrated a COVID impact, or was recommended for a funding amount beyond ordinary co-funding requirement amounts, this difference will be funded through the COVID-19 Community Grants Partnerships Response Recovery Budget.
- ** One of the recommended applications under the Community Development category addresses the key objectives of Council's Domestic Animal (Cats and Dogs) Management Strategy (2014-2020) and will be funded through the Domestic Animal Management Strategy Budget (application MJCD201056 – Sippy Creek Animal Refuge Society Inc., Dog Desexing Voucher Project).
- *** One of the recommended applications under the Community Development category addresses Council's priority to encourage the community to lead and guide nature-based recreation projects and will be funded by Council's endorsed Recreation Trails Activation Budget (application MJSR201015 – Beulah Community Ltd., Buderim Forest Nature Refuge Track Development).

The total project budgets for the successful major grant applications total more than \$3.4 million (based on figures supplied by applicants). This is more than 4.1 times greater than the Council contributions recommended in this report.

Heritage Levy Grants Programs

The 2020/21 Heritage Levy Grants Program includes two stand-alone grant streams - Collection Care Grants; and Exhibition and Public Programs Grants.

Funding totaling \$43,846 for nine projects is recommended for Council's consideration and endorsement (Appendix B).

Heritage Levy Grants Program projects recommended in this report are supported by the Heritage Levy Budget as detailed in Table 2 below.

HERITAGE LEVY GRANTS PROGRAM BUDGET	Cultural Heritage Levy Budget
August 2020 Heritage Levy - Collection Care Program recommendations	\$17,087
August 2020 Heritage Levy - Exhibition and Public Programs	\$26,759
TOTAL August 2020 Heritage Levy Grants Program Recommendations	\$43,846

Table 2. Budget for Heritage Levy Grants Program Recommended Projects

The total project budgets for the successful Heritage Levy Program applications total more than \$112,362 (based on figures supplied by applicants). This is nearly 2.6 times greater than the Council contributions recommended in this report.

CORPORATE PLAN

Corporate Plan Goal: *A healthy environment*

Outcome: 2.2 - Protection and enhancement of our natural assets and distinctive landscapes

Operational Activity: 2.2.4 - Upgrade and replace the ageing groyne field at Maroochy River to protect the natural assets.

CONSULTATION

Portfolio Councillor Consultation

- Community Portfolio – Councillor R Baberowski and Councillor D Law

Internal Consultation

Community Development Officers (Grants) attended assessment panels, reviewed outcomes and provided moderation across all grant categories to consistency.

Assessment panel membership for each category of the Community Grants Program and the Heritage Levy Grants Program was made up of a number of key staff from the relevant area of Council. In addition, Council officers with expertise relevant to specific applications were consulted and provided information and/or advice to inform assessment processes. Attachment 1 outlines the Council officers involved in each panel and additional staff consulted.

External Consultation

Community Grants Development Officers and internal category experts liaised with community organisations across the Sunshine Coast Council Local Government Area via online meetings, webinars and telephone conversations to ensure a high level of awareness of the Major Grants Program and the Heritage Levy Grants Program and the application dates.

Assistance was provided for project development, preparation of application content and advice on application processes via telephone conversations.

A wide range of traditional and social media tools were used to promote the Community Grants Program generally, and to invite applications.

The Heritage Levy Grants Program was promoted directly to eligible not-for-profit museums and heritage organisations through cultural heritage networks, Council e-Newsletters and direct communications.

Community Engagement

Community engagement was not required to inform this report.

PROPOSAL

Council recognises the vital contribution community organisations make to the economic, environmental, social and cultural wellbeing of Sunshine Coast communities.

Through the provision of community grants, Council is committed to supporting the implementation of community initiatives and partnerships that align with Council's strategic corporate priorities and demonstrate a purpose that is in the interests of the Sunshine Coast community.

The following principles provide a consistent approach to the administration of Council's Community Grants Policy and the delivery of Council's Grants Programs:

- Community organisations are provided with funding support to provide benefit to the Sunshine Coast community, in line with Council's strategic corporate priorities

- Vibrant, engaged and more resilient communities are developed through capacity building and partnerships
- Community organisations and volunteers are acknowledged for the positive contribution they make to the local community and Council's vision for the future
- Funds are distributed in an equitable and transparent manner that ensures good governance and adherence to the *Local Government Act 2009* and the *Local Government Regulation 2012*.

COMMUNITY GRANTS PROGRAM

The Community Grants Program Guidelines ensure an equitable, open and transparent process for applicants to seek financial assistance, and detail the specific aims and priorities of each category.

In light of the disruptions COVID-19 has caused our community, the focus of the 2020/21 Community Grants Program is on supporting projects which:

- respond to community need and deliver on Council's priorities
- activate the community in a resilient and vibrant way
- inject money into the local economy
- are ready to get started and be successfully completed
- deliver maximum community benefit

Promotion and Support

A wide range of media tools were used to promote the Community Grants Program and invite applications. This promotion included:

- Council's website
- Council's social media channels
- Council's telephone messages on hold
- a media release
- spotlight radio advertisements
- Council's various e-newsletters, and
- grant information and writing sessions held via online webinars.

Community Grants Development Officers and internal category specialists liaised widely with the community by:

- responding to enquiries
- providing assistance with project development
- providing advice on the preparation of application content and the application process
- linking applicants with other Council specialists, as appropriate, and
- assisting applicants with identifying other grant and funding opportunities.

Applications

A total of 197 applications were received across the seven grant categories of the 2020/21 Community Grants Program Major Grants Round One, requesting \$3,114,498 in funding.

Assessment

Council officers pre-assessed each application to determine eligibility. Assessment panels for each category were then established (as detailed in Attachment 1 and in the Internal Consultation section of this report). Panel members reviewed all eligible applications prior to the panel meeting and then met to assess the applications.

In accordance with Council's *Community Grants Policy*, any declaration of a panel member's conflict of interest must be recorded. That panel member must not be involved in the related deliberations. Conflicts of interest were declared by assessment panel members for three of the applications in this round - MJCF201069, MJCF201109, and MJCE201012. In each instance, the panel member with the conflict of interest exited the meeting for the duration of deliberations.

Panel discussion focused on alignment to category aims and priorities, alignment to Council's strategic corporate priorities, community need and benefit, and the capacity of the organisation to achieve the project outcome including having regard to the current environment and any disruptions COVID-19 requirements may have.

The panels also took into consideration the number of applications received and the available budgets. Panel members determined funding recommendations for Council's consideration.

Due to the large number of applications in each grant category, part funding was recommended in some instances.

In each case where part funding was recommended, the panel considered whether:

- the project could be successfully completed with the part funding allocated, and
- funding for stand-alone components of the project could be provided.

Conclusion

Funding totaling \$823,200 for 102 projects is put forward for Council's consideration and endorsement as provided in Appendix A: Major Grant Recommendations August 2020.

Table 3 is a summary of the applications and the recommended funding for each category.

Category	Applications received	Funding requested	Applications recommended	% Applicants recommended	Funding recommended (GST excl)
Community Development	35	\$394,175	19	54%	\$108,500
Community Events	21	\$226,952	19	90%	\$104,585
Community Facilities	95	\$1,847,840	35	37%	\$418,434
Cultural Development	5	\$60,476	3	60%	\$25,014
Cultural Heritage	4	\$48,059	2	50%	\$11,437
Economic Development	9	\$114,466	8	88%	\$56,466
Sport, Recreation and Healthy Living	28	\$422,530	16	57%	\$98,764
Total	197	\$3,114,498	102	52%	\$823,200

Table 3. Major Grant Applications Summary and Recommended Funding

The Funding Round Comparisons document at Attachment 2 details the funding comparison of the current round to previous Major Grant rounds.

The total project budgets of the recommended projects is valued over \$3.4 million (based on figures supplied by applicants). This is more than four times greater than the Council contribution recommended in this report.

Program Evaluation

Ongoing evaluation of the Community Grants Program draws information from a variety of sources including:

- analysis of data provided by community organisations in application and acquittal reports
- engagement with community organisations, and
- consultation with internal stakeholders including category representatives.

Benefits

- Organisations recommended for funding in this round reported the engagement of 2,185 volunteers to deliver their funded projects, and
- estimated 88,770 people would be direct beneficiaries of their projects (includes event patrons and/or participants).

HERITAGE LEVY GRANTS PROGRAM

Heritage Levy Grants are an initiative funded by Council's Cultural Heritage Levy for not-for-profit museums and heritage organisations within the Sunshine Coast local government area.

Forming part of Council's endorsed Cultural Heritage Levy Program for the year, the 2020/21 Heritage Levy Grants Program includes two stand-alone grant streams:

- Collection Care Grants – to support best practice through the care, storage and conservation of the region's heritage collections
- Exhibition and Public Programs Grants – to support best practice related to the region's cultural heritage in the areas of exhibitions, public programs and events.

Promotion and Support

The Heritage Levy Grants Program was promoted directly to eligible not-for-profit museums and heritage organisations through cultural heritage network events, Council e-Newsletters, and direct communications.

Applications

The 2020/21 Heritage Levy Grants round closed on 24 August 2020. Council received a total of 10 applications requesting a total of \$53,441 across the two grant streams.

Assessment

Council officers pre-assessed each application to determine eligibility. The assessment panel set up to assess the Cultural Heritage category of the Community Grants Program's Major Grants (as detailed in Attachment 1 and in the Internal Consultation section of this report) also undertook the assessment of the Heritage Levy Grants Program applications. There were no conflicts of interest declared in the assessment of this Heritage Levy Grants round.

Conclusion

Funding totaling \$43,846 for nine projects is recommended for Council's consideration and endorsement (Appendix B).

Table 4 is a summary of the applications and the recommended funding for each stream.

Heritage Levy Grants Program Recommendations	Applications received	Funding requested	Applications recommended	% Applicants recommended	Funding recommended (GST excl)
Collection Care Program	5	\$23,987	4	80%	\$17,087
Exhibition and Public Programs	5	\$29,454	5	100%	\$26,759
TOTAL	10	\$53,441	9	90%	\$43,846

Table 4. Heritage Levy Grant Applications Summary and Recommended Funding

The project budgets for the successful applications total more than \$112,362 (based on figures supplied by applicants). This is nearly 2.6 times greater than the Council contribution recommended in this report.

Organisations put forward for funding in this round reported the engagement of 56 volunteers to deliver their funded projects.

Legal

The recommendations contained within this report are in accordance with the Local Government Act 2009, *Local Government Regulation 2012*.

Policy

The recommendations contained within this report are in accordance with the adopted *Community Grants Policy*. Any requested changes to funding recommendations made by the panel need to be supported by evidence and that evidence recorded.

Risk

There may be some community concern in relation to the number of community groups that were unsuccessful in their application for funding under this program or were only part funded. The panels' considerations were thorough and in line with the *Community Grants Policy* and Community Grants Guidelines, as well as budget availability. In each case where part funding was recommended, the panel considered whether:

- the project could be successfully completed with the part funding allocated, and
- funding for stand-alone components of the project could be provided.

Previous Council Resolutions

Ordinary Meeting 28 May 2020 (OM20/49)

That Council:

- receive and note the report titled "2019/2020 Community Grants Round 2 Recommendations" and*
- endorse the Major Grant Recommendations March 2020 (Appendix A).*

Ordinary Meeting 29 January 2015 (OM15/5)

That Council:

- receive and note the report titled "Community Grants and Partnership Funding Review 2014"*
- endorse Option 1 for Council support to community organisations for 2015/16 and beyond*
- endorse multi-year funding under the Community Partnership Funding Program to provide funding for periods of up to 3 years and*

- (d) note “Community Grants Program and Community Partnership Funding Program Review Report” (Appendix A).

Ordinary Meeting 20 June 2013 (OM13/109)

That Council:

- (a) receive and note the report titled “Community Grants Policy”
- (b) adopt the Community Grants Policy (Appendix A)
- (c) note the Community Grants Guidelines (Appendix B) as amended by (f) below to implement the Community Grants Policy
- (d) adopt the Mayoral and Councillor Discretionary Funding Policy as amended (Appendix C)
- (e) note the Mayoral and Councillor Discretionary Funding Program Guidelines (Appendix D) and
- (f) amend the grants guidelines to include a clause that stipulates that each program is subject to annual budget allocations.

Related Documentation

Related documentation includes funding agreements with successful community organisations.

Relevant policy and strategy documents include the following:

- Community Grants Guidelines (2020)
- Community Grants Policy (2013)
- Community Groups Occupying Council Owned and Council Controlled Land or Infrastructure Policy
- Environment and Liveability Strategy 2017
- Heritage Levy Policy (2016)
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Statutory Bodies Financial Arrangements Act 1982*
- Sunshine Coast Aquatic Plan 2011-2026
- Sunshine Coast Arts Plan 2018 -2038
- Sunshine Coast Community Strategy 2019-2041
- Sunshine Coast Domestic Animal (Cats and Dogs) Management Strategy 2014-2020
- Sunshine Coast Reconciliation Action Plan 2017-2019
- Sunshine Coast Regional Economic Development Strategy 2013-2033
- Sunshine Coast Sport and Active Recreation Plan 2011-2026

Critical Dates

The next Major Grants round under the Community Grants Program will open in February 2021 and close in March 2021. The next round of the Heritage Levy Grants Program will open in July 2021 and close in August 2021.

Implementation

Following endorsement of this report, notification of outcomes will take place. Funding will be distributed during October and November 2020, following online acceptance of conditions of agreement and compliance with any specific conditions of funding.

8.2 KENILWORTH COMMUNITY TRANSPORT SERVICE - EXPANSION OF SERVICE

File No: F2015/29167
Author: Project Officer - Public Transport
Built Infrastructure Group

PURPOSE

The purpose of this report is to address:

- (a) the submission received from the Kenilworth Community Transport Service Sub-Committee (the Sub-Committee), which requests consideration of inclusion of trips to Sunshine Coast University Hospital, an increase in the passenger eligibility primary catchment (6.5 km radius) and approval for guests of registered users to access the service and
- (b) the petition received from the Community, which requests approval for trips to Sunshine Coast University Hospital.

EXECUTIVE SUMMARY

The Kenilworth Community Transport Service currently provides eligible residents of the Kenilworth community access to Nambour, Maleny, Mapleton, Yandina and Eumundi for a fee of \$8 return. To be eligible to use the service, residents must reside within a 6.5 km radius of the Kenilworth Post Office, complete a registration form and submit it to the Sub-Committee for approval.

The Community Transport Service is run by volunteers, under the leadership of a Sub-Committee of the Kenilworth Chamber of Commerce. The Kenilworth Chamber of Commerce holds the Operator Accreditation for the service with the Department of Transport and Main Roads. Council supplies a fully insured 7-seater passenger vehicle and an allocation (of up to \$2,000 to cover expenses) for the community to provide the service with volunteer drivers.

After an initial twelve month trial period, Council resolved on 23 July 2020 to continue to support the service, pending annual budget approval and service viability.

Due to community feedback, and in an effort to improve ongoing service viability, the Sub-Committee lodged a submission with Council on 20 November 2019 requesting that Council considers varying the service by:

- increasing the 6.5 km radius
- increasing the approved destinations to include trips to the Sunshine Coast University Hospital and
- allowing guests of registered users to access the service.

Additionally, a petition was received on 12 March 2020 requesting inclusion of trips to the Sunshine Coast University Hospital.

This report addresses the Submission from the Sub-Committee and the Community petition, and recommends an expansion of the 6.5 km radius, inclusion of trips to Sunshine Coast University Hospital, and allowing guests of registered users to access the service.

The Sub-Committee is in favour of the recommendation contained within this report. Any increase in passenger numbers anticipated from an expansion of the service is to be managed by the Sub-Committee in response to the needs of the community and subject to

driver availability. As the Accredited Operators of the service, the Sub-Committee is responsible for all operational logistics.

Three options were considered and evaluated for increasing the passenger eligibility primary catchment, with Option 3 (inclusion of surrounding localities) deemed the most inclusive and beneficial outcome to the broader community.

The recommendation contained within this report would see an increase in the number of properties serviced by the Kenilworth Community Transport Service from 616 to 1,676, at no anticipated additional costs to Council.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Kenilworth Community Transport Service - Expansion of Service”**
- (b) support the Sub-Committee’s request to broaden the area parameter for resident eligibility to:**
 - (i) include residents of neighbouring Kenilworth localities (within the Sunshine Coast region), including: Belli Park, Cambroon, Conondale (part), Coolabine, Eerwah Vale, Gheerulla, Kidaman Creek and Obi Obi, at the discretion of the Sub-Committee**
 - (ii) ensure that section 36 of the *Transport Operations (Passenger Transport) Act 1994* is not breached (passengers are not picked up within 500m of a TransLink, QConnect or Flexilink transport service)**
 - (iii) include guests of registered users as approved passengers of the service and**
- (c) support the Community and Sub-Committee’s request to allow the service to provide trips to the Sunshine Coast University Hospital at a cost of \$25 per person return, or direct cost recovery, whichever is the greater.**

FINANCE AND RESOURCING

The Kenilworth Community Transport Service is supported by Council’s Transport Levy through the provision of a vehicle and an allocation of up to \$2,000 to cover expenses exceeding the net revenue generated from trips. Total annual costs to Council to deliver the service are approximately \$4,239.

Negligible or no increase in costs to Council is envisaged to expand the service area. A significant increase in usage could see additional vehicle service and maintenance costs which are expected to be offset by increased income from fares.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*
Outcome: 1.4 - People and places are connected
Operational Activity: 1.4.2 - Coordinate the delivery of Council’s Transport Levy policy and program.

CONSULTATION

Councillor Consultation

Deputy Mayor and Transport Portfolio Councillor R Baberowski and Councillor D Law, Councillor for Division 10 and Transport Portfolio Councillor were consulted by staff on the recommended expansion of the service.

Internal Consultation

The following branches have been consulted:

- Transport and Infrastructure Planning
- Transport Infrastructure Management

External Consultation

Consultation has been undertaken with the Department of Transport and Main Roads to ensure that the recommendations contained within this report comply with the requirements of the *Transport Operations (Passenger Transport) Act 1994* and *Transport Operations (Passenger Services) Regulation 2018*. The Department of Transport and Main Roads support the recommendation.

Community Engagement

No community engagement has been undertaken in relation to this proposal, aside from the consultation that the Sub-Committee has undertaken to engage the community in formulating their submission.

PROPOSAL

The Kenilworth Community Transport Service, which commenced in June 2019, is a volunteer-run service delivered by the community, with financial and administrative support from Council, under the guidance of the Department of Transport and Main Roads.

The service is administered by the Sub-Committee, having obtained Operator Accreditation, and supported by ten volunteer drivers who have been trained and accredited by the Department of Transport and Main Roads.

Current service

The Kenilworth Community Transport Service currently provides services to Kenilworth residents living within 6.5 km radius of the Kenilworth Post Office. The volunteer-run service offers pre-booked return services to Nambour, Mapleton, Maleny, Eumundi and Yandina, during daylight hours, Monday to Friday, for a fare of \$8 return, per person.

Residents must first register as a user by completing a registration form. The Sub-Committee receives the registration, checks the approved properties spreadsheet to ensure that the property address of the applicant is within the 6.5 km radius, approves the application, or notifies the applicant that they are outside the 6.5 km radius.

The need to identify a 'particular group' flows from the *Transport Operations (Passenger Transport) Act 1994* which defines a community transport service as "...a service for the carriage of passengers funded or subsidised out of public money or by a charity and provided for the benefit of a particular group."

The current 6.5 km radius makes the service available to 616 properties, with 112 residents within the 6.5 km radius approved as registered users. Of these, 40 residents have used the service at least once.

Additionally, 40 residents outside the 6.5 km radius have completed a registration form expressing an interest in using the service. These applications have not been approved.

Petition

The community has presented a petition to Council requesting: "*We, the undersigned respectfully petition Sunshine Coast Council to:*

Please authorize the Kenilworth Community Transport Service from Kenilworth and environs be extended to include trips to Sunshine Coast University Hospital in Birtinya, as this is where most specialist medical services are performed. We have been disadvantaged since the move of specialist medical services from Nambour Hospital, and as an aging population it is a long distance to drive to Sunshine Coast University Hospital."

Approval for trips to Sunshine Coast University Hospital (SCUH) has also been requested by the Sub-Committee, due to numerous community requests received. The Sub-Committee deem that these trips are manageable, and suggest a fare of \$25 return.

The Sub-Committee advises that *“A relatively small number of registered users are currently able to attend specialist appointments in Nambour and this is regarded as a major benefit of the service. Some of that group of users have raised the issue of travel to Sunshine Coast University Hospital for appointments there.*

While we appreciate that, at the moment, it is possible for a person to travel by KCTS to Nambour and catch a bus to SCUH, this can be difficult, take a considerable time and, in some cases, requires that the user travel with a person who can assist them.”

As there are limited transport options for residents of the Kenilworth district to attend medical and specialist appointments in Birtinya, the Sub-Committee and officers see the inclusion of trips to SCUH as feasible, and a positive improvement to the service.

Whilst bus services are available from Nambour to SCUH, for a Kenilworth Resident to travel to SCUH, the passenger would be required to change bus services at either Maroochydore Station or University of the Sunshine Coast. The following ‘best case’ scenario would apply:

Kenilworth Community Transport Service to Nambour (approximately 40 mins) > Bus from Nambour to Maroochydore Station (approximately 35mins) > Bus from Maroochydore Station to SCUH (approximately 32mins) = total travel time of approximately 1hr 45mins plus waiting time for connections. This journey would be repeated on the return trip with varying wait times. Comparatively, a direct trip utilising the Kenilworth Community Transport Service would take approximately 56mins.

Trips to Sunshine Coast University Hospital would not incur any additional costs to Council, as costs will be offset against increased revenue.

The Department of Transport and Main Roads has no objection to the proposal for trips to Sunshine Coast University Hospital, as section 36 of the *Transport Operations (Passenger Transport) Act 1994* is not breached.

Sub-Committee Submission

It is the understanding of the Chamber of Commerce and the Sub-Committee that the 6.5 km service area restriction was only for the initial trial, and had been imposed to provide some parameters on the service so that the level of interest could be determined. Residents outside the 6.5 km have been encouraged to register their interest, to inform the trial.

A comprehensive submission was received from the Sub-Committee on 20 November 2019, raising operational issues with Council to ensure that the service is seen by the community to be credible, and given sufficient scope to be successful. The Sub-Committee has reported receiving ongoing negative feedback from the community relating to the 6.5 km radius.

The submission requests that Council consider varying the service by:

- Extending the 6.5 km radius to incorporate more of the surrounding Kenilworth community and to include residents en-route to the destination.
- Allowing the Kenilworth Community Transport Service to provide a service to that group of residents of the Kenilworth district that needs to travel to the Sunshine Coast University Hospital for specialist appointments at a cost of \$25 per return trip.

The Sub-Committee has advised that *“using a distance radius from the Post Office to determine a catchment area for the KCTS does not define the population group to be serviced by the KCTS in a way that is considered ‘fair’ or makes sense to the community.*

Kenilworth is the only town of any size within an area that includes the Obi Obi Valley, Coolabine, Walli Mountain, Kidaman Creek, Gheerulla (formerly known as Lower Kenilworth), Cambroon, Moy Pocket and Belli Park. Residents from all of these areas, and particularly those who live in areas along the key roads Obi Obi, Kenilworth Maleny,

Kenilworth Eumundi and Kenilworth Brooloo participate in the activities of the town and utilise the services in the town. They are not residents of the town but they are certainly part of the community on which the town relies. As such, they are clearly part of an identifiable 'population group'."

The Sub-Committee has proven their ability to operate the service within the initial radius area and field complaints from the community about the 6.5 km radius. The Sub-Committee is requesting an increase in the radius, so as to allow collection of passengers along the route they are travelling.

In addition to the 40 residents outside the 6.5 km radius who have submitted registration forms, numerous residents outside the current service area have expressed an interest in accessing the service.

The Sub-Committee has reported difficulty in securing additional drivers to continue the service on a regular schedule, due to availability of volunteers within the 6.5 km radius (616 properties). Residents that are not eligible to use the service, do not wish to be volunteer drivers. Prior to COVID-19 restrictions, on two occasions the service was unable to operate due to the lack of driver availability.

The Sub-Committee believes that by expanding the 6.5 km radius, they are likely to have more success in securing additional volunteer drivers as the driver pool will be significantly larger (1676 properties vs 616 properties).

The Sub-Committee has also highlighted the possibility (in the longer-term) of inclusion of services for visitors of the community, both for visitors staying with registered users, and potentially for tourists visiting the area.

It is considered reasonable that a registered user who has visitors staying with them could use the service with their visitors, to approved destinations only. This would not increase any service costs, but would increase income and service viability.

Inclusion of tourists does not comply with the Community Transport Category for the Operator Accreditation, and has not been considered.

The following three options for expansion the 6.5 km radius were considered, evaluated and discussed with the Sub-Committee, Portfolio Councillors and Divisional Councillor, with Option three being the supported option.

Options for service parameters

Option 1 – increase radius to 10 kilometres

An increase of the eligibility radius to 10 km would see an increase of 270 properties, resulting in 886 properties being eligible.

Increasing the radius to 10 km is not expected to increase any costs to the service. It will not however, alleviate the ongoing community frustration from residents who live near this radius or along the route being travelled, who are still not permitted to use the service.

Option 2 – include additional roads

The Sub-Committee has suggested that the eligibility area could be extended to include residents along the following roads:

- Obi Obi Road to 500 metres from the Hinterland Connect Route
- Coolabine Road
- Moy Pocket Road to the Sunshine Coast Council boundary
- Kenilworth-Brooloo Road to the Sunshine Coast Council boundary
- Maleny-Kenilworth Road to a point 500 metres from the Conondale store
- Kidaman Creek Road to the School Bus Run turn around and
- Eumundi Kenilworth Road to the Bunya Road roundabout.

This recommendation would see the inclusion of approximately 378 additional properties, and is deemed a possible solution. It is however difficult to define specific properties for inclusion, and for the Sub-Committee to explain why residents are not permitted to meet the service along the route, or at the Information Centre to use the service.

Option 3 (Recommended option) – include additional localities

To reduce the complexity of eligibility parameters, it is deemed that the most appropriate option is to include the localities immediately surrounding Kenilworth that the service travels along.

It is imperative that the Sub-Committee has discretion with bookings so that registered users are only being collected where the service is travelling along the route closest to their residence.

The community has indicated a preference for more residents to be eligible to use the service, greater than the current 6.5 km radius.

Accordingly, it is recommended that the primary catchment be expanded to:

- Include residents of neighbouring Kenilworth localities (within the Sunshine Coast region) including: Belli Park, Cambroon, Conondale (part), Coolabine, Eerwah Vale, Gheerulla, Kidaman Creek and Obi Obi, at the discretion of the Sub-Committee. Passengers must not be picked up within 500m of a TransLink, QConnect or Flexilink transport service. This increase in area would see an additional 1,068 properties being included in the registration area, totalling 1,676 properties. Figure 1 shows the map outlining the suggested localities.
- Include the collection and drop off of registered passengers along the primary routes that the service is travelling on a particular day, at the discretion of the Sub-Committee.

It should be noted that the Conondale locality that is currently serviced by the Flexilink service between Conondale and Maleny would be excluded from the primary catchment.

It is not envisaged that a door-to-door service be provided for every resident in every locality. Where passengers reside on rough roads, or too far from the route that the service is travelling, residents may be required to meet the service at the Kenilworth Information Centre, or at a suitable location along the route. It is recommended that the Kenilworth Community Transport Service Sub-Committee have discretion in this regard.

Eight of the nine localities identified in Option 3 are not serviced by Council Link services, and Council has previously received requests from residents of these localities requesting transport assistance.

Negligible or no increase in costs to Council is envisaged. Any significant increase in usage could see additional vehicle service and maintenance costs which will be offset by increased income from fares.

This proposal has approval from Department of Transport and Main Roads, and remains compliant with the requirements of the Act, as long as section 36 of the *Transport Operations (Passenger Transport) Act 1994* is not breached.

The Act

The Transport Operations (Passenger Transport) Act 1994 and *Transport Operations (Passenger Services) Regulation 2018* regulate the establishment of a community transport service.

The Kenilworth Community Transport Service is established under the Act's definition of Community Transport Service being "a public passenger service funded out of public money or by a charity and provided for the benefit of a particular group". The "particular group" was defined as being residents of the Kenilworth community, within 5 km of the Kenilworth Post Office. This distance parameter was extended to 6.5 km in response to a request from the organising Sub-Committee and approved by the Council's CEO on 15 February 2019.

Legal

There are no legal implications to Council relevant to this report.

Policy

There are no policy implications relevant to this report. The service is funded by the Transport Levy, and links directly to the Policy intent and outcome, namely: *Enabling Council to fund selected eligible initiatives, projects and services for community benefit.*

Risk

Council's contribution to the service is currently funded by the Transport Levy, which is reviewed annually. An alternative funding source may be required if the service was not included in funded approved Transport Levy projects, or should the Transport Levy not continue.

Previous Council Resolution**Ordinary Meeting 23 July 2020 (OM20/71)**

That Council:

- (a) *receive and note the report titled "Kenilworth Community Transport Services - Trial End Report"*
- (b) *continue to support the Kenilworth Chamber of Commerce to deliver the volunteer-led Kenilworth Community Transport Service, including the provision of the vehicle and an annual allocation to cover costs if required, pending annual budget approval and service viability and*
- (c) *request the Chief Executive Officer to provide a report to a future Council meeting addressing potential changes to the service identified by the Sub-Committee relating to improving the service.*

Ordinary Meeting 28 May 2020 (OM20/56)

That Council resolve the petition tabled by Councillor D Law relating to the Kenilworth Community Transport Service be received and referred to the Chief Executive Officer to determine appropriate action.

Ordinary Meeting 19 July 2018 (OM18/110)

That Council:

- (a) *receive and note the report titled "Kenilworth Community Transport" and*
- (b) *endorse the trial for a Kenilworth Community Transport proposal (Appendix A).*

Ordinary Meeting 23 February 2017 (OM17/27)

That Council resolve the petition tabled by Councillor Rogerson from Kenilworth and District Chamber of Commerce and Citizens Inc relating to a transport service at Kenilworth be received and referred to the Chief Executive Officer to determine appropriate action.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates relevant to this report.

Implementation

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

- Work with the Kenilworth Chamber of Commerce Sub-Committee to implement the approved changes to the service.
- Where financially viable, annually turn over the vehicle with out-of-lease vehicles, in consultation with Fleet Services.
- Annually review the service to ensure continued viability in line with the existing Key Performance Indicator “to operate successfully within the funding commitments offered by Council, clearly showing an ability for ongoing success”.
- Provide an update to the Department of Transport and Main Roads.
- Review and update the Kenilworth Community Transport Service Deed of Agreement between Council and the Kenilworth Chamber of Commerce Inc, to reflect the changes.
- Review and update the Kenilworth Community Transport Service Operations Manual to reflect the changes.

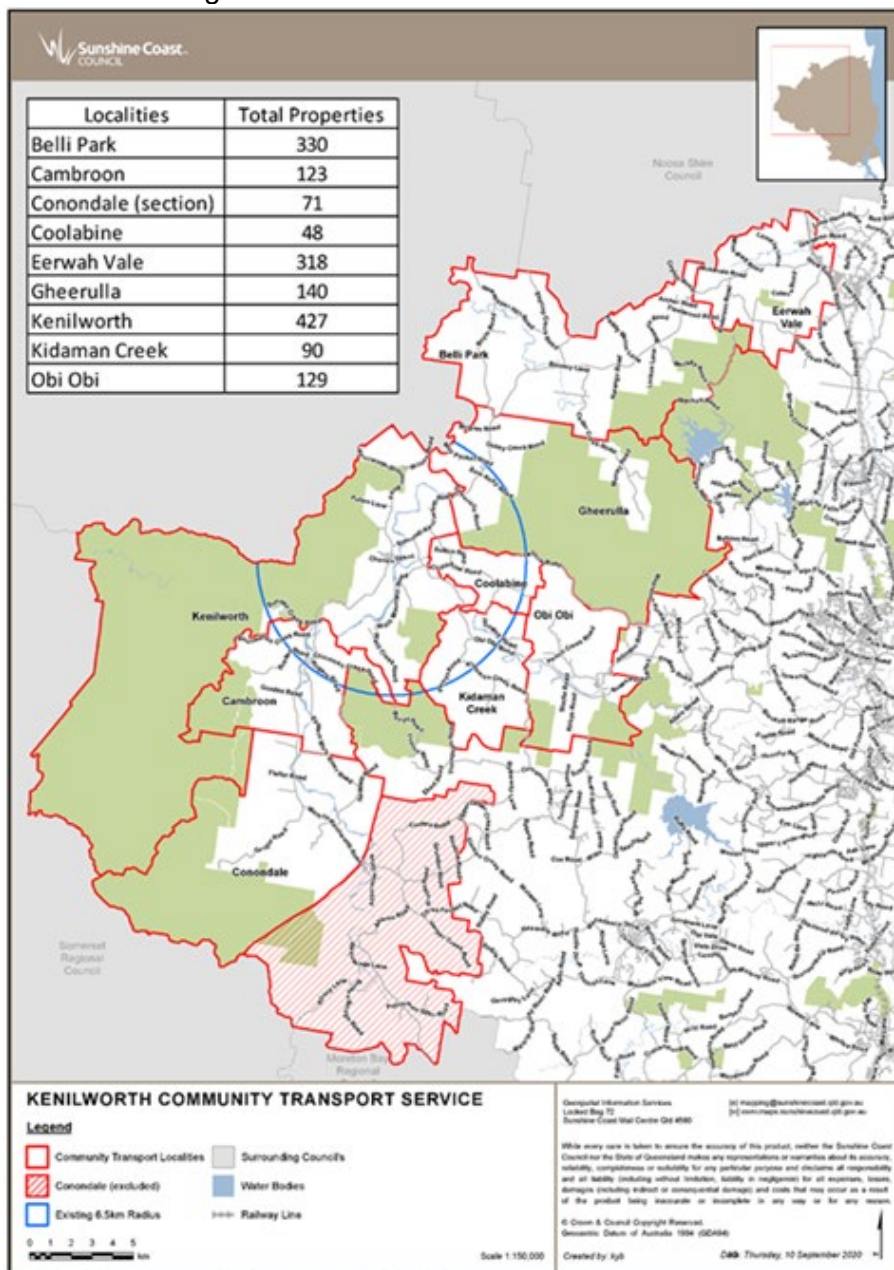


Figure 1.

8.3 SUNSHINE COAST BIODIVERSITY REPORT 2020

File No:	Council Report
Author:	Coordinator Biodiversity and Waterways Liveability & Natural Assets Group
Appendices:	App A - Sunshine Coast Biodiversity Report 202057

PURPOSE

The purpose of this report is to present the Sunshine Coast Biodiversity Report 2020 for the local government area for Council consideration.

EXECUTIVE SUMMARY

The protection and enhancement of our natural environment, including our biodiversity is fundamental to the delivery of a healthy environment and liveable Sunshine Coast in 2041, with strategic directions outlined in Council's Environment and Liveability Strategy (ELS). A Transformational Action of the ELS is "Building our knowledge" which is enabling evidence based decisions.

A 2020 Biodiversity Report (Appendix A) has been prepared that provides a snapshot of our biodiversity (at a local government and catchment scale) and a comparative review of Council's progress towards achieving the ELS's biodiversity target of maintaining the 2016 extent of native vegetation (no net loss) by 2041. The Report is complemented with a technical background report that provides detailed supporting information of the reporting methods and consolidated data. Both reports will inform network planning and a range of biodiversity conservation and management initiatives.

Our Biodiversity assets

The Sunshine Coast landscape continues to support a diverse range of vegetation communities, habitat areas, native plant and animal species including:

- Approximately 55% or 124,872 hectares of native vegetation cover with 74% remnant and a 26% non-remnant vegetation.
- 75 regional ecosystem covering six broad vegetation communities including: coastal foredune; mangrove and saltmarsh; melaleuca and casuarina; heath and wallum; eucalypt; and rainforest.
- 89,415 hectares of core and core-connecting habitat areas and 35,457 hectares of connecting habitat areas. These areas include habitats listed as vulnerable, endangered and critically endangered under commonwealth legislation.
- Approximately 46% or 57,404 hectares of our native vegetation is protected or preserved in the conservation estate which includes State and Council protected lands, Nature Refuges, covenants (voluntary or non-voluntary) and Land for Wildlife.
- 117 commonwealth and state listed threatened species including 64 native animals and 53 native plants living in Sunshine Coast habitat areas.

Key comparative findings since the 2016 Biodiversity Report are that:

- There was an overall net-gain of 591 hectares to our region's native vegetation extent between 2016 and 2020, bringing the new total extent to 124,872 hectares.
- The region's conservation estate has seen a 2% or 3,011 hectare increase in the habitat being retained and protected.

- There was an increase in species recognised as threatened in the local government area, which indicates further declines in biodiversity at a Commonwealth and State reporting level.

It is proposed to continue to prepare these reports every 4-5 years as data becomes available, to continue to track Council's strategic progress and enable evidence based decisions for the ongoing protection and enhancement of our biodiversity assets.

A limited number of the 2020 Biodiversity Report are proposed to be published for distribution to key stakeholders and will also be made available online.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Sunshine Coast Biodiversity Report 2020" and**
- note the Sunshine Coast Biodiversity Report 2020 (Appendix A) for the purpose of promoting our biodiversity assets.**

FINANCE AND RESOURCING

There are no financial implications regarding this report.

CORPORATE PLAN

Corporate Plan Goal: *A healthy environment*
Outcome: 2.1 - A resilient region shaped by clever planning and good design
Operational Activity: 2.1.1 - Implement priority activities from the Environment and Liveability Strategy 2017.

CONSULTATION

Councillor Consultation

Consultation has been undertaken with the Environment and Liveability Portfolio Councillors, Councillor M Suarez and Councillor P Cox.

Internal Consultation

Consultation has been undertaken with the relevant areas of Council to ensure results are accurate, consistent, and applicable to the current range of conservation programs and services being delivered.

External Consultation

There has been no external consultation undertaken in relation to this report.

Community Engagement

No community engagement has been undertaken in relation to this report.

PROPOSAL

Council is implementing the *Sunshine Coast Environment and Liveability Strategy 2017* (ELS) in partnership with the community to deliver a healthy environment and liveable Sunshine Coast in 2041. A Transformational Action of the ELS is "Building our knowledge" which enables evidence based decisions.

The protection and enhancement of our natural environment, including our biodiversity, forms part of these strategic directions. The ELS includes a biodiversity target to 'maintain the 2016

extent of native vegetation (no net loss) by 2041', with the baseline native vegetation extent of 124,283 hectares, established in the 2016 Biodiversity Report.

Our native vegetation along with agriculture, horticulture and recreational lands provide the 'green frame' that separates our neighbourhoods, town centres and contributes to our community of communities.

The reporting framework supporting the 2016 Biodiversity Report was established to consistently report on our biodiversity assets and allow for changes between reporting periods to be documented as we track our progress towards achieving the ELS's biodiversity target.

Providing updated information, a 2020 Biodiversity Report (Appendix A) has been prepared that provides a snapshot of our biodiversity (at a local government and catchment scale) and a comparative review of Council's progress towards achieving the ELS's biodiversity target of maintaining the 2016 extent of native vegetation (no net loss) by 2041. The Report is complemented with a technical background report that provides detailed supporting information of the reporting methods and consolidated data. Both reports will inform network planning and a range of biodiversity conservation and management initiatives.

The 2020 Biodiversity Report uses the same established reporting framework and provides a snapshot of:

- the extent and type of **vegetation** – reported as remnant vegetation and non-remnant vegetation
- the extent and make up of our **habitat areas**
- the extent of habitat managed, preserved and protected in the **conservation estate**
- the number and distribution of **threatened plants and animals** listed under Commonwealth and State legislation living in Sunshine Coast Council area habitats.

Overall, the Sunshine Coast landscape continues to support a diverse range of vegetation communities, habitat areas, native plant and animal species making the Sunshine Coast one of the most biologically diverse and interesting areas in south east Queensland.

The 2020 Biodiversity Report (Appendix A) presents the following results:

Vegetation

- 55% (124,872 hectares) native vegetation cover – 92,566 hectares of remnant and 32,306 hectares of non-remnant vegetation.
- 75 regional ecosystems including: (2) coastal foredune; (2) mangrove and saltmarsh; (15) heath and wallum; (10) melaleuca and casuarina; (36) eucalypt; and (10) rainforest.
- 7 Endangered, 29 Of Concern and 39 Least Concern regional ecosystems.

Habitat areas

- 165 core habitat areas comprising more than 89,415 hectares of native vegetation core and core-connecting habitat areas and 35,457 hectares of connecting habitat areas.
- The largest core habitat area, made up largely by the Conondale National Park, in the Mary River catchment is 19,252 hectares.

Conservation estate

- More than 46% or 57,404 hectares of our native vegetation is protected or preserved in the conservation estate.
- National Parks and Conservation Parks constitute 70% of the conservation estate. This protects 40,375 hectares of native vegetation.

- Council currently manages 733 reserves containing 6,143 hectares protecting 57 of the 75 regional ecosystem types.

Threatened plants and animals

- 117 commonwealth and state listed threatened species including 64 animals and 53 plants living in Sunshine Coast habitat areas.

In comparing the local government scale results between the 2016 to 2020 Biodiversity Reports, key results include:

- There has been an overall net-gain of 591 hectares to our native vegetation extent. This net gain has resulted from a 300 hectare decline in remnant vegetation and an 889 hectare increase of non-remnant vegetation. Council and the community contributed to this result through actively managing, rehabilitating and restoring habitat areas. The increase in non-remnant vegetation includes both naturally re-growing and expanding existing native vegetation as well as new vegetation being established by Council and community through a range of different rehabilitation and restoration initiatives.
- There has been an increase in the Sunshine Coast Council area's conservation estate of 2% or 3,011 hectare increase in the extent habitat being retained and protected.
Council's Environment Levy land acquisition program contributed the majority of 'new' protected habitat areas with an additional 872 hectares of native vegetation conserved for the community. Whilst the other major contribution was the transfer of the State Forest area previously known as the Mooloolah Logging Area (south of Steve Irwin Way) to Mooloolah National Park.
The number of private landowners participating in the voluntary Land for Wildlife conservation program has also increased, resulting in an additional 1,000 hectares of native vegetation being managed and preserved across the Sunshine Coast Council area.
- Two eucalypt vegetation communities are now classified as 'adequately represented' within our conservation areas, and no longer considered poorly conserved.
- 13 native animal species that are known to occur in the Sunshine Coast local government area have been added to the critically endangered, endangered or vulnerable lists under the State's *Nature Conservation Act 1991* and the Commonwealth's *Environment and Biodiversity Conservation Act 1999*. This has increased the total number of threatened species in the region from 104 to 117.

It is proposed to continue to prepare these reports every 4-5 years as data becomes available, to continue to track Council's strategic progress and enable evidence based decisions for the ongoing protection and enhancement of our biodiversity assets.

Legal

There are no legal implications associated with the release of the Biodiversity Report 2020.

Policy

Council's Corporate Plan 2020 - 2024 sets the goal of a "Healthy Environment" through maintaining and enhancing the region's natural assets, liveability and environmental credentials.

Risk

Communicating the findings of the 2020 Biodiversity Report will assist to promote the Sunshine Coast's biodiversity assets and address any potential reputational risk.

Previous Council Resolution**Ordinary Meeting 10 November 2016 (OM16/200)**

That Council:

- (a) *receive and note the report titled "Biodiversity Report 2016"*
- (b) *adopt the Biodiversity Report 2016 for the Sunshine Coast Local Government Area (Appendix A), the report overview (Appendix B) and the report snapshot (Appendix C).*

Related Documentation

- Sunshine Coast Environment and Liveability Strategy 2017
- Sunshine Coast Council Corporate Plan 2020 – 2024
- Biodiversity Report 2016 for the Sunshine Coast local government area – Report Overview

Critical Dates

There are no critical dates relevant to this report.

Implementation

A limited number of the Sunshine Coast Biodiversity Report 2020 are proposed to be published for distribution to key stakeholders and will also be made available online, including the Environment and Liveability Strategy website.

The promotion of the Report will be undertaken in consultation with the Communications Branch.

8.4 DEVELOPMENT APPLICATION - WISES FARM/SUNSHINE COVE AT SUNSHINE COVE MAROOCHYDORE

File No: MCU19/0143

Author: Senior Development Planner
Customer Engagement & Planning Services Group

Attachments: Att 1 - Detailed Officer Report 111
Att 2 - Variation Request Proposal Plans 147
Att 3 - Subdivision Proposal Plans 149
Att 4 - Proposed Preliminary Approval Development Provisions
..... 155

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU19/0143>

SUMMARY SHEET	
Applicant:	Felix Hill Pty Ltd Atf The Sunshine Unit Trust
Owner:	Felix Hill Pty Ltd Atf The Sunshine Unit Trust
Consultant:	Innovative Planning Solutions Pty Ltd
Proposal:	<ul style="list-style-type: none"> • Preliminary Approval for Material Change of Use (Variation Request to Vary the Effect of the Preliminary Approval for the Wises Farm Mixed Use Development) • Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 stages)
Properly Made Date:	10/07/2019
Information Request Date:	02/08/2019
Information Response Received Date:	06/11/2019
Decision Due Date:	25/06/2020 (extended by agreement)
Number of Properly Made Submissions:	55 submissions were received, with 34 submissions were against and 20 were in support of the development and 1 was neutral. Of these submissions, 46 were properly made.
PROPERTY DETAILS	
Division:	8
Property Address:	Sunshine Cove Way MAROOCHYDORE QLD 4558
RP Description:	Lot 3000 SP 306280
Land Area:	7.526 ha
Existing Use of Land:	Vacant

STATUTORY DETAILS	
Planning Scheme:	<i>Maroochy Plan 2000 (21 January 2005) & Sunshine Coast Planning Scheme 2014</i>
SEQRP Designation:	Urban Footprint
Maroochy Plan 200 Strategic Plan Designation: Sunshine Coast Planning Scheme Strategic Framework Land Use Category:	Urban Urban
Maroochy Plan 2000 Planning Area: Sunshine Coast Planning Scheme Local Plan Area:	Maroochydhore Maroochydhore/Kuluin Local Plan Area
Maroochy Plan 2000 Precinct Class: Sunshine Coast Planning Scheme Zone:	Master Planned Community Emerging Community
Maroochy Plan 2000 Planning Precinct	Precinct 10 – Low/Medium Density Residential
Assessment Type:	Impact Assessable (Variation Request)

PURPOSE

The purpose of this report is to seek Council's determination for two proposed aspects of development at Sunshine Cove Way Maroochydhore, being:

- Preliminary Approval for Material Change Use (Variation Request to vary the effect of the Preliminary Approval for the Wises Farm Mixed Use Development)
- Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages)

The application is before Council as the application involves a variation request.

EXECUTIVE SUMMARY

The applicant proposes a Preliminary Approval, including a Variation Request to vary the effect of the existing Wises Farm Preliminary Approval and seeks to secure approval for the development concept for the final stage of the Sunshine Cove estate and guide the future assessment and levels of assessment of subsequent applications for development permits lodged over the site.

The existing Wises Farm Preliminary Approval (MCU03/0039) was approved by Council on 26 August 2004 and subsequently the preliminary approval took effect on 15 October 2004. The majority of the Wises Farm Preliminary Approval site has been developed. Land uses include commercial (primarily adjacent Maroochy Boulevard) and residential. The subject site for this current application is the final remaining stage yet to be developed. The constructed residential development within the estate is predominately a small row housing type product on individually titled freehold lots.

The location of the subject site and aerial photograph is included below:

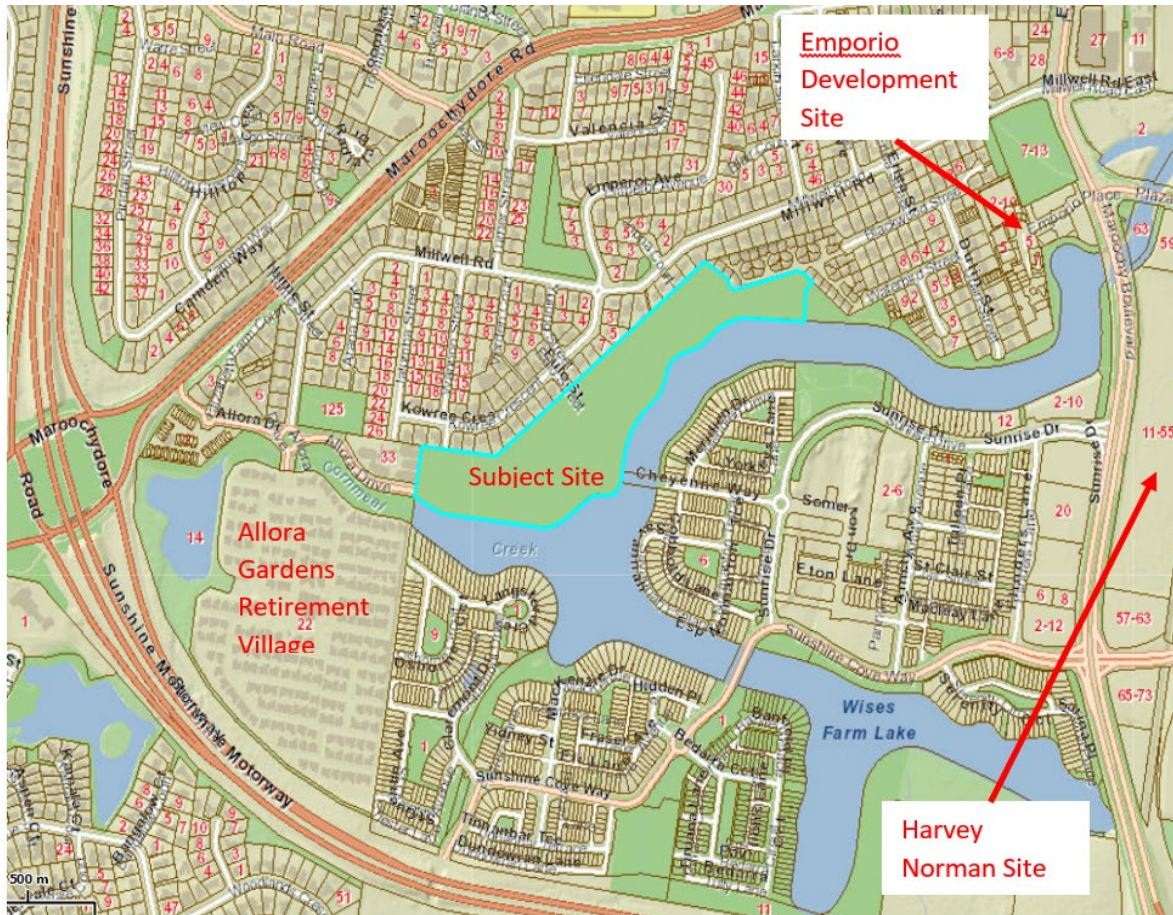


Figure 1: Location Plan of the site



Figure 2: Aerial photograph of the site

The variation request seeks to achieve the following overall development outcomes for the site:

- Removing an existing conservation and habitat area and replace with an alternative open space outcome in the form of parks and landscape buffers, resulting in an increase in developable area.
- Increasing the minimum residential density to 15 dwellings per hectare.
- Allowing for Multiple Dwelling Units, Retirement Village and Residential Care Facilities anywhere within the precinct as code assessable, up to a maximum of 185 dwellings.
- Changing height provisions to allow a maximum building height of 3 storeys and 12 metres for all development, except where within 10m of established residential areas, where it is proposed to be 2 storeys and 8.5 metres.
- Provision for Child Care Centres (as code assessable).
- New internal road network and pedestrian network.

The application also seeks a development approval to reconfigure the lots over three stages to deliver 101 residential lots, roads/laneways, 1 balance lot and 1.450 ha open space/park/buffers.

The application is impact assessable, due to the inclusion of a Variation Request for the Material Change of Use component, and the proposed reconfiguration component extending into the open space designation in accordance with the existing Wises Farm Preliminary Approval.

The application has been assessed against the existing Wises Farm Preliminary Approval for the Wises Farm Mixed Use Development which makes *Maroochy Plan 2000* the applicable planning scheme but regard has also been given to *Sunshine Coast Planning Scheme 2014*. The proposal does not comply with a number of relevant assessment benchmarks contained within the planning scheme, including the strategic framework and planning scheme codes given it:

- It will remove ecologically significant vegetation contrary to the code requirements.
- The proposed open space offer from the applicant is not of the same standard or an equivalent outcome when compared to the current Wises Farm Preliminary Approval open space requirements.
- The proposed replacement buffer is not adequate and will result in detrimental amenity impacts on neighbouring residential properties, particularly when compared to the buffers required by the current Wises Farm Preliminary Approval.
- It will have detrimental impacts on visual amenity and character of the local area.

The application is recommended for refusal.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Application - Wises Farm/Sunshine Cove at Sunshine Cove Maroochydhore and**
- (b) REFUSE Application No. MCU19/0143 and RAL19/0063 for a Development Permit for Material Change of Use of Premises for a Variation Request to vary the effect of the existing Wises Farm Preliminary Approval and Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages), situated at Sunshine Cove Way MAROOCHYDORE for the following reasons:**
 - i. The proposal conflicts with the policy direction of The Desired Environmental Outcomes (in particular DEO No’s 1, 2, 5 and 6) of**

Maroochy Plan 2000 and of the Strategic Framework of the *Sunshine Coast Planning Scheme 2014* (in particular Themes 1 and 5) with respect to the protection of native vegetation and the protection of local desired amenity and character.

- ii. The proposed development does not comply with the Purpose and Overall Outcomes of the Biodiversity, waterways and wetlands overlay code of the *Sunshine Coast Planning Scheme 2014* or the Purpose or Performance Criteria of the Code for Nature Conservation and Biodiversity of *Maroochy Plan 2000* given that it would require removal of mapped native vegetation, which is considered an ecologically important area.
- iii. The proposal is not consistent with the Overall Outcomes and Performance Outcome requirements of the Maroochy/Kuluin local plan code of the *Sunshine Coast Planning Scheme 2014*, in particular the requirements for the retention of vegetation which contribute to the character and sense of place of the local area. The proposed development therefore departs from the following relevant assessment benchmarks of the *Sunshine Coast Planning Scheme 2014*:
 - (a) Overall Outcome (h) and Performance Outcomes PO2, PO3 & PO19 of the Maroochy/Kuluin local plan
 - (b) Overall Outcome (c) of the Emerging community zone code and
 - (c) PO18 of the Reconfiguring a Lot Code.
- iv. The proposed variation request has the potential to significantly increase the density of the site by allowing higher density residential developments in areas currently intended to be low density residential (with densities of 15 dwellings per hectare) or dedicated as open space by the current Wises Farm Preliminary Approval. The proposed development therefore departs from the following relevant assessment benchmarks of the Wises Farm Preliminary Approval Document:
 - (a) the Statements of Desired Character of the Preliminary Approval for Precincts 10 and 11 and
 - (b) sections 6.2 and 6.3 of General Statement of Intent for Neighbourhood Residential Precincts.
- v. The proposed open space outcome from the applicant is not consistent with the standards, quantum or outcomes of the current Wises Farm Preliminary Approval open space requirements. The proposed development therefore departs from the following relevant assessment benchmarks of the Wises Farm Preliminary Approval Document:
 - (a) section 3.4 of the Vision Statement
 - (b) the Statements of Desired Character of the Preliminary Approval for Precinct 10 and Precinct 11 and
 - (c) the Landscape and Built Form Statement 6.26 for Precinct 10.
- vi. The proposed development has not demonstrated that the amenity of residential neighbours will not be impacted. The proposed replacement buffer is not adequate and will result in detrimental amenity impacts on neighbouring residential properties (when compared to the buffers required by the current Wises Farm Preliminary Approval). The proposed development therefore departs from the following relevant assessment benchmarks:
 - (a) the following overall outcomes of the Landscape code; (e), (g), (h) and (i) and

- (b) PO18 of the Reconfiguring a Lot Code.
- vii. The proposed development is inconsistent with reasonable community expectations for development at the premises which does not support residential development in an open space precinct. Such expectations are informed by, among other things, existing Wises Farm Preliminary Approval requirements and the *Sunshine Coast Planning Scheme 2014*.
 - viii. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
 - ix. The departures from the assessment benchmarks and the relevant matters discussed above support refusal of the proposed development.
 - x. Compliance with some assessment benchmarks and the submission of relevant matters advanced by the applicant and submitters are not, on balance, material, and should be given little weight and do not otherwise sufficiently support approval of the proposed development.
 - xi. Refusal of the proposed development advances the purposes of the *Planning Act 2016* because the development fails to maintain physical and social wellbeing of people and communities due to its negative impacts on ecologically important areas and on residential amenity of adjacent residential properties.

FINANCE AND RESOURCING

The existing Wises Farm Preliminary Approval is supported by two Voluntary Infrastructure Agreements (VIAs) to achieve certainty in delivering key pieces of regional infrastructure to service the Maroochydore Key Regional Centre, and to supply necessary urban infrastructure to service the Wises Farm development. In addition, these VIAs stipulate the required development contributions applicable for all development within the site where consistent with the existing Wises Farm Preliminary Approval.

The VIAs support the existing approval conditions and contains a range of obligations for the owner of the site, including the upgrade of infrastructure, lake maintenance obligations, infrastructure charges, amongst other requirements. Many of these obligations in the Infrastructure Agreement have already been fulfilled by earlier stages.

In the event of any approval, the existing VIAs will not apply to this development as they specifically refer to the Wises Farm Preliminary Approval. If the application is approved, it is recommended that a deed of novation be negotiated and entered into with the applicant to carry over any relevant obligations to this application (for example lake maintenance obligations).

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, in the event of approval for the reconfiguration of a lot for 101 lots, is approximately \$1,630,000.

CORPORATE PLAN

Corporate Plan Goal:	<i>Service excellence</i>
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 J O'Pray has been consulted during the application process.

Internal Consultation

The application was referred and/or discussed with the following internal Council specialists/Branches 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
- Urban Designer, Planning Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Environmental Operations Branch, Liveability and Natural Assets Group
- Transport and Infrastructure Policy Branch, Built Environment Group

External Consultation

The application was not required to be referred to any State referral agencies.

Community Engagement

The application was publicly notified for 30 business days between 8 November 2019 and 19 December 2019 in accordance with the requirements of the *Planning Act 2016*. A total of 55 submissions were received, of which 46 were determined to be 'properly made' in accordance with the *Planning Act 2016*, of which 34 submissions were against and 20 were in support and one (1) was neutral.

The following details of the submissions are noted:

- 14 submissions were received by residents directly adjoining the site, residing along Kowree Crescent. Of these, 8 supported the proposal and 6 opposed.
- Five (5) submissions supporting the development were received from people directly involved with the development of the estate or their family.
- One (1) submission opposing the development included a petition with 12 signatories (this is counted as a single submission in accordance with the legislative requirements).

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

PROPOSAL

The application requests two separate approvals. These are:

- Preliminary Approval for Material Change Use (Variation Request to vary the effect of the existing Wises Farm Preliminary Approval for the Wises Farm Mixed Use Development).
- Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages).

Below is an extract of the proposed Precinct Plan applicable to Precincts 7 and 10 only. The proposed plans for the development are provided in **Attachments 2 & 3** of this report.

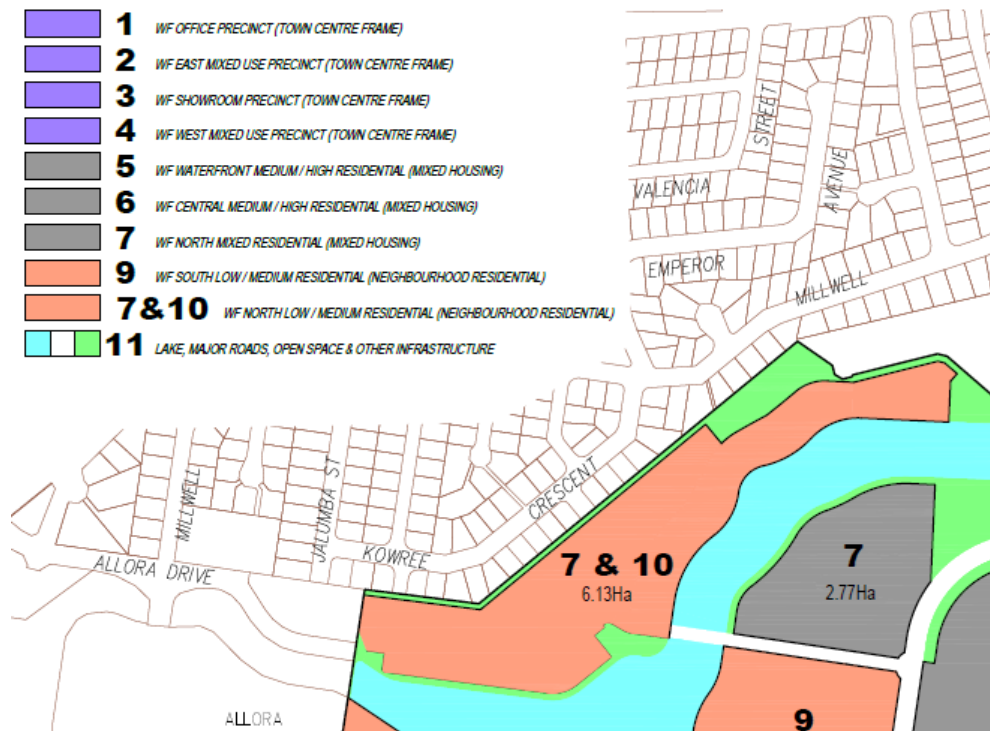


Figure 3: Extract of Proposed Precinct Plan (Precincts 7 and 10 are the only precincts changing)

Assessment of Application

The application has been assessed against the provisions of the *Planning Regulation 2017*, the existing *Wises Farm Preliminary Approval* for the *Wises Farm Mixed Use Development* and the *Sunshine Coast Planning Scheme 2014*.

Under the *Planning Act 2016*, a Preliminary Approval can also include a request for a variation approval, which varies the effect of a local planning instrument on premises the subject of the approval. A variation approval may establish new categories of assessment and assessment benchmarks for development and any related development and prevails over a local planning instrument to the extent of any inconsistency for the “life” of the approval, or until the development is completed.

This type of Preliminary Approval may establish specific assessment provisions that will then apply in assessing any future development applications relating to the land. A Preliminary Approval may seek to:

- vary or add the provisions of a relevant code or
- vary the level of assessment and assessment benchmarks for future applications.

The *Planning Act 2016* requires that the proposed resultant development is assessed against the planning instruments at the time the development application is made to determine whether the development is suitable for the site. The proposed variations are not assessed unless the development the subject of the development application is to be approved. If the other parts of the development application are refused, any proposed variations will also be refused.

The applicable overlays and the additional requirements of the local plans of both the *Sunshine Coast Planning Scheme 2014* and *Maroochy Plan 2000* should be considered to establish the confines of any developable area or areas where development is not appropriate.

Under *Maroochy Plan 2000*, the majority of the overlays were assessed as part of the Preliminary Approval, however the overlays that remain relevant to this assessment include:

- Nature conservation management.

- Possible Bushfire Prone Area (Low hazard).

The *Sunshine Coast Planning Scheme 2014* also identifies a number of overlays affecting the subject site including:

- Acid Sulfate Soils.
- Airport Environs.
- Biodiversity, Waterways and Wetlands.
- Bushfire Hazard.
- Flood Hazard.
- Height of Buildings and Structures (12 metres).

Given the above provisions, this assessment is undertaken considering the following factors:

- Existing Wises Farm Preliminary Approval Requirements.
- Ecologically Significant Vegetation.
- Open Space & Amenity Buffering.
- Visual amenity/local character.

The officers Detailed Assessment Report at **Attachment 1** provides a more in-depth assessment of this application, with a summary of this assessment outlined below.

Preliminary Approval for Material Change Use (Variation Request to vary the effect of the existing Wises Farm Preliminary Approval for the Wises Farm Mixed Use Development)

A. Existing Wises Farm Preliminary Approval Requirements

The existing Wises Farm Preliminary Approval (MCU03/0039) was approved by Council on 26 August 2004 and subsequently the preliminary approval took effect on 15 October 2004. The majority of the Wises Farm Preliminary Approval site has been developed. Land uses include commercial (primarily adjacent Maroochy Boulevard) and residential. The subject site for this current application is the final remaining stage, which has yet to be developed. The constructed residential development within the estate is predominately a small row housing type product on individually titled freehold lots.

The existing Wises Farm Preliminary approval is supported by a Local Area Structure Plan which identifies areas for future development and open spaces, as well as major pedestrian/cycle routes. A significant portion of the subject site is designated as Conservation and Habitat (17,060m²) and Water Cycle Management Area (3,500m²).

A Precinct Plan is also included in the existing Wises Farm Preliminary Approval document which splits the subject site into two Precincts, Precinct 7 (south) and Precinct 10 (north).



Figure 4: Current Approved Precinct Plan for Precincts 7 and 10

Precinct 7 is a Mixed Residential Precinct which is intended to accommodate a range of densities and residential use types. This includes, but is not limited to detached houses, dual occupancies, multiple dwelling units, and accommodation buildings. Densities are regulated by Design and Form controls including Dwelling Unit Factor Control. As the area of Precinct 7 is 1.82ha, the maximum density anticipated by the Preliminary Approval is approximately 131 units, which equates to approximately 72 dwellings per hectare. It is noted there is no minimum lot size requirement for this precinct, as such small lot subdivision applications are assessed as code assessable within this Precinct.

Precinct 10 is a Low/Medium Residential (Neighbourhood Residential) Precinct, which is intended to accommodate the lowest density development within Wises Farm, principally in the form of detached housing. Residential density within Precinct 10 must achieve an average density across the Precinct of no less than 10 dwellings per hectare. Again, it is noted there is no minimum lot size requirement for this precinct, as such small lot subdivision applications are assessed as code assessable within this Precinct.

Where the proposed development is outside of the open space designation under the Preliminary Approval, it is generally consistent with the precinct intent and built form and design controls of the Preliminary Approval (which could be assessed through a code assessable subdivision application).

As such, the major point of conflict with the existing Wises Farm Preliminary Approval is around the footprint of the proposed development extending into open space designation.

It is apparent from reviewing the original Wises Farm Preliminary Approval report that was presented to Council and the *Maroochy Plan 2000* provisions that the original reasons for identifying the open space in this location was to:

- preserve the significant vegetation in this location (hence it was labelled Conservation and Habitat) and
- to act as a buffer to the existing adjacent low density residential development.

This was reflected in the following Landscape and Built Form Intent Statement from the Wises Farm Preliminary Approval Document for Precinct 10 which highlights the parkland was intended to provide a buffer to the adjoining residential areas:

“The Precinct is separated from existing residential development to the north and west by an area of retained vegetation incorporated into the open space network for Wises Farm. This open space area serves as an effective buffer between the adjacent existing residential areas. New development should also seek to take advantage the amenity and aesthetic opportunities afforded by such open space.”

In addition, the Precinct Intent and Landscape and Built Form Statements for the Open Space Precinct state that:

“This Precinct includes the new lakes, major open space and road elements that will provide the setting for the urban development that is proposed for Wises Farm.”

“It is intended that all areas depicted will be dedicated to Council as appropriate through the various stages of development and /or at a time dictated by conditions of the Preliminary Approval governing the Wises Farm development”

“Built form within this Precinct will be minimal, and restricted to development that enhances the Precinct's function as an aesthetic setting for the urban development Precincts, and for passive and recreational open space.”

“Landscaping and embellishment of the Precinct will be provided to achieve the purpose of the space, be easy to maintain and meet the requirements of the local community in terms of function, useability, visual amenity and personal safety.”

No Supplementary Table of Development is provided for this Precinct, given that *“it is anticipated that land will be dedicated to Council and reserved for particular purposes for which it is nominated.”* As such, any development proposed within the Open Space Precinct is impact assessable.

It is important not to consider this particular piece of parkland or stage of the Sunshine Cove estate in isolation, given the original Wises Farm Preliminary Approval assessment considered the approved open spaces network as a package. Based on the above, it is clear that at the time of the original Wises Farm Preliminary Approval, this parkland was considered an important amenity/habitat park which also provided a buffer to neighbouring low density residential properties. From the above assessment, where the proposal encroaches into the open space precinct, it is not consistent with the provisions of the Preliminary Approval.

B. Ecologically Significant Vegetation

The area of identified open space contains mapped native vegetation under both *Maroochy Plan 2000* and *Sunshine Coast Planning Scheme 2014* and is identified under the *Vegetation Management Act 1999*, as Regional Ecosystem RE12.3.2. This is an “Of concern” Regional Ecosystem and is dominated with emergent Eucalypts overtopping an understory of rainforest tree and shrub species – a “Wet Sclerophyll Forest Community”. The proposed expanded development footprint would result in the removal of all of the existing mapped vegetation.

Through the purpose and overall outcomes, the *Biodiversity, waterways and wetlands overlay code of Sunshine Coast Planning Scheme 2014* broadly intends to:

- protect and enhance ecologically important areas and ecological connectivity
- protect and establish appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat
- protect known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the *State Nature Conservation Act 1992, Nature*

Conservation (Wildlife) Regulation 2006 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and

- ensure development is located, designed and managed to avoid or minimise adverse direct or indirect impacts on ecological systems and processes.

An Ecologically Important Area is defined in Schedule 1 of the *Sunshine Coast Planning Scheme 2014* as:

- (a) *a natural waterway or wetland;*
- (b) *an area of remnant or non-remnant native vegetation identified on a Biodiversity, Waterways and Wetlands Overlay Map: or*
- (c) *an area which otherwise:-*
 - (i) *contains or is likely habitat for scheduled species under the Nature Conservation (Wildlife) Regulation (QLD) 2006;*
 - (ii) *contains or is likely to contain threatened species and/or ecological communities, protected critical habitat or listed migratory species as defined by the Environment Protection and Biodiversity Conservation ACT 1999;*
 - (iii) *contains a spring as defined under the Water Act (Qld) 2000; or*
 - (iv) *contains habitat for flora and/or fauna species of local ecological significance.*

The applicant has submitted that the clearing of the existing mapped vegetation is appropriate for the following reasons:

- The provision of an ecological assessment which concludes that the existing vegetation has little to no ecological value.
- There is safety and maintenance issues with retaining the existing vegetation due to the risk of limb fall and bushfire. The applicant suggests that a minimum of 30-50% of the trees would be required to be removed to ensure public safety, which would have a significant impact on ecological integrity of the vegetation.
- The vegetation can be cleared for the provision of necessary firebreaks and fire management lines, in accordance with section 20A within Part 3, Schedule 6 of the Planning Regulation (no approvals required).
- The offer of a financial offset of \$75,000 due to the loss of vegetation.

Council's Landscape and Ecology specialist has assessed the ecological assessment reports provided by the applicant and considered the above submissions by the applicant and Council's assessment and observation disagrees with the suggestion that the subject area has little or no ecological value. Council officers believe the vegetation is considered an Ecologically Important Area to be protected under the *Sunshine Coast Planning Scheme 2014* due to the habitat values, including foraging for rainforest birds, nesting hollows, forest maturity and it's "Of concern" Regional Ecosystem status. Whilst the site may lack direct connectivity for larger ground dwelling fauna to larger bushland or conservation areas, as is the premise of many ecological reports, the subject area is a vital piece in a network of urban forest areas. The subject site is elevated and is a resting and way point for a variety of raptors and other avifauna. The concept of an urban forest made up of a variety riparian and hilltop areas within the Sunshine Coast presents a combined network of great environmental value, both locally in the Sunshine Cove area and the Coast generally.

Council's Ecology Specialist notes the forest emergent trees within this patch include a good proportion of trees with hollow trunks and limbs –"habitat trees" which appear to be under active use by hollow nesting birds and possums.

The assessment of this application triggered an evaluation of the quantum of protected natural estate and native forest remnants remaining within the Maroochy Area bounded by Maroochy Road, Maroochy River, the coastline up to Okinja Road and back along the Sunshine Motorway. These forests represent the last of the Maroochy forests, representing just under 2% of the total area. The value of the subject site is significantly important given what little forested habitat remains in the local area.

The proposal to clear and offset vegetation is considered a poor substitute to vegetation retention. The subject site supports old growth remnant trees and mature regrowth trees and would take close to 100 years to replace this type of forest community. Vegetation “offsets” cannot be compared to the preferred option of retention of functioning forest communities with their inherent ecological values of soil biota, natural ground (land form and drainage patterns), trunk size, species abundance and distribution and nesting habitat.

In summary, the proposed expanded development footprint would result in the removal of all of the existing vegetation and would not be supported by Council.

C. Open Space & Amenity Buffering

As discussed above, the existing Wises Farm Preliminary Approval identifies a significant portion of land (1.706ha) as Conservation and Habitat. In addition to this, a 3,500m² Water Cycle Management Area is designated in the north western corner of the site.

The below table provides a comparison between the open space outcome under the current Wises Farm Preliminary Approval vs the proposed amended open space offering for Precincts 7 and 10.

Types of Open Space	Current Preliminary Approval	Proposed Preliminary Approval	Proposed Reconfiguration (excludes Stage 1)
Park/Conservation Habitat	2.048ha	0.915ha	0.602ha
Landscape Open Space (within the Road Reserve)	-	-	0.246ha
Landscape Buffer	-	0.445ha	0.445ha
Water Catchment Management Area (drainage reserve and bioretention basins)	0.35ha	-	0.157ha
TOTAL	2.398ha	1.36ha	1.45ha

The applicant has submitted that the proposed amended open space layout is more appropriate due to:

- The currently approved open space is not intended to be traversable by the Sunshine Cove community or wider public and is not considered ‘usable’ open space.
- The proposal offers a similar amount of open space in the form of a consolidated park area on the northern portion of the subject site in addition to pocket parks and a high amenity landscaped buffer.
- The creation of a usable ‘community park’ embellished with half basketball court, picnic shelter, community garden, outdoor gym, play equipment, table tennis table, open play space and paved areas.
- The proposed 6-7m wide replacement buffer will deliver an effective screening solution to existing neighbouring properties.
- The layout is a more efficient use of centrally located land as it encourages an efficient infill in an urban area with access to services.

The proposed small “pocket parks” and the linear landscape buffer should not be considered as part of the quantum of open space when comparing it to the current Wises Farm

Preliminary Approval outcome. These smaller/constrained parks will not function the same as a single consolidated park and are a necessary component for the row housing product that is being proposed or to provide buffering due to the close proximity of the development. As such, the larger park with an area 4,005m² is considered the only useable/comparable parcel of open space being proposed. When this is compared to the current Wises Farm Preliminary Approval requirement to provide a single 1.706ha parcel of land, it is clear the existing approval is a superior public open space outcome.

It is not agreed that the open space as currently approved will not be traversable or accessible, as there is appropriate land to accommodate embellishments and pathways through the parkland. While it may function more as a bushland park rather than a recreational park, these types of open space are just as valuable within an urban setting of increasing density. When considering open space from a broader perspective, in the longer term density is likely to increase with the redevelopment of the lower density area to the north of the site (due to close proximity to the CBD). This increase in density will only place greater value and demand on open space within the locality.

With regards to the proposed 'community park' as a potential offset/benefit for the clearing of the existing elevated treed area, Council's Landscape and Ecology specialist has advised that it is generally seen as an oversupply of traditional park play for that immediate area. Council's service standards note that a local park or access to an open space network, is located within 400-500 metres walking distance. In this regard the new residents within the related precincts of Sunshine Cove are already well serviced by parks at Millwell Road and Sunrise Drive as well as access to the walkable waterfront and district recreation loop that extends within Sunshine Cove generally. The proposed park is also not connected to the existing northern residential areas and as such is not available to the broader community.

In addition to a general over supply of traditional park play, the proposed new local park is of a different function to the subject elevated treed environmental area. The existing elevated treed area is not seen as being developed as a local park with hard recreation infrastructure, but rather as a passive natural area with potential for low key walking and nature study that utilises the existing mature trees as a base to build upon.

With regards to the proposed replacement buffer, Council's Landscape and Ecology specialist has advised the proposed buffer planting is not a like for like outcome. The current Wises Farm Preliminary Approval which retains a mature stand of endemic trees, provides a superior buffer in comparison to the proposed 6m wide buffer. The proposed new buffer will be compromised with sewer infrastructure, poor surveillance, height limitations due to future resident's expectations on solar access, poor maintenance access, fencing/retaining structural conflicts will not deliver a successful, desirable community outcome.

In summary, the proposed open space offer from the applicant is not of the same standard or an equivalent outcome, when compared to the current Wises Farm Preliminary Approval open space requirements.

D. Visual amenity/local character

The development is required to be assessed to determine whether it will result in a significant loss of amenity or will detrimentally impact on local character. It is noted that the existing vegetation is highly visible from a number of vantage points in the local area due to its height of up to 30 metres in places.

The below overall outcomes and performance outcome requirements of the Maroochydore/ Kuluin local plan code of the *Sunshine Coast Planning Scheme 2014* has specific requirements on the retention of vegetation which contribute to the character and sense of place of the local area.

7.2.19.3 Purpose and overall outcomes

- (b) *Urban development in the Maroochydore/Kuluin local plan area is limited to land within the urban growth management boundary so as to protect environmental areas and landscape values*
- (bb) *Development in the Emerging community zone provides for the continued development of Sunshine Cove as an integrated residential community, providing a mix of dwelling types and live/work buildings in a waterside setting, supported by large areas of open space, a walkable waterfront and extensive cycle and pedestrian pathway networks connecting the development to the Maroochydore Principal Regional Activity Centre and other adjoining neighbourhoods.*

Development in the Maroochydore/Kuluin Local Plan Area Generally (All Zones)

PO3 Development provides for the retention and enhancement of key landscape elements including significant views and vistas and existing character vegetation contributing to the setting, character and sense of place of the Maroochydore/Kuluin local plan area.

AO3.2 Development provides for the retention and enhancement of existing mature trees and character vegetation contributing to the setting and character of the local plan area

The applicant submitted a Visual Amenity Assessment and Photomontages in support of the development application. Photomontages taken from the applicant's Visual Amenity Assessment have been included in the officers Detailed Assessment Report at **Attachment 1**. The Visual Amenity Assessment report concluded:

"Removal of the existing vegetation will have significant visual impact on views of the skyline internally and on immediate views of residents adjoining the vegetation. With the exception of the removal of the existing vegetation both development options will have a similar visual impact in terms of built form and views internally and externally with or without removal of the trees. Therefore while the removal of the trees will have a significant impact this is only slightly higher than the impact allowable under the Preliminary Approval. With development of the vegetation in the landscape buffer a similar amenity of a treed skyline can be achieved over time."

Council's also prepared a number of photomontages to compare the tree removal when viewed from a number of key vantage points both within the Sunshine Cove estate and from the surrounding area. These images are included in the officers Detailed Assessment Report at **Attachment 1**.

Council's assessment has demonstrated that the proposed removal of the existing vegetation will have a dramatic impact on the skyline of the surrounding area and as such will have a corresponding impact on the local character and amenity. Council's Urban Design specialist has assessed the applicant's Visual Amenity Assessment and advises that the visual analysis of the difference between the removal of the existing trees and the alternative outcome with newly established trees is quite stark. The existing trees provide an extensively tall back drop of landscape approximately 1/3 higher than the buildings proposed. This helps to soften and assimilate the built form into the landscape.

Further, Council's Landscape and Ecology specialist does not agree with the assertion of the applicant's Visual Amenity Assessment that the proposed 6m wide buffer will support vegetation up to a height of 15m, due to insufficient maintenance access, concerns with solar access and infrastructure provision.

The existing vegetation within this locality is an important piece of the mosaic of mature vegetation on the Maroochydore local area and skyline. As mature vegetation is removed in the surrounding established urban allotments (due to long term redevelopment), this will only place greater importance and value on the existing stand of mature vegetation on this site from a visual amenity/character perspective.

In summary, the proposal is in direct conflict with the character and amenity requirements of the overall outcomes and the zoning intent of the *Sunshine Coast Planning Scheme 2014* and the existing Wises Farm Preliminary Approval. It is recommended that the removal of a significant element of the mosaic of established vegetation within the Maroochy local area not be supported.

Development Permit for Reconfiguring a Lot (1 Lot into 101 Residential Lots, 1 balance lot, new roads and parks over 3 Stages)

The application seeks a development approval to reconfigure the lots over three stages to deliver 101 residential lots, roads/laneways, 1 balance lot and 1.450ha Open space/park/buffers.

Where the proposed reconfiguration is outside of the open space designation under the proposed Preliminary Approval, it is generally consistent with the precinct intent and built form and design controls of the Preliminary Approval (which could be assessed through a code assessable subdivision application). The proposed small lot row housing product and associated development controls are consistent with the existing approved residential stages of the estate. However, as the proposed Preliminary Approval is not supported for the reasons outlined above, the proposed reconfiguration is also not supported.

Assessment Summary

The proposed development does not comply with, nor can it be conditioned to comply with, the requirements of the Planning Scheme. There are no other relevant matters applicable to the application that justify approving the proposed development despite the non-compliances described in this report. As such, the application is recommended for refusal based on the assessment and reasons outlined above and in the attached officers Detailed Assessment Report (**Attachment 1**).

Legal

In relation to the development applications, 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. Council will proceed with any required actions resulting from any legal action.

Policy

The application has been assessed against the existing Wises Farm Preliminary Approval for the Wises Farm Mixed Use Development which makes *Maroochy Plan 2000* the applicable planning scheme but regard has also been given to *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 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 plans of the development are provided as **Attachment 2 and 3** to this report.

Critical Dates

There are no critical dates relevant to this report. Council's decision for the application was due on 25 June 2020 and the applicant may elect to take a 'deemed refusal' of the application prior to a Council decision.

Implementation

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

8.5 PROPOSED AMENDMENT - PLANNING SCHEME POLICY FOR DEVELOPMENT WORKS

File No:	Council meeting
Author:	Senior Strategic Planner Customer Engagement & Planning Services Group
Attachments:	Att 1 - Explanatory Memorandum 5/222 Att 2 - Amendment Instrument..... 11/222

PURPOSE

The purpose of this report is to:

- present to Council a proposed amendment to the Planning Scheme Policy for Development Works and
- seek Council's endorsement to prepare and progress the proposed amendment in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules*.

EXECUTIVE SUMMARY

The Planning Scheme Policy (PSP) for Development Works supports the implementation of the *Sunshine Coast Planning Scheme 2014* (the Planning Scheme), by providing advice about achieving the outcomes in the relevant Planning Scheme codes and providing guidance for the design and construction of infrastructure works.

The PSP for Development Works is a technical document that sets out Council's requirements across various infrastructure asset networks, including roads, stormwater, landscaping and recreation, and defines standards and procedures for contributed assets with regard to construction, compliance and acceptance.

In September 2017, an Audit Committee Report on Contributed Assets identified the opportunity to make refinements to the PSP for Development Works in relation to standards, specifications, inspection, and testing and certification regime. Since that time, there has been a collaborative effort across various Council branches to identify and document the relevant standards and specifications requiring updating and revision, to ensure that they remain relevant and consistent with up to date engineering practices and to improve the quality of contributed assets, especially from a whole of life cycle cost perspective.

Details of the proposed amendment to the PSP for Development Works are outlined in **Attachment 1 (Explanatory Memorandum)** and **Attachment 2 (Amendment Instrument)**.

In summary, the proposed amendment to the PSP for Development Works seeks to:

- update the standards, specifications and procedures to guide the design, construction and delivery of new development asset infrastructure and works, including roads, stormwater, landscaping and recreation infrastructure
- update references and guidelines in the PSP
- delete redundant water and sewer specifications
- include a new section for the delivery of local parks
- correct spelling and grammatical errors
- amend sections to improve legibility and
- make other consequential or administrative amendments.

The proposed amendment to the PSP for Development Works is to be prepared and progressed in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules*. The process for amending a PSP does not require consideration of State interests.

If Council decides to prepare and progress a proposed amendment to the PSP for Development Works, the next step is to publicly consult on the proposed amendment for a minimum of 20 business days.

OFFICER RECOMMENDATION

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.

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 - A performance review of the existing planning scheme will be undertaken, background planning studies prepared and a community reference group established.

CONSULTATION

Councillor Consultation

Consultation has occurred with Councillors at the Workshop (Planning Scheme Amendment Program), held on 31 August 2020, and through one-on-one briefings with the majority of Councillors undertaken prior to the Workshop. Follow-up meetings and additional information has also been provided to Councillors on request.

Internal Consultation

Consultation has occurred with relevant internal officers from the following Groups and Branches during the preparation of the proposed PSP amendment:

- Built Infrastructure Group:
 - Transport and Infrastructure Planning Branch, particularly in terms of the outcomes of the Audit Committee Report on Contributed Assets, including matters relating to stormwater management
 - Transport Infrastructure Management Branch, including matters relating to electrical, lighting and telecommunications

- Civil Asset Management Branch, including matters relating to street and road pavements, kerb and channel and
- Parks and Gardens Branch, including matters relating to open space and landscape infrastructure.
- Liveability and Natural Assets Group:
 - Environmental Operations Branch, including matters relating to stormwater management
 - Design and Placemaking Services Branch, including matters relating to placemaking and
 - Environment and Sustainability Policy Branch, including matters relating to local parks.
- Customer Engagement and Planning Services Group:
 - Development Services Branch, including matters relating to road infrastructure, stormwater quality management, landscaping, engineering standards, tidal and non-tidal works.

External Consultation

There has been no external consultation undertaken in relation to this report.

Community Engagement

There has been no community engagement undertaken in relation to this report. However, if Council decides to amend the Planning Scheme Policy (PSP) for Development Works, formal public consultation on the proposed amendment will be undertaken for a minimum of 20 business days in accordance with the *Minister's Guidelines and Rules*.

During this consultation period, the community will be invited to make submissions about the proposed PSP amendment and the Council will be required to consider all submissions prior to determining the content of the final amendment and deciding whether to proceed to the adoption stage of the amendment process.

PROPOSAL

This report presents to Council a proposed amendment to the Planning Scheme Policy for Development Works.

Background

Planning scheme policies (PSP's) support the implementation of the *Sunshine Coast Planning Scheme 2014* (the Planning Scheme) by providing guidance and advice about how to satisfy the Planning Scheme's development requirements. The PSP for Development Works is one of 21 PSP's that currently support the Planning Scheme.

The purpose of the PSP for Development Works is to provide:

- advice about achieving outcomes in the relevant Planning Scheme codes and
- guidance for the design and construction of infrastructure works which reflects sound practice in engineering, environmental management and natural resource planning and sustainability, while also addressing considerations relating to whole of life cycle costs, safety, accessibility and aesthetics.

The PSP for Development Works is a technical document that sets out Council's requirements across various infrastructure asset networks, including roads, stormwater, landscaping and recreation, and defines standards and procedures for contributed assets with regard to construction, compliance and acceptance.

The PSP for Development Works is mainly used by developers and their engineering consultants when designing and constructing development works and by Council's Development Services Branch when assessing and deciding development applications for operational work as well as subsequent compliance activities.

Research undertaken by the Civil Asset Management Branch has indicated potential to update some standards and specifications in the PSP for Development Works in response to the premature failure of some contributed assets and condition analysis. Based on the findings from this research, it was considered appropriate that other Council asset network owners should also review their standards and specifications to ensure ongoing relevance and consistency with up to date engineering practices.

In this regard, in September 2017, an Audit Committee Report on Contributed Assets identified the opportunity to make refinements to the PSP for Development Works in relation to standards, specifications, inspection, and testing and certification regime. Since that time, there has been a collaborative effort across various Council branches to identify and document the relevant standards and specifications requiring updating and revision.

In addition to the work involved in reviewing the PSP, the progress of planning scheme amendments already underway and the need to prioritise new planning scheme amendments to address changes in State planning legislation and interests, as well as major local area planning initiatives, has meant that it has not been possible to bring this matter for Council's consideration until now.

Proposed amendment

In response to the outcomes of the Audit Committee Report on Contributed Assets and a collaborative review of the standards and specifications by Council's asset custodians, it is proposed to amend the PSP for Development Works to:

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

Details of the proposed amendment to the PSP for Development Works are contained in **Attachment 1 (Explanatory Memorandum)** and **Attachment 2 (Amendment Instrument)**.

Process for amending a PSP

The process for amending a PSP is set out in the *Planning Act 2016* and the *Minister's Guidelines and Rules*. The *Minister's Guidelines and Rules* sets out the minimum requirements that a local government must follow when amending a PSP.

If Council decides to prepare and progress a proposed amendment to the PSP for Development Works, the next step is to publicly consult on the proposed amendment for a minimum of 20 business days.

Legal

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

Policy

Planning Scheme Policies (PSPs) 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 PSP 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 PSP 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

Council, at the Special Meeting held on 14 April 2014, in relation to Item 5.1.1 Sunshine Coast Planning Scheme and Planning Scheme Policies, resolved to adopt and delegate authority to the Chief Executive Officer to commence the *Sunshine Coast Planning Scheme 2014* and the planning scheme policies on 21 May 2014 (refer to Council Resolution SM14/8, item (b) and (d)(iv)). The planning scheme policies contained in Schedule 6 of the *Sunshine Coast Planning Scheme 2014*, included the Planning scheme policy for Development Works. The relevant parts of the previous Council resolution relating to the adoption and commencement of the planning scheme policies are shown in bold text below.

Special Meeting 21 May 2014 (SM14/8)

That Council:

- (a) *in accordance with Chapter 3, Part 5 of the Sustainable Planning Act 2009 and section 2.3.2, Stage 4, Step 10.1 of Statutory Guideline 01/13: Making and amending local planning instruments, resolves to adopt the proposed Sunshine Coast Planning Scheme 2014 as amended to incorporate the changes necessary to comply with the additional conditions imposed by the Minister for State Development, Infrastructure and Planning in accordance with section 2.3.2 Stage 4 Step 10A.2(a) of Statutory Guideline 01/13: Making and amending local planning instruments:*
- (i) *by letter dated 24 March 2014 – the inclusion of Lot 2 RP841494 in the Medium density residential zone and*
 - (ii) *by letter dated 14 April 2014 –*
 - (1) *compliance with condition 2 of the Minister's previous letter dated 5 March 2014 required paragraph (l) of Section 3.3.1 (strategic outcomes) to be amended to include the Caloundra South (Halls Creek) Identified Growth Area as an area subject to further planning assessment under the SEQ Regional Plan*
 - (2) *deletion of Paragraph (h) of Section 3.3.8.1 (Specific outcomes for Element 7 – further investigation areas) which reads as follows: "(h) The Caloundra South (Halls Creek) SEQ Regional Plan Identified Growth Area has not been identified as a further investigation area as this area forms part of the regional inter-urban break and is unsuitable and not required for urban development in the future" on the basis that it is in conflict with condition 2*
 - (3) *identification of each of the SEQ Regional Plan Identified Growth Areas on Strategic Framework Map SFM1 (Land use elements) and Strategic Framework Map SFM2 (Economic development elements)*
- (b) ***in accordance with Chapter 3, Part 5 of the Sustainable Planning Act 2009 and section 3.3.2, Stage 3, Step 5.1 of Statutory Guideline 01/13: Making and amending local planning instruments, resolves to adopt the proposed planning***

scheme policies (included in Schedule 6 of the Sunshine Coast Planning Scheme 2014)

- (c) *continue to advocate the Sunshine Coast's key policy positions to the Minister for State Development, Infrastructure and Planning through the upcoming review of the South East Queensland Regional Plan 2009-2031, including:*
- (i) *the unsuitability of Caloundra South (Halls Creek) as an Identified Growth Area and the more appropriate opportunities provided by the Beerwah to Caloundra South Corridor and*
 - (ii) *the need to protect the Sunshine Coast-Moreton Bay Regional inter-urban break as an important feature for South East Queensland including the area identified as Regional inter-urban break on Strategic Framework Map SMF1 (Land use elements)*
- (d) ***delegate authority to the Chief Executive Officer to:***
- (i) *finalise the changes to the proposed Sunshine Coast Planning Scheme 2014 as adopted by Council in paragraph (a) to comply with the additional conditions specified in correspondence from the Minister for State Development, Infrastructure and Planning dated 24 March 2014 and 14 April 2014*
 - (ii) *amend the proposed Sunshine Coast Planning Scheme 2014 in accordance with the changes adopted by Council in paragraph (a) to comply with the additional conditions specified in correspondence from the Minister for State Development, Infrastructure and Planning dated 24 March 2014 and 14 April 2014*
 - (iii) *place a notice in the government gazette, a newspaper circulating generally in the local government area and on Council's website about the adoption and commencement of the following:*
 - (1) *the Sunshine Coast Planning Scheme 2014 in accordance with section 2.3.2, Stage 4, Step 10A.2 (c) of Statutory Guideline 01/13: Making and amending local planning instruments*
 - (2) *the planning scheme policies (included in Schedule 6 of the Sunshine Coast Planning Scheme 2014), in accordance with section 3.3.2, Stage 3, Step 5A.2 of Statutory Guideline 01/13: Making and amending local planning instruments*
 - (iv) ***commence the Sunshine Coast Planning Scheme 2014 and the planning scheme policies on 21 May 2014***
 - (v) *provide a copy of the above notice and one electronic copy of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies to the Minister for State Development, Infrastructure and Planning in accordance with Statutory Guideline 01/13: Making and amending local planning instruments*
 - (iv) *make electronic copies of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies available for purchase at Council's Development Information Counters*
 - (vii) *make a hard copy of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies available for viewing at each of Council's Development Information Counters*
 - (viii) *communicate information about the commencement of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies to the community through a media launch, other media opportunities, Council's website, information packages, presentations and other forums*
 - (ix) *commence an ongoing amendment process for future amendments to the Sunshine Coast Planning Scheme 2014 and undertake prioritised investigations into the identified Further Investigation Areas in the Strategic Framework to inform future planning schemes*

- (x) *accept all development applications (superseded planning scheme) to be assessed and decided under the applicable superseded planning scheme in accordance with Chapter 3, Part 2, Division 5 of the Sustainable Planning Act 2009, except in the following circumstances:*
- (1) *the Sunshine Coast Planning Scheme 2014 significantly reduces building height or development density or*
 - (2) *there is another major departure between the provisions of the applicable superseded planning scheme and the provisions of the Sunshine Coast Planning Scheme 2014*
- (e) *formally recognise the outstanding efforts of the Planning Scheme team and relevant staff and thank them for their contribution.*

Related Documentation

Planning Act 2016

Minister's Guidelines and Rules

Sunshine Coast Planning Scheme 2014

Critical Dates

There is a desire to progress and implement the proposed amendment to the PSP for Development Works 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

Should Council decide to amend the PSP for Development Works, it is proposed to delegate authority to the Chief Executive Officer to prepare and progress the proposed amendment in accordance with relevant statutory requirements. This will include the following actions:

- (a) prepare for and proceed to formal public consultation on the proposed PSP amendment for a minimum of 20 business days and
- (b) following public consultation, present a further report to Council about the consultation outcomes and any recommended changes to the proposed PSP amendment for Council's consideration.

8.6 FLOODING AND STORMWATER MANAGEMENT GUIDELINES

File No:	Council meetings
Author:	Coordinator Flooding and Stormwater Built Infrastructure Group
Appendices:	App A - Flooding and Stormwater Management Guidelines173

PURPOSE

The purpose of this report is to seek endorsement of the Flooding and Stormwater Management Guidelines, so that it may be referenced in the Planning Scheme Policy for Development Works.

EXECUTIVE SUMMARY

This report provides as Appendix A - Flooding and Stormwater Management Guidelines. These are identified as a transformational action of the Environment and Liveability Strategy Implementation Plan.

The Flooding and Stormwater Management Guidelines (the Guidelines) have been developed in response to the release of the State Planning Policy in 2017 and new industry guidelines relating to hydrology and drainage. It is intended to support codes and policies of the Planning Scheme to improve the standard of contributed assets from new development. It provides specific technical interpretation on applying industry guidance for flooding and stormwater within the Sunshine Coast local government area.

It is intended that the Guidelines be referenced in Planning Scheme Policy (Development Works) so that they support demonstrated compliance with the performance outcomes of the Stormwater Management Code. This is expected to improve the standard of contributed stormwater assets from new development.

The Guidelines are new for Sunshine Coast Council. There have been instances of consultants continuing to reference guidelines of the former Maroochy Shire Council.

The Guidelines have been developed cooperatively within the organisation through the Water Sensitive Urban Design Working Group.

Importantly, the development of the Guidelines has been informed by significant internal stakeholder consultation and industry consultation, which occurred in 2019.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Flooding and Stormwater Management Guidelines”**
- (b) endorse Appendix A – Flooding and Stormwater Management Guidelines to support the implementation of the Planning Scheme and Planning Scheme Policy for Development Works and**
- (c) delegate authority to the Chief Executive Officer to amend the Flooding and Stormwater Management Guidelines as required to maintain currency.**

FINANCE AND RESOURCING

This report does not attract an additional financial commitment of Council to support its implementation.

CORPORATE PLAN

Corporate Plan Goal:	<i>A healthy environment</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S15 - Sustainable growth and network planning: providing land use planning, social policy, infrastructure planning and charges, flood mapping, transportation planning and environmental initiatives.

CONSULTATION

Councillor Consultation

The Portfolio Councillors for:

- Economy, Councillor J O'Pray and Councillor T Landsberg have been consulted.
- Environment, Councillor P Cox and Councillor M Suarez have been consulted.

Internal Consultation

A Councillor workshop occurred on 14 February 2019. This provided the basis for progressing the Draft Flooding and Stormwater Management Guidelines to Industry Consultation.

In addition, the following Council officers have been consulted:

- Manager, Strategic Planning (Customer Engagement & Planning Services Group)
- Coordinator, Planning Scheme and Projects (Customer Engagement & Planning Services Group)
- Coordinator, Engineering and Environment Assessment (Customer Engagement & Planning Services Group).

Significant consultation has occurred with internal stakeholders in the preparation of the Guidelines, with officers from Development Services, Civil Asset Management, Environmental Operations, Parks and Gardens and Open Space Planners involved in the development and review of the Guidelines through the Water Sensitive Urban Design Working Group. The Design Office has also been consulted.

External Consultation

Industry consultation was initiated with a presentation to the Sunshine Coast group of Engineers Australia on 20 August 2019 and concluded on 20 September 2019. Twenty-four submissions were received as feedback as part of the industry consultation. The Urban Development Institute of Australia provided one of these submissions.

Community Engagement

The Flooding and Stormwater Guidelines provide technical guidance to consultants supporting development. The Guidelines will be available for public display as part of the normal Planning Scheme amendment process associated with amending the Planning Scheme Policy (Development Works).

PROPOSAL

The release of the State Planning Policy (2017) and new industry guidelines for hydrology and drainage (Australian Rainfall and Runoff 2016, Queensland Urban Drainage Manual

2017) have created a need to provide the technical interpretation on how to apply new industry guidance on the Sunshine Coast. This has led to the development of the Guidelines (Appendix A). They are intended to improve design outcomes for new development.

The Guidelines have also been developed cooperatively with Council's Water Sensitive Urban Design Working Group as a feedback loop ensuring operations inform policy and standards and learning from observations of previous development outcomes are also taken into account.

The Guidelines are a successor to the Integrated Water Management Guidelines (2006) of the former Maroochy Shire Council. These former Maroochy Shire Council Guidelines have no status in the *Sunshine Coast Planning Scheme 2014*, however they are on occasion referenced by development consultants. This highlights the industry need for the Guidelines to support the *Sunshine Coast Planning Scheme 2014*. Note that these new Guidelines supersede the Maroochy Shire Guidelines (2006).

The Guidelines aim to support the codes and policies of the Planning Scheme by providing additional detail around how stormwater quality, quantity, drainage and flooding issues are to be managed. The Guidelines cover:

- Streetscape bio retention with a new design approach and standard drawings
- Lawful point of discharge and how the Queensland Urban Drainage Manual 2017 is to be applied on the Sunshine Coast
- Support for the national Stormwater Quality Improvement Device Evaluation Protocol
- Deemed to comply sizing for onsite stormwater detention
- Acceptable and tolerable flood risk and acceptable and tolerable flood impacts
- Procedure for floodplain storage
- Climate change considered in stormwater design
- Templates for Stormwater Management Plans, Flood Hazard Assessments, Maintenance Plans and Flood Emergency Management Plans.

It is expected that the Guidelines will result in a better standard of contributed assets, improved stormwater design outcomes for development and simplify the development assessment process in relation to satisfying the stormwater management code.

On 14 February 2019, an overview of the Draft Flooding and Stormwater Management Guidelines was presented to Council and support was provided to proceed to industry consultation. This consultation occurred in August 2019.

Legal

There are no legal implications relevant to this report.

Policy

A separate report is being presented to Council on a proposed amendment to the Planning Scheme Policy for Development Works to update standards and specifications in that document. As part of the amendment, it is proposed to revise and update the stormwater management section of the Planning Scheme Policy, including reference to the Flooding and Stormwater Management Guidelines. This will provide a head of power for Development Services to require these guidelines to be used to demonstrate compliance with the performance outcomes of the Planning Scheme.

The methodology for acceptable and tolerable risk outlined within the Guidelines provides a means to address the State interest for development to demonstrate that the risk to people and property is mitigated to an acceptable or tolerable level.

Risk

This report seeks to address the risk of poor design outcomes associated with the contributed assets from development by improving guidance on design standards. Having Council endorse these Guidelines serves to reduce and/or remove the risk of poor design outcomes.

Previous Council Resolution

There is no previous Sunshine Coast Council resolution relevant to this report.

Related Documentation

The State Planning Policy – State interest guidance material on natural hazards, risk and resilience - Flood (July 2017) includes detail relating to assessment benchmarks which apply where the State interest has not been appropriately integrated in a planning scheme. Assessment Benchmark 3 relates to development within a bushfire, flood, landslide, storm tide inundation and erosion prone area outside a coastal management district. This assessment benchmark specifies that developments avoid natural hazard areas, or where it is not possible to avoid the natural hazard area, developments mitigate the risk to people and property to an acceptable or tolerable level. The Guidelines provide a method of demonstrating compliance with the assessment benchmark consistent with the references of the State interest guidance material which recommends using a qualitative risk matrix to understand flood risk.

The Guidelines are referenced as transformational action 17.8 in the Environment and Liveability Strategy Implementation Plan. The Guidelines are also referenced in, and support, the draft Stormwater Management Strategy.

Critical Dates

The endorsed guidelines are required to support the public display of the Planning Scheme Policy for Development Works, scheduled for November 2020.

Implementation

1. Amend the Planning Scheme Policy for Development Works to reference the Flooding and Stormwater Management Guidelines.
2. Public display of the Flooding and Stormwater Management Guidelines associated with the Planning Scheme amendment process for the Planning Scheme Policy for Development Works.

8.7 SEPTEMBER 2020 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports
Author: Acting Chief Financial Officer
 Business Performance Group
Attachments: Att 1 - September 2020 Financial Performance Report to be provided

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 30 September 2020 in terms of the operating result and delivery of the capital program.

Operating Performance

Table 1: Operating Budget as at 30 September 2020

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	465,069	464,398
Total Operating Expenses	460,733	461,686
Operating Result	4,336	2,712

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

OFFICER RECOMMENDATION

That Council receive and note the report titled "September 2020 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 30 September 2020 and meets Council's legislative reporting requirements.

CORPORATE PLAN

Corporate Plan Goal: *An outstanding organisation*
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
- 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**Ordinary Meeting 17 September 2020 (OM/20/102)**

That Council receive and note the report titled "August 2020 Financial Performance Report".

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:

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statements of changes in equity*
- iv. the statement of cash flow*
- v. the relevant measures of financial sustainability*
- vi. the long term financial forecast*
- vii. the Debt Policy (adopted by Council resolution on 11 June 2020)*
- viii. 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.

**8.8 COUNCILLOR GOVERNANCE MATTERS: SUNSHINE COAST COUNCIL
STANDING ORDERS 2020**

File No:	Council Meetings
Author:	Coordinator CEO Governance & Operations Office of the CEO
Appendices:	App A - Sunshine Coast Council Standing Orders 2020281

PURPOSE

This report presents the Sunshine Coast Council's Standing Orders 2020 to Council for consideration and adoption in line with recent amendments to the *Local Government Act 2009* and the *Local Government Regulation 2012*.

It outlines the legislative amendments to the *Local Government Act 2009* made by the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* and the *Local Government Legislation (Integrity) Amendment Regulation 2020* that are relevant to Council's statutory meeting process.

EXECUTIVE SUMMARY

On the 30 June 2020 the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* received assent, with the majority of changes coming into effect on 12 October 2020. This Act and *Local Government Legislation (Integrity) Regulation 2020* (made by Governor in Council on 20 August 2020) includes changes to the requirements for Councillors' registers of interest, new requirements relating to personal interests and the management of meeting agendas and minutes. This report outlines these changes and their implementation within Sunshine Coast Council.

Further, local governments must adopt formal meeting procedures that ensure that the local government principles are reflected in the conduct of local government meetings. The *Local Government Act 2009* (the Act) outlines that a local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its meetings. The Sunshine Coast Regional Council's Standing Orders have been updated to include the recent legislative changes as outlined above and are presented for Council's consideration with a recommendation for adoption of same.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled "Councillor Governance Matters: Sunshine Coast Council Standing Orders 2020"**
- (b) adopt the Sunshine Coast Council Standing Orders 2020 (Appendix A) and**
- (c) delegate to the Chief Executive Officer the authority to make minor amendments to the Standing Orders to comply with any updated models or guidelines issued by the Department of Local Government, Racing and Multicultural Affairs.**

FINANCE AND RESOURCING

The administrative cost to amend the Standing Orders has been absorbed within the operational budget of the Office of the Chief Executive Officer.

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

Councillor Consultation

Councillors have been consulted on the recommended changes to the Standing Orders, with the majority of Councillors participating in individual briefing sessions.

The Department of Local Government, Racing and Multicultural Affairs (the Department) provided overview training of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* and the *Local Government Legislation (Integrity) Amendment Regulation 2020* via video conference on 22 September 2020.

It is anticipated that the Local Government Association of Queensland (LGAQ) will provide further information at the Elected Member Update scheduled for later in the calendar year.

Internal Consultation

The Chief Executive Officer and other senior officers also attended the recent training offered by the Department.

External Consultation

No external consultation was necessary for the development of this report.

Community Engagement

Community engagement was not required for the development of changes for the Standing Orders.

PROPOSAL

The Queensland Government has been delivering a reform agenda for the local government sector. The reforms seeks to further strengthen the transparency, accountability and integrity measures that apply to local government.

Brief history:

Belcarra Stage 1

Following the Belcarra Report, the State Government assessed a number of changes requiring priority with a first stage of legislative changes under the *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018*. This legislation introduced the prohibition of donation from property developers and a new regime for dealing with conflicts of interest.

Belcarra Stage 2

On 16 October 2019 the Queensland Parliament passed the *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019* (receiving Governor's assent on 30 October 2019). The stage 2 changes included mandatory training for election candidates, transparent dedicated candidate bank accounts and financial returns, new restrictions on decisions during the election period, expanded Councillor rights to access Council information, clarified responsibilities for Councillors in budget preparation, changes

to mayoral powers to direct CEOs and senior executive officers and the appointment of senior executive officers and improved real-time donation disclosures.

Covid-19 Public Health Emergency and livestreaming

On 26 March 2020 temporary changes were made to provisions of the *Local Government Regulation 2012* (the Regulation) to allow Council meetings to occur via phone or teleconference and be closed to the public in the interest of safety within the context of the global COVID-19 health pandemic.

Arrangements for Councillors to participate in meetings by phone or teleconferencing must allow Councillors and other participants to take part in discussions as they happen (for example, not occur by providing a recording of the meeting). If any person taking part in the meeting is doing so by phone or teleconference, where possible Council must use streaming or other facilities so that the public can observe or hear the meeting taking place.

If a meeting is to be closed under this provision of the Regulation, the chairperson of the meeting must publish a notice on the website at a reasonable period before the meeting to advise the public of this decision. Sunshine Coast Council has been live-streaming its Council meetings commencing with the Post-Election Meeting of 23 April 2020 and will continue to do so (past the expiration of this requirement), to allow greater accessibility by the public.

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020 (the Amendment Act)

The Amendment Act was passed by the Legislative Assembly on 18 June 2020 and received assent on 30 June 2020 and includes amendments relating to State elections, Ministerial conduct, and conduct in local government. The majority of amendments applicable to local government come into effect on 12 October 2020.

Changes in the Amendment Act include new requirements for registers of interest and for conflicts of interest, new requirements relating to advisors and administrative support staff, provisions relating to the dissolution of a local government and interim administrators, removing the ability of Mayors to give directions about the appointment or discipline of local government employees/officers and changes for filling of vacancies of Councillors and Mayors.

In addition to the Amendment Act's requirements, the *Local Government Legislation (Integrity) Regulation 2020* introduces a number of amendments such as changes to the requirements for meeting agendas, minutes and when matters can be considered in closed meetings. This report focuses on those changes that relate to Council's meetings.

Conflicts of Interest Requirements

The names of each of the categories of conflicts of interest (COIs) has been changed and an attempt made to provide certainty about the matters that are and are not COIs. The legislation seeks to ensure that if a Councillor has a personal interest in a matter, the local government deals with the matter in an accountable and transparent way that meets community expectations.

Participation in a decision when a conflict of interest exists

The participation of a Councillor (or other person) in a decision goes further than just the consideration and voting of a matter before Council in a formal meeting.

Participation in a decision includes:

- if the Councillor or other person is wholly or partly responsible for making the decision – considering or discussing the matter to which the decision relates before the decision is made

- considering, discussing or voting on the decision during a local government meeting and
- considering or making the decision under an Act or a delegation or another authority.

A Councillor with a personal interest must not direct, influence, attempt to influence or discuss the matter with another person who is participating in or making a decision relating to the matter.

Interests in ordinary business matters of a Local Government

Councillors are deemed not to have a personal interest in the following:

- Matters that are solely or relate solely to the making or levying of rates and charges, or the fixing of a cost-recovery fee
- Matters that are solely or relate solely to making a planning scheme that applies to the whole of the local government area or amending a planning scheme, if the amendment applies to the whole of the local government area
- If the matter solely, or relates solely to a resolution required for the adoption or amendment of a budget for the local government
- Matters that solely or relates solely to the remuneration or reimbursement of expenses of Councillors or members of a committee of the local government or the provision of superannuation entitlement or insurance for Councillors or a matter of interest to the Councillor solely as a candidate for election or appointment as mayor, deputy mayor, Councillor or as a member of a committee of the local government
- Matters relating to a corporation or association that arises solely because of a nomination or appointment of the Councillor by the local government to be a member of the board of the corporation or association or
- Matters in relation to a Councillor's COI in a matter if the Councillor or close associate or related party or donor stands to gain a benefit or suffer a loss that is no greater than the benefit or loss that a significant proportion of person in the local government area stand to gain or lose.

Prescribed conflict of interests

A Councillor has a prescribed conflict of interest (PCOI) in a matter if

- A gift or loan and/or travel/accommodation has been received by the Councillor or close associate of the Councillor – from one donor, totalling \$2000 or more and that donor has an interest in a matter (The gift or loan having been received during the relevant term for the Councillor)
- The matter is or relates to a contract between a Councillor or close associate of the Councillor and the local government for the supply of goods or services to the local government or the lease or sale of assets by the local government
- A person being considered for appointment as the CEO is a close associate of the Councillor (and/or matters related to the employment conditions of the CEO)
- The matter is or relates to an application made by the Councillor or a close associate of the Councillor to the local government for the grant of a licence, permit, registration or approval of another matter under a local government Act or
- A written submission is made by the Councillor or close associate of the Councillor in respect of a third party's application.

A person is a close associate of a Councillor if they are:

- a spouse
- a parent, child or sibling
- a partner in a partnership
- an employer (other than a government entity)
- an entity (other than a government entity) for which the Councillor is an executive officer or board member or
- an entity in which the Councillor or their close associate has an interest, other than an interest of less than 5% in an entity that is a listed corporation under the *Corporations Act 1990*.

However a parent, child or sibling is a close associate of the Councillor in relation to a matter, only if the Councillor knows, or ought reasonably to know, about the parent's, child's or sibling's involvement in the matter.

A Councillor with a PCOI must not participate in a decision relating to the matter. The Councillor must leave the place at which the meeting is being held to decide the matter, including any area set aside for the public.

A Councillor who first becomes aware of a PCOI in a matter at a local government meeting must immediately inform the meeting of the PCOI including –

- for a gift, loan or contract – the value of such
- for an application for which a submission has been made – the matters subject of the application and submission
- the name of any entity, other than the Councillor that has an interest in the matter
- the nature of the Councillor's relationship with the entity
- details of the Councillor's and any other entity's interest in the matter.

If the PCOI is noted or arises other than in a local government meeting, the Councillor must as soon as practicable, give the CEO written notice of the PCOI including the particulars stated above.

Declarable conflict of interests

A Councillor has a declarable conflict of interest (DCOI) in a matter if

- The Councillor has or could reasonably be presumed to have, a conflict of interest between the Councillor's personal interest or the personal interest of a related party of the Councillor and the public interest and
- Because of the conflict, the Councillor's participation in a decision about the matter might lead to a decision that is contrary to the public interest or
- If a gift or loan and/or travel/accommodation has been received totalling \$500 or more from one donor and that donor has an interest in the matter.

A related party of a Councillor includes:

- a spouse
- a parent, child or sibling
- a partner in a partnership
- an employer (other than a government entity)

- an entity (other than a government entity) for which the Councillor is an executive officer or board member
- a close associate of the Councillor
- a parent, child or sibling of the Councillor's spouse or
- a person who has a close personal relationship with the Councillor.

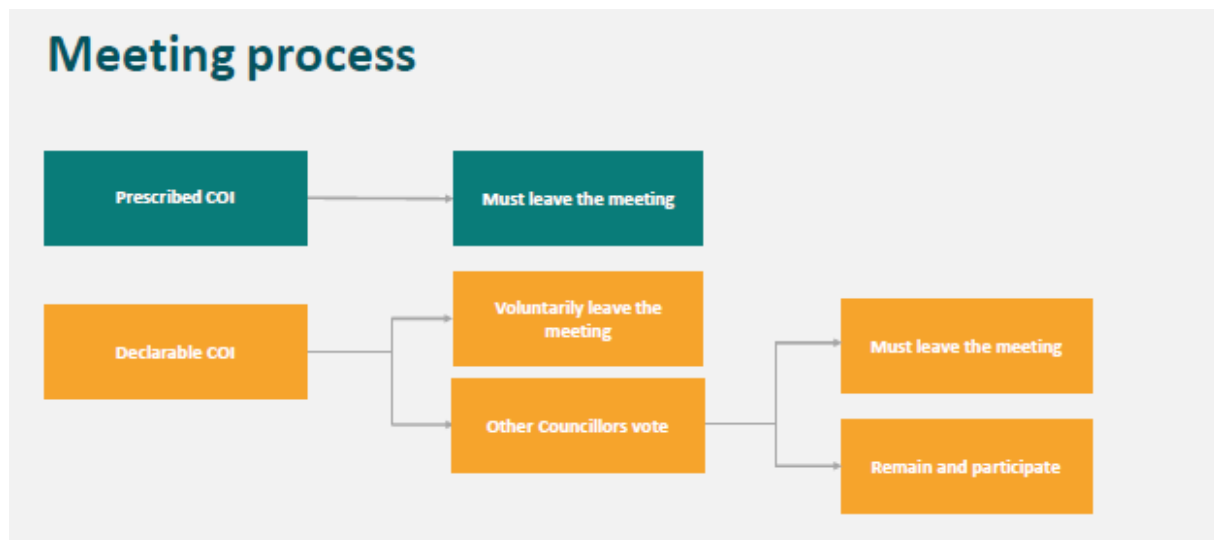
Interests that are not declarable conflicts of interest

A Councillor who has a COI in a matter does not have a DCOI in the matter if:

- The conflict is a PCOI
- The conflict arises solely because the Councillor undertakes an engagement in the capacity of Councillor for a community group, sporting club or similar and is not appointed as an executive officer of the organisation or
- The Councillor or his or her related party is a member or patron of a community group, sporting club or similar organisation (and is not an executive officer of the organisation) or
- The Councillor or his or her related party is a member of a political party or
- The Councillor or his or her related party has a current or past interest in an educational facility or
- Due to the religious beliefs of the Councillor or his or her related party or
- Gifts, loans or sponsored travel or accommodation totalling less than \$500 have been received during the Councillor's relevant term.

A Councillor who first becomes aware of a DCOI at a local government meeting must stop participating in the meeting and must immediately inform the meeting of the DCOI including –

- The nature of the DCOI.
- If the DCOI arises because of the Councillor's relationship with a related party –
 - The name of the related party
 - The nature of the relationship and
 - The nature of the related party's interest in the matter.
- If the Councillor's or related party's personal interest arise because of receipt of a gift or loan from another person –
 - The name of the other person
 - The nature of the relationship of the other person to the Councillor or related party and
 - The nature of the other person's interests in the matter and
 - The value of the gift or loan and the date the gift or loan was made.



Department of Local Government, Racing and Multicultural Affairs, Integrity Amendment Act Conflicts of interest changes training – August 2020

Conflict of Interest Offences

A Councillor who fails to declare a PCOI or who participates in a decision in which they have a PCOI will have been deemed to have engaged in misconduct. However, if they have done so intentionally to dishonestly gain a benefit or cause a detriment, it will be considered a serious integrity offence with a penalty of up to 200 penalty units or two years imprisonment.

If a Councillor with a PCOI fails to leave a meeting as required, including any area set aside for the public and stay away from the place while the matter is discussed and voted on, they will commit an integrity offence.

A Councillor that fails to declare a DCOI will have engaged in misconduct. However, if they have done so intentionally to dishonestly gain a benefit or cause a detriment, it will be considered as a serious integrity offence. If a Councillor fails to comply with a decision of the eligible Councillors that they must not participate in a decision or leave a meeting, or any conditions on the participation imposed by the eligible Councillors, they will have committed an offence with a penalty of up to 100 penalty units or one year of imprisonment.

Meeting Agendas and Minutes

Notice of each local government meeting must be given to each Councillor at least 2 days before the day of the meeting, unless it is impracticable. The notice must state the day and time of the meeting, for a special meeting – the business to be conducted at the meeting and include the agenda for the meeting.

The agenda for a meeting must be made publically available by 5pm on the next business day after the notice of meeting is given to the Councillors. Further, all related reports for a meeting must be made available as follows:

- If the related report is made available to Councillors before or at the time of the notice of the meeting – when the agenda is made publically available - and if the related report is made available to Councillors during the relevant period for the meeting, as soon as practicable after it is made available to the Councillors.

Related reports need not be made publically available to the extent they contain information that is confidential to the local government.

A related report is defined as – a report or other document relating to an item on the agenda for a meeting that is made available to Councillors for the purpose of the meeting.

The relevant period for a meeting starts immediately after the notice of meeting is given to the Councillors and ends immediately before the meeting is held.

Unless previously published, the minutes of a meeting must include reports and other associated information used or presented in the meeting. A copy of the unconfirmed minutes are to be published by 5pm on the tenth day after the meeting with the confirmed minutes to be published as soon as practical after the meeting at which they are confirmed.

Closed Meetings

The Amendment Regulation further reduces the matters that may be discussed in closed session.

Council may resolve that all or part of a meeting be closed to the public only if the Councillors consider it necessary to close the meeting to discuss one or more of the following matters:

- The appointment, discipline or dismissal of the chief executive officer
- Industrial matters affecting employees
- The local government's budget
- Rating concessions
- Legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government
- Matters that may directly affect the health and safety on an individual or group of individuals
- Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government
- Negotiations relating to the taking of land by the local government under the *Acquisition of Lands Act 1967*
- A matter the local government is required to keep confidential under a law of, or formal arrangement with the Commonwealth or a State.

Council must not resolve that part of meeting at which a decision mentioned in the following sections will be considered, discussed, voted on is, to be made be closed:

- 150ER(2) – Procedure if meeting informed of Councillor's personal interest – wherein the eligible Councillors decide whether the Councillor has a DCOI in the matter.
- 150ES(3) – Procedure if Councillor has a DCOI – the eligible Councillors at the meeting must, by resolution decide:
 - For a matter that would, other than for the Councillor's DCOI have been decided by the Councillor under an Act, delegation or other authority, whether the Councillor may participate in the decision (despite the Councillors conflict of interest) or must not participate in the decision and must leave the place at which the meeting is held while the matter is discussed and voted on.
- 150EU(2) – Procedure if no quorum for deciding a matter because of PCOIs or DCOIs – Council must do one of the following:
 - Delegate the decision if allowable
 - Decide by resolution to defer the matter to a later meeting
 - Decide by resolution, not to decide the matter and take no further action in relation to the matter.

A resolution to close part of a meeting must state the matter to be discussed and include an overview of what is to be discussed while the meeting is closed. No resolution (other than a procedural resolution) may be made while a meeting is closed.

Legal

This report outlines the recent legislative amendments that have been made to both the *Local Government Act 2009* and *Local Government Regulation 2012* as they apply to Council's statutory meetings.

Section 150G of the *Local Government Act 2009* sets out that a Local Government must either adopt the model meeting procedures (as developed by the Department of Local Government, Racing and Multicultural Affairs) or prepare and adopt other procedures for the conduct of its meetings. If the local government prepares and adopts its own procedures, these cannot be inconsistent with the model procedures and in the case of an inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

Policy

Upon adoption, Council's Standing Orders will be included in the Policy Register and distributed, as appropriate, to Councillors and Officers. The updated Standing Orders will also be published on the website.

Risk

Should these amendments not be adopted, Council risks noncompliance with the Act and Regulation. However it should be noted that the Act and Regulation remain the overarching legislative framework applicable.

Previous Council Resolutions**Ordinary Meeting 6 December 2018 (OM18/204)**

That Council:

- (a) *receive and note the report titled "Councillor Governance Matters: Councillor Code of Conduct, Investigations Policy, Standing Orders & Councillors' Acceptable Request Guidelines"*
- (b) *adopt the Councillor Code of Conduct (Appendix A)*
- (c) *adopt the Investigations Policy (Appendix B)*
- (d) *adopt the amended Sunshine Coast Standing Orders 2018 (incorporating the Model Meeting Procedures) (Appendix C) with the following amendment to section 16.1:*
 - (1) *A member may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the Local Government by giving notice in writing, in the approved form, to the chief executive officer either at the previous meeting or not less than seven days before the commencement of the meeting at which the motion is to be discussed and*
- (e) *adopt the amended Councillors Acceptable Requests Guidelines (Appendix D).*

Ordinary Meeting 15 October 2015 (OM15/185)

That Council:

- (a) *receive and note the report titled "Proposed Amendments to Standing Orders Sunshine Coast Council 2015"*
- (b) *adopt the Standing Orders Sunshine Coast Council 2015 (Appendix A)*
- (c) *note Strategic Policy 2011 Standing Orders is no longer required and delete same from the Strategic Policy Register and*
- (d) *authorise the Chief Executive Officer to make minor administrative amendments to the Standing Orders Sunshine Coast Council 2015 (Appendix A) to ensure the Standing*

Orders remain consistent with the Local Government Act and Local Government Regulations.

Related Documentation

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*
- *Local Government Legislation (Integrity) Amendment Regulation 2020*
- Department of Local Government, Racing and Multicultural Affairs Information Paper – August 2020:
 - *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* – Information paper on recent changes to Local Government legislation

Critical Dates

This report recommends updates to the Sunshine Coast Regional Council's Standing Orders to reflect legislative changes that took effect from 12 October 2020.

Implementation

Upon adoption, the updated Standing Orders will be included in the Policy Register and distributed, as appropriate, to Councillors and Officers. The Standing Orders will also be published on Council's website.

8.9 AUDIT COMMITTEE MEETING 7 SEPTEMBER 2020

File No:	Council Meetings
Author:	Manager Audit and Assurance Office of the CEO
Appendices:	App A - Audit Committee Minutes 7 September 2020315

PURPOSE

To provide Council with information on matters reviewed at the Audit Committee Meeting held on the 7 September 2020 (*Section 211 Local Government Regulation 2012*) and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

EXECUTIVE SUMMARY

The Audit Committee is a mandatory Advisory Committee of Council established in accordance with Section 105 of the *Local Government Act 2009*. The Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Councillor J Natoli and Councillor E Hungerford.

The Audit Committee agenda was distributed electronically to all Councillors on 31 August 2020 with agenda reports categorised as Office of the CEO, External Audit, Audit and Assurance, and Governance Reporting.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Audit Committee Meeting 7 September 2020” and
- (b) endorse the Audit Committee Minutes 7 September 2020 (Appendix A).

FINANCE AND RESOURCING

There are no finance and resourcing issues associated with this report.

CORPORATE PLAN

Corporate Plan Goal:	<i>An outstanding organisation</i>
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**Councillor Consultation**

Councillor members of Audit Committee were present at Audit Committee meeting when Minutes were confirmed.

Internal Consultation

- Acting Chief Executive Officer, Group Executives and Chief Strategy Officer were present at Audit Committee meeting when Minutes were confirmed.
- Acting Chief Financial Officer
- Manager Corporate Governance
- Head of People and Culture

External Consultation

External members of the Audit Committee were present at Audit Committee meeting when Minutes were confirmed.

PROPOSAL

The Audit Committee is a mandatory Advisory Committee which meets four times each year and is established in accordance with *Section 105 Local Government Act 2009*. The Committee has no delegated authority and is a source of independent advice to Council and to the Chief Executive Officer.

The Audit Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Councillor J Natoli and Councillor E Hungerford. The Audit Committee agenda was distributed electronically to all Councillors.

The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties, in particular:

- Corporate Governance and responsibilities in relation to the organisation's financial reporting, internal control structure, risk management systems and the external and internal audit functions
- maintain an independent and objective forum promoting transparency, accountability and an ethical culture throughout Council
- maintain by scheduling regular meetings, open lines of communications with Council, Executive Management, External Audit and Internal Audit, to exchange information and views
- oversee and appraise the quality and efficiency of audits conducted by both the Internal and External Audit functions and
- ensure both the Internal and External Audit functions are independent and effective.

In accordance with *Section 211 of the Local Government Regulation 2012*, the Audit Committee must provide Council with a written report about the matters reviewed at the Audit Committee Meeting and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

The matters reviewed at the 7 September 2020 Audit Committee Meeting are recorded per agenda sequence below:

6.1 Office of the CEO**6.1.1 Acting Chief Executive Update**

This report provided an organisational performance update to the Audit Committee from the period since the May 2020 Audit Committee meeting. The report covers financial performance, operational plan activity and includes significant project achievements.

6.1.2 Update Crime and Corruption Commission Report – Probity into Councillors' use of Councillor Discretionary Funds: An Audit of Councils and Local Government Department

This report provides a final update on Sunshine Coast Council's response to the audit undertaken by the Crime and Corruption Commission during 2019 to examine the use of Councillor discretionary funds.

6.1.3 Asset Management Update

The purpose of this report is to provide an update on progressing actions arising from the September Audit Committee report on Asset Management Roadmap.

The Committee discussed overall progress and reported risks around implementation of the Asset Management Framework and the Confirm system implementation risks associated with capability to deliver basic asset accounting functionalities of financial asset register valuations, job costing and depreciation.

The Committee requested further reporting to the October Audit Committee meeting.

6.2 External Audit

6.2.1 Draft 2019/20 Financial Statements

The purpose of this report is to provide draft general purpose financial statements for review by senior management and the Audit Committee (Section 211 of the Local Government Regulation 2012). Following this review the signed statements will be lodged with the Auditor-General on or before 9 September 2020.

Council's policy is to ensure an efficient and transparent process in the development of these statements, with regular updates provided to the members of the Audit Committee on key issues and other significant reporting events.

6.2.2 Final Report – Delays in Recording Contributed Assets

The purpose of this report is to provide the results of the investigation into delays in the financial recording of Contributed Assets and subsequent recognition in Council's Financial Statements.

The Committee noted that the accounting for contributed assets is still to be finalised for 2019-2020 financial year by Finance and the Queensland Audit Office.

6.3 Audit and Assurance

6.3.1 Timeliness of Asset Recognition and Finalisation of Capital Works

The review evaluated capital works finalisation processes to ensure timely and accurate recognition of assets in Council's financial management and reporting systems.

Some opportunities have been identified to improve process efficiencies and the timeliness of notifications and financial recognition of assets relating to capital works.

6.3.2 Procurement Framework – Low Value Purchase Analysis

The procurement analysis was conducted to provide an assurance that lower value purchase order processes were in compliance with Council's adopted Procurement Policy.

The overall procurement framework and systems are considered sound with some opportunities to consolidate procurement activities and improve control/consistency of low value procurement practices.

6.3.3 Audit and Assurance Status Report

The purpose of this report is to provide the Audit Committee with an update on the 2019/20 and the 2020/21 Internal Audit Work Plans and the status on Listed Actions.

As at September, the 2019/20 Internal Audit Work Plan is finalised and the 2020/21 Internal Audit Work Plan is on schedule. The Audit Committee monitors progress on the implementation of Listed Actions including six Listed Actions currently exceeding the nominated expected completion date.

6.4 Governance Reporting

6.4.1 Work Health and Safety Report

The purpose of this report is to provide the Audit Committee with an update on health and safety matters at Sunshine Coast Council.

Council has experienced significant disruption to all operations across the organisation during the reporting period due to the current pandemic. Council has been required to develop new processes and tools to address the risk posed by COVID-19.

Council has provided clear direction with the formation of a COVID-19 Control Group and a COVID-19 Working Group consisting of key personnel from across Council. These teams have anticipated and provided strategies and directions to enable Council's essential services to continue to operate safely.

During the reporting period April to June 2020 there were no incidents which required notification to Workplace Health and Safety Queensland, Electrical Safety Office or the Department of Natural Resources, Mines and Energy.

6.4.2 Governance and Risk Report

This report presents an update to the Audit Committee on governance and risk activities undertaken by the Corporate Governance Branch since the January 2020 Audit Committee Meeting.

Council continues to grow and mature in its approach to governance and risk management matters. Strategic and operational risks continue to be monitored and managed in an effective and efficient manner as is reflected in the information contained within this report. The current Strategic and Operational Risks are to be reviewed over the coming quarter, having particular regard to any changes in the external environment that may have significant impact on SCC operations (eg COVID-19 and associated financial circumstances).

The Governance in Action Program has been successful in raising awareness in governance issues with the number of requests for further information or training increasing as officers become more aware of their responsibilities and obligations. Training sessions continued to be delivered remotely during the height of the COVID-19 pandemic to new employees.

As part of our Integrity Management Program, complaint matters elevated to the Corporate Governance Branch continue to be actioned within set timeframes. Analysis is done to assess the cause of each complaint and what management or system improvements can be implemented to ensure continuous improvement growth and the prevention of similar issues or concerns in the future.

Legal

Compliance with the *Local Government Act 2009* and *Local Government Regulation 2012*.

Risk

Specific risks have been detailed in the various agenda reports.

Previous Council Resolution

Audit Committee Charter was endorsed at the Council Ordinary Meeting 20 February 2020.

Ordinary Meeting 25 June 2020 (OM20/64)

That Council:

- (a) *receive and note the report titled “**Audit Committee Meeting 25 May 2020**” and*
- (b) *endorse the Audit Committee Minutes 25 May 2020 (Appendix A) and the 2020 - 2021 Internal Audit Work Plan (Appendix B).*

Related Documentation

Audit Committee Agenda for 7 September 2020 was distributed electronically to all Councillors on 31 August 2020.

Implementation

Implementation of the Audit Committee resolutions, internal and external audit recommendations are monitored by the Audit Committee.

9 NOTIFIED MOTIONS

10 TABLING OF PETITIONS

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION**11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITIONS, MAROOCHY RIVER**

File No: Council Report
Author: Coordinator Biodiversity and Waterways
Liveability & Natural Assets Group

The information contained in this report is considered to be confidential as its public disclosure would potentially impact adversely on the finalisation of a current commercial negotiation process and Council's ability to secure the land parcels at a price that represents the best value for the ratepayers of the region, who contribute to the Environmental Levy Land Acquisition Program.

Furthermore, the disclosure of the information in this report could impact on Council's approach to conducting commercial negotiations in relation to property acquisitions generally, whether that be acquisitions for the purposes of the Environment Levy Land Acquisition Program or acquisitions for other purposes.

For these reasons, it is recommended that Council close the meeting under section 254J (3) (g) of the *Local Government Regulation 2012* (which will commence on 12 October 2020) to consider and discuss the information in this report as it 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 report and which would be the subject of discussion when the meeting is closed relate to the current status of the commercial negotiations and potential acquisition price and process for the land parcels under consideration.

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 release details relating to the site location and price of acquisition once the negotiations and acquisitions have been finalised and the transfer of property titles has been registered with the Titles Registry.

12 NEXT MEETING

The next Ordinary Meeting will be held on 12 November 2020.

13 MEETING CLOSURE