

Agenda

Ordinary Meeting

Thursday, 27 January 2022

commencing at 9:00am

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	7
2	WELCOME AND OPENING	7
3	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE	7
4	RECEIPT AND CONFIRMATION OF MINUTES	7
5	MAYORAL MINUTE	7
6	INFORMING OF CONFLICTS OF INTEREST	7
6.1	PREScribed CONFLICTS OF INTEREST	7
6.2	DECLARABLE CONFLICTS OF INTEREST	7
7	PRESENTATIONS / COUNCILLOR REPORTS	7
8	REPORTS DIRECT TO COUNCIL	9
8.1	DEVELOPMENT APPLICATION FOR A VARIATION REQUEST FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY AT WHITES ROAD BUDERIM	9
8.2	DECEMBER 2021 FINANCIAL PERFORMANCE REPORT	57
8.3	DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LAND AT 176 BALLINGER ROAD, BUDERIM	73
9	NOTIFIED MOTIONS	87
10	TABLING OF PETITIONS	87
11	CONFIDENTIAL SESSION	87
11.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - MERIDAN PLAINS	87
11.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - VERRIERDALE	88
11.3	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - COOCHIN CREEK	89
12	NEXT MEETING	89
13	MEETING CLOSURE	89



ORDINARY MEETING

NOTICE

14 January 2022

Dear Councillors, Group Executives and relevant staff,

In accordance with Section 254 C (2) of the *Local Government Regulation 2012*, I wish to advise that an Ordinary Meeting has been convened for

27 January 2022

commencing at 9.00am.

A handwritten signature in black ink, appearing to read "Emma Thomas", with a stylized flourish at the end.

Emma Thomas | Chief Executive Officer

Sunshine Coast Regional Council

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**PUBLIC ACCESS TO PARTICULAR MEETINGS NOTICE**

18 January 2022

In accordance with Section 277E(2) of the *Local Government Regulation 2012*, as chairperson of the Ordinary Meeting to be held 27 January 2022, it has been decided that this meeting will be closed to the public as it is not practicable for the public to attend the meeting due to health and safety reasons associated with the public health emergency involving COVID-19.

For the information of the public, the meeting on 27 January 2022 will be available for real-time viewing or listening on the Sunshine Coast Regional Council website.

A handwritten signature in black ink, appearing to read "Mark Jamieson", is written over a faint circular outline.

MAYOR MARK JAMIESON
Sunshine Coast Regional Council

1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 9 December 2021 be received and confirmed.

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

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

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

6.2 DECLARABLE CONFLICTS OF INTEREST

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






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

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

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

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 DEVELOPMENT APPLICATION FOR A VARIATION REQUEST FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY AT WHITES ROAD BUDERIM**

File No:	Council meetings
Author:	Senior Development Planner Customer Engagement & Planning Services Group
Appendices:	App A - Conditions of Approval21  
Attachments:	Att 1 - Detailed Assessment Report29  
	Att 2 - Annotated Plan of Development55  

[Link to Development.i](#)

SUMMARY SHEET	
Applicant:	Halcyon Community No 9 Pty Ltd Tte
Owner:	Halcyon Community No 9 Pty Ltd Tte
Consultant:	Project Urban Pty Ltd
Proposal:	Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i>)
Properly Made Date:	04 February 2021
Information Request Date:	04 March 2021
Information Response Received Date:	13 May 2021
Public Notification Period:	19 May 2021 – 6 July 2021
Number of Properly Made Submissions:	No submissions were received
PROPERTY DETAILS	
Division:	7
Property Address:	Whites Rd BUDERIM QLD 4556
RP Description:	Lot 2 SP 313505
Land Area:	1.135ha
Existing Use of Land:	The site is currently vacant and has been levelled.
STATUTORY DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme (24 August 2020)</i>
SEQRP Designation:	Urban Footprint
Strategic Framework Land Use Category:	Urban
Local Plan Area:	Forest Glen / Kunda Park / Tanawha Local Plan Area
Zone:	Emerging Community Zone
Assessment Type:	Impact Assessable

PURPOSE

The purpose of this report is to seek Council's determination for a Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the *Sunshine*

Coast Planning Scheme 2014) over land at Whites Road Buderim described as Lot 2 SP 313505.

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

EXECUTIVE SUMMARY

The purpose of the Variation Request is to allow for a Residential care facility to be classified as a prescribed use for the subject land to enable the assessment of a subsequent development application for the proposed use to be 'code assessable'. Additionally, the request seeks to increase the maximum building height allowed over the land from 8.5m to 12m.

An aerial photograph showing the location of the subject site is included below in Figure 1.



Figure 1 – Aerial Photograph identifying subject site

The Variation Request seeks to vary the effect of the *Sunshine Coast Planning Scheme 2014* as it applies to the land as follows:

- Amend Table 5.5.17 Emerging community zone to include a Residential care facility as a code assessable use
- Amend Table 5.10.1 Overlays - *Height of buildings and structures overlay* to allow increase the allowable building height from 8.5m to 12m and
- Amend Performance Outcome PO1 of the *Height of buildings and structures overlay code* to include that the height of buildings and structures on the land does not exceed 12m or 3 storeys for the purpose of a Residential care facility.

The proposed variation request has been assessed against the *Sunshine Coast Planning Scheme 2014* and found that:

- a) as the site adjoins an existing Retirement facility, it is considered a suitable land use for the Precinct and therefore, that the proposed change to the level of assessment for a future Residential care facility to become code assessable satisfies the requirements of the Planning Scheme; and that,
- b) despite not meeting Overall outcome (2)(a) and Performance outcome PO1 of the *Height of buildings and structures overlay code*, it is considered that sufficient other relevant matters exist in the circumstances to provide support for the variation request seeking to permit a 12m high Residential care facility on the subject site, having regard

to potential impacts upon the amenity of the area and the established and preferred character of the locale.

It is recommended that the Variation Request to vary the Sunshine Coast Planning Scheme for purposes of a Residential care facility be approved.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Application for a Variation Request for a Material Change of Use for a Residential Care Facility at Whites Road Buderim”**
- (b) APPROVE application no. MCU21/0015, and grant a Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014), subject to the reasonable and relevant conditions in Appendix A, as follows:**
 - (i) to vary Table of Assessment 5.5.17 (for the Emerging community zone) as it applies to Lot 2 SP313505 to include a Residential care facility as ‘code assessable development’ where undertaken in accordance with the Approved Plan of Development**
 - (ii) to vary Table of Assessment 5.10.1 (Height of buildings and structures overlay) as it applies to Lot 2 SP313505 only for purposes of a Residential care facility**
 - (iii) to vary the assessment benchmarks of the Residential care facility and retirement facility code and, the Height of buildings and structures overlay code and**
- (c) delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the approval where the changes would not have a material impact on the outcome of the original decision.**

FINANCE AND RESOURCING

Infrastructure charges are not applicable to the proposed Preliminary Approval for a Variation Request. Infrastructure charges would be payable with any consequent applications involving Development Permits on the land.

CORPORATE PLAN

Outcome:	We serve our community by providing this great service
Operational Activity:	S19 - Development services – planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals.

CONSULTATION

Councillor Consultation

The Divisional Councillor E Hungerford was advised of the officer recommendation prior to the Ordinary Meeting.

Internal Consultation

The application was referred to the following internal Council specialists and their assessment forms part of this report:

- Development Engineer, Hydraulics, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Urban Designer / Architect, Planning Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group; and
- Coordinator, Strategic Planning Branch, Customer Engagement and Planning Services Group.

External Consultation

No external consultation was conducted as part of this assessment.

Community Engagement

The application was publicly notified for 30 business days between 19 May 2021 and 6 July 2021 in accordance with the requirements of the *Planning Act 2016*. No submissions were received during the notification period.

PROPOSAL

The application seeks approval for a Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*).

The purpose of the Variation Request is to allow for a Material Change of use for a Residential care facility to be nominated as 'code assessable' on the subject land in order to streamline the assessment of a subsequent development application for the use. Additionally, the request seeks to increase the maximum building height allowed over the land from 8.5m to 12m.

The Variation Request seeks to vary the effect of the planning scheme as it applies to the land as follows:

Amendment to the Table of Assessment for the Emerging community zone

Amend Table 5.5.17 Emerging community zone as it applies to the land to include a Residential Care Facility as a code assessable use under the Residential activities group section of the table as follows:

Residential Care Facility	Code Assessable; where located within the identified Residential Care Facility site.	<ul style="list-style-type: none"> • Emerging Community Zone Code • Residential care facility and retirement facility code • Applicable Local Plan code • Prescribed other development codes.
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Amendment to Table of Assessment for Height of buildings and structures overlay

Amend Table 5.10.1 Overlays - Height of buildings and structures overlay to allow erecting a building not exceeding 12m for the purpose of a Residential Care Facility to be an exception to development requiring impact assessment as detailed below:

Height of buildings and structures overlay		
Any development if:- (a) exceeding the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map ¹ ; and (b) for a use or purpose other than:- (i) erecting a structure for a telecommunications tower in the:- (A) Rural zone; (B) Principal centre zone; (C) Major centre zone; (D) District centre zone (E) Specialised centre zone; (F) Low impact industry zone; (G) Medium impact industry zone; (H) High impact industry zone; (ii) erecting a structure for a use in the <i>industrial activity group</i> in an <i>industry zone</i> ; or (iii) erecting a structure for a sport and recreation use in the:- (A) Sport and recreation zone; or (B) Open space zone; (iv) erecting a building or structure for a <i>utility installation</i> where located on Council owned or controlled land or for a <i>Distributor retailer</i> ; or (v) erecting a structure for an <i>extractive industry</i> in the Rural zone; or (vi) erecting a building or structure for a use in the <i>rural activity group</i> in the Rural zone; or (vii) erecting a structure for a <i>tourist attraction</i> in the Tourism zone in Precinct T0U2 (Aussie World); or (viii) erecting a building or structure associated with a <i>prescribed rooftop use</i> . (ix) Erecting a building or structure for a Residential Care Facility where located on Lot 2 on SP313505 and not exceeding a maximum building height of 12m.	Impact assessment	• The planning scheme

Amendment to *Height of buildings and structures overlay code* (Table 8.2.8.3.1)

Amend Performance Outcome PO1 of the *Height of buildings and structures overlay code* to include that the height of buildings and structures on the land does not exceed 12m or 3 storeys for the purpose of a Residential Care Facility as detailed below:

Performance Outcomes		Acceptable Outcomes	
Maximum Height of Buildings and Structures			
PO1	<p>Unless otherwise specified in PO2 below, the height of a building or structure does not:-</p> <p>(a) exceed the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map; or</p> <p>(b) exceed 12m or three (3) storeys on Lot 2 on SP313505 for the purpose of a Residential Care Facility;</p> <p>(c) adversely impact upon the character of the local area; and</p> <p>(d) result in a significant loss of amenity for surrounding development.</p> <p>a lower height limit may be specified in a local plan code or use code for certain parts of a <i>site</i> (e.g. buildings may be required to be stepped in height, or observe lower height limits along <i>site frontages</i>).</p>	AO1	No acceptable outcome provided.

The preliminary approval (including the Variation Request) does not seek to change the zone applying to the site, but rather amend the Tables of Assessment to make a Residential Care Facility, a consistent (code assessable) use in the Emerging community zone relevant to the subject site only. Although seeking a variation to the allowable building height, the Variation Request does not seek to amend any other built form provisions of the planning scheme.

Any further development application made seeking a development permit for the proposed Residential Care Facility would, therefore, be assessable against the applicable codes of the Planning Scheme and the variation approval, in relation to matters other than height. The proposed preliminary approval would apply only to that part of the site identified on the Plan of Development illustrated in Figure 1 below:

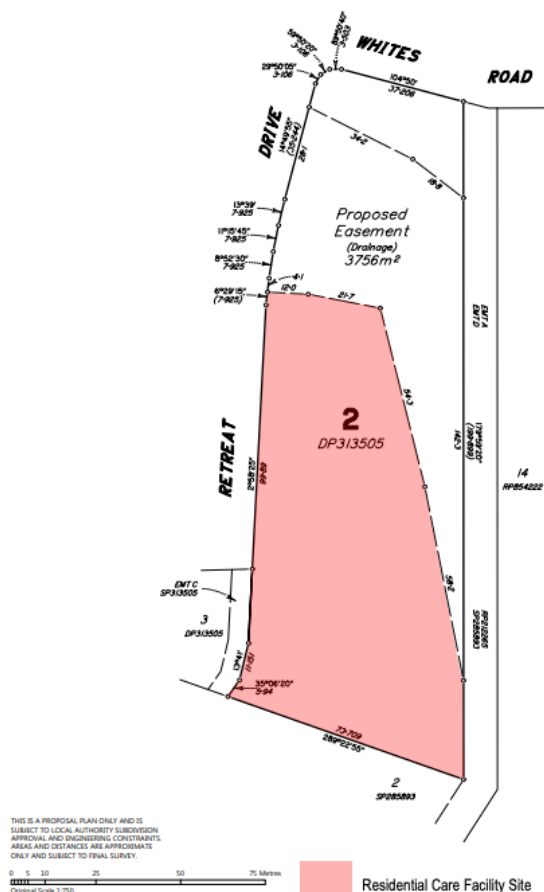


Figure 1 – Proposed Plan of Development

ASSESSMENT

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

The application seeks two variations to the *Sunshine Coast Planning Scheme 2014*. The first seeking the proposed land use to effectively be considered a 'consistent (code assessable) use' on the site and, the second being to increase the nominated height limit applicable to the site from 8.5m to 12m.

In relation to the variations sought, the following key issues are pertinent to the assessment of the application:

- Building Height
- Appropriateness of the Land Use and
- Any hydrological impacts of future site development.

The subject site is included within the Emerging community zone, which intends that development is typically undertaken in a master planned manner. This is why, ordinarily, the proposed establishment of a Residential Care Facility (aged care) is impact assessable in the zone. The site is also affected by the Height of buildings and structures overlay code, which nominates a maximum 8.5m height limit for the site.

In order to consider a variation (in this case to lower the level of assessment for a use and to increase the maximum height limit), the proposed development, in this case the Residential Care Facility use, must be assessed for its appropriateness for the development site. The outcome of such assessment informs the determination of the variation component that would vary the provisions of the planning scheme.

Firstly, the Strategic Framework sets the policy direction for the *Sunshine Coast Planning Scheme 2014* and forms the basis for ensuring appropriate development occurs within the life of the Planning Scheme. The establishment of a 12m high Residential Care Facility on the subject land is not inconsistent with the intent of the Strategic Framework.

Building Height

The proposed variation request seeks to change the permitted building height over the land from a maximum height of 8.5m to a maximum height not exceeding 12m or 3 storeys. The applicant seeks a 3 storey Residential Care Facility on the subject site to 'accommodate emerging trends in aged care', and as justification for doing so, has referred to Council's previous Planning Scheme amendments whereby certain approved Residential Care Facilities were approved at 12m or 15m in other locations. These Planning Scheme amendments were facilitated via a change to the height overlay mapping and zoning for certain approved Residential Care Facilities in particular locations where regard had been given to amenity and character considerations.

The key outcomes pertaining to building height for development over the subject land contained within the *Sunshine Coast Planning Scheme 2014* are contained in the following codes:

- *Height of buildings and structures overlay code*
- *Forest Glen/Kunda Park/Tanawha local plan code*
- *Residential care facility and retirement facility code.*

To assist in understanding the potential impacts of an over height development on the subject land, an assessment of a computer 3D model (including a viewshed analysis) of the proposed development was undertaken to substantiate the findings of the provided Visual Impact Analysis. The assessment indicated that any potential visual impacts resulting from a 12m high built form on the subject site would be most noticeable from Whites Road, proximate to the development site, whilst the more distant surrounding view impacts (i.e. measured generally within a 3km radius of the subject site) would be negligible when compared to a height compliant (8.5m) development, due in part to the existing vegetation and the undulating topography in the general area.

More specifically, it was found that an additional 3.5m of building height would have minimal amenity and character impacts upon the locale over and above that which would result from a code-compliant (8.5m high) building on the subject site.

Despite the proposed building height failing certain Overall outcomes of the *Height of buildings and structures overlay code*, it is considered that sufficient other relevant matters exist to warrant support for a 12m high Residential Care Facility on the subject site. Such matters include:

- a 12m high building would not adversely impact upon the visual amenity outcomes sought by the Local Plan Area and would not compromise the established or preferred character of the locale. The potential for any visual impacts would be most noticeable

directly in front of the site, from Whites Road, with more distant views of the proposed building being negligible

- although the applicant did not provide any specific information to justify that a 12m high Residential Care Facility building is necessary, it is generally recognised that such uses can operate more efficiently via a more compact, vertical form. This is largely validated by the Council's previous endorsement to amend the Planning Scheme (via the Round 20 amendments – taking effect on 11 November 2019) which provide for various approved Residential care facilities throughout the Local Government Area to establish up to 12m or 15m
- more specific design related matters would be subject to a future (code assessable) Material Change of Use application, which would enable further consideration of building design and assessment against the other applicable Performance outcomes to ensure a suitable built form is achieved and use related impacts can be addressed and
- the Variation Request seeks an increase in building height for only the particular use on the subject site. Along with proposed development parameters to be included in a Plan of Development, the appearance of building bulk and scale can be minimised. Hence, the assessment of the Variation Request is a site-specific exercise and the outcome of a Variation Approval is therefore not relevant to development of any other properties.

Appropriateness of the Proposed Use on the Subject Land

The proposed Variation Request seeks to allow a Residential Care Facility to be established on the site as a code assessable use, which would be assessable against the following codes:

- *Forest Glen/Kunda Park/Tanawha Local Plan Code*
- *Emerging Community Zone Code*
- *Residential Care Facility and Retirement Facility Code*
- *Prescribed other development codes.*

Establishment of a Residential Care Facility on the subject land satisfies the intent of the *Forest Glen/Kunda Park/Tanawha Local Plan Code* in terms of being a suitable location. It would be appropriately buffered / separated from the adjacent industrial estate by virtue of the drainage easement that is to be established over the northern part of the subject site, as required by the approval that established the Retirement facility to the west. It is also proximate to an existing Retirement facility which would facilitate the ability to 'age in place'.

The Precinct in which the site is located has established akin to a Low-density residential zone. Residential Care Facilities are consistent uses in the Low-density residential zone. Further, the Local plan code specifically provides for a Retirement facility to establish in the subject Precinct. As it is commonly recognised that Residential Care Facilities should generally co-locate with Retirement facilities, it is considered that a Residential Care Facility is also a suitable use in the zone.

Overall it is considered that the establishment of a Residential Care Facility on the subject land is consistent with the intent of the Emerging Community zone, as it applies to the land, and the *Forest Glen/Kunda Park/Tanawha Local Plan Area*, because it:

- is on land that is well connected to the other parts of the urban fabric as well as planned future development
- provides for an appropriate mix of land uses and
- adjoins an existing Retirement facility (which would facilitate the ability to 'age in place').

Bulk and Scale Considerations

Given Residential Care Facilities are often typically larger (institutional type) buildings, it is necessary that such buildings remain consistent with the existing and preferred character of the local plan area in which they sit. As discussed above in relation to building height matters, the bulk and scale of the future Residential Care Facility has the potential to be undesirable unless the built form is broken up and well-articulated.

The *Building Scale, Bulk and Streetscape Appearance* provisions of the *Residential Care Facility and retirement facility code* provides the preferred built form outcomes (such as site cover, setbacks and building length) for such uses. Generally, Acceptable outcomes AO5.1 through AO6.3 of the code provide the 'preferred' or 'deemed to comply' provisions intended to regulate built form of development.

These provisions would be applicable when seeking a Development Permit for the proposed use. However, it is noted that the developable portion of the site (as identified in the proposed Plan of Development) is approximately 120m long. Without breaks in the building and articulation, this could result in a very long solid building, which could present 'out of character' with the locality (noting that the industrial buildings in the adjacent industrial estate aren't generally that long). Moreover, the character of the immediate surrounds is also made up of semi-rural style allotments and large tracts of vegetation, as well as the Retirement facility currently under construction. Whilst the density of the retirement village has resulted in a relatively dense form of development, its buildings are still nonetheless, low rise and not particularly long.

To ensure that character is not compromised, particular built form provisions should be mandated to ensure the future development is respectful of the existing and intended character. To achieve an appropriate building scale and massing, the relevant provisions of the code relating to building length, space between buildings and setbacks should be used to set the built form outcome for the site. It is therefore recommended that the Plan of Development include Development Controls should any Variation Approval be granted. The recommended Development Controls are provided at Appendix A – Recommended conditions of approval and Attachment 2 - Annotated Plan of Development.

With implementation of the above provisions, it is considered that the proposal would comply with the Local plan code and generally provide an appropriate built form consistent with the character of the locale.

Hydrology

The application was referred to Council's hydraulics specialist for review of flood and stormwater matters relevant to the proposed development. Council's hydraulics specialist has recommended conditions that ought to be applied should any approval of the subject Variation Request be issued. Their comments are summarised as follows:

Flood hazard and stormwater management

The extent of the land applying to the Variation Request and future Residential Care Facility generally accords with the extent of land filled as part of existing Operational Works approvals. All flood impacts associated with this filling were considered in the previous assessment for the approved Retirement facility to the west.

Given a Residential Care Facility is a vulnerable use due to the limited mobility of occupants, any further development application seeking to establish the use must demonstrate how it will function without needing evacuation during an extreme flood event, in addition to satisfying the required minimum flood immune floor levels. Conditions are recommended accordingly.

Stormwater management matters can be assessed as part of a future development application for the use.

CONCLUSION

The Variation Request seeks to allow for the establishment of a future Residential Care Facility as a 'code assessable' use and to increase the maximum building height allowed over the land from 8.5m to 12m where developed for a Residential Care Facility.

With the implementation of the particular built form development controls recommended in this report, the request to vary the level of assessment for a future Residential Care Facility on the land is considered to satisfy the relevant provisions of the Planning Scheme. The recommended built form controls are included such that the future building would not compromise the intended or existing character of the locale and therefore, remain consistent with the intent of both the *Forest Glen/Kunda Park/Tanawha Local Plan Code* and the *Emerging Community Zone Code* as they apply to the land.

In regard to the request to vary the maximum building height permitted over the land from 8.5m to 12m, the assessment has found that there are sufficient 'other relevant matters' to warrant support of the additional 3.5m of building height in this particular location if developed for a Residential Care Facility. Despite failing Overall outcome 2(a) of the Overlay Code, the proposed building height would not adversely impact upon the visual amenity outcomes sought by the local plan area and would not compromise the established or preferred character of the locale. The potential for any visual impacts would be most notable directly in front of the site, from Whites Road, with more distant views of the proposed building being negligible. Development controls (including substantial screen landscaping) are recommended to minimise any adverse impacts to neighbourhood character and bulk and scale of the future building.

It is considered that the future development would be able to achieve compliance with the applicable codes and that sufficient other relevant matters exist to justify approval of the Variation Request for 3 storey (maximum 12m high) Residential care facility on the subject site in this instance.

Legal

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

Policy

The application has been processed under the *Planning Act 2016* and assessed against the Sunshine Coast Planning Scheme 2014 and all relevant Council policies

Risk

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

Previous Council Resolution

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

Related Documentation

A copy of the officer's full and Detailed Assessment Report is included as **Attachment 1** to this report. The Detailed Assessment Report contains all the specific assessment details under the Planning Scheme considered in Council's assessment of this application. A copy of the proposed Plan of Development (with recommended annotations) associated with the development application are included as **Attachment 2** to this report.

Critical Dates

There is no critical date for Council's decision in this case. If a decision is not made by end of the Decision Part, the applicant may elect to appeal to the Planning and Environment Court against a 'deemed refusal' of the application.

Implementation

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

Appendix A – Conditions of Approval

APPLICATION DETAILS

Application No: MCU21/0015
 Street Address: Whites Rd BUDERIM QLD 4556
 Real Property Description: Lot 2 SP 313505
 Planning Scheme: Sunshine Coast Planning Scheme (24 August 2020)

APPROVAL DETAILS

Nature of Approval: Approval with conditions
 Type of Approval: Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*)

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years starting the day that this development approval first took effect (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*).

The currency period for this approval is subject to any further extension of time declared by the State government for the “COVID-19 emergency applicable event” pursuant to s275E of the *Planning Act 2016*.

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

**PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OF PREMISES
(INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE SUNSHINE
COAST PLANNING SCHEME 2014)**

PLANNING

When conditions must be complied with

1. Unless otherwise stated, all applicable conditions of this preliminary approval must be complied with prior to the use commencing on Lot 2 SP313505, and then compliance maintained at all times while the use continues.

Approved Plans

1. Future development associated with this preliminary approval must be undertaken in accordance with the Approved Plan listed within this Decision Notice (as annotated by Council).

Building Height

2. The maximum height of development on the site must not exceed 12 metres above the finished ground level at any point. The development must also not exceed 3 storeys in height.

Nature and Extent of Approved Use

3. A preliminary approval is granted for a Material Change of Use of Premises (Variation Request to Vary the Effect of the *Sunshine Coast Planning Scheme 2014*) in respect of a Residential care facility on Lot 2 SP313505 as follows:
 - a) vary Table of Assessment 5.5.17 (for the Emerging community zone);
 - b) vary Table of Assessment 5.10.1 (for the Height of buildings and structures overlay);
 - c) vary the assessment benchmarks of the *Residential care facility and retirement facility code* and, the *Height of buildings and structures overlay code*.
4. This development approval is a *local categorising instrument* pursuant to s43(3)(c) of the *Planning Act 2016* and, except where expressly stated otherwise, overrides the current and future versions of the *Sunshine Coast Planning Scheme 2014* and any future planning scheme for the life of the approval.
5. Where the conditions of this approval and the plans and documents referenced are “silent” and/or have no regulatory instructions about how a particular development matter within the Approved Plan of Development area is to be dealt with, then the provisions of the current applicable planning scheme will have effect for the development matter.
6. Where the conditions of this approval and the plans and documents referenced by it, specifically refer to provisions of the *Sunshine Coast Planning Scheme 2014*, then the reference is a reference to the 24 August 2020 version of the *Sunshine Coast Planning Scheme 2014*.
7. This preliminary approval lapses and ceases to have effect pursuant to sections 71(5)(b) and 88(2)(a) of the *Planning Act 2016* (current as at 18 June 2021) when the first of the following occurs:
 - (a) the currency period expires
 - (b) development under the Variation Approval is completed; or
 - (c) the commencement of an amendment to a planning scheme that integrates and reflects the provisions of this approval; or
 - (d) 27 January 2030.

Category of development and category of assessment and assessment benchmarks for future development for a material change of use for a Residential care facility

8. The assessment benchmarks for assessable development and requirements for accepted development from the current applicable planning scheme will have effect for future development applications, including for Operational Works applications and Building Work applications, unless otherwise expressly stated in this preliminary approval.
9. The category of assessment and assessment benchmarks of future development for a material change of use for a Residential Care Facility within the land shown on the approved Plan of Development subject to this preliminary approval will be as follows:

EMERGING COMMUNITY ZONE – LOT 2 SP313505 – WHITES ROAD BUDERIM		
Defined Use	Category of development and category of assessment	Assessment benchmarks for assessable development (Sunshine Coast Planning Scheme 2014, version 24/08/2020)
Residential activity		
Residential Care Facility	Code Assessment If located within the identified Residential Care Facility Site on the approved Plan of Development (on Lot 2 SP313505) and, not exceeding a maximum building height of 12m and 3 storeys above finished ground level at any point.	<ul style="list-style-type: none"> • Applicable local plan code • Emerging community zone code • Low density residential zone code • Residential care facility and retirement facility code (except as varied by this variation approval) • Prescribed other development codes

TABLE OF ASSESSMENT FOR THE HEIGHT OF BUILDINGS AND STRUCTURES OVERLAY – LOT 2 SP313505 – WHITES ROAD BUDERIM		
Development subject to overlay	Category of development and category of assessment	Assessment benchmarks for assessable development (Sunshine Coast Planning Scheme 2014, version 24/08/2020)
Height of buildings and structures overlay		
Any development if:- (a) exceeding the maximum height specified for the site on the applicable Height of Buildings and Structures Overlay Map; and (b) for a use or purpose other than:- (i) erecting a structure for a telecommunication tower in the:- (A) Rural zone; (B) Principal centre zone; (C) Major centre zone; (D) District centre zone	Impact Assessment	<ul style="list-style-type: none"> • The planning scheme

<p>(E) Specialised centre zone; (F) Low impact industry zone; (G) Medium impact industry zone; (H) High impact industry zone; (ii) erecting a structure for a use in the <i>industrial activity group</i> in an <i>industry zone</i>; or (iii) erecting a structure for a sport and recreation use in the:- (A) Sport and recreation zone; or (B) Open space zone; (iv) erecting a building or structure for a <i>utility installation</i> where located on Council owned or controlled land or for a <i>Distributor retailer</i>; or (v) erecting a structure for an <i>extractive industry</i> in the Rural zone; or (vi) erecting a building or structure for a use in the <i>rural activity group</i> in the Rural zone; or (vii) erecting a structure for a <i>tourist attraction</i> in the Tourism zone in Precinct T0U2 (Aussie World); or (viii) erecting a building or structure associated with a <i>prescribed rooftop use</i>. (ix) erecting a building or structure for a Residential Care Facility on Lot 2 on SP313505 not exceeding a maximum building height of 12m and 3 storeys above finished ground level at any point.</p>		
<p>Material change of use if:- (a) not exceeding the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map, unless erecting a building or structure for a Residential Care Facility on Lot 2 on SP313505 not exceeding a maximum building height of 12m and 3 storeys above finished ground level at any point; and (b) for a use other than a <i>dual occupancy</i> or <i>dwellinghouse</i>.</p>	No change	<ul style="list-style-type: none"> Height of buildings and structures overlay code

PERFORMANCE OUTCOMES AND ACCEPTABLE OUTCOMES FOR THE HEIGHT OF BUILDINGS AND STRUCTURES OVERLAY CODE – LOT 2 SP313505 – WHITES ROAD BUDERIM

Maximum Height of Buildings and Structures		
Performance outcomes		Acceptable outcomes
PO1	<p>Unless otherwise specified in PO2 of the Code, a building or structure for a Residential Care Facility, where located in accordance with the approved Plan of Development (on Lot 2 SP313505), does not:</p> <ul style="list-style-type: none"> (a) exceed 12m and three (3) storeys in height; (b) adversely impact upon the character of the local area; and (c) result in a significant loss of amenity for surrounding development. <p>PO2, PO3 & PO4 of the Sunshine Coast Planning Scheme 2014, (version 24/08/2020) also applies.</p>	<ul style="list-style-type: none"> • No acceptable outcome provided.

10. The following 'development controls' vary Performance outcomes PO5 and PO6 of Table 9.3.14.3.1 of the Residential care facility and retirement facility code contained in the *Sunshine Coast Planning Scheme 2014*, in relation to Acceptable outcomes AO5.1 through AO6.3, for purposes of a Residential Care Facility on Lot 2 SP313505:

Building Scale, Bulk and Streetscape Appearance	
Development Control 1	The third storey of the Residential care facility must comprise a lesser floor plate to reduce the visual bulk of the third storey, including a minimum setback of 4m from outer edge of the floor below.
Development Control 2	Building design must include a combination of the following elements:- <ul style="list-style-type: none"> (a) verandahs or balconies; (b) recesses; (c) variation in materials, colours, and/or textures, including between levels; and (d) variation/gradation in building form.
Development Control 3	The length of any unarticulated elevation of a building, fence or other structure does not exceed 15 metres.
Development Control 4	The third storey of the building does not exceed 40 metres in length without a break in the roof form.
Development Control 5	The Residential care facility incorporates a high standard of design that is responsive to the specific needs of its residents.
Development Control 6	Buildings are oriented to the street and provide casual surveillance of the street.
Development Control 7	Buildings and structures (other than fencing) are set back clear of all required easements and a minimum of 6 metres from all site boundaries of Lot 2 SP313505. Landscaping must be provided within the Plan of Development Area (pink) to screen the development from all sides.

Note: all other Performance outcomes and Acceptable Outcomes (aside from AO5.1 through AO6.3) of the 'Residential care facility and retirement facility code' apply to the development of the site.

11. The following 'development control' varies PO1(a) of the *Height of buildings and structures overlay code* for development of a Residential care facility:

Height of Buildings and Structures	
Development Control 8	A building or structure for a Residential care facility, where located in accordance with the approved Plan of Development (on Lot 2 SP313505), does not exceed 12m and three (3) storeys in height.

Landscaping

12. In addition to that required by the Development Controls above, screening landscaping must be provided to northern (outside of drainage easement) and eastern portion (inside drainage easement and development site) of the site, as annotated on the approved Plan of Development. The landscaping must be identified on a Landscape Concept Plan to be submitted at time of seeking a Development Permit for the Residential care facility the subject of this approval.

HYDRAULICS

Stormwater Management

13. A Flood and Stormwater Management Plan prepared in accordance with Council's Planning Scheme Policy for Development Works must be submitted with the first Material Change of Use development application associated with this development approval. The Flood and Stormwater Management Plan must be prepared by a qualified person* and include in particular:
- (a) Details of how minor system flows are connected directly to Council's piped stormwater system.
 - (b) Sizing of a vegetated stormwater quality treatment system(s) designed to achieve the post construction stormwater quality design objectives.
 - (c) Conceptual engineering drawings showing how the vegetated stormwater quality treatment system(s) are integrated into the development.

Flood Immunity

14. The minimum floor level of all buildings constructed on the site must be provided in accordance with the requirements of the *Flood hazard overlay code*.
15. If the ground floor level of any Residential care facility is proposed below the level of the Probable Maximum Flood, a Flood Emergency Management Plan, prepared in accordance with the *Sunshine Coast Council Flooding and Stormwater Management Guidelines*, must be submitted with the first Material Change of Use development application associated with this development approval. Any required Flood Emergency Management Plan must demonstrate how residents from the ground floor level can safely shelter in place on the first floor level of the development.

Easements

16. An easement for drainage purposes must be registered against the title of the property in favour of Council over the land area identified as being below the flood level for the Defined Flood Event on the subject site including but not limited to the easement identified on the Approved Plans.
17. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to council for endorsement.

REFERRAL AGENCIES

Not applicable.

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
DWG No. 15002.07 Sheet 1 of 1	-	<i>Plan of Development</i> , prepared by Project Urban (as annotated in red by Council)	12/10/20

REFERENCED DOCUMENTS

Not applicable.

ADVISORY NOTES

Not applicable

PROPERTY NOTES

Not applicable.

VARIATION APPROVAL

A variation approval under the *Planning Act 2016* has been granted. Variations from the planning scheme that are applicable to any future development application over the premises are identified in this approval.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not applicable.

SUBMISSIONS

Not applicable.

INCONSISTENCY WITH EARLIER APPROVAL
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Not applicable.

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about council's decision, please refer to the approval package for the application on Council's Development.i webpage at www.sunshinecoast.qld.gov.au, using the application number referenced herein.



DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION SUMMARY	
Division:	7
Applicant:	Halcyon Community No 9 Pty Ltd Tte
Consultant:	Project Urban Pty Ltd
Owner:	Halcyon Community No 9 Pty Ltd Tte
Proposal:	Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i>)
Properly Made Date:	4 February 2021
Street Address:	Whites Rd BUDERIM
RP Description:	Lot 2 SP 313505
Assessment Type:	Impact
Number of Properly Made Submissions:	No submissions were received
State Referral Agencies:	Not applicable
Referred Internal Specialists:	<ul style="list-style-type: none"> Hydraulics and Water Quality Specialist Urban Designer

PROPOSAL:

The application seeks a Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014*).

The purpose of the Variation Request is to allow for a Material Change of use for a Residential care facility to be nominated as 'code assessable' on the subject land in order to streamline the assessment of a subsequent development application for the use. Additionally, the request seeks to increase the maximum building height allowed over the land from 8.5m to 12m.

The Variation Request seeks to vary the effect of the planning scheme as it applies to the land as follows:

Amendment to the Table of Assessment for the Emerging community zone

Amend Table 5.5.17 Emerging community zone as it applies to the land to include a Residential Care Facility as a code assessable use under the Residential activities group section of the table as follows:

Residential Care Facility	Code Assessable; where located within the identified Residential Care Facility site.	<ul style="list-style-type: none"> Emerging Community Zone Code Residential care facility and retirement facility code Applicable Local Plan code Prescribed other development codes.
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Amendment to Table of Assessment for the Height of buildings and structures overlay

Amend Table 5.10.1 Overlays - *Height of buildings and structures overlay* to allow erecting a building not exceeding 12m for the purpose of a Residential care facility to be an exception to development requiring impact assessment as detailed below:

Height of buildings and structures overlay		
<p>Any development if:-</p> <p>(a) exceeding the maximum height specified for the site on the applicable Height of Buildings and Structures Overlay Map¹; and</p> <p>(b) for a use or purpose other than:-</p> <p>(i) erecting a structure for a telecommunications tower in the:-</p> <p>(A) Rural zone;</p> <p>(B) Principal centre zone;</p> <p>(C) Major centre zone;</p> <p>(D) District centre zone;</p> <p>(E) Specialised centre zone;</p> <p>(F) Low impact industry zone;</p> <p>(G) Medium impact industry zone;</p> <p>(H) High impact industry zone;</p> <p>(ii) erecting a structure for a use in the <i>industrial activity group</i> in an <i>industry zone</i>; or</p> <p>(iii) erecting a structure for a sport and recreation use in the:-</p> <p>(A) Sport and recreation zone; or</p> <p>(B) Open space zone;</p> <p>(iv) erecting a building or structure for a <i>utility installation</i> where located on Council owned or controlled land or for a <i>Distributor retailer</i>; or</p> <p>(v) erecting a structure for an <i>extractive industry</i> in the Rural zone; or</p> <p>(vi) erecting a building or structure for a use in the <i>rural activity group</i> in the Rural zone; or</p> <p>(vii) erecting a structure for a <i>tourist attraction</i> in the Tourism zone in Precinct TOU2 (Aussie World); or</p> <p>(viii) erecting a building or structure associated with a <i>prescribed rooftop use</i>.</p> <p>(ix) Erecting a building or structure for a Residential Care Facility where located on Lot 2 on SP313505 and not exceeding a maximum building height of 12m.</p>	Impact assessment	• The planning scheme

Amendment to *Height of buildings and structures overlay code* (Table 8.2.8.3.1)

Amend Performance Outcome PO1 of the *Height of buildings and structures overlay code* to specifically include the subject site as having a maximum allowable height of 12m or 3 storeys where for the purpose of a Residential care facility, as detailed below:

Performance Outcomes		Acceptable Outcomes	
Maximum Height of Buildings and Structures			
PO1	<p>Unless otherwise specified in PO2 below, the height of a building or structure does not:-</p> <p>(a) exceed the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map;</p> <p>or</p> <p>(b) exceed 12m or three (3) storeys on Lot 2 on SP313505 for the purpose of a Residential Care Facility;</p> <p>(c) adversely impact upon the character of the local area; and</p> <p>(d) result in a significant loss of amenity for surrounding development.</p> <p>A lower height limit may be specified in a local plan code or use code for certain parts of a <i>site</i> (e.g. buildings may be required to be stepped in height, or observe lower height limits along <i>site frontages</i>).</p>	AO1	No acceptable outcome provided.

The preliminary approval (including the Variation Request) does not seek to change the zone applying to the site, but rather amend the Tables of Assessment to make a Residential care facility, a consistent (code assessable) use in the Emerging community zone relevant to the subject site only. Although seeking a variation to the allowable building height, the Variation Request does not seek to amend any other built form provisions of the planning scheme.

Any further development application made seeking a development permit for the proposed Residential care facility would therefore, be assessable against the planning scheme and the preliminary approval, in relation to matters other than building height, provided the building height of development proposed does not exceed 12m or 3 storeys. The proposed preliminary approval (including the Variation Request) would apply only to that part of the site identified on the Plan of Development illustrated in Figure 1 below:

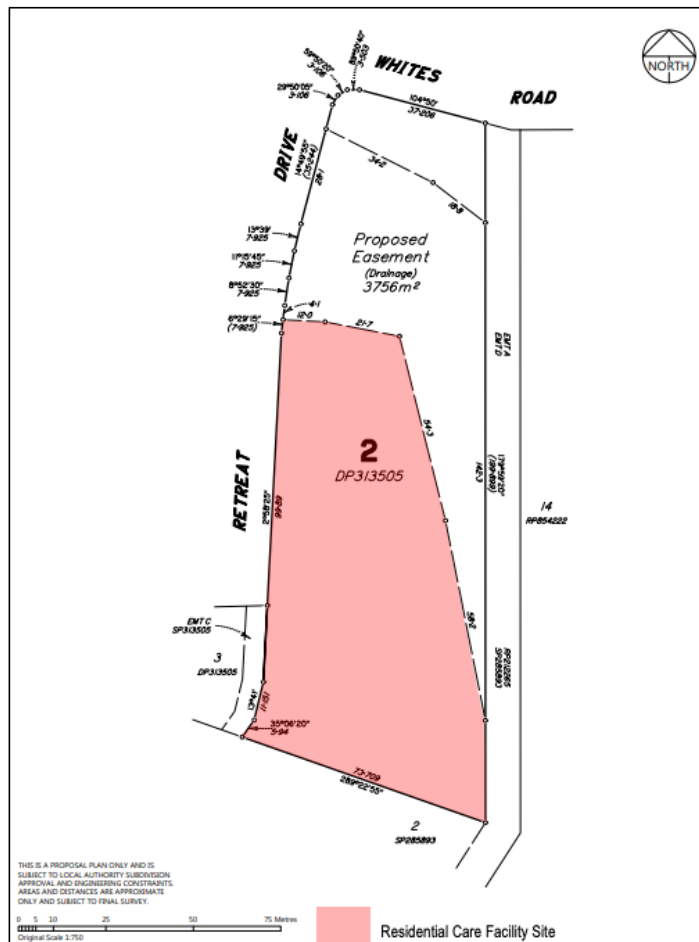


Figure 1 – Proposed Plan of Development

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	1.135ha
Existing Use of Land:	The site is currently vacant and has been levelled.
Road Frontage:	37.2m frontage to Whites Road to the North 183.3m frontage to Retreat Drive to the West
Significant Site Features:	A 3-4 order stream traverses the northern portion of the site in an east/west direction.
Topography:	Level

Surrounding Land Uses:	<p>West - 'B by Halcyon' over 50's lifestyle community located to the west and north-west.</p> <p>South – Detached houses on large semi- rural land (but included within the Emerging community zone), and rural residential beyond.</p> <p>East - Rural zoned land to the east, and rural residential beyond.</p> <p>North - Kunda Park industrial estate located to the north, across Whites Road.</p>
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The location of the subject site in relation to its surrounds is shown below in Figures 2, 3 and 4.

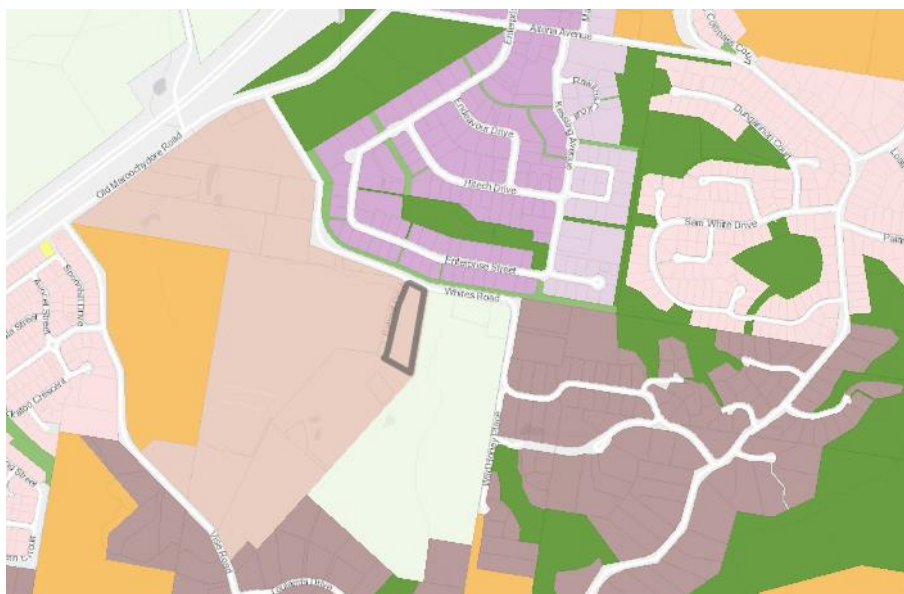


Figure 2 - Zone and Location Plan of the Site



Figure 3 – Contextual Aerial Photograph of Site



Figure 4 - Aerial Photograph of Site

Development History of Site

MCU17/0039.02

The adjacent land (Lot 1 on SP313505) to the west has an existing approval for Retirement facility (and associated Operational Works approvals) for up to 200, 2-bedroom dwellings. That development (from which the proposed Residential care facility will extend) is currently under construction with numerous dwellings and communal buildings already established. The approved use is currently being extended to the north via approval MCU20/0024 (refer details below). The indicative layout of the approved development is shown in the image below.



Figure 5 – Existing approval (subject 'aged care' site shown in yellow)

RAL19/0034

An approval was issued to reconfigure 1 lot into 3 lots, plus road reserve, to excise off the Halcyon development site (referred to above), and to create a future road connection point to adjoining land to the south. The subdivision also resulted in the creation of the future 'Residential care facility' lot (Lot 2), which is the subject of this application. The lots were registered in July 2020.

OPW19/0435 - Roadworks, Drainage and Stormwater

An Operational Works approval was issued on 15 October 2019 to establish the new access road from Whites Road (Retreat Drive) into the approved Retirement facility and, to undertake external road upgrades to Whites Road and Old Maroochydore Road.

OPW19/0443 – Roadworks, Drainage and Stormwater

An Operational Works approval was issued on 14 October 2019 to establish the internal road layout and drainage works for the approved Retirement facility.

OPW19/0452 – Landscaping

An Operational Works approval was issued on 18 December 2019 to establish landscape works within the approved Retirement facility.

OPW20/0149 – Landscaping

An Operational Works approval was issued on 22 May 2020 to establish landscape works associated with road upgrade works along Whites Road and Old Maroochydore Road.

MCU20/0024 – Retirement facility

An approval was issued on 27 October 2020 for a Retirement facility. The approved development formed an extension to the approved Retirement facility currently under construction on the land to the south (approved via MCU17/0039.02). The approval provides for up to 160 (2 bedroom) dwellings to be delivered in two stages. Both approvals (MCU17/0039 and the subject MCU20/0024 approval) are operated by the same entity (formerly Halcyon, now Stockland) and the development will function as one retirement facility. The two retirement facility approvals would connect via an internal roadway and would also share the main communal facilities (established under the MCU17/0039 approval). An additional access point is approved direct to Whites Road.

Two separate minor change applications have since been issued comprising minor changes to stormwater management for the approved development and to add some additional retirement dwellings at the site's north-eastern corner (but still within the maximum cap of 160 dwellings).

RAL20/0012 – Boundary Realignment

An approval was issued on 27 October 2020 for a Boundary Realignment to reconfigure 6 existing lots into 2 lots. The reconfiguration provides for the above approved Retirement facility to establish on one title with a balance lot intended to contain a planted buffer to Old Maroochydore Road.

OPW20/0040 - Bulk Earthworks

An approval was issued on 27 October 2020 for Bulk Earthworks relating to the above approved Retirement Facility to enable site filling to occur for flood immunity purposes. The filling works have commenced on the site.

An extract of the approved (MCU) plan is provided below:

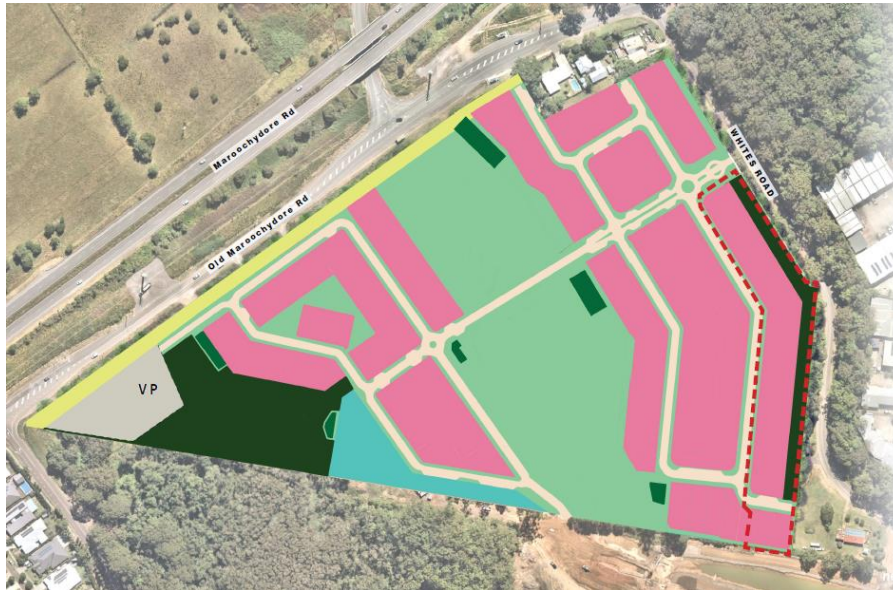


Figure 6 – Existing approval (Retirement facility to the north-west of subject site)

PRELIMINARY APPROVAL INVOLVING A VARIATION REQUEST

Under section 61 of 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.

Relevantly, Variation Approvals may approve:

- (a) all or some of the variations sought; or
- (b) different variations from those sought; or, otherwise,
- (c) refuse the variations sought.

More particularly, they can also establish specific assessment provisions that apply in assessing future development applications relating to the land including:

- varying or adding a relevant code or code provisions;
- varying a level of assessment for future development; and/or
- varying assessment benchmarks.

Approval of a Variation Request requires an assessment of the proposed development; in this case the preliminary approval for a Residential care facility use and its appropriateness for the development site. This is because the assessment of the proposed development is carried out against the planning instruments at the time the development application is made to determine whether the proposed future development would be suitable for the site.

The outcome of any assessment informs the determination of the variation component that would vary the provisions of the planning scheme. The variation cannot be approved unless the application is approved (i.e. in this case, the Preliminary Approval for the Residential care facility). If the application is refused, the proposed variation must also be refused.

The proposed Variation Request seeks to add new provisions to the Planning Scheme in relation to the future level of assessment for the proposed Residential care facility and to vary the allowable height limit of that development on the site. In particular, the variation seeks to amend the Tables of Assessment (Table 5.10.1 - Overlays and Table 5.5.17 - Material Change of Use) and the Height of Buildings and Structures Overlay Code (Performance Outcome PO1) to allow the future establishment of a Residential care facility on the land to be code assessable where not exceeding 12m and 3 storeys.

No changes are otherwise proposed to the applicable assessment benchmarks of the *Sunshine Coast Planning Scheme 2014* and thus, the balance of the Planning Scheme (i.e. use codes, overlays, local plans and other relevant provisions) would remain unaltered and applicable to future development.

In accordance with Section 61 (2) of the *Planning Act 2016*, 'when assessing the variation request, the assessment manager must consider—

- (a) *the result of the assessment of that part of the development application that is not the variation request; and*
- (b) *the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and*
- (c) *the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and*
- (d) *any other matter prescribed by regulation*'.

The proposal seeks a Variation Approval by virtue of the subject land being within the Emerging Community zone, whereby a Residential care facility is identified as being subject to 'impact' assessment. The proposed variation seeks to make a future application for a Residential care facility code assessable, consistent with the way a Residential care facility is treated in the Low density residential zone. The provisions of the Emerging community zone generally require that development within the zone be undertaken in accordance with a Plan of Development, typically via a Variation Approval.

The current application is subject to impact assessment and was therefore the subject of public notification. Notably, no submissions were received during public notification. The variation request seeks to reduce the level of assessment to code assessment and therefore, the future application for the use would not be able to attract further submissions if the Variation Request is approved. However, given the proposed 3-dimensional building envelope consumes the entire, unconstrained portion of the subject site to a height of 12m, it is considered unlikely that a future application for the use would actually extend to the envelope that has been assessed and modelled as part of the current Variation Request.

Two variations are proposed to the *Sunshine Coast Planning Scheme 2014*. The first seeking the proposed land use to effectively be considered a 'consistent use' on the subject site and, the second being to increase the nominated height limit applicable to the site from 8.5m to 12m.

In relation to the variations sought, the following key issues are pertinent to the assessment of the application:

- Building Height;
- Appropriateness of the Land Use; and
- Any hydrological impacts of future site development.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

PLANNING REGULATION 2017 DETAILS	
Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • Part E

State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

Liveable communities – Fire services

Any future development could be conditioned to comply with the requirements of the State Planning Policy in regard to the provision of fire hydrants and site access for fire services.

Assessment Benchmarks Related to the Planning Scheme

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

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (24 August 2020)
Strategic Framework Land Use Category:	Urban Area
Local Plan Area:	Forest Glen/Kunda Park/Tanawha Local Plan Area
Zone:	Emerging Community Zone
Consistent/Inconsistent Use:	Not applicable to Emerging community zone
Applicable Assessment Benchmarks:	<ul style="list-style-type: none"> • Strategic framework • Acid sulfate soils overlay code • Airport environs overlay code • Biodiversity, waterways and wetlands overlay code • Bushfire hazard overlay code • Flood hazard overlay code • Height of buildings and structures overlay code • Forest Glen/Kunda Park/Tanawha Local Plan code • Emerging community zone code • Low density residential zone code • Residential care facility and retirement facility code • Landscape code • Nuisance code • Safety and security code • Stormwater management code • Sustainable design code • Transport and parking code • Waste management code • Works, services and infrastructure code

Strategic Framework

The Strategic Framework is an Assessment Benchmark for Impact Assessable applications and considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The Strategic Framework sets the policy direction for the *Sunshine Coast Planning Scheme 2014* and forms the basis for ensuring appropriate development occurs within the life of the Planning Scheme.

The application has been assessed against each of the matters above and found to be consistent with each matter. The pertinent issues arising out of assessment against the Strategic Framework are discussed below.

Strategic Framework (Theme 1, Settlement Pattern, Element 2, Growth management boundaries and land use categories) seeks to contain urban development within growth management boundaries. The site is identified as an Urban Area in the Strategic Framework and is located inside the defined Local Growth Management Boundary of the Planning Scheme.

Strategic Framework (Theme 1, Settlement Pattern, Element 4, Housing diversity and affordable living) states that:

- (a) *Housing is located and designed to offer a wide choice and mix of living options that promote affordability and adaptability.....*
- (f) *Housing is designed to provide safe and secure living environments, promote community health and wellbeing and reduce social isolation.*

The proposal seeks to provide for a future Residential care facility which is on land that is directly across from an existing Retirement facility (currently under construction). It would offer residents of the Retirement facility housing choice to reside proximate to their current residence (i.e. age in place) should they no longer be capable of independent living. The location of the facility would also promote community health and wellbeing and reduce social isolation as it is well connected to an existing Retirement facility and on land surrounded by an emerging community.

It is considered that establishment of a Residential care facility use on the subject land is consistent with the intent of the Strategic Framework.

The suitability of the proposed use on the subject site and its consistency with the rest of the local planning instrument is discussed in further detail below, as are Strategic Framework considerations relevant to building height.

BUILDING HEIGHT

The proposed variation request seeks to change the permitted building height over the land from a maximum height of 8.5m to a maximum height not exceeding 12m or 3 storeys.

The key Planning Scheme outcomes pertaining to building height for development over the subject land are contained in the Strategic Framework and the following codes:

- *Height of buildings and structures overlay code*
- *Forest Glen/Kunda Park/Tanawha local plan code*
- *Residential care facility and retirement facility code.*

The Strategic Framework provides for important views and vistas identified in Local Plans to be protected. In this case, the Local Plan does not identify any particular views or vistas relevant to the subject site. The Framework also requires that the height of buildings *recognises the distinctive character and amenity of the Sunshine Coast as a place with a predominantly low-medium rise built form*. Even at 3 storeys (12m), the proposed building would comprise low-medium rise development. Hence, the proposed height would be consistent with locally responsive design outcomes sought by the Strategic Framework.

However, the relevant code provisions of the Planning Scheme (identified above) provide more detailed criteria to consider with respect to building height. These provisions speak largely to character and appearance of developments, as well as protection of residential amenity. Matters pertaining to character, amenity and building bulk/scale are discussed further below. However, apart from the Strategic Framework, the *Height of buildings and structures overlay code* sits highest in the hierarchy of Planning Scheme provisions. The Code states:

- PO1 *Unless otherwise specified [in the Overlay Code], the height of a building or structure does not:-*
- (a) *exceed the maximum height specified for the site on the applicable Height of Buildings and Structures Overlay Map.*

The proposal fails PO1 of the *Height of buildings and structures overlay code*. Hence, assessment against the Overall outcomes is required. The relevant Overall outcomes are as follows:

- (2) *The purpose of the Height of buildings and structures overlay code will be achieved through the following overall outcomes:-*
 - (a) *development provides for the height of buildings and structures to comply with specified height limits except where explicitly provided for in this code;*
 - (b) *development contributes to the retention of the preferred built form character for the Sunshine Coast, and the local plan area in which it occurs;*
 - (c) *the height of buildings and structures is consistent with the reasonable expectations of the local community;....*
 - (e) *development does not result in a significant loss of amenity for surrounding development, having regard to:-*
 - (i) *the extent and duration of any overshadowing;*
 - (ii) *privacy and overlooking impacts;*
 - (iii) *impacts upon views;*
 - (iv) *building character and appearance; and*
 - (v) *building massing and scale relative to its surroundings.*

The proposal fails Overall outcome 2(a) by virtue of exceeding the nominated 8.5m height limit for the site. It also does not meet Overall outcome (b) as the 'preferred built form character' is considered to be the height as set by the Planning Scheme Overlay and also that provided by the Local Plan Area Code (i.e. *consistent with and reflect the character of the.....local plan area*). The majority of the local plan area has established as either, typical detached housing, a Retirement facility, industrial uses, or rural

residential style properties. Typically, a 12m high, 3-storey residential building would not likely be consistent with the established character in the locale.

The reasonable expectations of the local community could be considered to be the provisions set by the planning scheme, but also in consideration of direct amenity and /or character impacts to the locality. Fundamental to this is addressing Overall outcome (e) and how a reasonable person may consider those matters (i) through (v) as affecting their amenity. This is discussed further below.

Nonetheless, by virtue of the proposed 12m building not meeting Overall outcome 2(a), the proposal already fails the Overlay code. However, the *Planning Act 2016* provides for the assessment manager to have regard to any other 'relevant matter' when assessing an impact assessable development application. Hence it is pertinent to consider any other matters relevant to the subject site and proposed development to determine if they could be used to justify the above noted non-compliances with the Overlay code.

In this regard, there are two considerations which the applicant has put forward to justify support for a 12m high Residential care facility on the site. Firstly, that there are no adverse visual impacts likely to result from the development and second, that the Planning Scheme has previously been amended to allow Residential care facilities (exclusively) to be either 12m or 15m high at other locations, to 'accommodate emerging trends in aged care'.

These Planning Scheme amendments were facilitated via a change to the height overlay mapping for certain approved Residential care facilities in particular locations where regard had been given to amenity and character considerations. It is not considered, however, that this should necessarily be a 'blanket' approach for all Residential care facility developments. The appropriateness of such additional height needs to be considered in the context of the locale in which the use is to be situated.

For the proposed development, a Visual Impact Analysis was provided with the application and has been considered as part of this assessment. Council's Urban Design specialist was also referred to critique the Visual Impact Analyses and to prepare a 3D computer model for the proposed development so that the additional proposed height and resulting building bulk could be considered in greater detail.

The viewshed analysis and 3D computer modelling indicated that any potential visual impacts resulting from a 12m high built form on the subject site would be most noticeable from Whites Road, proximate to the development site, whilst the more distant surrounding view impacts (i.e. measured generally within a 3km radius of the subject site) would be negligible when compared to a height compliant (8.5m) development, due in part to the existing vegetation and the undulating topography in the general area.

Figures 7 and 8 below compares the visual effect as seen from Whites Road of a 3D building envelope covering the entire site (yellow) for a 12m high building compared to the height compliant, 8.5m (red) iteration.

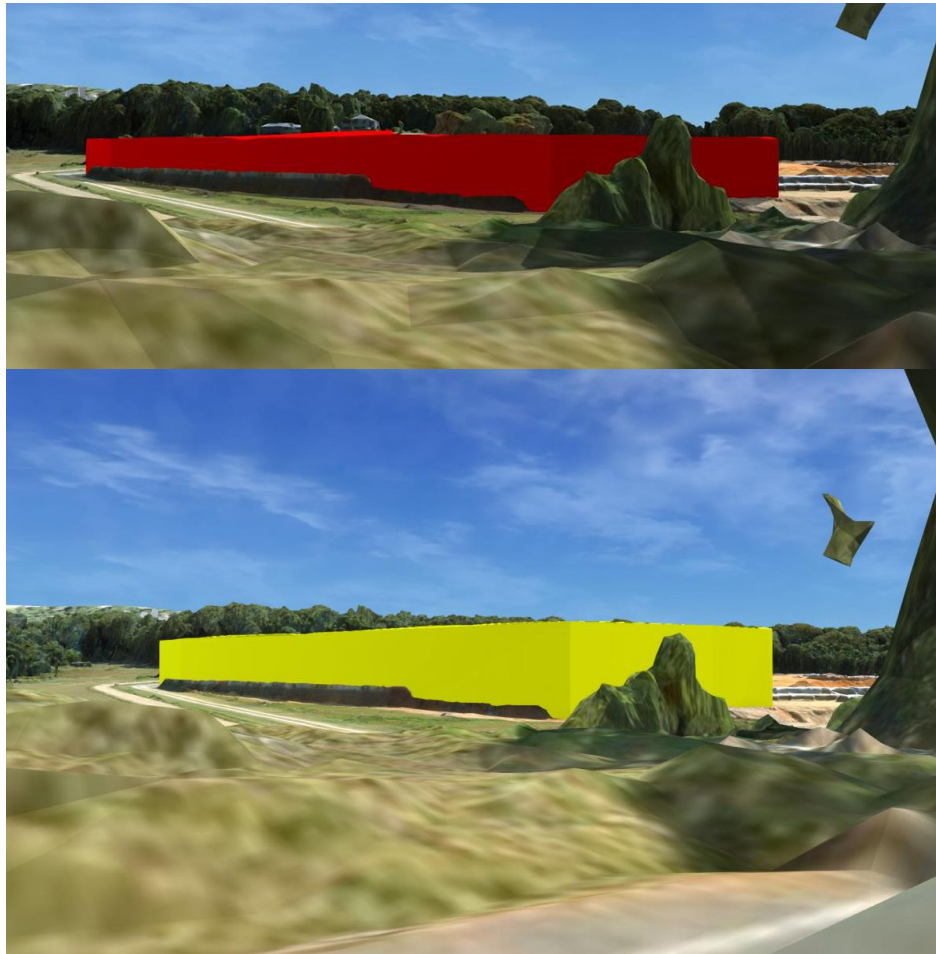


Figure 7 – 8.5m high (red) compared to 12m high (yellow) building as viewed from Whites Road south west toward the development site



Figure 8 — 8.5m high (red) compared to 12m high (yellow) building as viewed from Whites Road south toward the development site

Figure 9 (below) indicates the visual effect of a 12m high building as viewed from an elevated position further to the south. Note that the modelled 3D building envelope shown does not account for any setbacks, landscaping or other built form aspects but generally identifies the 'maximum' bulk and scale possible of a future development.

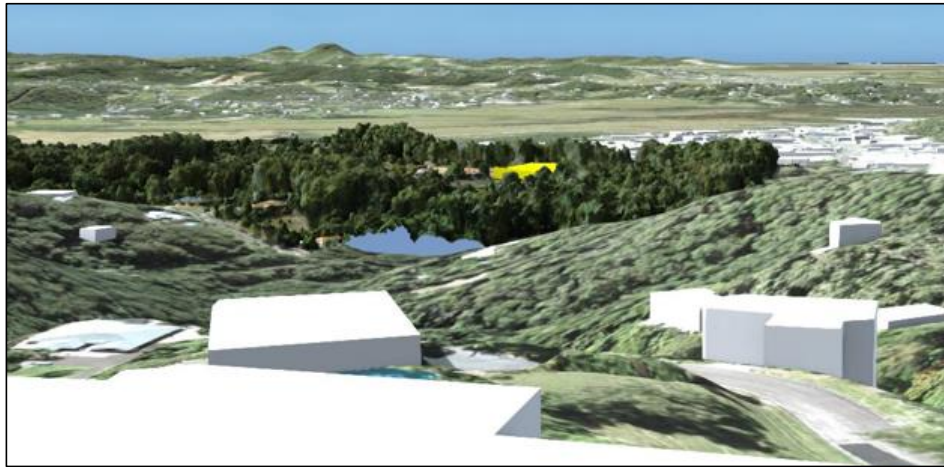
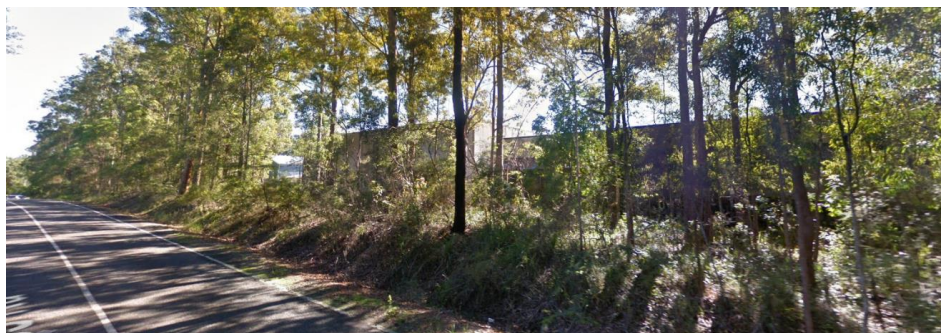


Figure 9 — view from Mons School Road (about 1.4km south of subject site)

In essence, the above figures illustrate that while the proposed 12m building height is contributing toward general building bulk and scale directly in front of the site, more distant views and associated visual impacts are less noticeable. Whilst the proposed variation to the height would introduce a building typology which is not currently present in the area surrounding the subject site (i.e. a multi-storey residential building), a 12m tall building would not likely create a significantly different visual impact over and above a compliant (8.5m high) building, with the 12m high building sitting essentially at the tree line behind (refer Figures 7 and 8).

With reference to Overall outcome (2)(e) of the *Height of buildings and structures overlay code*, it is considered that the proposed 12m high building would not create any overshadowing to nearby sensitive uses (over and above a height compliant building) as it is sufficiently separated. It also would not create any additional privacy or overlooking concerns due to its specific location within the context of surrounding uses. Moreover, the proposed 12m high structure would not likely impact any existing views from any nearby properties.

In terms of the existing character of the locality, it is unlikely that the additional 3.5m of building height would significantly detract from the character and appearance of the area. The massing and scale of the building would be quite different to existing development on the southern side of Whites Road, however, it is recognised that there exists an industrial estate immediately to the north which contains examples of larger building bulk, notwithstanding the substantial vegetation located along the Whites Road verge (refer Image below).



Additional screening vegetation could be planted between the proposed building and the road, which would assist in relieving any visual impact from the proposed building, as occurs with the nearby industrial estate. Overall, the visual impacts are not considered to be so great as to cause a significant loss of amenity in the locale.

Despite the proposed building height of 12m failing Overall outcome 2(a) of the *Height of buildings and structures overlay code*, it is considered that the above discussion demonstrates that other relevant matters exist sufficient to warrant support for the 12m building height. This includes, in part, the following justification provided by the applicant:

- *The proposed development forms a logical co-location of Residential Aged Care next to the previously approved Retirement Facility by the same applicant, which will provide a balance holistic care node in which ageing in place can be achieved;*
- *The proposed Residential Care Facility is considered to be a consistent use in the Emerging Communities zone and the Forest Glen / Kunda Park / Tanawha Local Plan Area;*
- *The proposed variation is considered to be consistent with the controlling local planning instruments;*
- *The proposal achieves compliance with the Performance Outcomes of the applicable codes, with no conflicts observed;*
- *The proposed variation represents a significant economic driver for the area and results in the location of an important use for the surrounding community;*
- *The proposal is in accordance with previous master planning undertaken over the subject site.*

It is an accepted principle that co-locating Residential care facility uses next to a Retirement facility is preferable. Hence, the proposed Residential care facility adjacent to the Retirement facility currently under construction is a logical consideration. The Emerging community zone typically provides for master planning to occur to ensure the orderly arrangement of uses within a given precinct. Although no such master planning has occurred over the subject land, the co-location of the use proximate to the Retirement facility is considered consistent with the intent of the Emerging community zone as well as, the intent of the *Forest Glen / Kunda Park / Tanawha Local Plan Area*. Therefore, it would accord with master planning principles.

Insufficient detail about the proposal has been provided to determine whether the proposal would achieve compliance with all the *controlling local planning instruments* (i.e. planning scheme codes). Nonetheless, the variation request seeks that design

matters would be subject to a future (code assessable) Material Change of Use application, which would enable consideration of such building design matters. The applicant's statement that the proposal '*achieves compliance with the Performance Outcomes of the applicable codes, with no conflicts observed*' is dubious because there is one obvious non-compliance being considered, being building height. However, it is considered that compliance with other Performance outcomes could readily be achieved (to be assessed as part of a future application).

Whether or not the proposal would constitute a *significant economic driver for the area and results in the location of an important use for the surrounding community*, has not been substantiated, although, it is quite conceivably the case.

Although the applicant did not provide any specific information to justify that a 12m tall Residential care facility building is necessary, it is generally recognised that such uses can operate more efficiently via a more compact, vertical form. This is largely validated by the Council's previous endorsement of various Residential care facilities throughout the Local Government Area being permitted to establish up to 12m or 15m. Consultation with Council's Strategic Planning Branch has confirmed this position and that establishment of a Residential care facility on the subject land is likely appropriate in the circumstances. Matters pertaining to the appropriateness of the use on the subject land are discussed in detail below.

The subject development application seeks a variation to the Planning Scheme in accordance with the *Planning Act 2016*. As such, a Variation Approval varies the effect of a local planning instrument relevant to the subject site and can establish new categories of assessment and assessment benchmarks for development. It effectively has a similar effect as amending a Planning Scheme. In this case, if approved, a variation approval permitting a 12m high Residential care facility will provide only for an increase in building height for that particular use on the nominated site along with proposed development parameters to be included in a Plan of Development to mitigate the appearance of building bulk and scale. Hence, the assessment of a variation request is a site specific exercise and the outcome of a variation approval is therefore, not relevant to development of any other properties.

APPROPRIATENESS OF THE PROPOSED USE ON THE SUBJECT LAND

Despite the above, the suitability of establishing a Residential care facility on the subject land must be considered as it is not identified as a consistent use in the Emerging community zone, primarily because such land is typically intended to be master planned.

The purpose of the Emerging community zone is to *ensure that development is designed and coordinated to achieve safe, healthy and sustainable new urban communities which:-*

- (a) *are well integrated with existing communities;*
- (b) *deliver affordable living opportunities;*
- (c) *provide an appropriate mix and arrangement of activities; and*
- (d) *provide a best practice benchmark for ecological sustainability and the implementation of environmental enhancement and rehabilitation programs.*

A Residential care facility on the subject land would achieve parts (a) and (c) above, while parts (b) and (d) are not particularly relevant in this case.

It is noted that the area subject to the proposed Variation Request is approximately 6,700m², so is likely sufficient in area to accommodate a Residential care facility use. To better determine the potential suitability of the proposed use on the site, consideration of other planning scheme provisions is pertinent.

The proposed variation request seeks to allow a Residential care facility to be established on the site as a code assessable use, which would be assessable against the following codes:

- *Forest Glen/Kunda Park/Tanawha Local Plan Code*
- *Emerging Community Zone Code*
- *Residential Care Facility and Retirement Facility Code*
- *Prescribed other development codes*

Use of the land for purposes of a Residential care facility does not meet Performance outcome PO16 (a) of the *Forest Glen/Kunda Park/Tanawha Local Plan Code*, which states:

Development in the Emerging community zone (south of Old Maroochydore Road, Buderim):-

- (a) *provides for retirement facilities and other appropriate forms of low density housing that are compatible with the character and amenity of the locality;.....*

The proposed use is not a Retirement facility, nor another form of low density housing. Therefore, regard must be had to the Purpose and overall outcomes of the code. Purpose statements 2(a) and (i) are relevant:

- (a) *The Forest Glen/Kunda Park/Tanawha local plan area is maintained predominantly as a rural and bushland rural residential area with important industry areas, major community facilities and other forms of urban development limited to nodes on the northern and western margins of the local plan area.*
- (i) *Development in the Emerging community zone south of Old Maroochydore Road provides for retirement facilities and low density residential uses that are compatible with existing residential development in the locality and are appropriately buffered and separated from the Kunda Park Industrial Estate to mitigate potential land use conflicts. Development in this part of the Emerging community zone contributes to the upgrading of the Old Maroochydore Road/Whites Road intersection and provides for a local road network that promotes connectivity and accessibility, including to supporting services and facilities in the Buderim and Forest Glen activity centres.*

The subject site is located in the northern portion of the Local Plan Area and the development is urban, hence, Part (a) is met. In relation to Part (i), the proposal land use is able to be appropriately buffered / separated from the adjacent industrial estate by virtue of the drainage easement that is to be established over the northern part of the subject site, as required by the approval that established the Retirement facility to the west. The proposed plan of development identifies this constraint and as such, the future development would be clear of it. Further, necessary upgrades to the Old Maroochydore Road/Whites Road intersection has been conditioned (via DTMR) as part of the adjacent development. It is not likely that further upgrades over and above these would be required, however, if so required, they could be considered as part of future Material Change of Use approval for development of the site.

Despite the above points, Part (i) requires development in the Emerging community zone comprise *low density residential uses that are compatible with existing residential development in the locality*. It is pertinent to note that Residential care facilities are identified as consistent uses in the Low density residential zone. Hence, given the statements in the Local plan code specifically providing for a Retirement facility to establish in the precinct, it is apparent that the subject Emerging community zoned land is intended to develop akin to traditional low density residential zoned land. Given that the co-location of aged care (Residential care facilities) with Retirement facilities is desirable, it is considered that the proposal meets the intent.

Overall it is considered that the establishment of a Residential care facility on the subject land is consistent with the intent of the Emerging Community zone, as it applies to the land, and the *Forest Glen/Kunda Park/Tanawha Local Plan Area*, because it:

- is on land that is well connected to the other parts of the urban fabric as well as planned future development;
- provides for an appropriate mix of land uses; and
- adjoins an existing Retirement facility (which would facilitate the ability to 'age in place').

Bulk and scale considerations

Given Residential care facilities are often typically larger (institutional-type) buildings, it is necessary that such a building remains consistent with the existing and preferred character of the local plan area in which they sit. As discussed above in relation to building height matters, the bulk and scale of the future Residential care facility has the potential to be cumbersome (refer Figures 5 and 6).

The *Building Scale, Bulk and Streetscape Appearance* provisions of the Residential care facility and retirement facility code provides the preferred built form outcomes (such as site cover, setbacks, building length, etc) for such uses. Generally, Acceptable outcomes AO5.1 through AO6.3 of the Code provide the 'preferred' or 'deemed to comply' provisions intended to regulate built form of development.

These Code provisions would be applicable when seeking a Development Permit for the proposed use. However, it is noted that the developable portion of the site (as identified in the proposed Plan of Development) is approximately 120m long. This could result in a very long solid building, which could present 'out of character' with the locality. Moreover, the character of the immediate surrounds is also made up of semi-rural style allotments and large tracts of vegetation, as well as the Retirement facility currently under construction.

It is considered that the maximum density able to occur on the subject site would be self-limiting through the provisions of built form controls. Given the nature of the proposed use (aged care), traffic impacts as they relate to density are not considered to be significant. Thus, regulation of a maximum density is not necessary. Nonetheless, to ensure that character is not compromised, particular built form provisions should be instituted to ensure the future development is respectful of the existing and intended character.

The applicant's information request response suggests that the provisions of the *Residential care facility and retirement facility code* will inform the future built form outcome on the site. To achieve an appropriate building scale and massing, those

provisions of the Code relating to site cover, landscaping and setbacks should be used to set the built form outcome for the site. It is therefore, recommended that the Plan of Development include Development Controls should any Variation Approval be granted. The recommended Development Controls are provided at Appendix A – Recommended conditions of approval and Attachment 1 - Annotated Plan of Development).

With implementation of the above provisions, it is considered that the proposal can comply with the Local plan code and generally provide an appropriate built form consistent with the character of the locale.

HYDROLOGY

The application was referred to Council's hydraulics specialist for review of flood and stormwater matters relevant to the proposed development. Council's hydraulic specialist has recommended conditions that ought to be applied should any approval of the subject Variation Request be issued. Their comments are summarised as follows:

Flood hazard overlay code

The extent of the land applying to the variation request and future residential care facility generally accords with the extent of land filled as part of existing Operational Works approvals. All flood impacts associated with this filling were considered in the previous assessment for the approved Retirement Facility to the west.

Given a Residential care facility is a vulnerable use due to the limited mobility of occupants, any further development application seeking to establish the use must demonstrate how it will function without needing evacuation during an extreme flood event, in addition to satisfying the required minimum flood immune floor levels.

Conditions are recommended with respect to flood immunity and flood emergency management. A condition is also recommended regarding securing the drainage easement which is shown on the proposal plans.

Stormwater management code

The site is greater than 2,500m² and consequently, the *Stormwater management code* requires best practice stormwater quality treatment to occur onsite. The Stormwater management code will remain as an applicable code for future Material Change of Use applications.

A condition is recommended to require submission of a Stormwater Management Plan detailing the required stormwater quality system to be submitted with the subsequent Material Change of Use application.

Assessment Benchmarks Related to a Variation Approval

Not applicable.

Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.

South East Queensland Regional Plan (SEQRP)

The development is located within the Urban Footprint of the SEQRP. Having regard to the SEQRP, the development is consistent with the outcomes expressed and sought to be achieved by the SEQRP.

State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the planning scheme.

The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests subject to imposition of the conditions described earlier in relation to dealing with the assessment benchmarks contained within the SPP.

CONSULTATION:

Referral Agencies

The application did not require referral to any Referral Agencies.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was publicly notified for 30 days between 19 May 2021 and 6 July 2021 in accordance with the requirements of the *Planning Act 2016*. No submissions were received during the notification period.

CONCLUSION:

The Variation Request seeks to allow for the establishment of a future Residential care facility as a 'code assessable' use and to increase the maximum building height permitted over the land from 8.5m to 12m where developed for a Residential care facility.

With the implementation of the particular built form development controls recommended in this Report, the request to vary the level of assessment for a future Residential care facility on the land is considered to satisfy the relevant provisions of the Planning Scheme. The recommended built form controls are included such that the future building would not compromise the intended or existing character of the locale and therefore, remain consistent with the intent of both the *Forest Glen/Kunda Park/Tanawha Local Plan Code* and the *Emerging Community Zone Code* as they apply to the land.

In regard to the request to vary the maximum building height allowed over the land from 8.5m to 12m, the assessment has found that there are sufficient 'other relevant matters' to warrant support of the additional 3.5m of building height in this particular location if developed for a Residential care facility. Despite failing Overall outcome 2(a) of the Overlay Code, the proposed building height would not adversely impact upon the visual amenity outcomes sought by the Local Plan Area and would not compromise the established or preferred character of the locale. The potential for any visual impacts are determined to be most notable directly in front of the site, from Whites Road, with more distant views of the proposed building being negligible. Development controls (including substantial screen landscaping) are recommended to minimise any adverse impacts to neighbourhood character and bulk and scale of the future building.

It is considered that the future development would be able to achieve compliance with the:

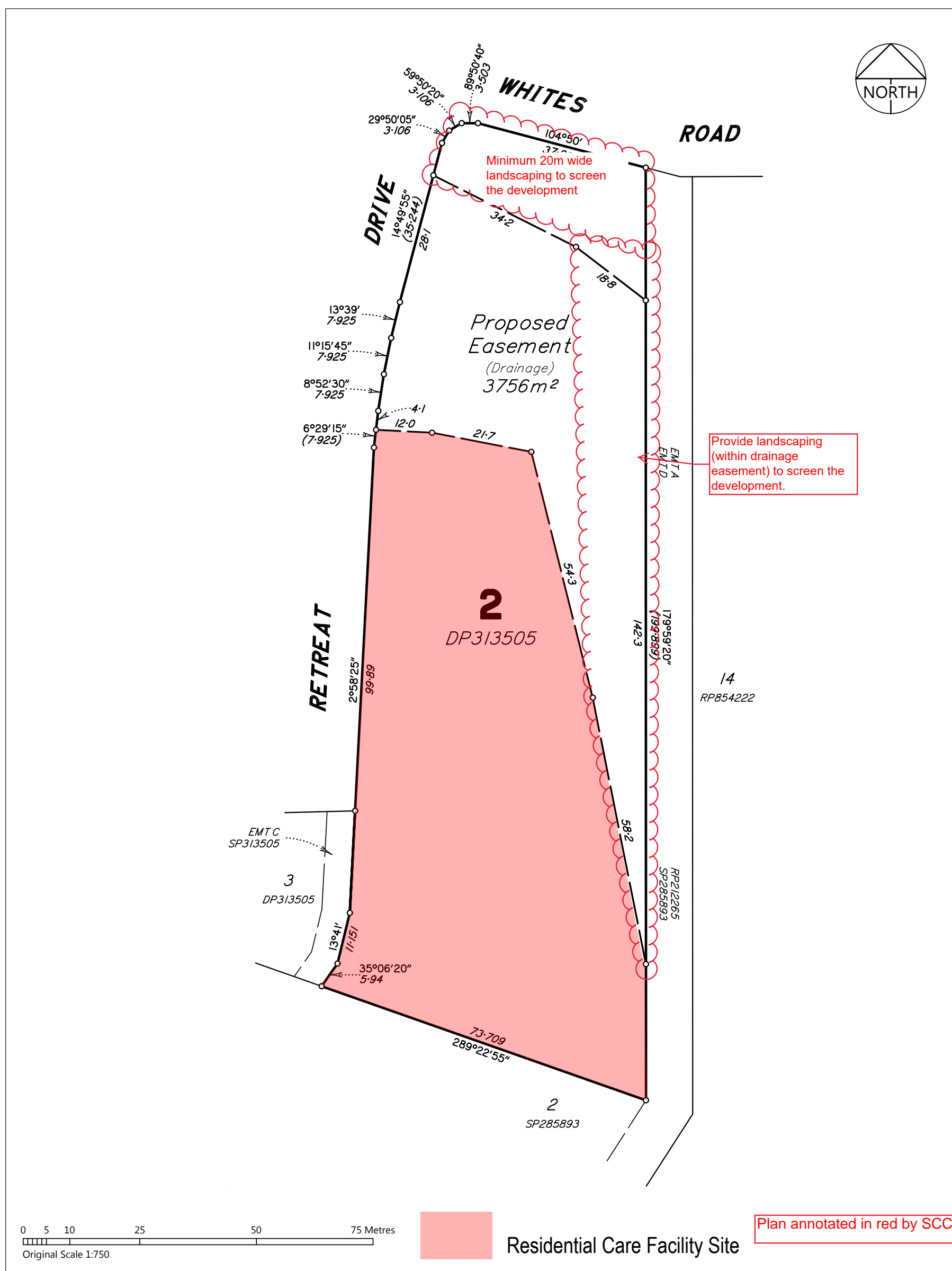
- *Forest Glen/Kunda Park/Tanawha Local Plan Code*;
- *Emerging community zone code*; and
- *Residential care facility and retirement facility code*.

It is therefore considered that the other relevant matters discussed in this Report are sufficient to justify approval and to overcome the conflict with Overall outcome 2(a) of the *Height of buildings and structures overlay code*.

As such, it is recommended that Council:

APPROVE the Variation Request to vary the level of assessment for a Residential care facility from impact assessment to code assessment; and

APPROVE the Variation Request to vary the maximum building height applicable to the site for purposes of a Residential care facility from 8.5m to 12m (maximum 3 storeys).



HALCYON

DATE 121020 DWG NO. 15002.07 SCALE 1:750 @ A3 SHEET 1 OF 1

PLAN OF DEVELOPMENT

LOT 2 ON DP313505 WHITES ROAD, BUDERIM QLD

NOTES				REVISION	DATE	DESCRIPTION
SURVEYED		DATE				
DRAWN	TT	DATE	121020			
COMPUTER FILE 150002.07 BASE-1 (T 2 5931280K 121020)						



**PROJECT
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8.2 DECEMBER 2021 FINANCIAL PERFORMANCE REPORT

File No: Council meetings

Author: Coordinator Financial Services
Business Performance Group

Attachments: Att 1 - December 2021 Financial Performance Report 61  
Att 2 - 2021/22 Capital Grant Funded Project Report December 2021 71  

PURPOSE

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

EXECUTIVE SUMMARY

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

Operating Performance

Table 1: Operating Budget as at 31 December 2021

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	498,433	498,628
Total Operating Expenses	479,602	484,168
Operating Result	18,832	14,460

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

OFFICER RECOMMENDATION

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

FINANCE AND RESOURCING

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

CORPORATE PLAN

Corporate Plan Goal: *Our outstanding organisation*
Outcome: We serve our community by providing this great service
Operational Activity: S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and

asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

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:

- Group Executive Business Performance
- Chief Financial Officer

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 2021/22 Investment Policy and
Sunshine Coast Council's 2021/22 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 16 September 2021 (OM21/87)

That Council:

- (a) *receive and note the report titled "**Budget Review 1 2021/22**"*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2021/22 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*
- (c) *note the following documentation applies as adopted 24 June 2021*
 - (i) *the Revenue Policy*
 - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
 - (iii) *the Revenue Statement and*
 - (iv) *the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Special Meeting Budget 24 June 2021 (SM21/3)

That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2021/22 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 27 May 2021)*
- viii. the Revenue Policy (adopted by Council resolution on 27 May 2021)*
- 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 2021/22 Capital Works Program, endorse the indicative four-year program for the period 2023 to 2026, and note the five-year program for the period 2027 to 2031*
- xii. the rates and charges to be levied for the 2021/22 financial year and other matters as detailed below in clauses 3 to 12*
- xiii. endorse the 2021/22 Minor Capital Works Program*
- xiv. establish a \$5 million internally restricted Disaster Rehabilitation Reserve.*

Related Documentation

2021/22 Adopted Budget

Critical Dates

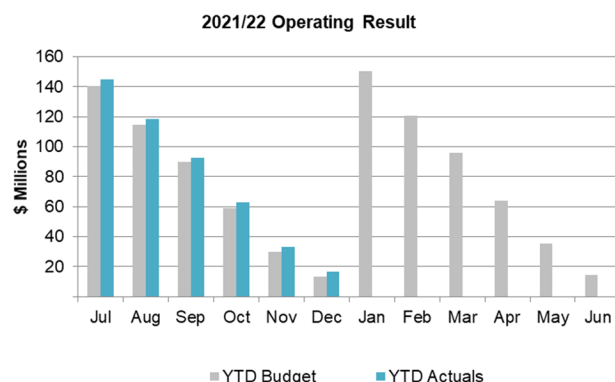
There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.



Statement of Income and Expenses



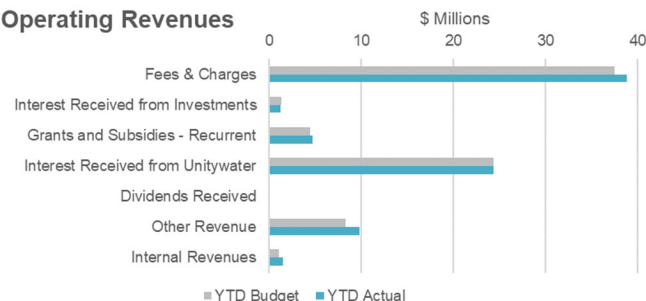
- Council has a positive operating result of \$16.6 million, which is \$3.1 million above the current budget as at 31 December 2021.



Statement of Income & Expenses							
	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
Operating Revenue							
Net Rates and Utility Charges	343,342	343,342	171,038	171,451	413	0.2%	343,342
Fees and Charges	65,577	65,587	37,500	38,839	1,339	3.6%	65,587
Interest Received from Investments	2,550	2,550	1,275	1,179	(96)	(7.5%)	2,550
Operating Grants and Subsidies	15,218	15,397	4,460	4,729	269	6.0%	15,397
Operating Contributions	302	302	274	286	13	4.7%	302
Unitywater Participation	49,838	49,838	24,327	24,327	-	-	49,838
Other Revenue	19,853	19,878	8,264	9,775	1,511	18.3%	19,878
Internal Sales/Recoveries	1,749	1,749	1,017	1,463	446	43.9%	1,749
Total Operating Revenue	498,429	498,643	248,155	252,050	3,896	1.6%	498,643
Operating Expenses							
Employee Costs	156,262	156,889	75,131	74,717	(414)	(0.6%)	156,889
Materials and Services	187,704	190,905	87,815	88,102	287	0.3%	190,905
Finance Costs	12,244	12,244	6,663	6,747	84	1.3%	12,244
Company Contributions	3,615	3,615	3,615	3,615	(0)	(0.0%)	3,615
Depreciation Expense	95,097	95,097	47,548	47,548	(0)	(0.0%)	95,097
Other Expenses	21,884	22,004	10,491	11,275	785	7.5%	22,004
Recurrent Capital Expenses	3,444	3,444	3,392	3,426	33	1.0%	3,444
Total Operating Expenses	480,250	484,199	234,656	235,429	774	0.3%	484,199
Operating Result	18,179	14,445	13,499	16,621	3,122	23.1%	14,445
Capital Revenue							
Capital Grants and Subsidies	19,368	25,804	10,543	10,543	(0)	(0.0%)	25,804
Capital Contributions - Cash	28,631	29,141	19,267	19,268	0	0.0%	29,141
Capital Contributions - Fixed Assets	55,000	55,000	-	-	-	-	55,000
Total Capital Revenue	102,999	109,945	29,811	29,811	(0)	(0.0%)	109,945
Non-recurrent Expenses							
Profit/Loss on disposal, revaluation & impairment	7,048	-	-	2,012	2,012	-	-
Movements in landfill and quarry provisions	4,964	5,583	2,792	2,792	-	-	5,583
Assets Transferred to Third Parties	-	-	-	11	11	-	-
Total Non-recurrent Expenses	12,012	5,583	2,792	4,815	2,023	72.5%	5,583
Net Result	109,166	118,807	40,518	41,617	1,099	2.7%	118,807

Operating Result – December 2021

Operating Revenues



Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	498,429	498,643	248,155	252,050	3,896	1.6%
Operating Expenses	476,806	480,755	231,263	232,004	741	0.3%
Recurrent Capital Expenses	3,444	3,444	3,392	3,426	33	1.0%
Operating Result	18,179	14,445	13,499	16,621	3,122	23.1%
Capital Revenue	102,999	109,945	29,811	29,811	(0)	(0.0%)
Non-recurrent Expenses	12,012	5,583	2,792	4,815	2,023	72.5%
Net Result	109,166	118,807	40,518	41,617	1,099	2.7%

As at 31 December 2021, \$252 million operating revenue had been achieved which is \$3.9 million more than current budget.

Substantial Revenue Variance for the Period Ending 31 December 2021

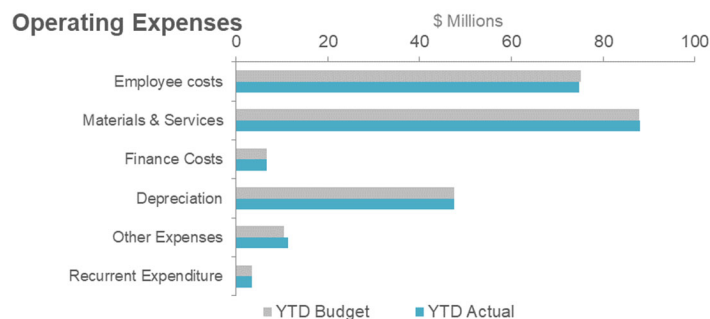
	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
Operating Revenue							
Fees and Charges	65,577	65,587	37,500	38,839	1,339	3.6%	65,587
Other Revenue	19,853	19,878	8,264	9,775	1,511	18.3%	19,878



Significant revenue variances:

- **Fees and Charges** – Sunshine Coast Stadium Events revenue is above budget by \$869,000.
- **Other Revenue** – Additional revenue of \$843,000 has been received above budget for the sale of recycled metal materials at Council's resource recovery centres. An environmental offset payment of \$420,000 has also been received from the Department of Transport and Main Roads.

Operating Result – December 2021 (continued)



Operating Summary						
	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	498,429	498,643	248,155	252,050	3,896	1.6%
Operating Expenses	476,806	480,755	231,263	232,004	741	0.3%
Recurrent Capital Expenses	3,444	3,444	3,392	3,426	33	1.0%
Operating Result	18,179	14,445	13,499	16,621	3,122	23.1%
Capital Revenue	102,999	109,945	29,811	29,811	(0)	(0.0%)
Non-recurrent Expenses	12,012	5,583	2,792	4,815	2,023	72.5%
Net Result	109,166	118,807	40,518	41,617	1,099	2.7%

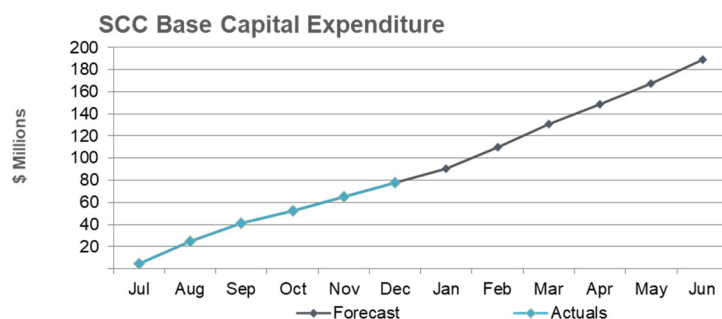
Substantial Expenditure Variance for the Period Ending 31 December 2021

	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
Materials and Services	187,704	190,905	87,815	88,102	287	0.3%	190,905
Other Expenses	21,884	22,004	10,491	11,275	785	7.5%	22,004

As at 31 December 2021, \$235.4 million of the \$234.7 million budget year to date had been expended which resulted in an overspend of \$774,000

- Employee expenses remain below budget for December with an underspend of \$414,000.
- Council's operational expenditure remains within 1% of the budget year to date

Capital Expenditure - December 2021

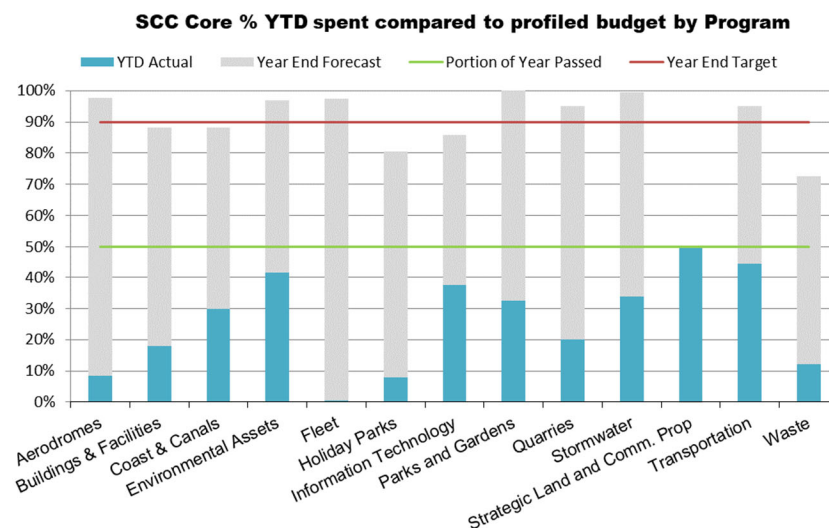


- As at 31 December 2021, \$107.2 million of Council's \$315.2 million Capital Works Program was financially expended.
- The Core Capital Program has progressed 32% of budget, an actual spend of \$63.3 million.
- Corporate Major Projects progressed 36.7%



Capital Expenditure						
	Annual		YTD		Year End	
	Original Budget \$'000s	Current Budget \$'000s	Actuals \$'000s	% of FY Budget Spent	Forecast Year End Actual	Forecast Year End Variance to Budget
Aerodromes	200	225	19	8.5%	220	(5)
Buildings and Facilities	12,663	13,045	2,338	17.9%	11,492	(1,553)
Coast and Canals	3,125	3,545	1,061	29.9%	3,127	(418)
Environmental Assets	1,800	1,579	655	41.5%	1,531	(48)
Minor Works	4,495	4,089	1,414	34.6%	3,689	(401)
Fleet	3,250	3,250	15	0.5%	3,163	(87)
Holiday Parks	2,540	2,544	202	7.9%	2,050	(494)
Information Technology	6,620	8,522	3,201	37.6%	7,313	(1,209)
Parks and Gardens	17,697	19,611	6,342	32.3%	19,738	126
Quarries	635	657	132	20.1%	625	(32)
Stormwater	8,201	7,525	2,536	33.7%	7,485	(40)
Transportation	86,848	90,130	40,178	44.6%	85,639	(4,491)
Waste	40,641	42,952	5,211	12.1%	31,220	(11,732)
Total SCC Core Capital Program	188,714	197,674	63,304	32.0%	177,291	(20,383)
Corporate Major Projects	60,425	72,661	26,663	36.7%	65,775	(6,886)
Strategic Land and Commercial Properties	19,383	31,900	16,042	50.3%	12,695	(19,205)
Maroochydore City Centre	553	1,470	477	32.4%	477	(993)
Sunshine Coast Airport Runway	-	11,460	754	6.6%	5,262	(6,198)
Total Other Capital Program	80,361	117,492	43,936	37.4%	84,208	(33,283)
TOTAL	269,075	315,166	107,240	34.0%	261,500	(53,666)

Capital Expenditure - December 2021 (continued)



Buildings and Facilities

- A contract has been awarded for the detailed design of a new library and community centre at Sippy Downs

Fleet

- Delays are being experienced in the procurement of heavy plant equipment.

Holiday Parks

- Council has entered into a \$1.4 million contract for the replacement of amenities at the Coolum Beach holiday park.

Stormwater

- Council's \$1.5 million stormwater pipe relining program has progressed 38% complete

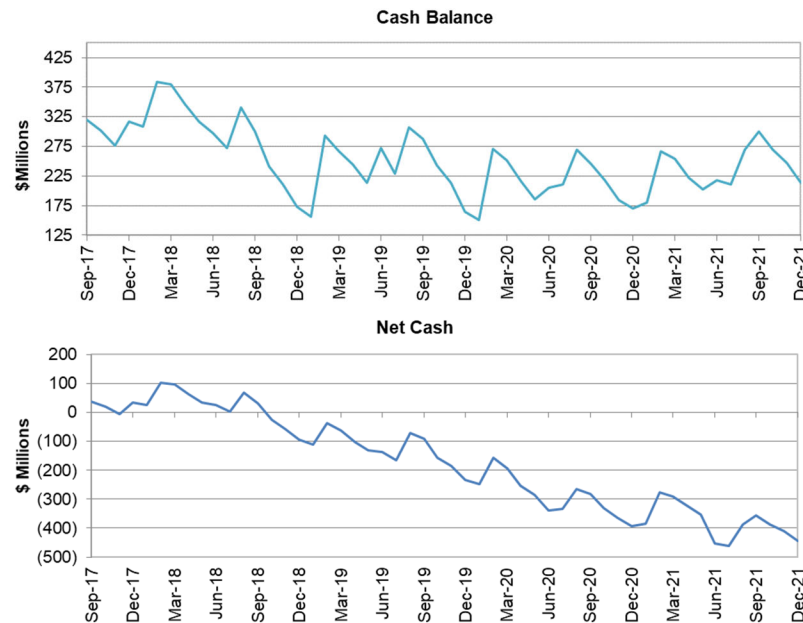
Transportation

- Council's \$23.1 million road resurfacing and rehabilitation program has progressed 50% for November with a total expenditure of \$11.7 million.
- Council's \$1.9 million bus stop program has progressed 56% for November with a total expenditure of \$1.1 million.
- Construction continues for Council's major transport corridor upgrade at Brisbane Road Mooloolaba, while community consultation is underway for the Caloundra Transport Corridor Upgrade

Waste

- Council has entered into \$20 million contract in October for the design and construction of a new material resource facility at the Nambour resource recovery centre.

Cash Flows and Balance Sheet



Cash and Balance Sheet - December 2021		Original Budget \$000s
CASH FLOWS		
Opening Cash		186,095
Net Cash Inflow/(Outflows) from:		
Operating Activities		66,159
Investing Activities		126,453
Financing Activities		(187,393)
Net Increase/(decrease) in Cash Held		5,219
Cash at year end		191,314
BALANCE SHEET		
Current Assets		246,160
Non Current Assets		6,290,967
Total Assets		6,537,127
Current Liabilities		120,894
Non Current Liabilities		537,476
Total Liabilities		658,370
Net Community Assets/Total Community Equity		5,878,757

- Council's cash at 31 December 2021 is \$214 million
- Council's debt at 31 December 2021 is \$657 million

Debt

Sunshine Coast Council's debt program is governed by the 2021/22 Debt Policy, which was adopted with the Original Budget adoption on 24 June 2021 and revised at the 16 September 2021 Ordinary Meeting.

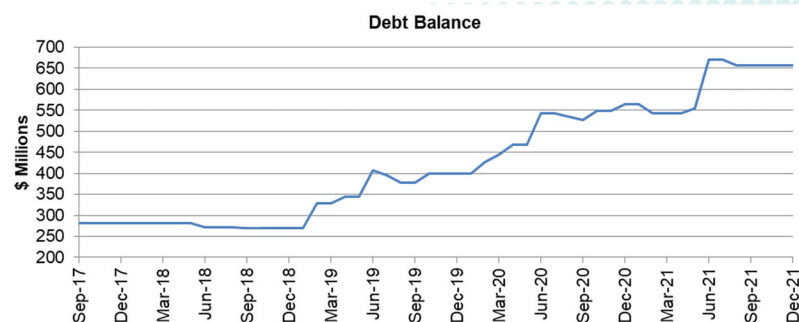
New borrowings are undertaken in accordance with the Queensland Treasury Corporation Guidelines, the Statutory Bodies Financial Arrangements Act 1982 and Section 192 of the Local Government Regulation 2012.

Table 1 includes Sunshine Coast Council's budgeted debt balance for 2021/22 following Budget Review 1 adoption in September 2021.

Debt - 2021/22

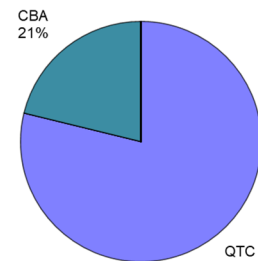
	Opening Balance	Debt Redemptions	New Borrowings	Closing Balance
	\$000	\$000	\$000	\$000
Sunshine Coast Council Core	257,375	11,672	96,461	342,164
Sunshine Coast Airport Expansion Project	265,004	265,004	-	-
Maroochydore City Centre	144,034	6,701	-	137,333
Sunshine Coast International Broadband Network	10,328	922	-	9,406

Table 1: 2021/22 Adopted Debt Balance

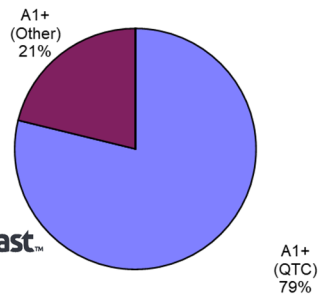


Investment Performance

Investment per financial institution (%)



Investment by Standard & Poor's (Short Term Credit Rating)



Investment Performance - December 2021									
Liquidity as at:				31/12/2021				Term deposits maturing:	
				\$'000's				\$'000's	
At-call accounts									
QTC + CBA (excl. trust)				203,585	95.10%			within 30 days	-
								30-59 days	-
								60-89 days	-
Maturities within 7 days				-	0.00%			90-179 days	-
Total at-call				203,585	95.10%			180-364 days	-
Investment Policy Target					10.00%			1 year - 3 years	-
								Total	-
INVESTMENT SUMMARY (including Trust) as at:									
		31/12/2021		30/09/2021		31/12/2020		Investment Policy	
								Individual Limit	Group Limit
A1+ (QTC)		168,743	79%	284,140	94.6%	129,008	75.7%	100%	100%
A1+ (Other)		45,340	21%	16,277	5.4%	36,492	21.4%	40%	100%
A1		-	0%	-	0.0%	5,000	2.9%	30%	50%
A2		-	0%	-	0.0%	-	0.0%	30%	45%
A3		-	0%	-	0.0%	-	0.0%	5%	10%
Total Funds		214,083		300,417		170,501			
FUND SUMMARY									
General Funds		203,585		288,170		159,692			
Trust Funds		10,498		12,246		10,809			
Total Funds		214,083		300,417		170,501			







2021/22 Financial Year Grant Funding							
	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
Federal Government						(\$13,590)	\$5,238
1	Roads to Recovery Program	Agreement end date 30 June 2022				(\$4,800)	
	Blackspot Funding	Agreement end date 30 June 2022				(\$1,009)	\$17
2	K2081 - BlackSpot Blackall Range Road West Woombye	Division 05	West Woombye	April 2022	June 2022	(\$157)	\$4
3	K2083 - BlackSpot Wust Road DOONAN - East of Regency Road - Stage 1	Division 09	Doonan	On Hold	On Hold	(\$149)	\$1
4	K2085 - BlackSpot Edmund St and William St Intersection Shelly Beach	Division 02	Shelly Beach	April 2022	June 2022	(\$143)	\$12
5	K2394 - BlackSpot Wust Road DOONAN - East of Regency Road - Stage 2	Division 09	Doonan	On Hold	On Hold	(\$560)	\$0
	Local Road and Community Infrastructure Grant Funding - Round 2	Agreement end date 30 June 2022				(\$7,781)	\$5,221
6	H3790 - LRCIP2 - Citrus Road Gravel Road Upgrade	Division 05	Palmwoods	August 2021	February 2022	(\$2,100)	\$1,694
7	H3799 - LRCIP2 - Zgrajewski Road Gravel Road Upgrade	Division 09	Yandina Creek	January 2022	May 2022	(\$2,200)	\$82
8	H3800 - LRCIP2 - Cupania Street East Stage 2 Kerb and Channel	Division 08	Mudjimba	May 2021	November 2021	(\$475)	\$785
9	H3941 - LRCIP2 - Crosby Hill Road Pathway	Division 07	Buderim	July 2021	December 2021	(\$709)	\$564
10	H4223 - LRCIP2 - Scholars Drive to Columbia Street - Road Link	Division 06	Sippy Downs	February 2022	April 2022	(\$450)	\$78
11	H4592 - LRCIP2 - Lees Road Western Section Gravel Road Upgrade	Division 10	Bridges	August 2021	December 2022	(\$650)	\$886
12	H9360 - LRCIP2 - Railway Street Service Road	Division 01	Landsborough	July 2021	August 2021	(\$130)	\$152
13	K1484 - LRCIP2 - Meridan Way Lighting	Division 03	Meridan Plains	November 2021	November 2021	(\$250)	\$217
14	K1492 - LRCIP2 Spray Seal - Old Gympie Road Resurfacing	Division 01	Glass House Mountains	October 2021	October 2021	(\$168)	\$88
15	K1493 - LRCIP2 Spray Seal - Bald Knob Road	Division 05	Peachester	October 2021	October 2021	(\$196)	\$90
16	K1495 - LRCIP2 Asphalt - Mountain View Road	Division 05	Maleny	October 2021	October 2021	(\$462)	\$586
State Government						(\$12,501)	\$10,698
	Queensland Transport and Roads Investment Program	Agreement end date 30 June 2022				(\$8,000)	\$5,947
17	H3747 - Mooloolaba Transport Corridor - D and C	Division 04	Mooloolaba		November 2023	(\$8,000)	\$5,947
	Unite and Recover Stimulus Package	Agreement end date 30 June 2021				(\$1,675)	\$4,612
18	B4741 - Place Making Mooloolaba Master Plan	Division 04	Mooloolaba	February 2021	August 2021	(\$1,600)	\$4,584
19	H9821 - Albany Lakes Park Sippy Downs Play Space Precinct Upgrade	Division 06	Sippy Downs	April 2021	July 2021	(\$75)	\$28
	20 Bus Stop Shelter Program	Agreement end date 30 June 2022				(\$247)	
	21 Passenger Transport Accessible Infrastructure Program	Agreement end date 30 June 2022				(\$679)	
	22 Passenger Transport Infrastructure Investment Program	Agreement end date 30 June 2022				(\$145)	
	Transport Infrastructure Development Scheme	Agreement end date 30 June 2022				(\$210)	\$0
23	K1314 - Bli Bli State School Precinct Active TIIP	Division 09	Bli Bli	April 2022	May 2022	(\$200)	\$0
24	K2436 - TIDS Talara School Precinct - Active TIIP	Division 03	Currimundi	July 2021	July 2021	(\$10)	\$0
	South East Queensland Community Stimulus Program	Agreement end date 30 June 2024				(\$1,545)	\$140
25	H1670 - First Avenue Streetscape	Division 04	Maroochydore		November 2023	(\$100)	(\$5)
26	H0956 - SEQCSP Mooloolaba to Alex Bluff Recreation	Division 04	Alexandra Headland			(\$100)	\$0
27	H9957 - SEQCSP Buderim Village Park Buderim Stage 9	Division 07	Buderim			(\$150)	\$27
28	K1618 - SEQCSP Caloundra Indoor Sports Stadium - Roof Replacement	Division 02	Caloundra	January 2022	June 2022	(\$350)	\$19
29	K1898 - SEQCSP Parkyn Parade Pedestrian Facilities	Division 04	Mooloolaba	December 2021		(\$145)	\$25
30	K2259 - SEQCSP Albany Lakes Park Play Upgrade Stage 2	Division 06	Sippy Downs	August 2021		(\$250)	\$39
31	K2406 - SEQCSP Turner Park Beerwah Activation Stage 2	Division 01	Beerwah	February 2022	March 2022	(\$100)	\$4
32	K2449 - SEQCSP North Shore Multi-Sports Complex	Division 08	Pacific Paradise		April 2022	(\$50)	\$3
33	K2478 - SEQCSP Palmwoods Warriors Football Club	Division 05	Palmwoods	February 2022	March 2022	(\$50)	\$3
34	K2843 - SEQCSP Landsborough Streetscape - Stage 2	Division 01	Landsborough	April 2022	October 2023	(\$250)	\$24

8.3 DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LAND AT 176 BALLINGER ROAD, BUDERIM

File No: Council meetings

Author: Senior Property Officer
Business Performance Group

Attachments:

Att 1 - Aerial Map.....	79	↓	
Att 2 - Locality Plan.....	81	↓	
Att 3 - Easement Location Plan.....	83	↓	
Att 4 - Easement A Survey Plan 330789	85	↓	

PURPOSE

To seek Council approval of an exception under Section 236 of the *Local Government Regulation 2012* to dispose of land (via easement) for private drainage infrastructure over a portion of Council owned land at 176 Ballinger Road, Buderim (the Ballinger Park Sporting Complex).

EXECUTIVE SUMMARY

This report seeks an exception from Council to dispose of land by way of easement. Council owns in freehold the land located at 176 Ballinger Road, Buderim legally described at Lot 2 RP27916. Devcon Capital 8 Pty Ltd (Devcon) own the adjoining land at 1 Power Road, Buderim legally described as Lot 1 RP27916.

Devcon have requested that Council agree for an easement to be granted over Council's land to allow for the installation of private stormwater pipes to support the drainage requirements of the future residential unit development to be constructed at 1 Power Road, Buderim.

An exception is being sought from Council under Section 236 of the *Local Government Regulation 2012*, to permit the disposal of an interest in land (by way of easement), other than by tender or auction. An exception to dispose is applicable and complies with the Regulation in this instance as the disposal:-

- is to a person who owns the adjoining land and
- the adjoining owner has agreed to the payment of compensation to be determined by a current market valuation.

At present, Council have not identified any future uses, requirement or developments which would prevent the easement from proceeding.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Disposal (easement) of Part of Council Freehold Land at 176 Ballinger Road, Buderim" and
- resolve, pursuant to section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest (easement) in land over part of Council freehold Lot 2 RP27916, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(c)(iv) the land is disposed of to a person who owns adjoining land.

FINANCE AND RESOURCING

The owner of Lot 1 will be responsible for all costs in relation to the proposed drainage easement which are expected to include compensation, preparation of the easement documentation and survey plans, the preparation of compensation assessments, and Titles Queensland registration fees to register the dealings.

The compensation for providing an easement over Council's land will be equal to or above that of the market value of the interest in land and will be undertaken by an independent registered valuer pursuant to Section 236(3) and 236(5) of the *Local Government Regulation 2012*. In the event an exemption to the disposal is granted, the Property Management Branch will commission an independent compensation assessment for the diminished value of the encumbered land.

There are no direct or ongoing costs to Council in relation to the proposal.

CORPORATE PLAN

Corporate Plan Goal: *Our service excellence*

Outcome: We serve our community by providing this great service

Operational Activity: S21 - Property management – comprehensive management of Council's land and building assets to ensure that Council's property dealings are optimised, centrally managed, and support Councils objectives.

CONSULTATION

Councillor Consultation

- Councillor E Hungerford – Division 7 Divisional Councillor
- Councillor R Baberowski – Community Portfolio Councillor
- Councillor D Law – Community Portfolio Councillor

Internal Consultation

- Head of Property, Property Management
- Manager Leasing & Land Management, Property Management
- Senior Property Officer, Property Management
- Strategic Planner, Strategic Planning
- Environment Project Officer, Environment and Sustainability Policy
- Coordinator, Strategic Property
- Manager, Transport and Infrastructure Planning
- Stormwater Services Manager, Transport Infrastructure Management
- Coordinator, Asset Strategy
- Senior Development Engineer (Hydraulics), Development Services
- Coordinator, Recreational Projects
- Project Officer, Environmental Operations
- Parks Technical Officer, Open Space
- Special Projects Coordinator, Design & Place Making Services
- Senior Project Engineer, Major Urban Developments

- Managers Assistant, Customer Response
- Aviation & Aerospace Lead, Economic Development

External Consultation

Council's Property Management Branch has liaised with Devcon and Innovative Planning Solutions (owner and consultant of the adjoining land) in relation to the requirement for the registration of a drainage easement within Council's Land.

Notice of the proposed Easement has been provided to Lessee's who have a proximity interest being:-

- Buderim Horse and Pony Club Inc. and
- Sunshine Coast Square Dancing Centre Inc.

Community Engagement

Due to the administrative nature of this report, no community engagement has been undertaken or is required.

PROPOSAL

The land located at 176 Ballinger Road, Buderim is owned by Council in freehold ('Council's land'). The Council's land is legally described at Lot 2 on RP27916 and comprises of the Ballinger Park Sporting Complex, oval and vegetated open space as shown in **Attachment 1 – Aerial Map**.

The adjoining land located at 1 Power Road, Buderim is owned by Devcon Capital 8 Pty Ltd ('Devcon') and is legally described at Lot 1 on RP27916 ('Lot 1'). Devcon have submitted an application MCU20/0363 for a Development Permit for Material Change of Use of Premises and are proposing to undertake the development of 110 multiple residential dwellings on Lot 1.

Council's land and Lot 1 are shown in **Attachment 2 – Locality Plan**.

As part of the planning considerations for Lot 1, Devcon undertook a Site Based Stormwater Management Plan which identified the need to establish a lawful point of discharge through Council's land to construct a formalised drainage connection to Mountain Creek. An options analysis regarding location was undertaken as it was preferred by Council in terms of a drainage solution to maintain the existing stormwater catchment and discharge locations making the below proposal the most suitable option.

To support the stormwater discharge requirements of Lot 1, privately owned stormwater pipes are proposed for installation within Council's land and are to be protected by Council entering into a drainage easement in favour of the owner of Lot 1.

The proposed easement is some 120m² in area and traverses the Council owned land as shown in **Attachment 3 – Easement Location Plan**. Easement documentation for Easement A within Council's land is associated with Survey Plan SP330789. The location of the proposed drainage easement is identified as Easement A as shown in **Attachment 4 – Easement A Survey Plan 330789**.

Internal stakeholder consultation was conducted upon application and issues raised by internal stakeholders were resolved upon confirmation from Council's Stormwater Services and Flooding & Stormwater Policy & Planning that the proposal for the discharge of stormwater is sufficient to cater for a 1 in 100 storm event including climate change scenario and the Severe Storm flow path will not cause any over floor flooding within Ballinger Sports Complex.

To facilitate the registration of the Drainage Easement over Council's land, Council is required to grant an exception under Section 236(3) of the *Local Government Regulation 2012*.

Local Government Regulation 2012 stipulates that Council may, by resolution, dispose of an interest in land (including by way of easement), other than by tender or auction, if an exception applies. An exception is permitted as it relates to this application as the land is being disposed to a person who owns an adjoining landholding as outlined in Section 236(1)(c)(iv) of the Regulation.

The adjoining owner of Lot 1 will be required to pay compensation to Council for encumbering Council's land with an easement. In the event that an exception is granted, the Property Management Branch will commission an independent compensation assessment to determine the diminished value of the encumbered land. This will ensure the disposal complies with Sections 236(3) and (5) of the Regulation as:-

- Compensation will be assessed by a registered valuer who is not an employee of the local government) registered under the *Valuers Registration Act 1992*; and
- Compensation will be set at or above the market valuation as determined by the registered valuer.

An exception under the Regulation is deemed applicable as the land is being disposed of (by way of easement) to an owner of the adjoining land. It is expected that the granting of an easement will provide:-

- an improved drainage outcome to what is currently provided at this location and allow the development of residential dwellings to progress on Lot 1
- the owners of Lot 1 to access and maintain the privately owned infrastructure within Council's land
- Council with compensation in line with a current market valuation of the Easement and
- Council with a registered record of the Easement over Council's land.

Legal

Legal Services have been consulted in relation to this report and will review all easement documentation to enable the registration of the proposed sewerage easement with Titles Queensland.

Policy

This report has been prepared in accordance with Council's Procurement Policy relating to the disposal of Council assets.

Risk

The risk associated with this matter is that Council would not have a registered record of private drainage infrastructure within Councils Land.

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

Council's Standard Terms Document dealing number 717513492 for drainage infrastructure and access rights easements on Council owned land will be registered in accordance with the easement documentation.

Critical Dates

There are no critical dates relevant to this report, however, Devcon the owner of Lot 1 has requested that the matter be finalised as soon as possible.

Implementation

Should Council resolve that an exception to the disposal of land (by way of easement applies), the Chief Executive Officer will delegate to Council's Delegated Officer that an exception to Division 4 of Section 236 of the *Local Government Regulation 2012* applies and the survey plan and easement documentation will be executed and registered with Titles Queensland.



Aerial Map L2 RP27916


Sunshine Coast Council
Locked Bag 72
Sunshine Coast Mail Centre QLD 4560

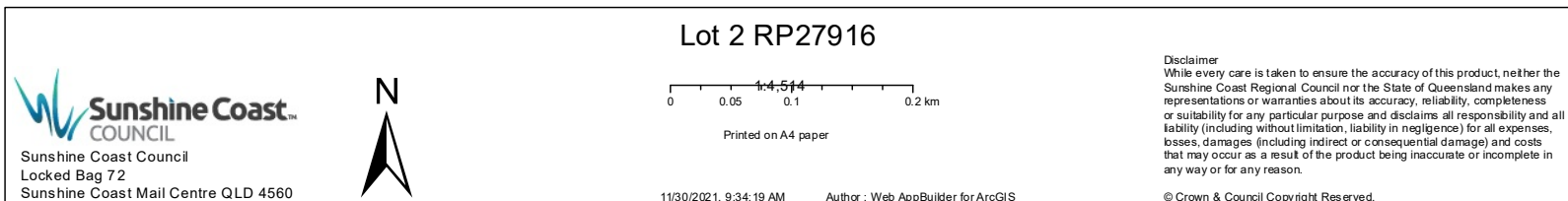


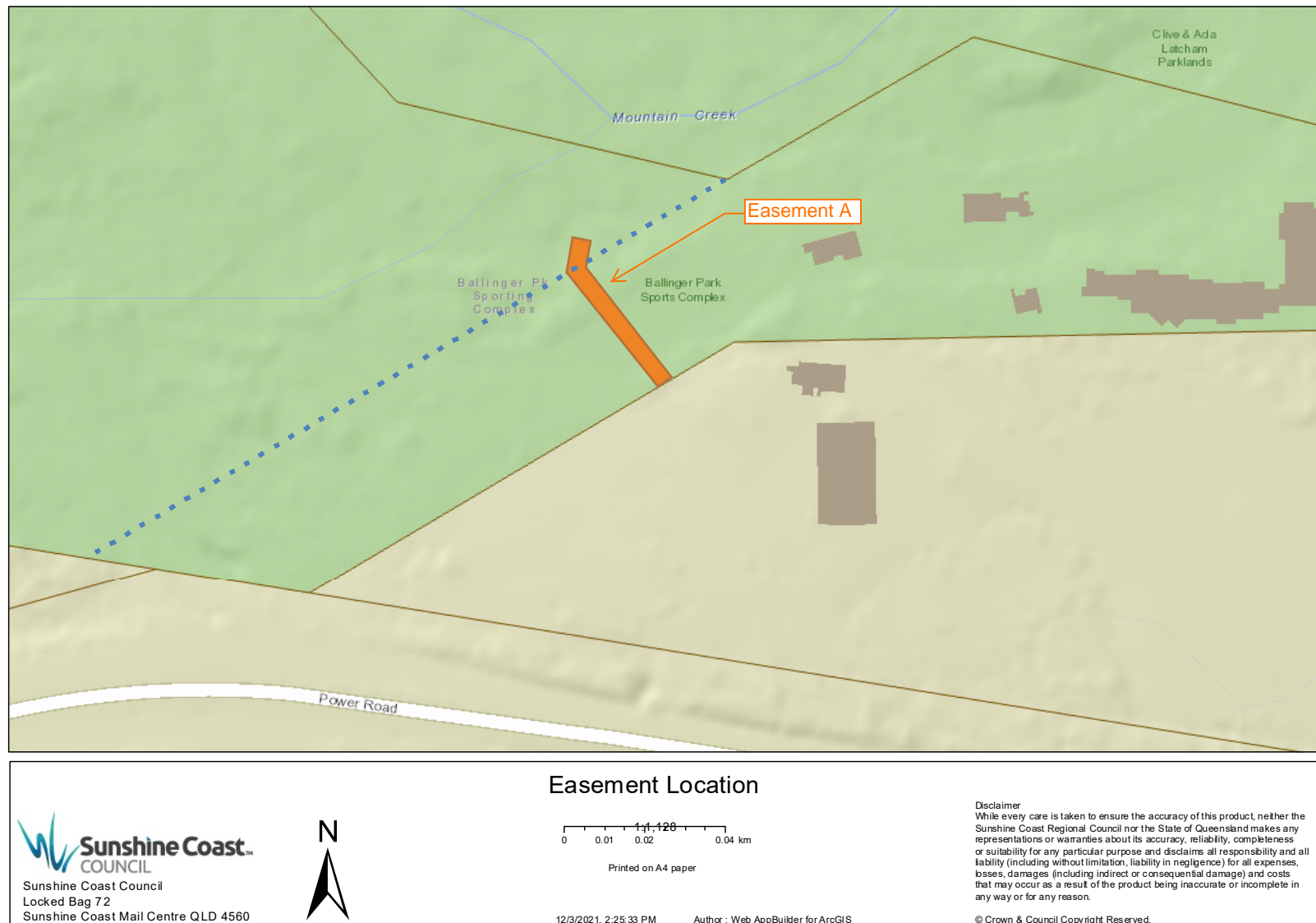
0 0.075 0.15 0.3 km
Printed on A4 paper

12/14/2021, 5:08:46 PM Author : Web AppBuilder for ArcGIS

Disclaimer
While every care is taken to ensure the accuracy of this product, neither the Sunshine Coast Regional Council nor the State of Queensland makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the product being inaccurate or incomplete in any way or for any reason.

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[illegible]

Land Title Act 1994 ; Land Act 1994 Form 21B Version 2		WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.			Sheet 2	of 2
(Dealing No.)		4. Lodged by				
		(Include address, phone number, email, reference, and Lodger Code)				
I. Existing		Created				
Title Reference	Description	New Lots	Road	Secondary Interests		
I6987202	Lot 2 on RP27916	—	—	Emt A		
Easement A does affect 715975926 (Lease AI on SP233183) dated 25th October 2021						
Lots		Orig		6. Building Format Plans only. I certify that : * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road; * Part of the building shown on this plan encroaches onto adjoining lots and road Cadastral Surveyor/Director* Date * delete words not required		
2. Orig Grant Allocation :		5. Passed & Endorsed :		7. Lodgement Fees :		
3. References : Dept File : Local Govt : Surveyor : I3759 Emt		By : DSQ PTY LTD ACN 615 043 251 Date : 26/10/2021 Signed : <i>JP</i> Designation : Liaison Officer		Survey Deposit \$ Lodgement \$ ____New Titles \$ Photocopy \$ Postage \$ TOTAL \$		
				8. Insert Plan Number SP330789		

2021/10/26 \\WSDEF\\W4001\\Workgroups\\DSQ_Data\\Jobs\\Jobs Current\\13759 Devcon (Buderim)\\Data Survey\\Drafting\\Survey Plans\\SP330789 Emt\\13759 SP330789 Emt.dwg

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 ACQUISITION - MERIDIAN PLAINS**

File No: Council meetings
Authors: Coordinator Open Space and Social Policy
Liveability & Natural Assets Group
Coordinator Strategic Property
Office of the CEO

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current 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.

The report contains a recommendation to release details relating to the site locations and price of the acquisitions once the negotiations have been finalised and the transfer of the property titles has been registered with the Titles Registry

11.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - VERRIERDALE

File No: Council meetings
Authors: Ecologist
Liveability & Natural Assets Group
Coordinator Strategic Property
Office of the CEO

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's liability to secure the land parcels at a price that represents the best value for the ratepayers of the region.

The report contains a recommendation to release details relating to the site location and price of the acquisitions once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

11.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - COOCHIN CREEK

File No: Council meetings
Authors: Ecologist
Liveability & Natural Assets Group
Coordinator Strategic Property
Office of the CEO

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) *of the Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's liability to secure the land parcels at a price that represents the best value for the ratepayers of the region.

The report contains a recommendation to release details relating to the site location and price of the acquisitions once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

12 NEXT MEETING

The next Ordinary Meeting will be held on 24 February 2022.

13 MEETING CLOSURE