

# Agenda

## **Ordinary Meeting**

**Thursday, 27 January 2022**

**commencing at 9:00am**



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## TABLE OF CONTENTS

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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", is positioned above the printed name.

**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 circular stamp or seal.

**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**

<b>File No:</b>	Council meetings
<b>Author:</b>	Senior Development Planner Customer Engagement & Planning Services Group
<b>Appendices:</b>	App A - Conditions of Approval ..... 21  
<b>Attachments:</b>	Att 1 - Detailed Assessment Report ..... 29  
	Att 2 - Annotated Plan of Development ..... 55  

[Link to Development.i](#)

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

<b>Residential Care Facility</b>	<b>Code Assessable; where located within the identified Residential Care Facility site.</b>	<ul style="list-style-type: none"> <li>• Emerging Community Zone Code</li> <li>• Residential care facility and retirement facility code</li> <li>• Applicable Local Plan code</li> <li>• Prescribed other development codes.</li> </ul>
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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		
<p><b>Any development if:-</b></p> <p>(a) exceeding the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map<sup>1</sup>; 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) <b>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.</b></p>	<p><b>Impact assessment</b></p>	<p>• The planning scheme</p>

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	
<i>Maximum Height of Buildings and Structures</i>			
<p><b>PO1</b></p> <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><b>or</b></p> <p>(b) <b>exceed 12m or three (3) storeys on Lot 2 on SP313505 for the purpose of a Residential Care Facility;</b></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><sup>1</sup> 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>	<p><b>AO1</b></p>	<p>No acceptable outcome provided.</p>	

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:

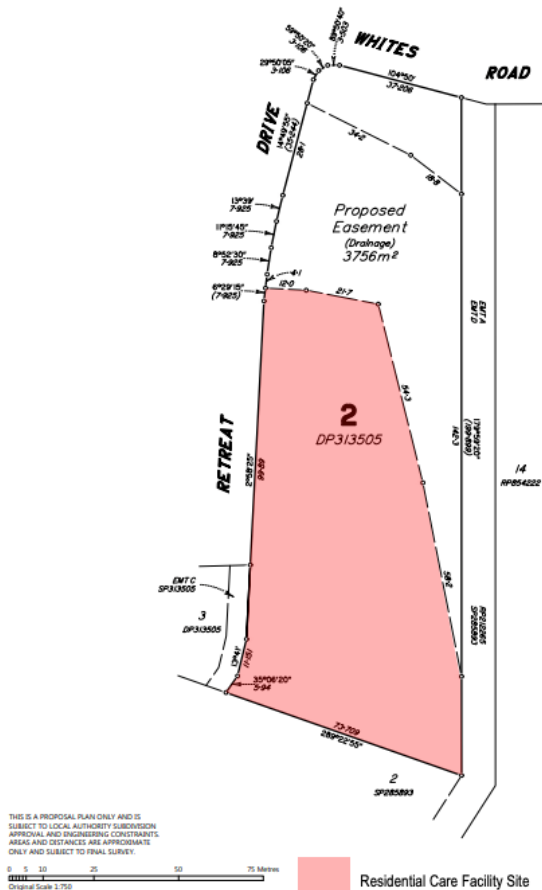


Figure 1 – Proposed Plan of Development

**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.






















































































## 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
<b>Operating Result</b>	<b>18,832</b>	<b>14,460</b>

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:*

- receive and note the report titled "**Budget Review 1 2021/22**"*
- 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:*
  - the statement of income and expenditure*
  - the statement of financial position*
  - the statements of changes in equity*
  - the statement of cash flow*
  - the relevant measures of financial sustainability*
  - the long term financial forecast*

- (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.



































### 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	<a href="#">↓</a>	
Att 2 - Locality Plan.....	81	<a href="#">↓</a>	
Att 3 - Easement Location Plan.....	83	<a href="#">↓</a>	
Att 4 - Easement A Survey Plan 330789 .....	85	<a href="#">↓</a>	

#### 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 as 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 120m<sup>2</sup> 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.





















**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 - MERIDAN PLAINS**

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

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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

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**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

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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.

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**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

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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.

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**12 NEXT MEETING**

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

**13 MEETING CLOSURE**