

Minutes Appendices

Ordinary Meeting

Thursday, 27 January 2022

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Minutes

Ordinary Meeting

Thursday, 9 December 2021

Council Chambers, 1 Omrah Avenue, Caloundra

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ORDINARY MEETING MINUTES

9 DECEMBER 2021

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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.

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1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:00am.

2 WELCOME AND OPENING

Councillor J O'Pray acknowledged the Traditional Custodians of the land on which the meeting took place.

Pastor Scott Lucas from Nambour Wesleyan Methodist Church read a prayer.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

COUNCILLORS

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1 (Deputy Mayor)
Councillor T Landsberg	Division 2
Councillor P Cox	Division 3
Councillor J Natoli	Division 4
Councillor W Johnston	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor M Suarez	Division 9
Councillor D Law	Division 10

COUNCIL OFFICERS

Chief Executive Officer
Group Executive Built Infrastructure
Group Executive Customer Engagement and Planning Services
Group Executive Economic and Community Development
Group Executive Business Performance
Group Executive Liveability and Natural Assets
Chief of Staff
Chief Strategy Officer
Executive Manager
Director, Major Projects and Strategic Property
Coordinator CEO Governance & Operations
Manager Parks & Gardens
Open Space & Recreation Policy/ Project Planning Officer
Principal Development Planner Major Projects
Manager Customer Response
Senior Property Officer
Manager Leasing & Land Management
Coordinator Financial Services
Project Accountant

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4 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor C Dickson
Seconded: Councillor R Baberowski

That the Minutes of the Special Meeting (Major Projects) held on 8 November 2021 and the Ordinary Meeting held on 10 November 2021 be received and confirmed.

Carried unanimously.

Councillor W Johnston was absent for this motion.

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5 MAYORAL MINUTE

Council Resolution (OM21/120)

Moved: Councillor M Jamieson

Seconded: Councillor R Baberowski

That Council:

1. acknowledges that the Queensland Government is responsible for determining public health policy and regulations related to the management and response to the COVID-19 pandemic
2. acknowledges and respects that the Chief Health Officer is the party lawfully authorised to make Public Health Directives under the Public Health Act 2005 and that this has been the case prior to and throughout the course of, the COVID-19 pandemic
3. recognises that local government in Queensland – and our Sunshine Coast Council in particular – has no role or authority in the making of public health regulations or Public Health Directives
4. resolves that it will continue to act in a lawful manner by complying with Public Health Directives issued from time to time by the State's Chief Health Officer
5. recognises the Chief Executive Officer has statutory obligations under the Work Health and Safety Act 2011 to provide a safe workplace for all employees and supports the Chief Executive Officer in discharging her responsibilities in this regard, including in the taking of any necessary action to eliminate or minimise the risks for our employees arising from the COVID-19 pandemic
6. recognises and applauds the actions of the 91.4% of the eligible population of the Sunshine Coast Council area who have received their first dose of an approved COVID-19 vaccine and the 83.1% of the eligible population who are fully vaccinated – who in taking these steps, are helping to build the immunity of the region's population, maintain a safe community in which we all live and rebuild confidence in our economy
7. recognises the implementation of the Public Health and Social Measures Directive issued by the Chief Health Officer on 7 December 2021 is generating a wide range of concerns for local businesses and that these concerns have been conveyed by the Mayor to the Minister for Health and the Minister for Employment and Small Business, with a request that certain requirements on businesses be clarified and that their concerns be considered and addressed in a fulsome manner and
8. respects and upholds that the decision on whether to receive a COVID-19 vaccination is one of personal choice.

Carried unanimously.

Sunshine Coast Regional Council

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9 DECEMBER 2021

PROCEDURAL MOTION

Moved: Councillor R Baberowski

Seconded: Councillor C Dickson

That Council suspend standing orders to consider Item 9 Notified Motions next on the agenda due to public interest.

Carried unanimously.

Item 9 was considered at this stage.

ORDINARY MEETING MINUTES

9 DECEMBER 2021

9 NOTIFIED MOTIONS

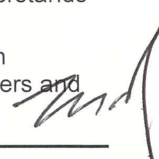
9.1 NOTICE OF MOTION - COVID-19 RESTRICTIONS

File No: D2021/1528095
Author: Councillor Joe Natoli
Notice of Motion

Motion

Moved: Councillor J Natoli
Seconded: Councillor C Dickson

That Council:

- (a) inform the Premier of Queensland that it has serious concerns regarding the introduction of COVID-19 restrictions from 17 December 2021 due to the following:
- (i) Small businesses have been highly impacted by the lockdowns imposed on them and many businesses are struggling to recover since COVID-19 first impacted our community
 - (ii) The impact on small businesses required to police the new restrictions, will be an unreasonable impost and burden on operational costs
 - (iii) It is an unreasonable impost to place the obligation on small business owners to dismiss employees who choose not to be vaccinated
 - (iv) The outcome of the introduction of COVID-19 restrictions may result in business owners having to close their businesses due to owners choosing not to be vaccinated or being unable to continue to operate due to loss of staff
 - (v) The reduced revenue will have a negative effect on the local economy by restricting non vaccinated customers from entering businesses
 - (vi) Greater understanding is needed about the introduction of COVID-19 restrictions on:
 - The mental health of our community, especially affected small business owners and sacked workers
 - The potential financial impacts on affected small business owners
 - The financial, social and mental health impacts on sacked workers
 - The concerns of the social impacts and fall out, by creating divisions within our community
 - The legal and financial liability to businesses applying State Government mandates declared during a State of Emergency, insofar as the decisions they make now, will affect them legally in the future when the State of Emergency no longer exists. This is a cause of major concern
 - By making vaccination a term of employment, businesses fear that anyone who gets vaccinated solely in order to keep their job, who then suffers from an adverse reaction, may be able to seek damages from their employer
- (b) request the State Government to
- (i) not to proceed with the introduction of COVID-19 restrictions until it understands the full impact and fallout on small businesses and
 - (ii) not introduce the COVID-19 restrictions on 17 December 2021 based on concerns it will have serious impacts on small business, on certain workers and members of our community and that it will create a divided community.
- 

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For: Councillor J Natoli, Councillor W Johnston and Councillor C Dickson.

Against: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

Lost.

Motion

Moved: Councillor W Johnston

Seconded: Councillor C Dickson

That Council grant Councillor J Natoli an extension of time for five minutes to speak further to the motion.

For: Councillor J Natoli, Councillor W Johnston and Councillor C Dickson.

Against: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

Lost.

Council Resolution

Moved: Councillor E Hungerford

Seconded: Councillor C Dickson

That Council grant Councillor M Suarez an extension of time for five minutes to speak further to the motion.

Carried unanimously.

Item 6 was considered at this stage.

ORDINARY MEETING MINUTES

9 DECEMBER 2021

6 INFORMING OF CONFLICTS OF INTEREST

6.1 PRESCRIBED CONFLICTS OF INTEREST

Councillor M Jamieson notified the meeting of a Prescribed Conflict of Interest in relation to Item 8.8 Exception Under *Local Government Regulation 2012* for Disposal of a Commercial Lease at Mt Coolum.

6.2 DECLARABLE CONFLICTS OF INTEREST

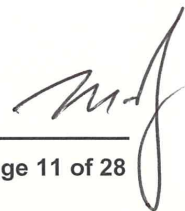
Councillor J Natoli notified the meeting of a Declarable Conflict of Interest in relation to Item 8.2 Sunshine Coast City Hall Levels 8 and 9.

Councillor T Landsberg notified the meeting of a Declarable Conflict of Interest in relation to Item 8.3 Kawana Waters Structure Plan and Detailed Planning Area Plan Amendments – Birtinya Island.

NOTIFICATION OF INTEREST

In accordance with s150EQ(2) of the *Local Government Act 2009*, Councillor J Natoli gave notice of a Declarable Conflict of Interest as follows:

Councillors, I refer to my notification of a Declarable Conflict of Interest at the Ordinary Meeting of 14 October 2021. As report 8.2 Sunshine Coast City Hall Levels 8 and 9, may relate to that previously notified interest, I will leave the meeting for this item.



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7 PRESENTATIONS / COUNCILLOR REPORTS

7.1 PRESENTATION - SUNSHINE COAST DESIGN - 2021 PLANNING
INSTITUTE OF AUSTRALIA AWARDS

Council Resolution

Moved: Councillor P Cox
Seconded: Councillor M Suarez

That Council recognise the achievement of the Sunshine Coast Design Team being awarded a commendation for the 2021 Planning Institute of Australia (PIA) Awards for Planning Excellence within the Strategic Planning Project category.

Carried unanimously.

The Mayor acknowledged the Councillors wearing orange in recognition of 16 days of Activism against Gender-Based Violence.

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8 REPORTS DIRECT TO COUNCIL

8.1 RECREATION PARKS PLAN

File No: D2021/1007225
Author: Open Space & Recreation Policy/ Project Planning Officer
Built Infrastructure Group
Appendices: App A - Sunshine Coast Recreation Parks Plan 2021 - 2031
Attachments: Att 1 - Consultation Activities Report
Att 2 - Technical Guidelines
Att 3 - Localities of Interest

Council Resolution (OM21/121)

Moved: Councillor M Suarez
Seconded: Councillor P Cox

That Council:

- (a) note the report titled "**Recreation Parks Plan**" and
- (b) endorse the document titled "Sunshine Coast Recreation Parks Plan 2021-2031" (Appendix A).

Carried unanimously.

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8.2 SUNSHINE COAST CITY HALL - LEVELS 8 AND 9

File No: D2021/1466955
Author: Executive Manager
Office of the CEO

Councillor J Natoli earlier informed the meeting of a Declarable Conflict of Interest and left the meeting while this matter was considered and voted on.

Council Resolution (OM21/122)

Moved: Councillor E Hungerford
Seconded: Councillor R Baberowski

That Council:

- (a) receive and note the report titled "**Sunshine Coast City Hall - Levels 8 and 9**"
- (b) determine that Level 8 of Sunshine Coast City Hall be retained for operational purposes of Sunshine Coast Council
- (c) determine that Level 9 of Sunshine Coast City Hall be retained for civic and community purposes by Sunshine Coast Council and
- (d) authorise the Chief Executive Officer to progress fitout planning, design and delivery consistent with Council's confirmed uses of Levels 8 and 9 at Sunshine Coast City Hall within the previously approved capital budget as adopted at the Special Meeting of 8 November 2021.

For: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray and Councillor M Suarez.

Against: Councillor D Law.

Carried.

Councillor J Natoli was absent for the discussion and vote on this motion.

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**8.3 KAWANA WATERS STRUCTURE PLAN AND DETAILED PLANNING
AREA PLAN AMENDMENTS - BIRTINYA ISLAND**

File No: D2021/1438050

Author: Development Planner
Customer Engagement & Planning Services Group

Appendices: App A - Details for Notice of Determination for Amended Kawana
Waters Structure Plan
App B - Details for Notice of Determination for Amended Master
Plan No. 91

Attachments: Att 1 - Amended Kawana Waters Structure Plan Development
Criteria
Att 2 - Amended Master Plan No. 91 (Detailed Planning Area Plan
- Detailed Planning Area 11 - Birtinya Island) 2015
Att 3 - Map of DCP-1 area
Att 4 - Map of Detailed Planning Area 11 - Birtinya Island

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor T Landsberg gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.3 Kawana Waters Structure Plan and Detailed Planning Area Plan Amendments - Birtinya Island.

I, Councillor Terry Landsberg, notify that I have a Declarable Conflict of Interest in Item 8.3 'Kawana Waters Structure Plan and Detailed Planning Area Plan Amendments - Birtinya Island' to be considered at the Ordinary Meeting on 9 December 2021 due to:

RPS Australia East Pty Ltd is the planning consultant to the applicant in this matter. Mr Brad Williams is the General Manager, Planning and Development at RPS Group on the Sunshine Coast and he is also a member of Windansea Boardriders. Mr Williams has provided planning and development services to that Club free of charge on matters that are unrelated to the development application that is being considered by Council.

The declarable conflict of interest may arise because I am a member and also the President of Windansea Boardriders. While the association with Mr Williams is remote of my Councillor duties, this declaration is made in the event that a member of the community may perceive that I have a predisposition to supporting the work of this planning consultant.

Councillor T Landsberg informed the Meeting that he would voluntarily not participate in the decision and left the place at which the meeting was being held, including the area set aside for the public and stayed away while the matter was considered and voted on.

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Council Resolution (OM21/123)

Moved: Councillor P Cox
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "**Kawana Waters Structure Plan and Detailed Planning Area Plan Amendments - Birtinya Island**"
- (b) recommend to the Minister responsible for State owned land that the amended Kawana Waters Structure Plan be approved, subject to the conditions contained within Appendix A (application no. MPC17/0008.03) and
- (c) recommend to the Minister responsible for State owned land that the amended Master Plan No. 91 (Detailed Planning Area Plan – Detailed Planning Area 11 – Birtinya Island) 2015 be approved, subject to the conditions contained within Appendix B (application no. MPC14/0027.07).

Carried unanimously.

Councillor T Landsberg was absent for the discussion and vote on this motion.

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8.4 COMPLIANCE AND ENFORCEMENT POLICY

File No: D2021/829156
Author: Manager Customer Response
Customer Engagement & Planning Services Group
Appendices: App A - Compliance and Enforcement Policy 2021
Attachments: Att 1 - Compliance and Enforcement Policy 2018
Att 2 - Draft Compliance and Enforcement Decision Making
Framework
Att 3 - Draft Group Operating Procedure - Reactive education
and compliance

Council Resolution (OM21/124)

Moved: Councillor D Law
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "**Compliance and Enforcement Policy**" and
- (b) adopt the amended Compliance and Enforcement Policy 2021 (Appendix A)

Carried unanimously.

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8.5 DISPOSAL (EASEMENT) OF PART OF COUNCIL OWNED KAWANA
FOREST BUSHLAND RESERVE AND MERIDAN FIELDS SPORTING
COMPLEX

File No: D2021/1450621
Author: Senior Property Officer
Business Performance Group
Attachments: Att 1 - Kawana Forest Bushland Reserve Locality Map
Att 2 - Meridan Fields Sporting Complex Locality Map
Att 3 - Easement A on Survey Plan 331069
Att 4 - Easement D on Survey Plan 331072
Att 5 - Easement C on Survey Plan 331073
Att 6 - Proposed Aura Sewer Rising Main (SRM) Sewerage
Easements Alignment

Council Resolution (OM21/125)

Moved: Councillor P Cox
Seconded: Councillor M Suarez

That Council:

- (a) receive and note the report titled "***Disposal (Easement) of part of Council owned Kawana Forest Bushland Reserve and Meridan Fields Sporting Complex***"
- (b) 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 owned Lot 800 SP243716, Lot 9 SP248469 and Lot 606 SP231205, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Unitywater is a government agency.

Carried unanimously.

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**8.6 DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LOT 3
SP305328 FOREST GLEN**

File No: D2021/1453626
Author: Senior Property Officer
Business Performance Group
Attachments: Att 1 - Lot 3 SP305328 Locality Map
Att 2 - Easement 'C' on Survey Plan 319305

Council Resolution (OM21/126)

Moved: Councillor E Hungerford
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "*Disposal (Easement) of part of Council freehold Lot 3 SP305328 Forest Glen*"
- (b) 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 3 SP305328, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Unitywater is a government agency.

Carried unanimously.

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8.7 DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LOT 6
RP176544 BUDERIM

File No: D2021/1472297
Author: Senior Property Officer
Business Performance Group
Attachments: Att 1 - Lot 6 RP176544
Att 2 - Buderim Locality Map
Att 3 - Easements 'E' & 'F' on Survey Plan 325528

Council Resolution (OM21/127)

Moved: Councillor E Hungerford
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "**Disposal (Easement) of part of Council freehold Lot 6 RP176544 Buderim**"; and
- (b) 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 6 RP176544, 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.

Carried unanimously.

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8.8 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR DISPOSAL OF A COMMERCIAL LEASE AT MT COOLUM

File No: D2021/1445972
Author: Senior Property Officer
Business Performance Group
Attachments: Att 1 - Aerial Photograph - Lease Area
Att 2 - Proposed Lease Terms - *Confidential*

NOTIFICATION OF INTEREST

As declared at the Special Meeting held on 9 November 2020 the Mayor declared the following Prescribed Conflict of interest.

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor M Jamieson gave notice to the meeting of a Prescribed Conflict of Interest as follows:

I, Councillor Mark Jamieson, notify that I may have a Prescribed Conflict of Interest in a matter associated with or impacting on the Sunshine Coast Airport if –

1. *the matter is or relates to a contract between the Sunshine Coast Council and Sunshine Coast Airport Pty Ltd, Palisade Investment Partners and/or LGIASuper for -*
 - (a) *the supply of goods or services to the Council or*
 - (b) *the lease or sale of assets by the Council or*
2. *the matter is or relates to an application made to the Council for the grant of a licence, permit, registration or approval or consideration of another matter under an Act if-*
 - (a) *the application is made to the Council by Sunshine Coast Airport Pty Ltd, Palisade Investment Partners and/or LGIASuper or*
 - (b) *any parties nominated in (2) (a) above makes or has made a written submission to the Council in relation to the application before it is or was decided.*

I am aware that matters associated with or impacting on the Sunshine Coast Airport, Sunshine Coast Airport Pty Ltd, Palisade Investment Partners and/or LGIASuper are discussed or considered and the subject of decision making by Council and Council officers from time to time and hence I am notifying of this interest.

Details of my Prescribed Conflict of Interest are as follows:

As President of the Local Government Association of Queensland (LGAQ), I am an Employer representative Director of LGIASuper, which holds a 50% interest in the Sunshine Coast Airport through its asset manager, Palisade Investment Partners.

The President of the LGAQ has historically been nominated as a Director of the local government superannuation scheme and as such, I have held the position of Director of LGIASuper since 1 July 2018. I receive remuneration from this role and this is noted in my Register of Interests.

Any decision-making by Council or Council officers on matters specified in (1) and (2) above may be either beneficial or detrimental to the interests of Palisade Investment Partners, LGIASuper and other entities with a shareholding in the Sunshine Coast Airport.



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Other entities with an interest in the Sunshine Coast Airport are:

- Pinnacle Funds Services Limited as responsible entity for Palisade Investment Partner's Diversified Infrastructure Fund No. 1 and
- Perpetual Trust Services Limited as responsible entity for Palisade Investment Partner's Diversified Infrastructure Fund No. 2.

In accordance with s150EK(1) of the *Local Government Act 2009*, Councillor M Jamieson left the place at which the meeting was being held, including the area set aside for the public and stayed away while the matter was considered and voted on.

The Mayor vacated the Chair at this time.

The Deputy Mayor took the Chair at this time.

Council Resolution (OM21/128)

Moved: Councillor M Suarez

Seconded: Councillor C Dickson

That Council:

- receive and note the report titled "*Exception under Local Government Regulation 2012 for Disposal of a Commercial Lease at Mt Coolum*" and
- resolve in accordance with section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land (Lease) over Lot 2 SP101012, Lot 3 SP101012, Lot 1 RP225495 and Lot 210 RP856174, other than by tender or auction applies, as the disposal is pursuant to section 236 (1)(c)(iii) to the existing tenant of the land, being DPOB Pty Ltd.

Carried unanimously.

Councillor M Jamieson was absent for the discussion and vote on this motion.

The Mayor returned to the Chair at this time.

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8.9 NOVEMBER 2021 FINANCIAL PERFORMANCE REPORT

File No: D2021/829545

Author: Coordinator Financial Services
Business Performance Group

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

Council Resolution (OM21/129)

Moved: Councillor E Hungerford

Seconded: Councillor P Cox

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

Carried unanimously.

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10 TABLING OF PETITIONS

10.1 PETITION - TRAFFIC CONCERNS MICHAEL STREET GOLDEN BEACH

Council Resolution (OM21/130)

Moved: Councillor T Landsberg

Seconded: Councillor P Cox

That Council resolve the petition tabled by Councillor T Landsberg relating to traffic concerns in Michael Street Golden Beach be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

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11 CONFIDENTIAL SESSION

CLOSURE OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor C Dickson
Seconded: Councillor W Johnston

That the meeting be closed to the public pursuant to s254J(3)(g) of the Local Government Regulation 2012 to consider the following item:

- 11.1 Confidential - Not for Public Release - Maroochydore City Centre Project - Commercial Update

Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor C Dickson
Seconded: Councillor W Johnston

That the meeting be re-opened to the public.

Carried unanimously.



ORDINARY MEETING MINUTES

9 DECEMBER 2021

11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAROOCHYDORE CITY CENTRE PROJECT - COMMERCIAL UPDATE**File No:** D2021/1009640**Author:** Project Accountant
Office of the CEO

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

The information contained in this report is confidential as it relates to the implementation of aspects of a contractual arrangement with a third party for land within the Maroochydore City Centre Priority Development Area (PDA) and other property related negotiations in the PDA. The disclosure of this information would breach commercial confidentiality undertakings with other parties and disclose information relating to specific commercial negotiations involving Council that are yet to be finalised.

Council will need to resolve its decision on this report in that part of the Council meeting which is viewable by the public. Authority will also be sought for the Chief Executive Officer to release specific information contained in this report once certain conditions have been satisfied.

Council Resolution (OM21/131)**Moved:** Councillor J O'Pray**Seconded:** Councillor R Baberowski*That Council authorise the Chief Executive Officer to:*

- (a) *proceed to implement the matters discussed in confidential session in relation to the Maroochydore City Centre Development – Commercial Update and*
- (b) *publicly release specific information contained in this report at the appropriate time when the release of that information would no longer adversely impact the commercial interests of other parties and/or the interests of Council.*

Carried unanimously.

ORDINARY MEETING MINUTES

9 DECEMBER 2021

12 NEXT MEETING

The next Ordinary Meeting will be held on 27 January 2022 in the Council Chambers, 1 Omrah Avenue, Caloundra

13 MEETING CLOSURE

The meeting closed at 12:38pm.

Confirmed 27 January 2022.


CHAIR

ORDINARY MEETING MINUTES

9 DECEMBER 2021

14 APPENDICES

5 MAYORAL MINUTE - CORRESPONDENCE SMALL BUSINESS CONCERNS WITH SOCIAL MEASURES

8.1 RECREATION PARKS PLAN – APP A – SUNSHINE COAST RECREATION PARKS PLAN 2021 – 2031

8.3 KAWANA WATERS STRUCTURE PLAN AND DETAILED PLANNING AREA PLAN AMENDMENTS - BIRTINYA ISLAND – APP A – DETAILS FOR NOTICE OF DETERMINATION FOR AMENDED KAWANA WATERS STRUCTURE PLAN

8.3 KAWANA WATERS STRUCTURE PLAN AND DETAILED PLANNING AREA PLAN AMENDMENTS - BIRTINYA ISLAND – APP B – DETAILS FOR NOTICE OF DETERMINATION FOR AMENDED MASTER PLAN NO. 91

8.4 COMPLIANCE AND ENFORCEMENT POLICY – APP A – COMPLIANCE AND ENFORCEMENT POLICY 2021

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 TOU2 (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.