

# Agenda

## **Ordinary Meeting**

**Thursday, 28 April 2022**

**commencing at 9:00am**

**Council Chambers, 1 Omrah Avenue, Caloundra**



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**1 DECLARATION OF OPENING**

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

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

That the Minutes of the Ordinary Meeting held on 24 March 2022 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 MARCH 2022 FINANCIAL PERFORMANCE REPORT****File No:** Council meetings**Author:** Coordinator Financial Services  
Business Performance Group**Attachments:** Att 1 - March 2022 Financial Performance Report..... 11    
Att 2 - 2021/22 Capital Grant Funded Project Report March 2022  
..... 21  **PURPOSE**

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

**EXECUTIVE SUMMARY**

This monthly financial performance report provides Council with a summary of performance against budget as at 31 March 2022 in terms of the operating result and delivery of the capital program.

**Operating Performance****Table 1: Operating Budget as at 31 March 2022**

	<b>Original Budget \$000</b>	<b>Current Budget \$000</b>
Total Operating Revenue	498,433	500,456
Total Operating Expenses	479,602	490,383
<b>Operating Result</b>	<b>18,832</b>	<b>10,073</b>

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

**OFFICER RECOMMENDATION**

That Council receive and note the report titled "March 2022 Financial Performance Report".

**FINANCE AND RESOURCING**

This report sets out the details of Council's financial performance and investments for the month ending 31 March 2022 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 24 February 2022 (OM22/12)

*That Council:*

- receive and note the report titled "**Budget Review 2 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*



- (v) *the relevant measures of financial sustainability*
- (vi) *the long term financial forecast*
- (c) *note the following documentation applies as adopted 24 June 2021*
  - (i) *the Debt Policy*
  - (ii) *the Revenue Policy*
  - (iii) *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*
  - (iv) *the Revenue Statement and*
  - (v) *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).*

**Ordinary Meeting 16 September 2021 (OM21/87)**

*That Council:*

- (a) *receive and note the report titled “**Budget Review 1 2021/22**”*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2021/22 financial year incorporating:*
  - (i) *the statement of income and expenditure*
  - (ii) *the statement of financial position*
  - (iii) *the statements of changes in equity*
  - (iv) *the statement of cash flow*
  - (v) *the relevant measures of financial sustainability*
  - (vi) *the long term financial forecast*
  - (vii) *the Debt Policy*
- (c) *note the following documentation applies as adopted 24 June 2021*
  - (i) *the Revenue Policy*
  - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
  - (iii) *the Revenue Statement and*
  - (iv) *the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

**Special Meeting Budget 24 June 2021 (SM21/3)**

*That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s budget for 2021/22 financial year incorporating:*

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statements of changes in equity*
- iv. the statement of cash flow*

- v. *the relevant measures of financial sustainability*
- vi. *the long term financial forecast*
- vii. *the Debt Policy (adopted by Council resolution on 27 May 2021)*
- viii. *the Revenue Policy (adopted by Council resolution on 27 May 2021)*
- ix. *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
- x. *the Revenue Statement*
- xi. *Council's 2021/22 Capital Works Program, endorse the indicative four-year program for the period 2023 to 2026, and note the five-year program for the period 2027 to 2031*
- xii. *the rates and charges to be levied for the 2021/22 financial year and other matters as detailed below in clauses 3 to 12*
- xiii. *endorse the 2021/22 Minor Capital Works Program*
- xiv. *establish a \$5 million internally restricted Disaster Rehabilitation Reserve.*

**Related Documentation**

2021/22 Adopted Budget

**Critical Dates**

There are no critical dates for this report.

**Implementation**

There are no implementation details to include in this report.



























**8.2 COMMERCIAL USE OF COMMUNITY LAND - HIGH USE PROCESS**

<b>File No:</b>	<b>F2021/79579</b>
<b>Author:</b>	<b>Coordinator Community Land Permits and Parking Customer Engagement &amp; Planning Services Group</b>
<b>Appendices:</b>	<b>App A - Recommended applicants for approved activities and locations (<i>Under Separate Cover</i>) - Confidential</b>
<b>Attachments:</b>	<b>Att 1 - 2022 Approved activities and locations ..... 29</b>  

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**PURPOSE**

This report seeks Council endorsement of the 2022 High-Use / High-Impact Commercial Use of Community Land Expression of Interest (EOI) process.

**EXECUTIVE SUMMARY**

High-Use / High-Impact Permits allow certain businesses on the Sunshine Coast to conduct commercial activities at approved locations. Commercial activities include refreshment vans, learn to surf lessons and beach equipment hire businesses. Businesses are awarded three-year permits in accordance with Council's Local Laws. The current High-Use / High-Impact Permits, issued in 2019, are due to expire on 30 June 2022.

The 2022 Expression of Interest (EOI) process was open to existing permit holders and new businesses from 15 November 2021 until 12 December 2021. At the closing of the EOI process, Council received a total of 34 EOIs. There were 4 activities and locations where no EOI was received. Permits are proposed to be awarded for the period 1 July 2022 to 30 June 2025.

Council officers have now completed the assessment of all EOIs. The EOIs were considered by an assessment panel using defined selection criteria to score and rate the EOIs. The selection criteria included elements such as:

- the applicant's professionalism
- quality of equipment
- management of safety
- commitments to the community and
- existing performance as a permit holder (where the applicant is an existing permit holder).

The assessment process has resulted in the following outcomes:

- 22 existing permit holders have been successful
- 1 existing permit holder has been unsuccessful
- 3 new permit holders are proposed
- 4 activities and locations will remain vacant, namely:
  - Jet Ski Hire at Caloundra
  - Refreshment Van at Cambroon
  - Mobile Dog Washing at Buderim
  - Refreshment Van at Nambour.

The outcome of the assessment process, including the recommended applicants is outlined in **Appendix A – Recommended applicants**. This confidential Appendix will be published to the community after the applicants have been formally notified of Council’s decision.

For the activities and locations where no EOI has been received, Council officers recommend that these opportunities remain vacant for the duration of the permit period (1 July 2022 to 30 June 2025). The vacancies will be advertised periodically on Council’s website to encourage and invite new applications. In an effort to provide timely assessment of any EOIs received, it is recommended the awarding of permits for vacant activities and locations, during the permit period, be delegated to the Chief Executive Officer. New applications will be reviewed by an assessment panel in accordance with the Community Land and Complementary Commercial Activity Policy.

## OFFICER RECOMMENDATION

**That Council:**

- (a) **receive and note the report titled “Commercial use of community land - High use process”**
- (b) **endorse the proposal to award permits to the recommended applicants for approved locations and activities as detailed in Confidential Appendix A**
- (c) **authorise the Chief Executive Officer to make Appendix A publicly available once all applicants have been notified of Council’s decision and**
- (d) **delegate to the Chief Executive Officer the authority to award High-Use / High Impact Permits for vacant activities and locations for the duration of the permit period (1 July 2022 to 30 June 2025).**

## FINANCE AND RESOURCING

The management of the EOI process has been financed from the Customer Engagement and Planning Services - Customer Response core budget 2021/22. This includes advertising expenses.

Total revenue of \$67,834 is expected to be received as a result of this process and through the permit period. This is made up of the \$637.00 cost-recovery fee application fee and annual fees of \$108 per square meter of land used for the relevant activities.

If the recommendations within the report are endorsed by Council, awarding of permits and permit compliance will be managed by officers from the Customer Response Branch within the Customer Engagement and Planning Services, as part of core operations.

## CORPORATE PLAN

<b>Corporate Plan Goal:</b>	<b><i>Our service excellence</i></b>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S20 - Local amenity and local laws – maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

## CONSULTATION

### Councillor Consultation

Council endorsed the EOI process, advertising, and High-Use / High-Impact Permit activities and locations on 10 November 2021.



Feedback received highlighted the need to ensure that tenure of existing permit holders, along with their performance, should be a key consideration in assessing EOIs. This has been noted for future reviews of the policy.

### **Internal Consultation**

Internal stakeholder consultation was undertaken in relation to the review of activities and locations for inclusion in the EOI process.

Internal stakeholders supported the High-Use / High-Impact Permit activities and locations for inclusion in the EOI process. It is noted however, that any future review of activities, locations and policy should consider fee structures which charge an appropriate commercial rate for businesses operating entirely on community land.

### **External Consultation**

There has been no external consultation undertaken as part of this report. However, ongoing discussions have taken place with external agencies in relation to the permitting of commercial use activities that are adjacent to areas such as on-water activities on Pumicestone Passage and Maroochy River, where additional approvals are required.

### **Community Engagement**

There has been no community engagement undertaken as part of this report. However, the community, including prospective business operators, were invited to submit an EOI following Council's endorsement of the activities and locations on 10 November 2021. The Expression of Interest process was open for the period 15 November 2021 to 12 December 2021.

## **PROPOSAL**

Council manages a variety of commercial permits. This proposal relates to High-Use / High-Impact Permits. The 2019 High-Use / High-Impact Permits are due to expire on 30 June 2022. These permits allow certain businesses on the Sunshine Coast to conduct a range of commercial activities on Council-controlled land. Such activities may include refreshment vans, learn to surf lessons and beach equipment hire businesses. An activity or location may be deemed high impact due to the popularity of the location, the actual impact of the activity itself or the amount of time the permit holder is permitted to operate on Council-controlled land.

Council endorsed the activities and locations to be included in the 2022-2025 High-Use / High-Impact Permit period on 10 November 2021. **Attachment 1** details the approved locations and activities, the status of each permit, and the number of EOIs received for the 2022-2025 period.

The EOI process was advertised, and existing permit holders were advised of the process via direct email and invited to submit an EOI to Council if they wished to consider the continuation of their operations at their current location. Interested businesses were able to make a submission between the 15 November 2021 and 12 December 2021.

At the closing of the EOI process on 12 December 2021, Council had received a total of 34 EOIs for the 29 advertised activities and locations. There were 4 activities and locations for which no EOI was received.

An assessment panel was formed including 3 Council Officers from the following Groups:

- Customer Engagement and Planning Services (Customer Response)
- Economic and Community Development (Economic Development)
- Liveability and Natural Assets (Environmental Operations).

The chosen assessment panel members were selected for their professional knowledge and experience in business development, land, and property management. Each panel member provided a level of expertise in relation to the assessing of Expression of Interests for each of the approved activities and locations.

As a minimum, applicants were required to meet the Mandatory Assessment Criteria, as outlined in the Community Land and Complementary Commercial Activity Policy, before proceeding to the next stage of the assessment process.

Once an EOI met the Mandatory Assessment Criteria, applicants were further assessed on selection criteria. The selection criteria are based on the guiding principles of the Community Land and Complementary Commercial Activity Policy. The selection criteria include elements such as:

- the applicant's professionalism
- quality of equipment
- management of safety
- commitments to the community and
- existing performance as a permit holder (where the applicant is an existing permit holder)

The assessment process resulted in the following outcomes:

- 22 existing permit holders have been successful
- 1 existing permit holder has been unsuccessful
- 3 new permit holder are proposed
- 4 activities and locations which will remain vacant, namely:
  - Jet Ski Hire at Caloundra
  - Refreshment Van at Cambroon
  - Mobile Dog Washing at Buderim
  - Refreshment Van at Nambour.

Council Officers recommend that permits be awarded to successful applicants, as outlined in Confidential **Appendix A** for the period of 1 July 2022 to 30 June 2025 inclusive.

As no applications were received for 4 of the approved activities and locations, it is recommended that these remain vacant. It is proposed the vacancies will be periodically advertised to invite prospective business operators to apply. To provide timely assessment outcomes to applicants, it is recommended that the awarding of permits for vacant activities and locations during the permit period be delegated to the Chief Executive Officer, based on an assessment consistent with the process outlined in this report.

### Legal

The awarding of High-use / High-impact Permits for all approved locations includes the following types of land tenure:

1. Freehold land owned by Council
2. Reserves under the control or management of Council as Trustee
3. Roadways (formed and unformed) other than State controlled roads
4. Pathways, footpaths, bathing reserves and foreshores.

The holding of the land determines the legal framework that applies. Local laws can apply to Council freehold land and roads, foreshores, and bathing reserves. The *Land Act 1994* and *Land Regulation 2020* applies to reserves that Council holds as trustee. Where the approved location for a High-use / High-impact Permits includes land other than Council freehold land, the permit must also be issued in accordance with the applicable legislation.

Where approved activities require access to land outside Council's control, permits are granted subject to the successful applicant obtaining approvals from other agencies. For example, the State Government is responsible for providing approval for on-water activities, including:

- kite surfing lessons, Bulcock Beach (Happy Valley)
- learn to surf lessons, Bulcock Beach (Happy Valley)
- jet ski hire, Caloundra
- seaplane flights, Maroochy River
- pedal boat hire, Mooloolah River.

### **Policy**

The [Community Land and Complementary Commercial Activity Policy](#) articulates Council's position on community land and commercial activity. This policy was adopted in 2011 and includes the following permit types:

- High-use / High-impact permits
- Low-use / Low-impact permits
- Outdoor Dining permits
- Goods on Footpath permits

The most recent EOI process for the High-use / High-impact Permits has presented some operational challenges and key learnings for the future. Accordingly, it is proposed that Council officers undertake a review of the Community Land and Complementary Commercial Activity Policy and associated processes prior to the expiry of permits on 30 June 2025. The intended review will allow Council to deliver a more contemporary, community responsive and equitable policy platform for the future. The review program will also include consultation with permit holders.

### **Risk**

The risks associated with the various locations and activities have been assessed as part of the process leading to the current recommendations. In response to the relevant risks appropriate conditions and requirements have been placed on the permits to ensure the activities can be safely operated on council-controlled land. Permit holders agree to comply with these conditions when accepting the permit and any non-compliance with the conditions will be managed in accordance with Council's Compliance and Enforcement Policy and the relevant legislation.

Should permits not be awarded prior to 30 June 2022 the locations and activities may not operate until an approval is issued by Council. Based on the current timeline Council has allowed adequate time to have approvals in place prior to the expiry of the existing permits.

### **Previous Council Resolution**

#### **Ordinary Meeting - 10 November 2021 (OM21/112)**

*That Council:*

- (a) *receive and note the report titled “Commercial Use of Community Land – High Use Process”*
- (b) *endorse the implementation of an expression of interest process for the awarding of permits for the period 1 July 2022 to 30 June 2025*
- (c) *endorse the activities and locations to be included in the 2022-2025 High-use / High-impact Commercial Use of Community Land expression of interest process, as outlined in Proposed Activities and Locations (Appendix A) and*
- (d) *endorse the proposed fees and charges, including the annual rental fees, proposed discounts, pro-rata arrangements and payment options for all new permits issued from 1 July 2022 to 30 June 2025, as outlined in Fees and Charges (Appendix B).*

### **Related Documentation**

Related documentation to this report is as follows:

- [Community Land and Complementary Commercial Activity Policy](#)
- [Compliance and Enforcement Policy 2021](#)
- [Land Act 1994](#)
- [Land Regulation 2020](#)
- [Local Government Act 2009](#)
- [Regional Economic Development Strategy 2013-2033](#)
- [Sunshine Coast Council Corporate Plan 2021-2025](#)
- [Sunshine Coast Council Local Laws](#)
- [Sunshine Coast Environment and Liveability Strategy 2017](#)
- [Transport Infrastructure \(Waterways Management\) Regulation 2012](#)
- [Transport Operations \(Marine Safety\) Regulation 2016](#)

### **Critical Dates**

Subject to Council’s endorsement of this report, permits will be issued to successful applicants in May 2022, prior to the expiry of existing permits on 30 June 2022.

### **Implementation**

Should the recommendations be accepted by Council, the Chief Executive Officer will:

- notify all applicants of the assessment outcome (May 2022)
- issue permits to successful applicants (May 2022)
- undertake compliance and monitoring for the duration of the permit period (1 July 2022 to 30 June 2025)
- consider any new requests for High-Use / High-Impact activities in accordance with Council’s endorsed policy
- advertise vacant activities and locations on Council’s website and conduct periodic promotion throughout the permit period (1 July 2022 to 30 June 2025)
- assess any applications for vacant activities and locations in accordance with Council’s policy and award permits based on assessment panel recommendations, for the permit period (1 July 2022 to 30 June 2025).

































### 8.3 PROPOSED PLANNING SCHEME AMENDMENTS

**File No:** D2021/1526507

**Author:** Interim Coordinator Planning Scheme Amendments  
Customer Engagement & Planning Services Group

**Attachments:**

<b>Att 1 - Explanatory Memorandum - Proposed Airport Environs Overlay Amendment .....</b>	<b>51</b>	<a href="#">↓</a>	
<b>Att 2 - Amendment Instrument - Proposed Airport Environs Overlay Amendment .....</b>	<b>59</b>	<a href="#">↓</a>	
<b>Att 3 - Explanatory Memorandum - Proposed Site Specific and Editorial Matters Amendment .....</b>	<b>93</b>	<a href="#">↓</a>	
<b>Att 4 - Amendment Instrument - Proposed Site Specific and Editorial Matters Amendment .....</b>	<b>135</b>	<a href="#">↓</a>	

### PURPOSE

The purpose of this report is to:

- present to Council, two proposed planning scheme amendments relating to:
  - the Airport environs overlay
  - Site specific and editorial matters and
- seek Council's endorsement to prepare and progress the proposed amendments in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*.

### EXECUTIVE SUMMARY

It is proposed to undertake two proposed amendments to the *Sunshine Coast Planning Scheme 2014*, namely the:

1. ***Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) - Airport Environs Overlay***

The proposed Airport Environs Overlay Amendment has been prepared to respond to updates to the *State Planning Policy 2017* (SPP) mapping layers for the Sunshine Coast Airport and to appropriately integrate in the planning scheme, the relevant State Planning Policy state interest policies relating to strategic airports and aviation facilities.

Under the State Planning Policy, the Sunshine Coast Airport is identified as a strategic airport. On 15 July 2020 and 3 March 2021, the strategic airport and aviation facilities mapping layers for the Sunshine Coast Airport were updated in the State Planning Policy Interactive Mapping System to reflect the new runway.

Local government is responsible for ensuring that its planning scheme continues to accurately reflect these State mapping layers, where necessary, and appropriately integrate the relevant State Planning Policy state interest policies, so that the planning scheme remains current and fit for purpose.

Therefore, the proposed Airport Environs Overlay Amendment is seeking to amend:

- the Airport environs overlay maps, to reflect the updated State Planning Policy mapping layers for the Sunshine Coast Airport and
- the Tables of assessment for the Airport environs overlay, the Airport environs overlay code, Administrative definitions and Planning scheme policy for the airport environs overlay code, to reflect new mapping elements and changed

terminology relating to the strategic airports and aviation facilities mapping and state interest policies.

Further detail in relation to the proposed Airport Environs Overlay Amendment is contained in **Attachment 1 – Explanatory Memorandum** and **Attachment 2 – Amendment Instrument**.

It should be noted that the proposed Airport Environs Overlay Amendment is not a mechanism to amend the flight paths for the Sunshine Coast Airport.

2. ***Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters***

The proposed Site Specific and Editorial Matters Amendment has been prepared in response to representations received from stakeholders seeking an amendment to the *Sunshine Coast Planning Scheme 2014*.

The proposed Site Specific and Editorial Matters Amendment is seeking to amend the zoning, maximum building height, local plan precincts/elements and/or planning scheme provisions for specific sites located in the Buderim, Kawana Waters, Maroochydore/Kuluin, Mooloolaba/Alexandra Headland, Peregian South, Sippy Downs, Woombye and Yandina Local plan areas and to address minor editorial matters.

The proposed amendment items have been carefully assessed and where involving a change to a zone and/or building height, are considered appropriate and consistent with the prevailing zone/maximum building height for the applicable local plan area.

The proposed Site Specific and Editorial Matters Amendment items do not involve a significant policy change and generally:

- respond to a Council resolution, Council property-related matters or specific community concerns/representations
- reflect an existing development approval or an existing/desired future land use
- address minor editorial matters to improve the clarity and efficiency of the planning scheme.

Further detail in relation to the proposed Site Specific and Editorial Matters Amendment is contained in **Attachment 3 – Explanatory Memorandum** and **Attachment 4 – Amendment Instrument**.

It is proposed that Council prepare and progress the proposed amendments to ensure that the planning scheme remains current and fit for purpose.

The proposed amendments are to be prepared and progressed in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*, which sets out the minimum requirements that Council must follow when making or amending a planning scheme. The next step in the process is to progress the proposed amendments towards State interest review and public consultation. It is reasonable to allow up to 12 months or more for planning scheme amendments of this type to be finalised.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Proposed Planning Scheme Amendments”**
- (b) decide to amend the *Sunshine Coast Planning Scheme 2014* (including Planning Scheme Policies) under Section 20 (Amending planning schemes under Minister’s rules) of the *Planning Act 2016***

- (c) delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the following amendments, in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*:
- (i) the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) – Airport Environs Overlay* and
  - (ii) the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters* and
- (d) note that following public consultation on the proposed amendments and receipt of any submissions, a further report will be presented to Council for formal consideration.

## FINANCE AND RESOURCING

Sufficient funds are allocated in the Strategic Planning Branch 2021/22 budget for undertaking amendments to the *Sunshine Coast Planning Scheme 2014*.

## CORPORATE PLAN

<b>Corporate Plan Goal:</b>	<b><i>Our environment and liveability</i></b>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S14 - Sustainable growth and network planning – providing land use planning, social policy, infrastructure planning and charges, flood mapping, transportation planning and environmental initiatives.

## CONSULTATION

### Councillor Consultation

Consultation has occurred with Councillors during a workshop on the planning scheme amendment program, which included discussion about the properties subject to the site specific amendment. Council officers also provided one-on-one briefings to relevant Divisional Councillors, in January 2022, in relation to this report.

### Internal Consultation

Consultation has occurred with relevant internal officers from the following Groups and Branches:

- Office of the CEO and the Mayor:
  - Major Projects and Strategic Property Branch, in relation to the Council owned proposed amendment sites in the Buderim and Mooloolaba/Alexandra Headland Local plan areas
- Customer Engagement and Planning Services Group:
  - Development Services Branch - in relation to the proposed amendment sites in the Buderim, Kawana Waters, Peregian South and Yandina Local plan areas
  - Urban Growth Projects Branch - in relation to the proposed amendment sites in the Kawana Waters Local plan area (i.e. Buddina Urban Village)
- Liveability and Natural Assets Group:
  - Environmental Operations Branch - in relation to the proposed amendment sites in the Kawana Waters Local plan area (i.e. Buddina Urban Village)

- Environment and Sustainability Policy Branch - in relation to the proposed amendment sites in the Kawana Waters and Sippy Downs Local plan areas (i.e. Buddina Urban Village and Toral Drive/Jorl Court)
- Built Infrastructure Group:
  - Transport and Infrastructure Planning Branch, in relation to the proposed amendment sites in the Sippy Downs Local plan area (i.e. Power Road and Toral Drive/Jorl Court).

### **External Consultation**

Consultation has occurred with Unitywater in relation to the proposed amendment sites in the Sippy Downs Local plan area (i.e. Toral Drive/Jorl Court).

### **Community Engagement**

There has been no community engagement undertaken in relation to this report. However, in accordance with the *Minister's Guidelines and Rules 2020*, Council is required to undertake formal community consultation for a minimum of 20 business days in relation to the proposed amendments.

### **PROPOSAL**

It is proposed to undertake two proposed amendments to the *Sunshine Coast Planning Scheme 2014*, namely the:

1. *Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) - Airport Environs Overlay* and
2. *Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters.*

### **Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) – Airport Environs Overlay**

The Sunshine Coast Airport is identified as a strategic airport in the *State Planning Policy 2017* (SPP). The State Planning Policy state interests relating to strategic airports and aviation facilities are therefore applicable to the Sunshine Coast Local Government area and are required to be appropriately integrated in the *Sunshine Coast Planning Scheme 2014*, in accordance with the *Planning Act 2016*.

On 15 July 2020 and 3 March 2021, the mapping layers for the Sunshine Coast Airport were updated in the State Planning Policy Interactive Mapping System (IMS) to reflect the new runway. The State Planning Policy Interactive Mapping System mapping layers for the Sunshine Coast Airport reflect mapping data provided to the Department of Transport and Main Roads by Sunshine Coast Airport.

The State Planning Policy strategic airports and aviation facilities mapping layers are identified in Appendix 1 of the State Planning Policy as Category 1 – State mapping layers that must be appropriately integrated in a local planning instrument in a way that achieves the relevant state interest policy. Local Government is responsible for ensuring that its planning scheme continues to accurately reflect these State mapping layers, where necessary, and appropriately integrate the relevant State Planning Policy state interest policies, so that the planning scheme remains current and fit for purpose.

The proposed Airport Environs Overlay Amendment is seeking to amend:

- the Airport environs overlay maps, to reflect the updated State Planning Policy mapping layers for the Sunshine Coast Airport and
- the Tables of assessment for the Airport environs overlay, the Airport environs overlay code, Administrative definitions and the Planning scheme policy for the airport environs

overlay code, to reflect new mapping elements and changed terminology relating to the strategic airports and aviation facilities mapping and state interest policies.

Further detail in relation to the proposed Airport Environs Overlay Amendment is contained in **Attachment 1 – Explanatory Memorandum** and **Attachment 2 – Amendment Instrument**.

It is also noted that Airservices Australia is undertaking a post implementation review of the flight paths implemented to support the new runway, including consideration of community suggested alternative flight paths. If the outcomes of this review result in changes to the existing flight paths, Sunshine Coast Airport may need to undertake a noise modelling review which may result in changes to the Aircraft Noise Exposure Forecast (ANEF) mapping identified in the State Planning Policy Interactive Mapping System and the planning scheme.

### **Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters**

The proposed Site Specific and Editorial Matters Amendment is seeking to:

- amend the zoning, maximum building height, local plan precincts/elements and/or planning scheme provisions for specific sites located in the Buderim, Kawana Waters, Maroochydore/Kuluin, Mooloolaba/Alexandra Headland, Peregian South, Sippy Downs, Woombye and Yandina Local plan areas and
- address minor editorial matters, such as cross-referencing errors.

The proposed Site Specific and Editorial Matters Amendment has been prepared in response to representations received from stakeholders seeking an amendment to the *Sunshine Coast Planning Scheme 2014*, to change a zone, overlay (i.e. maximum building height) and/or local plan precincts for specific sites.

All representations received are investigated and where appropriate, progressed as part of a future planning scheme amendment. A number of these representations were discussed with Council at a workshop on the planning scheme amendment program. These items form part of the proposed Site Specific and Editorial Matters Amendment.

The proposed amendment items have been carefully assessed and where involving a change to a zone and/or building height, are considered appropriate and consistent with the prevailing zone/maximum building height for the applicable local plan area.

The proposed Site Specific and Editorial Matters Amendment items do not involve a significant policy change and generally:

- respond to a Council resolution, Council property-related matters or specific community concerns/representations
- reflect an existing development approval or existing/desired future land use and
- address minor editorial matters to improve the clarity and efficiency of the planning scheme.

Further detail in relation to the proposed Site Specific and Editorial Matters Amendment is contained in **Attachment 3 – Explanatory Memorandum** and **Attachment 4 – Amendment Instrument**.

### **Process for amending a planning scheme**

The proposed amendments are to be prepared and progressed in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*, which sets out the minimum requirements that Council must follow when amending a planning scheme.

The proposed amendments are considered a 'major' amendment under Schedule 1 – Types of planning instrument amendments, of the *Minister's Guidelines and Rules 2020*, as they include a change to a zone and overlay (i.e. Height of buildings and structures overlay) for specific sites under the planning scheme and a change to a category of development or

category of assessment (i.e. Tables of assessment for the Airport environs overlay) and a policy position expressed in the planning scheme (i.e. Airport environs overlay code).

In accordance with the *Minister's Guidelines and Rules*, the process for making a proposed 'major' amendment requires consideration of State interests and public consultation.

If Council decides to make the proposed amendments, the next step is to progress the proposed amendments towards State interest review and public consultation. It is reasonable to allow at least 12 months for planning scheme amendments of this type to be completed. However, this will depend upon a number of variables, including the length of the State interest review process and the deliberations of the Planning Minister.

### **Legal**

No legal advice has been sought in the preparation of this report.

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

### **Policy**

The proposed amendments have been prepared in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules 2020*. The proposed amendments also comply with the relevant aspects of the *ShapingSEQ South East Queensland Regional Plan 2017* and the *State Planning Policy 2017*.

The proposed amendments also align with Council's policy in the *Sunshine Coast Council Corporate Plan 2021-2025*, relating to land use planning.

### **Risk**

The proposed amendments include items that are aimed at improving the operation and efficiency of the planning scheme. Failure to progress the proposed amendments will mean that these improvements are not implemented.

The proposed amendments will be subject to further consideration by the Planning Minister as part of the State interest review process, which could result in changes to the content of the proposed amendments or a direction not to proceed with the proposed amendments.

The proposed amendments also involve changes to a zone, overlay and/or local plan precincts/elements for specific sites. There is a risk that some proposed changes will be of concern to some members of the community. The public consultation process provides an opportunity for any person to put forward submissions in this regard. Following consideration of submissions, Council may decide to proceed, proceed with changes or not proceed with a proposed amendment, thereby mitigating the risk of community concern.

### **Previous Council Resolution**

There are a number of Council resolutions that relate to land included within the proposed Site Specific and Editorial Matters Amendment. The following Council resolutions are the most pertinent:

At the Ordinary Meeting held on 17 October 2019, in relation to Item 8.1 – Development Application for a Material Change of Use of Premises (Extension to existing service station) at 2-6 Lavarack Cres, Buderim, Council resolved to further consider the zoning of the land subject to the development application as part of the next planning scheme or major planning scheme review (refer to item (c) of Council Resolution OM19/157, below).

### **Ordinary Meeting 17 October 2019 (OM19/157)**

That Council:

- (a) receive and note the report titled **“Development Application for a Material Change of Use of Premises (Extension to existing Service Station) at 2-6 Lavarack Cres, Buderim”**
- (b) REFUSE application No. MCU18/0216 for a Development Permit for Material Change of Use of Premises for an extension to an Existing Service Station at 2-4 and 6 Lavarack Crescent, Buderim for the following reasons:
- (i) The development would result in the expansion of centre uses beyond the allocated zoned area. The proposed development therefore departs from the following relevant assessment benchmarks of the Sunshine Coast Planning Scheme 2014:
- (a) Strategic Framework 3.3. Settlement pattern: Element 3 – Efficient and functional urban form section 3.3.4.1 (d)
- (b) Strategic Framework 3.4. Economic development Element 1 – Natural (competitive) advantage and key economic sectors section 3.4.2.1 (b) (i)
- (c) The Buderim local plan code overall outcome (h)
- (ii) The location of development in the Local Centre (not full service) zone inappropriately expands centre activities outside of the activity centre and proposes a higher order and larger scale use than intended for the particular activity centre, and therefore undermines the Sunshine Coast Activity Centre Network. The proposed development therefore departs from the following relevant assessment benchmarks of the Sunshine Coast Planning Scheme 2014:
- (a) The Purpose of the Local centre zone code (section 6.2.8.2 (1))
- (b) The following overall outcomes of the Local centre zone code; (b), (e) and (m)
- (c) Strategic Framework 3.3 Settlement pattern: Element 5 – Enterprise corridor and activity centres section 3.3.6.1 (a)
- (iii) The proposal has not demonstrated there is a latent unsatisfied demand for additional service station facilities in the catchment area that cannot be met by the Sunshine Coast Planning Scheme 2014 in its present form
- (iv) The proposed development has not demonstrated that amenity of residential neighbourhoods will not be impacted. The amenity impacts resulting from the proposed 4.5m high acoustic barrier is unacceptable, where it is located within Low Density Residential zoned land and is located within 2 metres of an existing adjoining dwelling with no landscape buffering. The proposed development therefore departs from the following relevant assessment benchmarks of the Sunshine Coast Planning Scheme 2014:
- (a) Performance Outcomes 2, 3, 9 & 10 and the Purpose and Overall Outcomes of the Service station code
- (b) The following overall outcomes of the Low density residential zone code; (a), (e), (g), (h) and (o)
- (v) The proposal would continue the historical creep of commercial uses into Buderim’s residential areas and erodes Council’s efforts to contain commercial uses in the planned zones and prevent future creep
- (vi) The proposed development is inconsistent with reasonable community expectations for development at the premises which does not support a service station use in a low density residential zone. Such expectations are informed by,

*among other things, existing developments and the Sunshine Coast Planning Scheme 2014*

- (vii) *The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval*
  - (viii) *The departures from the assessment benchmarks and the relevant matters discussed above support refusal of the proposed development*
  - (ix) *Compliance with some assessment benchmarks and the submission of relevant matters advanced by the Applicant and submitters are not, on balance, material, and should be given little weight and do not otherwise sufficiently support approval of the proposed development*
  - (x) *Refusal of the proposed development advances the purposes of the Planning Act 2016 because the development fails to maintain physical and social wellbeing of people and communities due to its negative impacts on residential amenity of adjacent residential properties, and*
- (c) *further consider the zoning of the land subject to the development application as part of the next planning scheme or major planning scheme review.*

At the Ordinary Meeting held on 14 October 2021, in relation to Item 8.3 – Disposal of Property - Mooloolaba, Council resolved to dispose of Lot 900 SP318724 (part of 52A Amarina Avenue, Mooloolaba) to a government agency (the Northern SEQ Distributor-Retailer Authority) (refer to Council Resolution OM21/96, below).

#### **Ordinary Meeting, 14 October 2021 (OM21/96)**

*That Council:*

- (a) *receive and note the report titled “Disposal of Property, Mooloolaba”*
- (b) *resolved, pursuant to section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land described as proposed Lot 900 SP318724, 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 Northern SEQ Distributor-Retailer Authority is a government agency.*

#### **Related Documentation**

*Planning Act 2016*

*Minister’s Guidelines and Rules 2020*

*ShapingSEQ South East Queensland Regional Plan 2017*

*State Planning Policy 2017*

*Sunshine Coast Planning Scheme 2014*

#### **Critical Dates**

There is a desire to progress and implement the proposed amendments as soon as practicable to ensure the planning scheme remains current and fit-for-purpose.

#### **Implementation**

If Council decides to amend the planning scheme, the following steps are intended to be undertaken:

- provide a notice to the Planning Minister of Council’s decision to amend the planning scheme, including a statement about the nature and details of the proposed amendments in accordance with the *Minister’s Guidelines and Rules 2020* and



- prepare and progress the proposed amendments towards state interest review and public consultation.

















































































































































































































































































**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 - WITTA**

**File No:** Council report

**Authors:** Natural Environment Project Officer  
Liveability & Natural Assets Group  
Coordinator Strategic Property  
Office of the CEO .....

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating negotiations of a commercial matter 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 location and price of the acquisition once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 26 May 2022.

**13 MEETING CLOSURE**