

# Agenda

## **Ordinary Meeting**

**Thursday, 15 February 2024**

**commencing at 9:00am**

**Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore**



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**ORDINARY MEETING**

**NOTICE**

2 February 2024

Dear Councillors, Group Executives and relevant staff,

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

**15 February 2024**

**commencing at 9.00am.**

A handwritten signature in black ink, appearing to read "Bill Hadrill", is positioned above the typed name.

**Bill Hadrill | Acting Chief Executive Officer**

**Sunshine Coast Regional Council**  
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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 18 January 2024 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 QUARTERLY PROGRESS REPORT - QUARTER 2 2023/24****File No:** Council Meetings**Author:** Manager, Strategy and Policy  
Civic Governance**Appendices:** App A - Chief Executive Officer's Quarterly Highlights Report  
Quarter 2, 2023/24 ..... 15    
App B - Operational Plan Activities Report Quarter 2, 2023/2443   
**PURPOSE**

This report presents the Progress Report for Quarter 2 of 2023/24. The report covers the period 1 October to 31 December 2023 and seeks to inform Council and the community on the progress of the implementation of activities, significant projects and service highlights from Council's Operational Plan 2023/24.

The matters which are the substance of this report and the recommendations in this report do not constitute a major policy decision as prescribed under section 90B of the *Local Government Act 2009*. Accordingly, Council may proceed to consider and deliberate on this report during the local government caretaker period.

**EXECUTIVE SUMMARY**

Each quarter, Council receives a progress report on the delivery of the Operational Plan 2023/24. The report is published and made available to the community.

The report comprises:

- Appendix A – Chief Executive Officer's Quarterly Highlights Report Quarter 2 of 2023/24
- Appendix B – Operational Plan Activities Report Quarter 2 of 2023/24.

Council's Operational Plan 2023/24 outlines 87 activities to be delivered over the financial year to advance Council's vision for the region as Australia's most sustainable region. Healthy. Smart. Creative.

Below are some key highlights achieved throughout Quarter 2 of 2023/24:

**Our Strong Community**

- The Sunshine Coast All Abilities Action Plan 2024-2028 was adopted by Council in November 2023 and outlines the actions Council will undertake over the next five years to improve inclusion for people with a disability.
- More than \$1.3 million in community grants were allocated to 428 applications to support grassroots community organisations and groups deliver a wide range of outcomes for the region.
- Council completed the \$3.7 million roof replacement at the Caloundra Indoor Sports Stadium, which included the addition of 150 kilowatt solar panels, progressing Council's sustainability objectives.

**Our Environment and Liveability**

- The Environment and Liveability Strategy (2023 refresh) was adopted by Council in October 2023 to incorporate new information and strengthen the strategic foundation already established by Council and its partners.
- The proposed new Sunshine Coast Planning Scheme was formally submitted to the Queensland Government for first State Interest Review in December 2023, a key milestone in the planning scheme development process.
- The Sunshine Coast Resource Recovery Strategy 2023 was adopted in November 2023 to align with Australian and Queensland Government waste reduction targets.

**Our Resilient Economy**

- The Sunshine Coast Regional Economic Development Strategy 2013-2033 (2023 refresh) was adopted at Council's Ordinary Meeting in October 2023.
- \$12.5 million in economic activity for the region was generated from 17 Sunshine Coast major events with 23,985 guests attending.
- 3075 Sunshine Coast businesses accessed specialist advice, information, workshops and events that support economic development in the region.

**Our Service Excellence**

- \$6.1 million was invested into our local road network to rehabilitate and resurface 26 kilometres of road for the safety of our community (total area 146,972m<sup>2</sup>).
- Stages 2 and 3 of the Mooloolaba Transport Corridor Upgrade project were completed, which expanded Brisbane Road from two to four lanes, upgraded signalised intersections, included the new Mayes Canal Bridge, new pedestrian pathways and a feature timber boardwalk for pedestrians and cyclists.
- Council officially opened the new eight-story PARKnGO facility located at 4 Lightning Lane in the Maroochydore City Centre, accommodating close to 300 parking spaces, six accessible parking spaces, 39 motorcycle spaces and 28 bikes.

**Our Outstanding Organisation**

- Council received an unmodified audit opinion from the Queensland Audit Office for the fifteenth consecutive year Council's financial statements are a true indication of our results.
- Council's revised Policy Framework was endorsed in October 2023, placing a stronger emphasis on evidence-based policy development, best practice and a clearer alignment with the organisation's values.
- Council's Corporate Plan 2024-2028 was adopted in December 2023 to ensure it remains responsive to changes in the operating environment and aligned to the strategic directions and priorities in the refreshed regional strategies.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Quarterly Progress Report - Quarter 2 2023/24”
- (b) receive and note the Chief Executive Officer’s Quarterly Highlights Report – Quarter 2 2023/24 (Appendix A) and
- (c) receive and note the Operational Plan Activities Report – Quarter 2 2023/24 (Appendix B) reporting on implementation of the Corporate and Operational Plans.

## FINANCE AND RESOURCING

This report is developed and funded within the current operational budget to provide an update on the progress towards delivery of the operational plan activities. Detailed Financial Performance Reports are provided to Council each month covering operating revenue and expenses as well as progress on the capital works program.

## CORPORATE PLAN

**Corporate Plan Goal:** *Our outstanding organisation*  
**Outcome:** We serve our community by providing this great service  
**Operational Activity:** S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

## CONSULTATION

### Councillor Consultation

This report has been discussed with Councillor J Natoli and Councillor E Hungerford as Portfolio Councillors for Our Outstanding Organisation.

### Internal Consultation

Consultation has occurred with relevant Coordinators, Managers and each Group Executive to inform the preparation of this report.

This is a whole of Council report and consultation involves all Groups of Council:

- Built Infrastructure Group
- Business Performance Group
- Civic Governance Group
- Customer and Planning Services Group
- Economic and Community Development Group
- Liveability and Natural Assets Group.

### External Consultation

There has been no external consultation in relation to this report, but many of the activities highlighted in the report involve consultation with elements of the community.

### Community Engagement

There has been no community engagement in relation to this report although community engagement has been an inherent part of progressing many of the activities in this report.

## PROPOSAL

Under section 174(3) of the *Local Government Regulation 2012*, the Chief Executive Officer is required to provide a regular report to a Council meeting outlining the progress in delivering its operational plan activities.

### Progress report

The Chief Executive Officer's Quarterly Highlights Report – Quarter 2, 2023/24 (**Appendix A**) consists of a summary of achievements under each of the Corporate Plan goals, as reflected in the structure of Council's Operational Plan 2023/24.

Operational Plan Activities Report - Quarter 2 of 2023/24 (**Appendix B**) provides details on the implementation of the 87 activities outlined in Council's Operational Plan 2023/24. It includes the status of each activity including percentage complete, on time and on budget indicators as well as progress commentary.

### Legal

This report has been prepared in response to the requirements of section 174(3) of the *Local Government Regulation 2012*.

### Policy

The presentation of this report in itself, is not inconsistent with any adopted Council policies. The quarterly progress report is, however, a component of Council's Integrated Planning and Performance Framework.

### Risk

In accordance with Council's Risk Management Framework, the risks and opportunities identified in relation to the quarterly progress report include:

- reputation/public image: the report provides information on Council's operational plan and service delivery with both qualitative and quantitative updates to the community
- legislative: the report seeks to fulfill the legislative requirements of the *Local Government Act 2009* and *the Local Government Regulation 2012* and
- business activity: the report keeps Council informed on the progress of the operational plan activities and risk associated with their budget and schedule.

### Previous Council Resolution

#### Ordinary Meeting 16 November 2023 (OM23/130)

*That Council:*

- (a) receive and note the report titled "Quarterly Progress Report - Quarter 1, 2023/24"*
- (b) receive and note the Chief Executive Officer's Quarterly Highlights Report – Quarter 1 2023/24 (Appendix A), and*
- (c) receive and note the Operational Plan Activities Report – Quarter 1, 2023/24 (Appendix B) reporting on implementation of the Corporate and Operational Plans.*

#### Special Meeting 22 June 2023 (SM23/1)

*That Council:*

- (a) receive and note the report titled "**Operational Plan 2023/24**"*
- (b) adopt the Operational Plan 2023/24 (Appendix A) and*

- (c) *authorise the Chief Executive Officer to make minor administrative amendments to the Operational Plan 2023/24 (if required) prior to publication.*

**Related Documentation**

- Corporate Plan 2023-2027
- Operational Plan 2023/24
- Financial information provided to Council in the Financial and Capital management report.

**Critical Dates**

Quarterly Progress reports are usually presented to Council within eight weeks of the end of the calendar quarter, subject to the scheduled meeting cycle. The *Local Government Regulation 2012* requires the report to be presented to Council at intervals of not more than three months.

**Implementation**

Should the recommendation be accepted by Council, the report will be published and available for community access via Council's website and a digital copy will be provided to the State Library of Queensland.











































































































































## 8.2 JANUARY 2024 FINANCIAL PERFORMANCE REPORT

**File No:** Council Meetings

**Author:** Chief Financial Officer  
Business Performance Group

**Attachments:** Att 1 - January 2024 Financial Performance Report .....81 [↓](#)  
Att 2 - Capital Grant Funded Project Report January 2024 .....83 [↓](#)

### PURPOSE

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

The matters which are the substance of this report and the recommendations in this report do not constitute a major policy decision as prescribed under section 90B of the *Local Government Act 2009*. Accordingly, Council may proceed to consider and deliberate on this report during the local government caretaker period.

### EXECUTIVE SUMMARY

This monthly financial performance report provides Council with a summary of performance against budget as at 31 January 2024, in terms of the operating result and delivery of the capital program.

#### Operating Performance

**Table 1: Operating Budget as at 30 June 2024**

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	590,615	594,808
Total Operating Expenses	566,003	572,666
<b>Operating Result</b>	<b>24,612</b>	<b>22,142</b>

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

### OFFICER RECOMMENDATION

That Council receive and note the report titled "January 2024 Financial Performance Report".

### FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 31 January 2024, 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**

### **Councillor Consultation**

Consultation has been undertaken with the Portfolio Councillor, E Hungerford.

### **Internal Consultation**

This report has been written in conjunction with advice from:

- Acting Group Executive Business Performance
- 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 2023/24 Investment Policy, and  
Sunshine Coast Council's 2023/24 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 14 December 2023 (OM23/149)**

*That Council:*

- (a) *receive and note the report titled "Budget Review 2 2023/2024"*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2023/24 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) *Council's 2023/24 Capital Works Program, endorse the indicative four-year program for the period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- (c) *note the following documentation applies as adopted 22 June 2023*
- (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, and*
  - (iv) *the Revenue Statement*
  - (v) *the rates and charges to be levied for the 2023/24 financial year and other matters as adopted 22 June 2023*
  - (vi) *the Strategic Environment Levy Policy*
  - (vii) *the Strategic Arts and Heritage Levy Policy*
  - (viii) *the Strategic Transport Levy Policy*
  - (ix) *the Derivatives Policy and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

**Ordinary Meeting 21 September 2023 (OM23/104)**

*That Council:*

- (a) *receive and note the report titled "Budget Review 1 – 2023/24" and*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2023/24 financial year incorporating:*
  - (i) *the statement of income and expenditure*
  - (ii) *the statement of financial position*
  - (iii) *the statement of changes in equity*
  - (iv) *the statement of cash flow*
  - (v) *the relevant measurers of financial sustainability*
  - (vi) *the long-term financial forecast*
  - (vii) *Council's 2023/24 Capital Works Program, endorse the indicative four-year program for a period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- (c) *note the following documentation applies as adopted 22 June 2023*
  - (i) *the Debt policy*
  - (ii) *the Revenue policy*

- (iii) *the total value of 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*
  - (v) *the rates and charges to be levied for the 2023/24 financial year and other matters as adopted 22 June 2023*
  - (vi) *the Strategic Environment Levy Policy*
  - (vii) *the Strategic Arts and Heritage Levy Policy*
  - (viii) *the Strategic Transport Levy Policy*
  - (ix) *the Derivates Policy and*
- (d) *endorse the Minor Capital Works Program (Appendix B)*

### **Special Meeting 22 June 2023 (SM23/2)**

*That Council:*

#### **1. STATEMENT OF ESTIMATED FINANCIAL POSITION**

*receive and note Appendix A, pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect to the 2022/23 financial year*

#### **2. ADOPTION OF BUDGET**

*adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2023/24 financial year incorporating:*

- (i) *the statement of income and expenditure*
- (ii) *the statement of financial position*
- (iii) *the statement 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 25 May 2023)*
- (viii) *the Revenue Policy (adopted by Council resolution on 25 May 2023)*
- (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 2023/24 Capital Works Program, endorse the indicative four-year program for the period 2025 to 2028, and note the five-year program for the period 2029 to 2033*
- (xii) *the rates and charges to be levied for the 2023/24 financial year and other matters as detailed below in clauses 3 to 10*
- (xiii) *the 2023/24 Minor Capital Works Program*
- (xiv) *the Strategic Environment Levy Policy*
- (xv) *the Strategic Arts and Heritage Levy Policy*
- (xvi) *the Strategic Transport Levy Policy and*
- (xvii) *the Derivatives Policy*

**Related Documentation**

2023/24 Adopted Budget

**Critical Dates**

There are no critical dates for this report.

**Implementation**

There are no implementation details to include in this report.





# Placeholder for Attachment

January 2024 Financial Performance Report

January 2024 Financial Performance Report (to be provided)











# Placeholder for Attachment

January 2024 Financial Performance Report

Capital Grant Funded Project Report January 2024  
(to be provided)



### 8.3 APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT FOR SUBDIVISION (1 INTO 3 LOTS) AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES (2 DWELLINGS) - 215 VALLEY DRIVE, DOONAN

<b>File No:</b>	RAL23/0008 and MCU23/0019		
<b>Author:</b>	Development Planner Customer & Planning Services Group		
<b>Appendices:</b>	App A - Proposed Conditions of Approval.....	91	 
<b>Attachments:</b>	Att 1 - Detailed Assessment Report.....	105	 
	Att 2 - Proposal Plans .....	131	 
	Att 3 - Concurrence Agency Response .....	141	 

#### PURPOSE

The purpose of this report is to seek Council's determination of a development application for a Development Permit for Reconfiguring a Lot for Subdivision (1 into 3 lots) and a Development Permit for a Material Change of Use for Dwelling Houses (2 dwellings) located at 215 Valley Drive, Doonan.

The application is before Council at the request of the Divisional Councillor M Suarez.

The matters which are the substance of this report and the recommendations in this report do not constitute a major policy decision as prescribed under section 90B of the *Local Government Act 2009*. Accordingly, Council may proceed to consider and deliberate on this report during the local government caretaker period.

#### EXECUTIVE SUMMARY

This impact assessable application is for a Development Permit for Reconfiguring a Lot for Subdivision (1 into 3 lots) and Development Permit for a Material Change of Use for Dwelling Houses (2 dwellings). The proposal creates two (2) smaller lots of 7,160m<sup>2</sup> (Lot 1) and 6,000m<sup>2</sup> (Lot 2), with the balance allotment of 226,300m<sup>2</sup> (Lot 17). It is then proposed to locate a Dwelling House on each of the smaller lots, with no other use of the balance allotment proposed with this application. Access for all lots would be directly from the Valley Drive frontage. The proposal plans have been attached to this report (refer to **Attachment 2**).

A detailed assessment of the application has been undertaken and is included in the officer's Detailed Assessment Report in **Attachment 1** to this report. This includes assessment of the pertinent issues being inconsistency of the Dwelling House use with the Sport and Recreation Zone, lot size and compliance with relevant codes for dwelling houses, bushfire, ecologically important areas, steep land, flooding, retaining walls, fencing, frontage works, sewer, and stormwater.

The Dwelling House use is inconsistent in the Sport and Recreation zone and is a departure from the planning scheme. As such, the *Planning Act 2016* requires consideration of whether there are other relevant matters for consideration which warrant the approval or refusal of the application.

On balance, the development complies with the majority of the planning scheme, with the exception of the consistency of the land use. In this circumstance, it is considered that the proposal will not directly compromise or conflict with the use of the balance allotment for future sport and recreation purposes.

The proposal is recommended for approval subject to reasonable and relevant conditions.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Application for Development Permit for Reconfiguring a Lot for Subdivision (1 into 3 lots) and a Development Permit for a Material Change of Use for Dwelling Houses (2 dwellings) - 215 Valley Drive, Doonan” and
- (b) approve Application No. RAL23/0008 and MCU23/0019, and grant a Development Permit for Reconfiguring a Lot for Subdivision (1 into 3 lots) and a Development Permit for a Material Change of Use for Dwelling Houses (2 dwellings), subject to conditions in Appendix A.

**FINANCE AND RESOURCING**

In the event of an approval, the Infrastructure Charges are payable in accordance with Council’s Infrastructure Charges Resolution. Council’s Strategic Infrastructure Planning and Policy Branch estimate that Council’s proportion of Infrastructure Charge would be \$35,007 (subject to indexation).

**CORPORATE PLAN**

**Corporate Plan Goal:** *Our service excellence*

**Outcome:** We serve our community by providing this great service

**Operational Activity:** S20 - Development services – planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals.

**CONSULTATION****Councillor Consultation**

Due to this application being impact assessable, all Councillors were informed at the beginning of the decision period for this application, outlining a summary of the application and the details of public notification (refer to Community Engagement section below).

The Divisional Councillor M Suarez has been consulted during the application process.

**Internal Consultation**

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

- Principal Development Engineer, Development Services Branch, Customer and Planning Services
- Principal Biodiversity Officer, Development Services Branch, Customer and Planning Services
- Interim Coordinator Planning Scheme Amendments, Strategic Planning Branch, Customer and Planning Services and,
- Manager Environment and Sustainability Policy, Liveability and Natural Asset.

### External Consultation

The application was referred to the Department of State Development and Infrastructure, (SARA) as a concurrence agency, in accordance with the *Planning Act 2016* and the *Planning Regulation 2017* in relation to clearing vegetation and koala habitat areas.

The department responded by letter dated 30 May 2023 imposing conditions that must attach to any development approval (refer to **Attachment 3**).

### Community Engagement

The application was publicly notified for 15 business days between 3 July 2023 and 24 July 2023 in accordance with the requirements of the *Planning Act 2016*. A total of 24 submissions were received, consisting of 7 properly made submissions (17 not properly made submissions in accordance with the legislative requirements). Of the 7 properly made submissions, there were 4 submissions in support and 3 submissions against the proposal. Of the total 24 submissions (properly made and not properly made), there were 5 submissions in support and 19 submissions against the proposal.

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

## PROPOSAL

This impact assessable application is for a Development Permit for Reconfiguring a Lot for Subdivision (1 into 3 lots) and Development Permit for a Material Change of Use for Dwelling Houses (2 dwellings).

The subject site is located in the Sport and Recreation Zone and was previously used as a disused golf course (which has since ceased). The proposal creates two (2) smaller lots of 7,160m<sup>2</sup> (Lot 1) and 6,000m<sup>2</sup> (Lot 2), with the balance allotment of 226,300m<sup>2</sup> (Lot 17). It is then proposed to locate a Dwelling House on each of the smaller lots, with no other use of the balance allotment proposed with this application. Access for all lots would be directly from the Valley Drive frontage. The proposal plans have been attached to this report (refer to **Attachment 2**).

A detailed assessment of the application has been undertaken and is included in the officer's Detailed Assessment Report in **Attachment 1** to this report. This includes assessment of the pertinent issues being inconsistency of the Dwelling House use with the Sport and Recreation Zone, lot size and compliance with relevant codes for dwelling houses, bushfire, ecologically important areas, steep land, flooding, retaining walls, fencing, frontage works, sewer, and stormwater.

The application is assessable against the whole of the *Sunshine Coast Planning Scheme 2014*, including the Strategic Framework and relevant codes.

The Dwelling House use is inconsistent in the Sport and Recreation zone and is a departure from the planning scheme. As such, the *Planning Act 2016* requires consideration of whether there are other relevant matters for consideration which warrant the approval or refusal of the application.

The exercise of any discretion regarding other relevant matters involves a balancing exercise of matters that warrant an approval or a refusal.

There are several matters that are in favour of the development, which include:

- the balance allotment will be sufficiently sized and shaped to accommodate the expansion of the Noosa Valley Country Club golf course from the western side of Valley Drive without the two (2) allotments proposed to be subdivided and used for Dwelling Houses

- the owners intend to maintain the balance allotment as is, and are willing to consider sale of the allotment to the Noosa Valley Country Club to facilitate expansion of the golf course
- the subject site has been in private ownership and has not been purchased by Council or the State, nor have the current owners been approached by either entity and
- part of the proposed smaller allotments, and most of the balance allotment, are subject to flood and therefore it is unlikely any further development could occur beyond a park or other Sport and Recreation use.

In converse, there are a few matters that may warrant refusal, including:

- The intrusion of incompatible land use that may compromise or conflict with the primary use of the sport and recreation open space for organised sport and recreation activities and,
- The fact that the subject land mapped within the Rural Residential Area and the Rural Residential Growth Management Boundary on Strategic Framework Map SFM1. Strategic Framework Map SFM1 includes a note which outlines that not all land included in the Rural Residential Growth Management Boundary may not be suitable to be developed for rural residential purposes.

On balance, the development complies with the majority of the planning scheme, with the exception of the consistency of the land use. In this circumstance, it is considered that the proposal will not directly compromise or conflict with the use of the balance allotment for future sport and recreation purposes, such as the expansion of the Noosa Valley Country Club golf course.

In this instance, the land use and subdivision of the land is recommended to be supported.

### Legal

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

### Policy

The application has been assessed against the *Sunshine Coast Planning Scheme 2014* and all relevant Council policies.

### Risk

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

### Previous Council Resolution

There are no previous Council resolutions relevant to this report.

### Related Documentation

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains all the specific assessment details under the planning scheme considered in Council's assessment of this application.

A copy of the proposal plans of the development are provided as **Attachment 2** to this report.

A copy of the concurrence agency response is provided as **Attachment 3** of this report.



**Critical Dates**

There are no critical dates relevant to this report. Under the *Development Assessment Rules* and the *Planning Act 2016*, Council's decision for this impact assessable application was due on 22 November 2023. Given a decision has not been made by this date, the applicant may elect to take a 'deemed refusal' of the application.

**Implementation**

Should the recommendation be accepted by Council, it is noted that Council officers will communicate the outcome of Council's resolutions to the applicant and submitters as appropriate.











































































































































**8.4 SUNSHINE COAST COUNCIL STANDING ORDERS 2024**

<b>File No:</b>	<b>Council Meetings</b>
<b>Author:</b>	<b>Manager Governance and Executive Services Civic Governance</b>
<b>Appendices:</b>	<b>App A - Sunshine Coast Council Standing Orders 2024... 157</b>  
<b>Attachments:</b>	<b>Att 1 - Sunshine Coast Council Standing Orders - Tracked Changes..... 189</b>  

**PURPOSE**

This report presents for Council's consideration, an updated Sunshine Coast Council Standing Orders 2024, to accommodate recent amendments to the *Local Government Act 2009* and the model meeting procedures.

The matters which are the substance of this report and the recommendations in this report do not constitute a major policy decision as prescribed under section 90B of the *Local Government Act 2009*. Accordingly, Council may proceed to consider and deliberate on this report during the local government caretaker period.

**EXECUTIVE SUMMARY**

The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* was passed by the Queensland Legislative Assembly on 15 November 2023 and received assent and commenced on 22 November 2023. Upon assent, modifications were made to governance arrangements for the management of Councillor conduct complaints.

As a consequence of these changes, the Department of Housing, Local Government, Planning and Public Works (the department) updated its model meeting procedures for local governments, specifically to address the amendments relating to the management of Councillor conduct and conduct complaints referred back to Council. Council is required to incorporate these changes to the model meeting procedures into its Standing Orders.

The changes that have been incorporated into the Standing Orders include:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a Councillor
- the process for how the Councillors at a local government meeting may deal with the unsuitable meeting conduct by the Chairperson
- the process for how a suspected conduct breach by a Councillor, that is referred to the local government by the Independent Assessor, must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest arising during a local government meeting and recording the conflict of interest in the minutes of the meeting\*
- the process for dealing with a loss of quorum due to the number of Councillors with a conflict of interest\* and
- procedures for closing local government meetings to the public\*.

\*Relating to the consideration of Councillor conduct matters.

The Sunshine Coast Council Standing Orders have also been updated to address the foreshadowing of motions to aid procedural clarity during the course of debate.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Sunshine Coast Council Standing Orders 2024” and
- (b) adopt the Sunshine Coast Council Standing Orders 2024 (Appendix A).

## FINANCE AND RESOURCING

The administrative cost to amend the Standing Orders has been absorbed within the operational budget of the Civic Governance Group.

## CORPORATE PLAN

**Corporate Plan Goal:** *Our outstanding organisation*  
**Outcome:** We serve our community by providing this great service  
**Operational Activity:** S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

## CONSULTATION

### Councillor Consultation

Councillors have been consulted on the recommended changes to the Standing Orders.

### Internal Consultation

The Meeting Management Team has been briefed and consulted on the changes to the Model Meeting Procedures as issued by the Department.

### External Consultation

No external consultation was necessary for the development of this report, given it principally responds to a statutory obligation to ensure Council’s Standing Orders are not inconsistent with the department’s model meeting procedures.

### Community Engagement

Community engagement was not required for the amendment of the Sunshine Coast Standing Orders as this exercise ensures legislative compliance.

## PROPOSAL

Many of the current aspects of the Councillor conduct complaints system were first introduced in December 2018 with the intent to provide a simpler, more streamlined Councillor conduct complaints management system. As part of these reforms the Office of the Independent Assessor (OIA) was established to investigate all complaints and information about Councillor conduct before deciding how complaints should be dealt with.

On 25 October 2021, the then Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure, wrote to the Legislative Assembly’s State Development and Regional Industries Committee (SDRIC) requesting it conduct a review into the functions of the Office of the Independent Assessor in accordance with SDRIC’s general oversight responsibilities for the Office of the Independent Assessor.

On 14 October 2022, the State Development and Regional Industries Committee tabled its Report No. 28 of the 57th Parliament - *Inquiry into the Independent Assessor and Councillor Conduct Complaints System* (the Councillor Conduct Report) in the Legislative Assembly.



The Councillor Conduct Report made 40 recommendations to improve the Councillor conduct complaints system.

On 12 January 2023, the Government's response to the Councillor Conduct Report was tabled in the Legislative Assembly, supporting or supporting in-principle all 40 recommendations.

The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* (the Act) implements those State Development and Regional Industries Committee's recommendations that required a legislative response, including several reforms to the Councillor conduct complaints system including:

- introducing a preliminary assessment process that the Office of the Independent Assessor must undertake for all complaints, notices and referrals to establish clear statutory parameters for when the Office of the Independent Assessor should take further action for conduct matters. This process is intended to enhance the scope for insubstantial conduct matters to be 'closed out' as early as possible
- establishing statutory limitation periods for when complaints, notices or referrals must be made to the Office of the Independent Assessor
- replacing the term 'inappropriate conduct' with 'conduct breach' (see further information below in relation to a new approach for dealing with a 'conduct breach')
- limiting the application of the complaints system to a Councillor's conduct in their official capacity, and to sitting (ie. currently serving) Councillors (except where the conduct is suspected corrupt conduct)
- introducing a scheme to declare persons vexatious complainants
- clarifying Councillor conflict of interest arrangements
- amendments to the constitution and membership of the Councillor Conduct Tribunal
- increasing mandatory reporting by the Office of the Independent Assessor and councils and requiring the publication of Councils' investigation reports for conduct matters.

Further, the Act introduces a scheme for mandatory training for Councillors. Councillors that do not complete mandatory training may be suspended without pay or dismissed from office.

In relation to dealing with a suspected conduct breach, under chapter 5A, part 3, division 3A of the *Local Government Act 2009*, the Independent Assessor must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action. If the Independent Assessor assesses that a matter is a suspected conduct breach, it must refer the matter to the Council.

In relation to matters referred by the Independent Assessor to the local government, the local government may decide not to start or to discontinue an investigation if:

- the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing or
- the complainant does not provide extra information when requested or
- there is insufficient information to investigate the complaint or
- the Councillor vacates or has vacated their office as a Councillor.

The local government investigation must be conducted in a way that is consistent with the local government's investigation policy. At this stage the Department is undertaking a review of the model Investigations Policy to incorporate necessary changes to align to the legislation. The model Investigations policy is expected to be finalised in coming weeks and as required will form the basis for a further report to Council to update its Investigation Policy as required.

**Implications for Council's Standing Orders**

Section 150G of the *Local Government Act 2009* provides that councils must adopt the model meeting procedures developed by the department or incorporate them into existing standing orders for meeting procedures. As with all councils, the Sunshine Coast Council Standing Orders are required to be consistent with the model meeting procedures.

The model meeting procedures document has recently been updated by the department to accommodate the amendments to the *Local Government Act 2009* that came into effect on 22 November 2023. The model meeting procedures – which are proposed to be inserted into the Sunshine Coast Council Standing Orders - incorporate the following amendments.

- introduction of new provisions in relation to local government investigations into conduct breach matters referred to local governments by the Office of the Independent Assessor. These changes establish new meeting procedures for deciding the outcome of an investigation at a Council meeting.
- a provision has been included to allow a Council meeting to be closed to the public during a debate about an investigation report in relation to a conduct breach matter.
- when a decision is made about a conduct breach matter at a local government meeting that is inconsistent with the recommendations provided in the investigation report, a statement addressing the inconsistency must be included in the minutes of the meeting and a copy of the investigation report must be made publicly available within 10 business days of the decision (certain redactions of complainants and witnesses' details must be made to the report before publication unless they are Councillors).
- a notice must be provided to the Office of the Independent Assessor, the Councillor and the complainant by the local government when a decision is made about a conduct breach matter, including providing the details of the decision. The notice must have the reasons for the decision and any orders that were made.
- procedures have been included to deal with the loss of a quorum in a Council meeting (due to the number of Councillors with a conflict of interest), where the Council is required to consider a report into the investigation of a conduct breach. The provisions include that a Council may decide, by resolution, not to decide the matter and take no further action in relation to the matter, unless the *Local Government Act 2009* or another Act provides that the local government must decide the matter. Conduct matters must be decided either when a quorum is available or where Ministerial approval is provided for conflicted Councillors to vote on the matter.
- procedures have been introduced to deal with unsuitable meeting conduct by a chairperson at a Council meeting. If a Councillor reasonably believes that the chairperson has engaged in unsuitable meeting conduct during a meeting, the Councillors present at the meeting, other than the chairperson, must decide by resolution if that is the case and if so, can make an order reprimanding the chairperson.
- if the conduct of a Councillor, including a chairperson, at the meeting becomes a conduct breach as a result of three instances of unsuitable conduct in one year, the local government is not required to notify the assessor about the conduct and it may be dealt with at the next Council meeting.

*Foreshadowed motions*

Given the need to amend Council's Standing Orders to accommodate the recent amendments to the *Local Government Act 2009* and the model meeting procedures, the opportunity is being taken to insert in the Standing Orders an additional section to provide greater clarity on the allowance and use of foreshadowed motions during Council debate. The proposed clauses make clear that a Councillor may foreshadow during debate on a motion, an alternative motion on the subject matter before Council if the vote on the current

motion is lost. The foreshadowing of an alternative motion does not require a seconder (at the time of foreshadowing) and is only to be considered if the original motion is lost.

### Legal

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

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

The proposed Sunshine Coast Council Standing Orders 2024, which are the subject of this report, are not inconsistent with the model procedures.

#### *Human Rights Act 2019*

The then Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure, included a statement of compatibility in accordance with Part 3 of the *Human Rights Act 2019* in the supporting documentation for the *Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023* when it was introduced in the Legislative Assembly. On this basis – and given the proposed Sunshine Coast Council Standing Orders 2024 are consistent with the provisions of that Bill (as passed and enacted), it is considered that no further human rights compatibility assessment is required to support the recommendations in this report.

### Policy

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

### Risk

Should the proposed Sunshine Coast Council Standing Orders 2024 not be adopted, Council risks that its meeting procedures are not compliant with the Act or the model meeting procedures. Further, this will make it difficult for Council to consider and deal with any referred Councillor conduct breach complaints in a way that is consistent with the Act and the model meeting procedures – which in turn poses a risk that decision making by Council on such matters may be open to legal challenge due to non-compliance with statutory requirements.

### Previous Council Resolution

#### Ordinary Meeting 15 October 2020 (OM20/105)

*That Council:*

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

**Ordinary Meeting 6 December 2018 (OM18/204)**

*That Council:*

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

**Ordinary Meeting 15 October 2015 (OM15/185)**

*That Council:*

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

**Related Documentation**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023*

**Critical Dates**

Early adoption of the proposed Sunshine Coast Regional Council Standing Orders 2024 to reflect legislative changes that took effect from 22 November 2023, is considered to be a prudent course for Council to consider.

**Implementation**

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

- *update the Policy Register and distributed as appropriate to Councillors and Officers and*
- *publish the Sunshine Coast Council Standing Orders 2024 on Council's website.*

















































































































































**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**

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 7 March 2024.

**13 MEETING CLOSURE**