

Agenda

Ordinary Meeting
Wednesday, 24 April 2024

commencing at 9:00am

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

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ORDINARY MEETING

NOTICE

12 April 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

24 April 2024

commencing at 9.00am.

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

Emma Thomas | Chief Executive Officer

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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 7 March 2024 and the Special Meeting held on 11 April 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 APPLICATION FOR PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OF PREMISES INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE SUNSHINE COAST PLANNING SCHEME 2014, AND RELATED APPLICATIONS FOR DEVELOPMENT PERMITS (RECONFIGURING A LOT AND MATERIAL CHANGE OF USE) - 38-40 CLITHERO AVENUE, BUDERIM****File No:** MCU22/0167 RAL22/0059**Author:** Principal Development Planner
Customer & Planning Services Group**Appendices:** App A - Conditions of Approval..... 17  **Attachments:** Att 1 - Detailed Assessment Report..... 33  Att 2 - Plan of Development..... 73  Att 3 - Proposal Plan - Reconfiguring a Lot..... 83  Att 4 - Proposal Plans - Dwelling House..... 85  Link to [Development.i - MCU22/0167 RAL22/0059](#)**PURPOSE**

The purpose of this report is to seek Council's determination of a combined application for the following development aspects:

- Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map]
- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots) and
- Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling.

The application is before Council because it includes a Variation Request as defined in the *Planning Act 2016*.

EXECUTIVE SUMMARY

The application seeks a Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* (the planning scheme). The application also seeks a Development Permit for Reconfiguring a Lot (1 lot into 2 lots) and a Development Permit for a Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling.

The subject site is included in the Limited Development (Landscape Residential) zone in the planning scheme. In accordance with the planning scheme for land with that zoning, development is generally intended to be limited to a single dwelling house, and no new lots are intended to be created. The site was included in the Limited development (Landscape

Residential) zone in the current planning scheme due to the presence of constraints including flooding, ecologically important areas, landslide hazard and steep land. These constraints are mapped on the planning scheme overlays.

The subject site presently contains three (3) dwelling houses that were either constructed or located on the site in the 1970's and 1980's. The proposed development involves creating one additional new lot around the existing main house and demolishing one of the other existing dwellings and replacing it with a new and larger dwelling house. In order to achieve this development (i.e., the subdivision and the new house) and to demonstrate achievement of the planning scheme's outcomes, the application proposes that the zoning of part of the land should be changed from Limited Development (Landscape Residential) to Low Density Residential, and furthermore, that the mapped extent of the Biodiversity waterways and wetlands overlay be changed to reflect the results of detailed technical assessment. These proposed changes to the zoning and the overlay mapping are the main subject of the Variation Request component of the application.

A detailed assessment of the application has been undertaken and is included in the officer's Detailed Assessment Report at **Attachment 1** to this report. It is considered that the proposed Variation Request is appropriate in the circumstances, would comply with all applicable assessment benchmarks and would satisfy the requirements of the *Planning Act 2016*. Furthermore, it is considered that the proposed Reconfiguring a Lot and the proposed Material Change of Use would also achieve the outcomes of all applicable assessment benchmarks, subject to the imposition of conditions.

In relation to the Plan of Development to be included in this approval, the zoning is proposed to be amended so the site that is included in the Low density residential zone be limited to the area of proposed Lot 10 which is 1542m² in area. This would mean that the extent of subdivision over the site would be limited to creating a single additional lot no less than 1500m² in size, as per the current reconfiguring a lot proposal.

The application is therefore recommended for approval with reasonable and relevant conditions.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Application for Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014, and related Applications for Development Permits (Reconfiguring a Lot and Material Change of Use) - 38-40 Clithero Avenue, Buderim" and**
- (b) APPROVE Application No. MCU22/0167 & RAL22/0059, and grant a Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map], and a Development Permit to Reconfigure a Lot (1 Lot into 2 Lots), and a Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling, subject to the imposition of reasonable and relevant conditions in Appendix A and**

- (c) **note all future requests for a negotiated decision and requested changes to the approval to be determined by delegated Council officers where the changes would not have a material impact on the outcome of the original decision.**

FINANCE AND RESOURCING

In the event of an approval, Infrastructure Charges in the order of \$17,500 for one additional lot may be payable in accordance with Council's Infrastructure Charges Resolution pending the review of archived building approval files to determine if there are any applicable infrastructure credits.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our service excellence</i>
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

The Divisional Councillor, Councillor E Hungerford has been consulted on the application.

Internal Consultation

The application was referred to and/or discussed with the following internal Council specialists and their assessment forms part of this report.

- Principal Development Engineer - Hydraulics, Development Services Branch, Customer and Planning Services Group
- Principal Development Engineer, Development Services Branch, Customer and Planning Services Group
- Senior Biodiversity Officer, Development Services Branch, Customer and Planning Services Group
- Principal Strategic Planner, Strategic Planning Branch, Customer and Planning Services Group
- Aquatic Ecologist, Environment and Sustainability Policy Branch, Liveability and Natural Assets Group

External Consultation

There has been no external consultation undertaken in relation to this report.

Community Engagement

The application was publicly notified for 30 business days between 4 September and 17 October 2023 in accordance with the requirements of the *Planning Act 2016*. A total of two (2) submissions were received, both of which were determined to be 'properly made' in accordance with the *Planning Act 2016*. The submitters are residents of Clithero Avenue in the vicinity of the subject site.

A summary of the matters raised in the submissions, together with a statement of how those matters have been addressed as part of the assessment, is included in the officer's Detailed Assessment Report at **Attachment 1** to this report.

PROPOSAL

The application seeks approval for the following development aspects:

- Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map]
- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots) and
- Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling.

Each aspect is described in greater detail below.

Variation Request

The application seeks approval of a Plan of Development (POD) for the subject land which includes variations to the *Sunshine Coast Planning Scheme 2014* (the planning scheme). The proposed variations to the planning scheme are primarily mapping related, and are summarised as follows:

- Vary the zoning of the subject land so that it is partly within the Low density residential zone (including Precinct LDR1 – Protected Housing) and partly within the Limited development (landscape residential) zone. The planning scheme currently includes the subject land wholly in the Limited development (landscape residential) zone.
- Vary the Biodiversity, waterways and wetlands overlay mapping applicable to the subject land. Specifically, change the location and/or extent of the mapped Native Vegetation Area, Riparian Protection Area, Waterways and Wetlands elements affecting the subject land to reflect the results of detailed technical assessment.
- Vary the minimum lot size for the part of the subject land that is proposed to be included Low density residential zone from 700m² (as currently required in the *Buderim local plan code*) to 1500m². The purpose of this variation is to ensure that any future application for reconfiguring a lot in Low density residential zoned area which includes lots less than 1500m² in area would be subject to impact assessment.

The Plan of Development includes tables of assessment for a material change of use in each proposed zone, for reconfiguring a lot in the Low density residential zone, and for development in the Biodiversity, waterways and wetlands overlay. However, the proposed categories of development and assessment for future development on the subject site are

the same as that for other land in the planning scheme with the same zoning and overlay mapping, and the applicable assessment benchmarks for future development (codes) are also the same. The only change is that the Plan of Development requires impact assessment for particular reconfiguring a lot, as described in the third dot point above.

The Plan of Development has been attached to this report (refer to **Attachment 2**).

Reconfiguring a Lot

The application seeks a development permit for reconfiguring the subject land into two (2) lots. Proposed Lot 10 would be 1,542m² in area and would be wholly included within the Low density residential zone (and precinct LDR1) if the variation request is approved. Proposed Lot 9 would be 9,874m² in area and would be partly included in the Low density residential zone (and precinct LDR1) and partly included in the Limited development (landscape residential) zone if the variation request is approved.

The subject land includes three (3) existing dwelling houses. Two of these are larger dwellings, and one is a small cottage. Proposed Lot 10 would include the largest of the existing dwelling houses (currently the main house on the site) as well as a garage and the existing driveway. Proposed Lot 9 would include the other dwelling house and the small cottage. Lot 9 would also include the site's environmental attributes including native vegetation and Martins Creek.

A plan of the proposed reconfiguring a lot has been attached to this report (refer to **Attachment 3**).

Material Change of Use (Dwelling House & Secondary Dwelling)

The application seeks a development permit for a material change of use of premises to establish a new dwelling house and a secondary dwelling on proposed Lot 9. The application proposes to demolish the existing dwelling house located in the northern part of the site and replace it with a larger new dwelling house with its own driveway access. The proposed new dwelling house would include 5 bedrooms over three storeys and would not exceed 8.5m above natural ground level in accordance with the Height of buildings and structures overlay. The application also proposes to retain the existing small cottage on the site as a secondary dwelling.

The proposal plans for the new dwelling house have been attached to this report (refer to **Attachment 4**).

ASSESSMENT SUMMARY

A detailed assessment of the application has been undertaken and is included in the officer's Detailed Assessment Report at **Attachment 1** to this report.

The subject site is included in the Limited development (Landscape Residential) zone in the planning scheme. In accordance with the planning scheme for land with that zoning, development is generally intended to be limited to a single dwelling house, and no new lots are intended to be created. The site was included in the Limited development (Landscape Residential) zone in the current planning scheme due to the presence of constraints including flooding, ecologically important areas, landslide hazard and steep land. These constraints are mapped on the planning scheme overlays.

However, the subject site is somewhat unique in that it presently contains three (3) dwelling houses, with the largest "main house" on the site built in the 1980's and the smaller houses estimated to have been built/located onto the site during the 1970's. The proposed development involves creating one additional new lot around the existing main house and demolishing one of the other existing dwellings and replacing it with a new and larger dwelling house. In order to achieve this development (i.e., the subdivision and the new house) and demonstrate achievement of the planning scheme's outcomes, the application proposes that the zoning of part of the land should be changed from Limited Development (Landscape Residential) to Low Density Residential, and furthermore, that the mapped extent of the Biodiversity waterways and wetlands overlay be changed to reflect the results of detailed technical assessment. These proposed changes to the zoning and the overlay mapping are the main subject of Variation Request component of the application.

The *Planning Act 2016* allows for an application for a Preliminary Approval to include a Variation Request. A Variation Request seeks to vary the effect of a local planning instrument (the planning scheme) on premises that is the subject of the application. If approved, the Variation Approval may establish different categories of assessment and assessment benchmarks (e.g., codes) for development and would prevail over the planning scheme to the extent of any inconsistency for the "life" of the approval. Typically, a Variation Request is sought for larger master planned development sites and seeks to create in effect a "mini" local planning instrument for a site by defining various development precincts, identifying tables of assessment for future development in each precinct, and establishing new development code(s) that would apply to future development in the master planned area. However, in the case of the subject application, the proposed Variation Request seeks to make changes to the zoning and overlay mapping that apply to the premises, and have these changes prevail over the current planning scheme zoning and overlay mapping. If accepted, these changes would then facilitate the other aspects of development that the application seeks approval for, that is the subdivision and the new house.

As part of the application, the applicant has undertaken ground-truthing investigations which have demonstrated the current planning scheme overlay mapping is incorrect in the north-eastern portion of the site. Accordingly, it is considered that the current extent of the Limited development (Landscape Residential) zoning and the Biodiversity, waterways and wetlands overlay mapping for the site does not reflect the actual site characteristics. It is considered that the proposed variations to the mapping would be consistent with the planning scheme's purpose of and outcomes for the Limited development (Landscape Residential) zone and the Biodiversity, waterways and wetlands overlay.

Additionally, having the north eastern portion of the site included in the Low density residential zone, and the balance of the site remaining in the Limited development (landscape residential zone) is reflective of the pattern of zoning in the immediate surrounding area. This zoning pattern, where relatively unconstrained lots or parts of lots close to a road frontage are zoned Low density residential and the rear of lots that contain ecological and topographical constraints are zoned Limited development (landscape residential) is already present to the immediate north of the site in Clithero Avenue and in areas to the north and west along Quorn Close and Amaroo Drive.

Furthermore, the proposed Variation Request, reconfiguring a lot, and new dwelling house is a unique proposal in that due to the presence of existing development on the site, the extent of the proposed development is essentially limited to one new dwelling house and driveway

in the north eastern part of the site, as a replacement for one of the existing dwellings. The proposed development therefore provides for a very limited range of activities that are of a low intensity and compatible with the nature of the constraints present on the land.

Having regard to the above, it is considered that any approval granted would not set an undesirable precedent for other applications seeking a variation of the Limited development (Landscape Residential) zone and/or mapped overlays on the basis of ground-truthed site investigations.

The Plan of Development submitted with the application requires impact assessment for reconfiguring a lot in the Low density residential zone where lots less than 1500m² are proposed to be created. However, because the area proposed to be included in the Low density residential zone is at least 3000m², further subdivision could occur and be subject to code assessment only. It is therefore recommended that the area of the site that is included in the Low density residential zone be limited to the area of proposed Lot 10 which is 1542m² in area. This would mean that the extent of subdivision over the site would be limited to creating a single additional lot no less than 1500m² in size, as per the current reconfiguring a lot proposal. Any future proposal to subdivide proposed Lot 9 (or the area encompassing proposed Lot 9) would then be subject to impact assessment as this area would remain entirely in the Limited development (Landscape Residential) zone. This would enable submission rights for any further subdivision of the land beyond what is proposed in the current application.

It is considered that the proposed variation request would comply with all applicable assessment benchmarks and would satisfy the requirements of the *Planning Act 2016*, subject to amendments. Furthermore, it is considered that the proposed reconfiguring a lot and the proposed material change of use would also achieve the outcomes of all applicable assessment benchmarks, subject to the imposition of reasonable and relevant conditions. Approval of the application is therefore recommended.

Legal

In relation to this development application, there are currently no legal implications relevant to this report but noting Council's decision on the application can be appealed to the Planning and Environment Court by the applicant and any submitter who made a properly made submission. 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 regard has been given to all relevant Council policies.

Risk

These matters can be appealed to the Planning and Environment Court by the applicant and any submitter who made a properly made submission. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

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

Related Documentation

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report.

A copy of the Plan of Development and the proposal plans associated with the proposed development are included as **Attachments 2, 3 and 4** to this report.

Critical Dates

A decision is due on the application by 24 April 2024. As the application is subject to impact assessment, if a decision is not made by this date, the applicant may lodge an appeal in the Planning and Environment Court against a 'deemed refusal' in accordance with the provisions of the *Planning Act 2016*.

Implementation

Should the recommendation be approved by Council, it is noted that Council officers will communicate the outcome of Council's resolutions to the applicant and submitters who made a properly made submission as appropriate.

APPLICATION DETAILS

Application No: RAL22/0059 MCU22/0167
 Street Address: 38-40 Clithero Ave BUDERIM QLD 4556
 Real Property Lot 4 RP 901053
 Description:
 Planning Scheme: Sunshine Coast Planning Scheme 2014 (16 May 2022)

APPROVAL DETAILS

Nature of Approval: Approval with conditions

Type of Approval:

- Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 - Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map]
- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots)
- Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling

CURRENCY PERIOD OF APPROVAL

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

INFRASTRUCTURE

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

ASSESSMENT MANAGER CONDITIONS

PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OF PREMISES INCLUDING A VARIATION REQUEST

PLANNING

When conditions must be complied with

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

Approved Plans

2. Development associated with this preliminary approval must be undertaken generally in accordance with the Approved Plans listed within this development approval. The Approved Plans must be amended to incorporate the amendments listed within this preliminary approval and approved by council prior to the issue of any further development permit on the site.
*(Refer to Advisory Note)

Nature and Extent of Approved Use

3. A preliminary approval (including a variation request) is granted in relation to a Material Change of Use of Premises for a change of zone from Limited Development (Landscape Residential) to partly Low Density Residential (Precinct LDR1 - Protected Housing area) and partly Limited Development (Landscape Residential), and, a change of the Biodiversity, Waterways and Wetlands Overlay Map, in accordance with the approved Plan of Development.
4. Pursuant to s43(3)(c) and s43(7) of the *Planning Act 2016*, this approval overrides the planning scheme (whether current, new or amended) for the life of the approval to the extent directed by the conditions of this approval and the plans and documents referenced by it, and in particular that:
 - (a) the Plan of Development listed in this development approval replaces the planning scheme in declaring the zoning of the land, the precinct of the land, and declaring the location of the Biodiversity, waterways and wetlands overlay on the land.
 - (b) the categories of development and the categories of assessment contained within the Plan of Development listed in this development approval replaces the planning scheme in declaring the categories of development and categories of assessment for development to the extent stated within the Plan of Development.
5. Lodgement requirements and assessment criteria of future development within the land subject to this preliminary approval will be as follows:
 - (a) for any future material change of use, the categories of development and the categories of assessment contained within the Plan of Development listed in this development approval, to the extent stated within the Plan of Development.
 - (b) for any future reconfiguring a lot, the categories of development and the categories of assessment contained within the Plan of Development listed in this development approval, to the extent stated within the Plan of Development.
 - (c) for any future Operational Work, as per the requirements of the *Sunshine Coast Planning Scheme 2014* (16 May 2022).
 - (d) for any future Building Work, as per the requirements of the *Sunshine Coast Planning Scheme 2014* (16 May 2022).
6. The provisions of the current and any amended or future planning scheme have no effect for the life of this approval, except as expressly directed by the conditions of this approval and the plans and documents referenced by it.
7. Where the conditions of this approval and the plans and documents referenced by it are "silent" about a particular matter, then the provisions of the *Sunshine Coast Planning Scheme 2014* (16 May 2022) will have effect.

Sunset Date for Completion of Development under Preliminary Approval

8. This preliminary approval lapses and ceases to have effect pursuant to sections 71(5)(b) and 88(2)(a) of the *Planning Act 2016* when the first of the following occurs:

- (a) the commencement of an amendment to a planning scheme or a new planning scheme which integrates and reflects the provisions of this approval; or
- (b) 24 April 2030.

ECOLOGY

- 9. Existing vegetation must be retained and protected in accordance with the tree assessment report referenced in this approval.
- 10. No further vegetation clearing works are permitted, other than the approved trees nominated in the approved tree assessment report.
- 11. Vegetation on the site must only be removed or disturbed in accordance with a fauna management plan prepared by a qualified person* and endorsed by council prior to commencement of any works on site.
**(Refer to Advisory Note)*

DEVELOPMENT PERMIT TO RECONFIGURE A LOT (1 LOT INTO 2 LOTS)

PLANNING

When Conditions must be complied with

- 12. Unless otherwise stated, all works required by the conditions of this development approval must be completed prior to approval of the plan of subdivision.

Approved Plans

- 13. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval. The Approved Plans must be amended to incorporate the amendments listed within this development approval and approved by council prior to the issue of any further development permit on the site.
**(Refer to Advisory Note)*
- 14. All lot numbering on the plan of subdivision to be submitted to council must remain as shown on the Approved Plans.

Boundary Encroachments

- 15. Certification must be submitted to council from a cadastral surveyor which certifies that:
 - (a) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975* (unless varied by this development approval), where boundary clearances for buildings other than class 1 or 10 buildings are to be determined by a building certifier
 - (b) all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible
 - (c) all retaining walls and structures are fully contained within the lot they retain
 - (d) any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

ENGINEERING

Earthworks and Retaining Walls

16. All fill and associated batters must be undertaken in accordance with an operational works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
17. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by a Registered Professional Engineer of Queensland (RPEQ) where exceeding 1m in height.
18. Safety barriers must be implemented where steep slope or fall hazards exist naturally or are created by the design. The barrier type must be assessed and designed by a RPEQ as being appropriate for each location and the anticipated risks during construction, establishment, maintenance and end use, in accordance with the following criteria and standards:
 - (a) Where located adjacent to vehicle manoeuvring areas, vehicle barriers must be designed in accordance with *AS 2890.1 – Off-street Parking*
 - (b) Where located in areas with limited access, pedestrian barrier selection must be based on a suitable risk assessment method e.g. *AS 2156.2 Walking Tracks*.
 - (c) where located on residential boundary retaining walls greater than 1.0m high, a 'full infill' barrier (1.0m min height) or equivalent performance boundary fence (e.g. 1.8m high timber)
 - (d) All barriers must be certified to the appropriate load conditions from *AS 1170 - Structural Design Actions* by either the manufacturer or engineering calculations.

Utility Services

19. Reticulated electricity must be provided to each lot in accordance with the requirements of the service provider. The applicant must either provide a Certificate for Electrical Supply or apply for a further operational works approval, where Contestable Works are required.
20. An underground telecommunications service must be provided to each lot in accordance with the requirements of the service provider.

Easements

21. An easement for Access and Services purposes must be registered against the title of Lot 10 in favour of Lot 9 over the proposed easement identified on the Approved Plans.
22. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
23. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.
24. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Stormwater Drainage

25. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an operational works approval and the Queensland Urban Drainage Manual, and must include in particular:
- (a) the works described in the Stormwater Management Plan listed in this development approval and in particular the following:
 - (i) a block wall constructed generally as shown in Appendix D of the Stormwater Management Plan.
 - (b) collection and discharge of stormwater to Martins Creek
 - (c) extension of the site stormwater system to accommodate stormwater from external to the site, including registration of drainage easements.
26. A minimum 4m wide easement for drainage purposes must be registered against the title of the property in favour of Council generally over the proposed easement identified in Figure 8 in the Stormwater Management Plan listed in this development approval. The proposed easement must be increased in width to be a minimum of 4m wide at all locations.

LANDSCAPE & ECOLOGY

Retention of Existing Trees

27. Existing vegetation must be retained and protected in accordance with the approved tree assessment report.
28. No further vegetation clearing works are permitted, other than the approved trees nominated in the approved tree assessment report.

Fauna Management

29. Vegetation must only be removed or disturbed in accordance with a fauna management plan/statement prepared by a qualified person* and endorsed by council prior to commencement of any site works.
**(Refer to Advisory Note)*

Landscape Works

30. The development site must be landscaped*. Works must include:
- (a) Any frontage fencing/walls to be located a minimum of 1.5 metres inside the property boundary and screened/buffered with vegetation.
 - (b) A vegetation screen/buffer which maximises the area between the driveway access and the northern boundary, including vegetation with vertical scale to assist with screening/buffering of the proposed new dwelling and any fencing/walls.
**(Refer to Advisory Note)*

Plant Pest Management

31. A qualified person* must manage plant pest (weeds) listed in the following standards and legislation prior to the survey plan release:
- (a) Invasive plants listed in the *Biosecurity Act 2014*
 - (b) Sunshine Coast Local Government Area, Biosecurity Plan 2017
**(Refer to Advisory Note)*

Supervision/Certification

32. Prior to the endorsement of the plan of subdivision, the following (prepared by respective qualified persons* and certifying compliance with approvals) must be submitted to council:
- (a) Fauna management certification, confirming all works have been carried out by a certified/qualified person/s pre and during works.
 - (b) Arborist certification for the protection and retention of vegetation in accordance with the approved arborist report.
 - (c) Pest plant certification for the treatment & management of weeds.
- *(Refer to Advisory Note)

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH A DWELLING HOUSE INCLUDING A SECONDARY DWELLING

PLANNING

When conditions must be complied with

33. Unless otherwise stated, all conditions of this development approval must be complied with prior to the use commencing, and then compliance maintained at all times.

Nature and Extent of Approved Development

34. The development must comply with all applicable Acceptable Outcomes of the *Dwelling house* code contained within the *Sunshine Coast Planning Scheme 2014* (16 May 2022), except where varied by the conditions of this development approval.

Approved Plans

35. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval.

Building Height

36. The maximum height of the development must not exceed 8.5m above natural ground level.
37. Certification must be submitted to council from a cadastral surveyor which certifies that the building does not exceed the maximum height requirement of this development approval.

Parking

38. At least two (2) on site car parking spaces must be provided for the dwelling house with at least one (1) space capable of being covered.
39. Access driveways, internal circulation and manoeuvring areas, and on site car parking areas are designed and constructed in accordance with *AS 2890 - Parking facilities – Off-street parking*.

Secondary Dwelling

40. The secondary dwelling associated with the approved dwelling house on the same property must remain subordinate to the dwelling house, and must not be subdivided from the main dwelling or provided with its own separate land title.
41. At least 1 (one) car parking space, in addition to the requirement for the dwelling house, is provided for the secondary dwelling. This space must not be in tandem with any parking associated with the primary dwelling and must be contained wholly on the site.
42. The property on which the dwelling house and its associated secondary dwelling is sited must be provided with no more than 1 (one) water and electricity supply point and meter, one (1) waste service and one (1) letter box.

ENGINEERING

Property Access and Driveways

43. A sealed access driveway must be provided from Clithero Ave to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
 - (a) a driveway crossover in accordance with RS-049 and RS-050 and the approved plans.

Geotechnical Stability – Dwelling Requirements

44. All future dwellings on the approved lots must be sited and/or constructed in accordance with the recommendations contained in Section 5 of the *Landslide Risk Assessment* listed within this development approval, unless varied by a site-specific investigation for a particular house lot.

Earthworks and Retaining Walls

45. All fill and associated batters must be undertaken in accordance with an operational works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
46. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by a Registered Professional Engineer of Queensland (RPEQ) where exceeding 1m in height.
47. Safety barriers must be implemented where steep slope or fall hazards exist naturally or are created by the design. The barrier type must be assessed and designed by a RPEQ as being appropriate for each location and the anticipated risks during construction, establishment, maintenance and end use, in accordance with the following criteria and standards:
 - (a) Where located adjacent to vehicle manoeuvring areas, vehicle barriers must be designed in accordance with *AS 2890.1 – Off-street Parking*
 - (b) Where located in areas with limited access, pedestrian barrier selection must be based on a suitable risk assessment method e.g. *AS 2156.2 Walking Tracks*.
 - (c) where located on residential boundary retaining walls greater than 1.0m high, a 'full infill' barrier (1.0m min height) or equivalent performance boundary fence (e.g. 1.8m high timber)

- (d) All barriers must be certified to the appropriate load conditions from AS 1170 - *Structural Design Actions* by either the manufacturer or engineering calculations.

Stormwater Drainage

48. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an operational works approval and the Queensland Urban Drainage Manual, and must include in particular:
- (a) the works described in the Stormwater Management Plan listed in this development approval and specifically:
 - (i) the driveway to the proposed dwelling must be designed and constructed to convey peak 1% AEP flows and severe storm flows around the proposed dwelling to Martins Creek generally as shown in Appendix C of the Stormwater Management Plan.
 - (b) the use of gravity stormwater drainage and not surcharge pits.

Flood Immunity

49. The minimum floor level of all buildings constructed on the site must be in accordance with the Approved Plans.

LANDSCAPE & ECOLOGY

50. Landscape works must be supervised, undertaken and certified by qualified persons*. All works must be completed in accordance with this Decision Notice and prior to commencement of the use.
*(Refer to Advisory Note)
51. Landscape works must:
- (a) Ensure all new tree stock meets *AS2303 Tree stock for landscape use**
 - (b) Ensure any frontage fencing/walls are located a minimum of 1.5 metres inside the property boundary and set behind vegetation screen/buffer when viewed from Clithero Avenue
 - (c) Include a vegetation screen/buffer which maximises the area between the driveway access and the northern boundary, including vegetation with vertical scale to assist with screening/buffering of the proposed new dwelling and any fencing/walls
*(Refer to Advisory Note)
52. Vegetation must only be removed or disturbed in accordance with a fauna management plan prepared by a qualified person* and endorsed by council prior to commencement of any works on site.
53. A qualified person* must be engaged to manage and supervise all tree protection and retention works prior to commencement of any works on site. Specifically, the protection of the existing trees No.1, 2 and 4 nominated in the approved tree assessment report and in accordance with *AS4970 Protection of trees on development sites*.
*(Refer to Advisory Note)
54. A qualified person* must manage plant pest (weeds) listed in the following standards and legislation prior to the survey plan release:
- (a) Invasive plants listed in the *Biosecurity Act 2014*
 - (b) Sunshine Coast Local Government Area, Biosecurity Plan 2017.

55. Prior to commencement of use, the following information, prepared by respective qualified persons* and certifying compliance with approvals must be submitted to council:
- (a) Arborist certification for the retention and protection of all retained vegetation
 - (b) Fauna management (for vegetation removed)
 - (c) Landscape certification, for the vegetation screening/buffering
 - (d) AS2303 *Tree Stock for Landscape Use* certification (addressing each specimen).
56. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy and sustained plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

REFERRAL AGENCIES

Not applicable.

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
1241 – SK-1-02	D	<i>Site Plan, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-1-05	D	<i>Driveway Plan, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-1-06	D	<i>Driveway Sections, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-2-01	D	<i>House Plans Ground, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-2-02	D	<i>House Plans First Floor, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-2-03	D	<i>House Plans Upper Level, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-2-04	D	<i>House Plans Roof Plans, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-3.1	D	<i>Section 1, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-3.2	D	<i>Section 2, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-3.3	D	<i>Section 3, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-3.4	D	<i>Section 4, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-4-01	D	<i>Eastern Elevation, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-4-02	D	<i>Southern Elevations, prepared by Hollindale Mainwaring</i>	10/08/2023
1241 – SK-4-03	D	<i>Western Elevation, prepared by Hollindale Mainwaring</i>	10/08/2023

1241 – SK-4-04	D	<i>Northern Elevation, prepared by Hollindale Mainwaring</i>	10/08/2023
766115176 - 40 Clithero Avenue Buderim Tree Assessment	B	<i>Tree Assessment, prepared by Heritage Tree Care</i>	11/8/2023

The following development plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
-	-	<i>Plan of Development, prepared by Development Directive</i>	-
Amendments		<ul style="list-style-type: none"> • Page 1 – include a version number and a date • Page 1 – complete the statement in the last sentence of section “1. APPLICATION” • Page 4 – add a default clause to the Reconfiguring a lot table for the Low density residential zone for scenarios not stated as Impact assessment consistent with Table 5.6.1 in the <i>Sunshine Coast Planning Scheme 2014</i>. • Page 4 – add the heading “MATERIAL CHANGE OF USE” above the material change of use table. • Page 5 – add a table of assessment for Reconfiguring a lot in the Limited development (landscape residential) zone consistent with Table 5.6.1 in the <i>Sunshine Coast Planning Scheme 2014</i>. • Page 5 – add the heading “BIODIVERSITY, WATERWAYS AND WETLANDS OVERLAY” immediately below the section “LIMITED DEVELOPMENT (LANDSCAPE RESIDENTIAL ZONE)”. • Page 5 – delete Editor’s notes in the footnotes • Page 7 – change the extent of Low Density Residential zoning and the extent of Precinct LDR1 to coincide with the 1542m² area encompassed by proposed Lot 10 on the reconfiguring a lot plan (i.e. Plan No. 23108 Sh1 of 3, titled <i>Proposed Reconfiguration Lots 9 & 10</i>, prepared by Hinterland Surveys, and dated 02/12/2021) • Page 7 – change the extent of Limited Development (Landscape Residential) zoning to coincide with the 9874m² area encompassed by proposed Lot 9 on the reconfiguring a lot plan (i.e. Plan No. 23108 Sh1 of 3, titled <i>Proposed Reconfiguration Lots 9 & 10</i>, prepared by Hinterland Surveys, and dated 02/12/2021) 	

23108 Sh1 of 3	-	<i>Proposed Reconfiguration Lots 9 & 10, prepared by Hinterland Surveys</i>	02.12.21
Amendments		<ul style="list-style-type: none"> Identify an easement for access and services over Lot 10 in favour of Lot 9 in the area where driveway access is proposed to be shared between the two lots as shown on the approved driveway plan (i.e. Plan No. 1241 – SK-1-05 Rev. D, titled <i>Driveway Plan</i>, prepared by Hollindale Mainwaring and dated 10/08/2023) 	

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
PTP/08283-0001	0	Section 5 of the Landslide Risk Assessment, prepared by ProTest	22/12/2021
620.31094.00000	2.0	<i>Stormwater Management Plan</i> , prepared by SLR	10/11/2023

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

Accepted Development

- Council's assessment of the application for a Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling was limited to the Acceptable Outcomes of the *Biodiversity, waterways and wetlands overlay code* and the *Landslide hazard and steep land overlay code* that were not complied with. The applicant must ensure that the development complies with all other relevant Acceptable Outcomes of the *Dwelling house code* and applicable overlay codes, except where varied by the conditions of this development approval.

Equitable Access and Facilities

- The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - the *Disability Discrimination Act 1992 (Commonwealth)*
 - the *Anti-Discrimination Act 1991 (Queensland)*
 - the *Disability (Access to Premises – Buildings) Standards*.

Aboriginal Cultural Heritage Act 2003

- There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure

the activity does not harm Aboriginal cultural heritage. It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 1300 378 401 to discuss any obligations under the *ACH Act*.

Easements and Future Works over External Land

4. Should the approved development necessarily require easements or works to be undertaken over land external to the site, including crane overhang into neighbouring airspace, council recommends that easement, access agreements and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over council owned or controlled land, please liaise directly with council's Property Management Unit and note that compensation may be payable.

Other Laws and Requirements

5. This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Commonwealth requirements please consult with these agencies directly.

Restriction on Building Approval until all other Permits are Effective

6. Pursuant to the statutory provisions of the Building Act, a private building certifier must not grant any building development approval related to this development until all necessary development permits for the development (including, for example, operational works approvals) have taken effect under the *Planning Act 2016*. This legislative requirement is critical to ensure that a private certifier's approval about a component of the development is consistent with the assessment managers' decisions on other aspects of the overall development.

Infrastructure Charges

7. Infrastructure charges, determined in accordance with council's Infrastructure Charges Resolution, apply to this development approval. The Infrastructure Charges Notice, for council's proportion of the infrastructure charge, has been issued. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

Development Compliance Inspection

8. Prior to the commencement of the use, please contact council's Appeals Management and Compliance unit to arrange a development compliance inspection.

Resubmission of Amended Plans Required

9. The conditions of this development approval require resubmission of plans to council with amendments. Please address the amended plans to council's Planning Assessment Unit with the reference no. MCU22/0167 and RAL22/0059 separate to any operational works application. To avoid delays and assessment issues with the operational works application, it is recommended the plans be resubmitted prior to lodgement of any operational works application. However, should the plans not be submitted, the applicant is advised that a preliminary approval may be issued in lieu of a development permit.

Use of Premises for Short Term Accommodation

10. Use of the premises for the purpose of short-term holiday letting and visitor accommodation may require a development permit to be obtained from council in accordance with the applicable planning scheme and Queensland planning legislation in effect at the time of conducting the activity. Under the current *Sunshine Coast Planning Scheme 2014*, visitor holiday letting is defined as *Short-term accommodation* and requires a development permit for material change of use prior to the use commencing. Information with respect to the development applications may be found on the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au).

Lodgement of Bonds

11. All bonds, including bank guarantees, must be accompanied by a completed bond lodgement form (available at <https://www.sunshinecoast.qld.gov.au/Development/Development-Applications/Development-and-Building-Bonds>). The completed form ensures Council has the necessary details to register bonds against the correct development or building works, and returns the bond to the correct entity upon completion. Council will not be able to receipt the bond without the completed form.

Qualified Persons

12. For the purpose of preparing a geotechnical report, and for certifying geotechnical stability for the development, a qualified person is considered to be a person who:
 - (a) is a Registered Professional Engineer of Queensland (RPEQ).
 - (b) has a degree in civil engineering or engineering geology.
 - (c) has a minimum of five (5) years experience in the field of geotechnical engineering or engineering geology.
13. For the purpose of undertaking, supervising tree works and preparing arboriculture certification, is considered to be a person with a minimum five years current experience in tree protection, hazard identification/mitigation and *AS2303 Tree Stock for Landscape Use* assessment and either:
 - (a) International Society of Arboriculture (ISA) certification; or
 - (b) A Diploma of Arboriculture.
14. For the purpose of supervising landscape works and preparing a landscape certification, is considered to be a landscape architect, landscape designer or horticulturist with a minimum of five years current experience in the field of landscape design.
15. For the purpose of preparing and certifying fauna management works is considered to be a Fauna Spotter Catcher with current certification under the Queensland Parks and Wildlife Service.

16. For the purpose of preparing and certifying pest plant treatment and management is considered to be an ecologist, bush regenerator, or horticulturist with a minimum of five years in the field of revegetation/rehabilitation/bush regeneration.

Unitywater – Water and Sewerage Services

17. The proposed carport and driveway for the Dwelling house is located over a sewer main. The location of these elements and associated works is subject to Unitywater’s approval.
18. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act 2009*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council’s Infrastructure Services Department.
19. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by Council, consent approval from Council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to Council’s Land Management Unit.

PROPERTY NOTES

The following property notes will be placed against the subject property in council’s property record system:

MCU22/0167– Variation to Planning Scheme Provisions

This property forms part of, and is in part governed by, a variation approval issued under the Planning Act 2016 (council file reference MCU22/0167). The variation approval contains a supplementary table of assessment that replaces the planning scheme in declaring the level of assessment for development to the extent stated within the table. Applicants and private certifiers must refer to the variation approval prior to undertaking development on the property.

VARIATION APPROVAL

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

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering work – Earthworks, Driveway and Stormwater)

SUBMISSIONS

There were two (2) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

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

OTHER DETAILS

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



COUNCIL ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION SUMMARY – MCU22/0167 & RAL22/0059	
Division:	7
Applicant:	Ms A Whitelaw Tte
Consultant:	The Development Directive Pty Ltd
Owner:	Ms A Whitelaw Tte
Proposal:	<ul style="list-style-type: none"> • Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the <i>Sunshine Coast Planning Scheme 2014</i> [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map] • Development Permit to Reconfigure a Lot (1 Lot into 2 Lots) • Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling
Properly Made Date:	19/05/2022
Street Address:	38-40 Clithero Ave BUDERIM QLD 4556
RP Description:	Lot 4 RP 901053
Assessment Type:	Impact
Number of Properly Made Submissions:	Two (2)
State Referral Agencies:	Not applicable.
Referred Internal Specialists:	<ul style="list-style-type: none"> • Principal Development Engineer (Hydraulics) • Principal Development Engineer • Senior Biodiversity Officer

PROPOSAL:

The application seeks approval for the following development aspects:

- Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the *Sunshine Coast Planning Scheme 2014* [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map]; and
- Development Permit to Reconfigure a Lot (1 Lot into 2 Lots); and

- Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling.

Each aspect is described in greater detail below.

Variation Request

The application seeks approval of a Plan of Development (POD) for the subject land which includes variations to the *Sunshine Coast Planning Scheme 2014* (the planning scheme). The proposed variations to the planning scheme are primarily mapping related, and are summarised as follows:

- Vary the zoning of the subject land so that it is partly within the Low density residential zone (including Precinct LDR1 – Protected Housing) and partly within the Limited development (landscape residential) zone. The planning scheme currently includes the subject land wholly in the Limited development (landscape residential) zone.
- Vary the Biodiversity, waterways and wetlands overlay mapping applicable to the subject land. Specifically, change the location and/or extent of the mapped Native Vegetation Area, Riparian Protection Area, Waterways and Wetlands elements affecting the subject land to reflect the results of detailed technical assessment.
- Vary the minimum lot size for the part of the subject land that is proposed to be included Low density residential zone from 700m² (as required in the *Buderim local plan code*) to 1500m². The purpose of this variation is to ensure that any future application for reconfiguring a lot in Low density residential zoned area which includes lots less than 1500m² in area would be subject to impact assessment.

The POD includes tables of assessment for a material change of use in each proposed zone, for reconfiguring a lot in the Low density residential zone, and for development in the Biodiversity, waterways and wetlands overlay. However, the proposed categories of development and assessment for future development on the subject site are the same as that for other land in the planning scheme with the same zoning and overlay mapping, and the applicable assessment benchmarks for future development (codes) are also the same. The only change is that the POD requires impact assessment for particular reconfiguring a lot, as described in the third dot point above.

The proposed planning scheme mapping variations are identified in the figures below.

Application for Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014, and related Applications for Development Permits (Reconfiguring a Lot and Material Change of Use) - 38-40 Clithero Avenue, Buderim

Attachment 1 Detailed Assessment Report

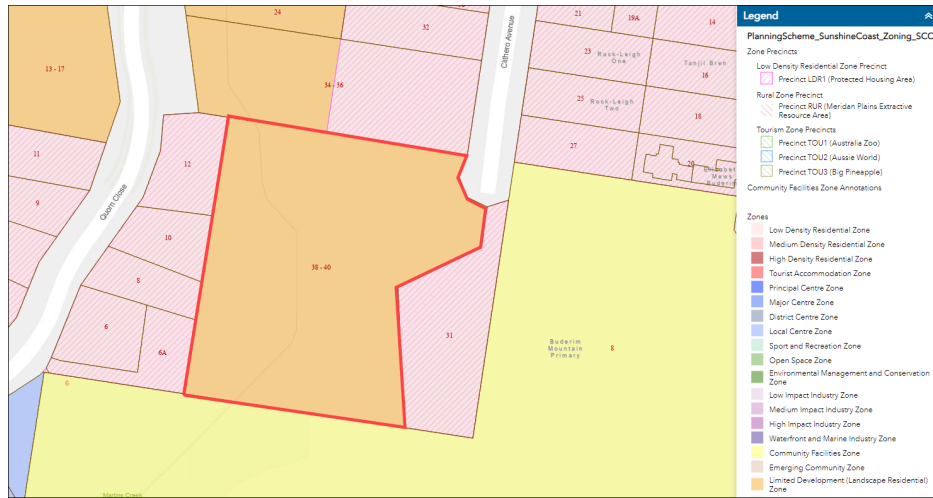


Figure 1 – Existing zoning – Limited development (landscape residential) zone

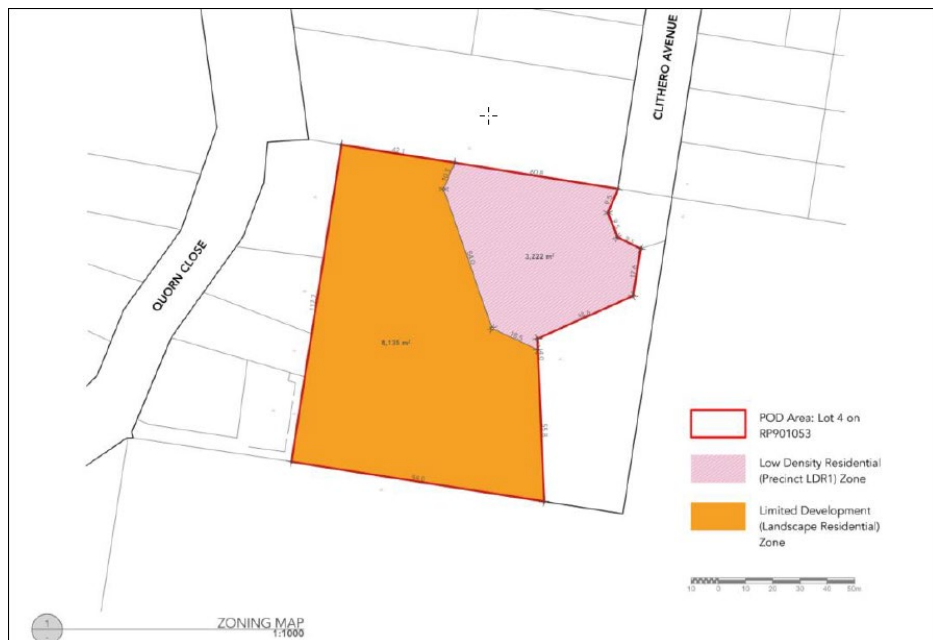


Figure 2 – Proposed zoning – Low density residential zone (Precinct LDR1) & Limited development (landscape residential) zone

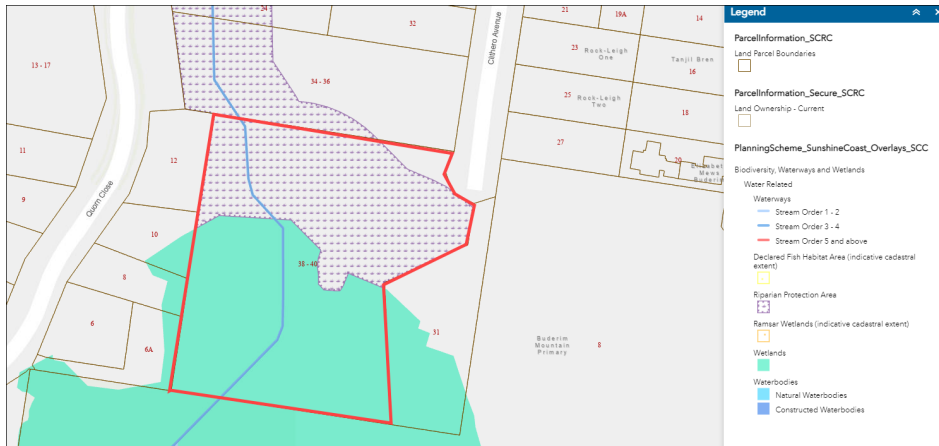


Figure 3 – Existing biodiversity waterways & wetlands overlay mapping – water related elements

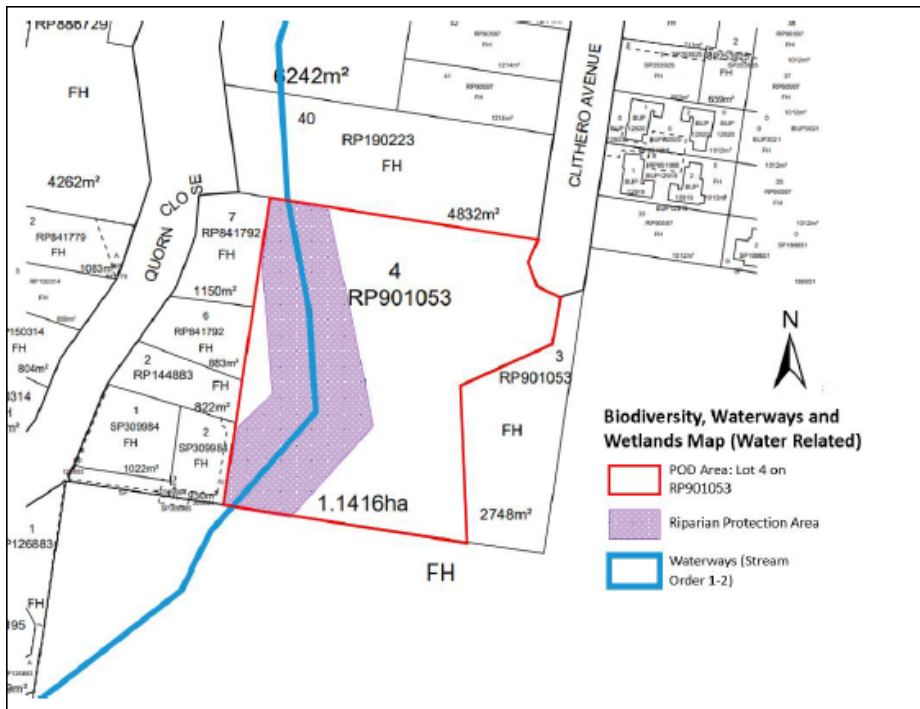


Figure 4 – Proposed biodiversity waterways & wetlands overlay mapping – water related elements

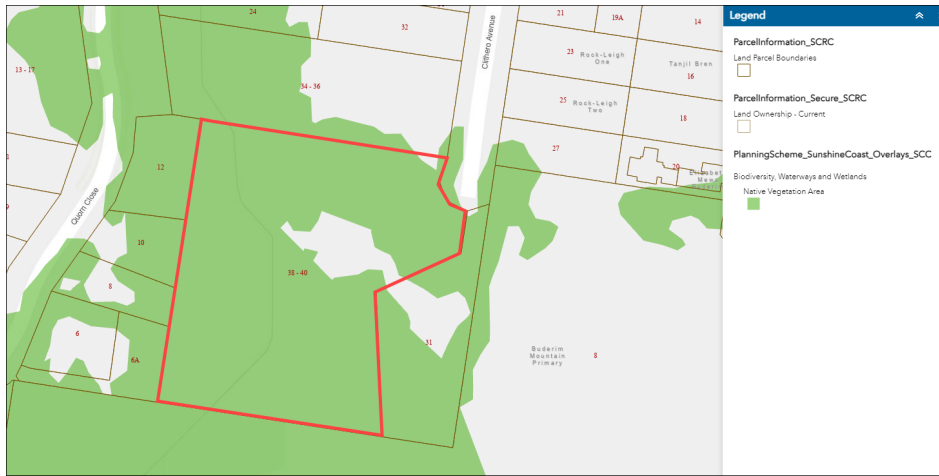


Figure 5 – Existing biodiversity waterways and wetlands mapping – native vegetation area

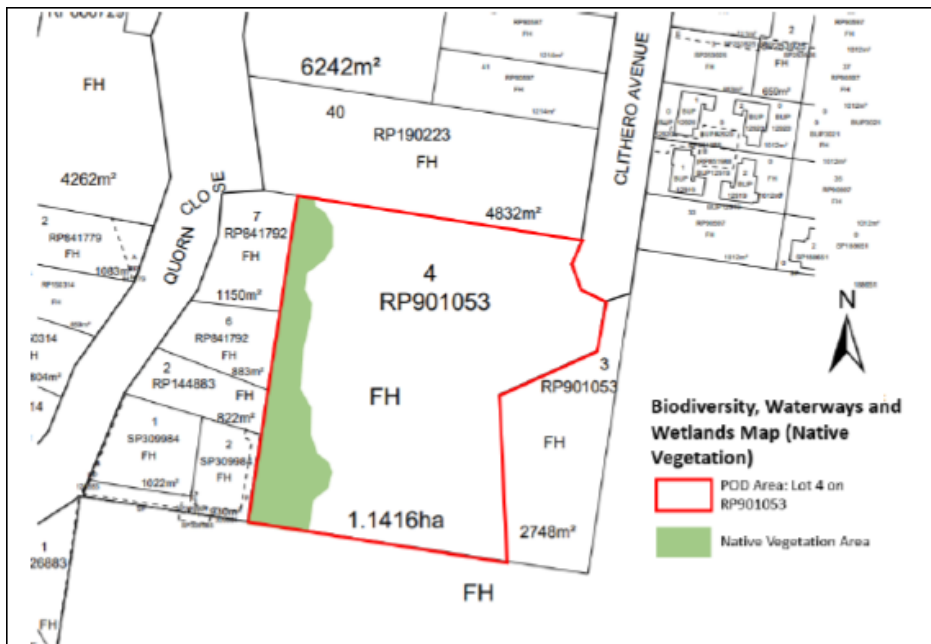


Figure 6 – Proposed biodiversity waterways and wetlands mapping – native vegetation area

Reconfiguring a Lot

The application seeks a development permit for reconfiguring the subject land into two (2) lots. Proposed Lot 10 would be 1542m² in area and would be wholly included within the Low density residential zone (and precinct LDR1) if the variation request is approved. Proposed Lot 9 would be 9874m² in area and would be partly included in the Low density residential zone (and precinct LDR1) and partly included in the Limited development (landscape residential) zone if the variation request is approved.

The subject land includes three (3) existing dwelling houses. Two of these are larger dwellings, and one is a small cottage. Proposed Lot 10 would include the largest of the existing dwelling houses (currently the main house on the site) as well as a garage and the existing driveway. Proposed Lot 9 would include the other dwelling house and the small cottage. Lot 9 would also include the site's environmental attributes including native vegetation and Martins Creek. A plan of the proposed reconfiguring a lot is included in the figure below.

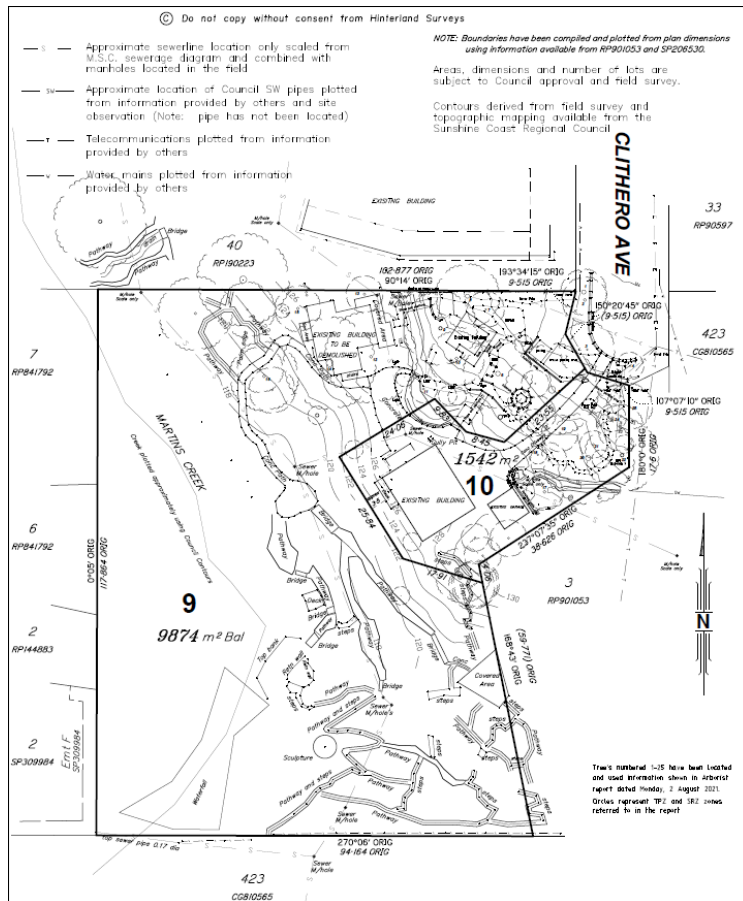


Figure 7 – Reconfiguring a lot proposal plan

Material Change of Use (Dwelling House & Secondary Dwelling)

The application seeks a development permit for a material change of use of premises to establish a new dwelling house and a secondary dwelling on proposed Lot 9. The application proposes to demolish the existing dwelling house located in the northern part of the site and replace it with a larger new dwelling house with its own driveway access. The proposed new dwelling house would include 5 bedrooms over three storeys and would not exceed 8.5m above natural ground level in accordance with the Height of buildings and structures overlay. The application also proposes to retain the existing small cottage on the site as a secondary dwelling.

A site plan, floor plans and elevations of the proposed new dwelling house are included in the figures below.

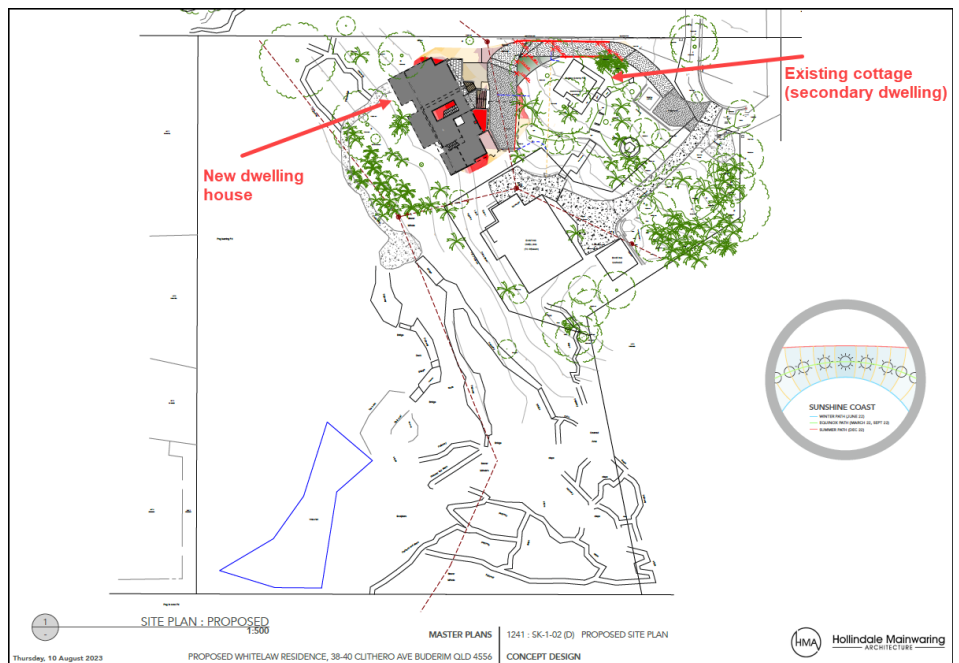


Figure 8 – Proposed dwelling house site plan

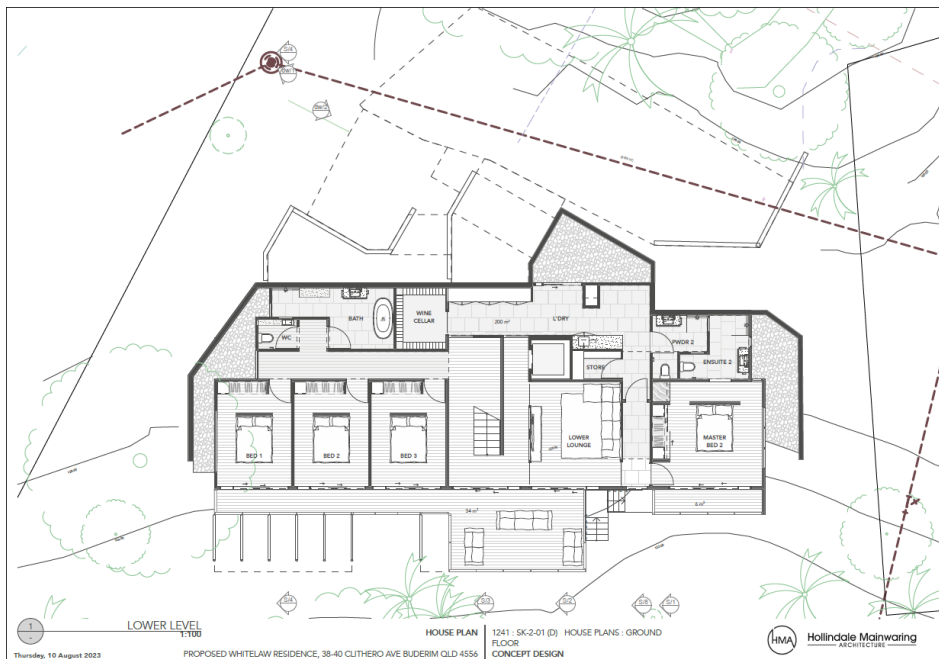


Figure 9 – Proposed dwelling house ground floor plan

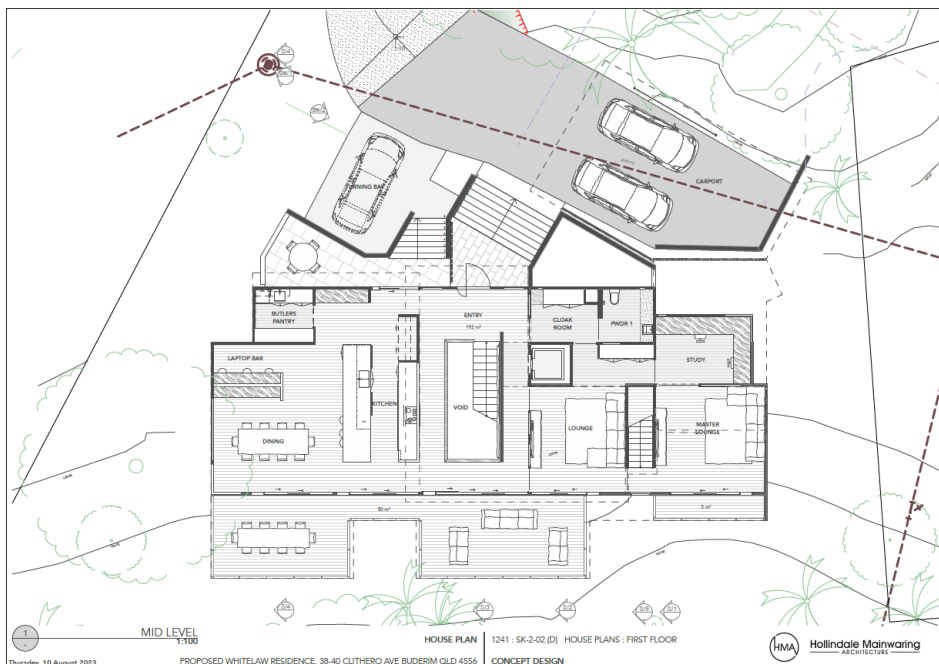


Figure 10 – Proposed Dwelling house first floor plan

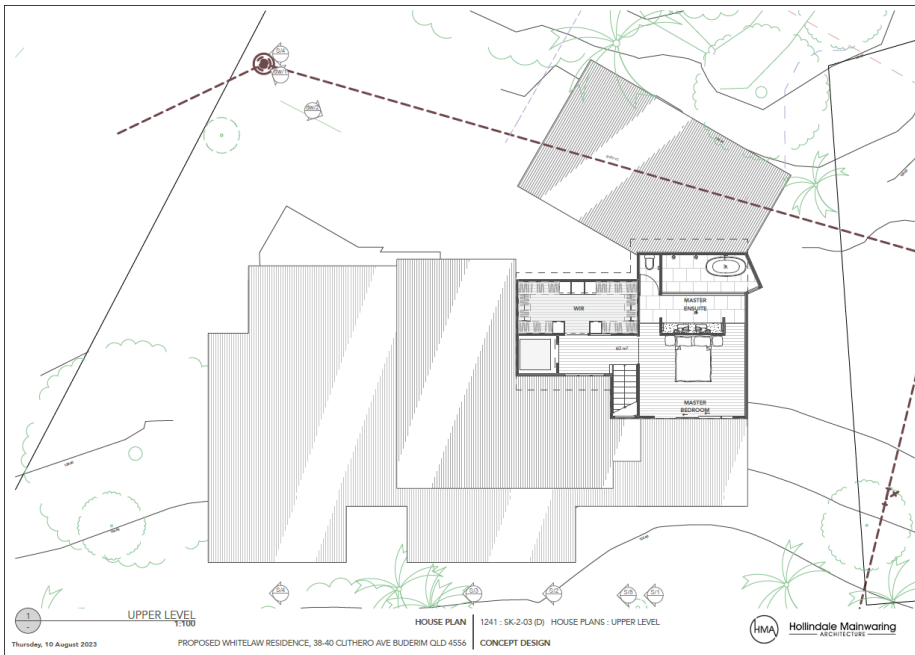


Figure 11 – Proposed dwelling house upper level plan

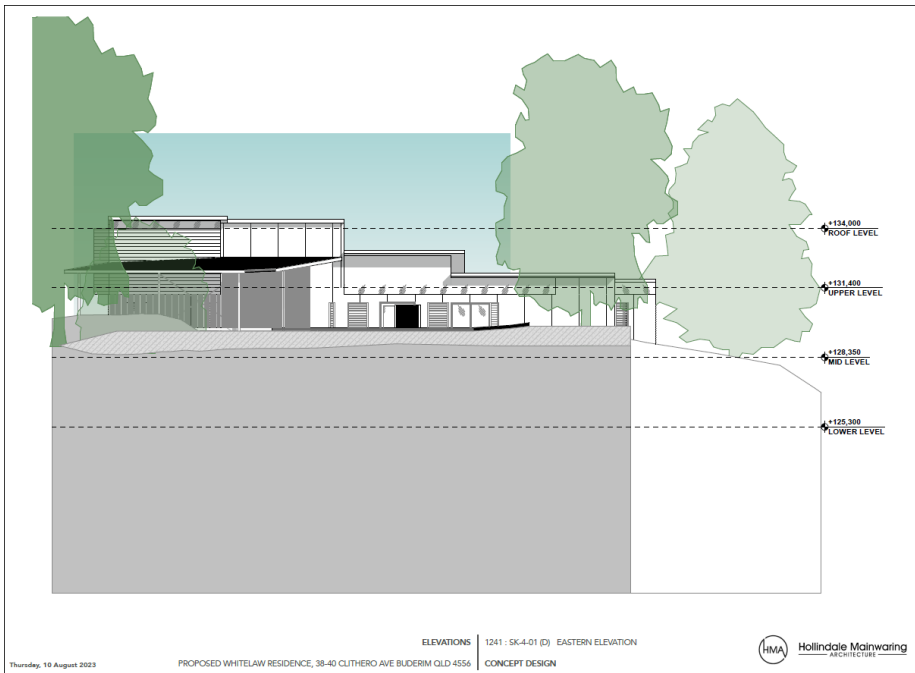


Figure 12 – Proposed dwelling house elevation east



Figure 13 – Proposed dwelling house elevation south



Figure 14 – Proposed dwelling house elevation west

8.2 MARCH 2024 FINANCIAL PERFORMANCE REPORT**File No:** Council Meetings**Author:** Acting Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - March 2024 Financial Performance Report 107 [↓](#) 
Att 2 - Capital Grant Funded Project Report March 2024 .. 117 [↓](#) **PURPOSE**

To meet Council's legislative obligations, a monthly report must 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 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	591,591
Total Operating Expenses	566,003	570,122
Operating Result	24,612	21,470

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

OFFICER RECOMMENDATION

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

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending March 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.

8.3 COUNCILLOR ACCEPTABLE REQUEST GUIDELINES

File No: Council Meetings

Author: Coordinator Councillor Governance
Civic Governance

Appendices: App A - Councillor Acceptable Request Guidelines..... 123  

PURPOSE

This report presents to Council for its consideration, an updated version of the *Councillor Acceptable Request Guidelines*. Section 170A (7) of the *Local Government Act 2009* (the Act) provides that such guidelines must be adopted by resolution of the local government.

EXECUTIVE SUMMARY

Acceptable requests guidelines are guidelines, adopted by resolution of the local government, about—

- (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Act; and
- (b) reasonable limits on requests that a councillor may make.

The existing *Councillor Acceptable Request Guidelines* were last adopted by Council on 6 December 2018.

With the commencement of the new term of Council and in line with Council's new policy review process, the opportunity has been taken to update Council's existing *Councillor Acceptable Request Guidelines* to take account of legislative amendments since the Guidelines were last adopted and to clarify Councillors' ability to direct local government employees who provide administrative support to Councillors.

Updates to these Guidelines also reflect recent amendments to Chapter 5A of the Act which relate to councillor conduct. In particular, these updates replace the term "inappropriate conduct" with the new term "conduct breach" and provide that councillor conduct matters must be referred to the Office of the Independent Assessor.

The amended *Councillor Acceptable Request Guidelines* are provided for Council's consideration as **Appendix A**.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "**Councillor Acceptable Request Guidelines**" and
- (b) resolve under section 170A (7) of the *Local Government Act 2009* to endorse the ***Councillor Acceptable Request Guidelines (Appendix A)*** to replace the ***Councillor Acceptable Request Guidelines*** approved by Council on 6 December 2018.

FINANCE AND RESOURCING

There are no financial or resourcing implications associated with the adoption of the amended *Councillor Acceptable Request Guidelines*.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S27 - Elected Council – providing community leadership, democratic representation, advocacy and decision-making.

CONSULTATION

Councillor Consultation

All Councillors have been consulted about the proposed amendments to this Guideline

Internal Consultation

- Group Executive, Civic Governance
- Manager, Governance and Executive Services
- Governance Policy Lead

External Consultation

There has been no external consultation undertaken in relation to this report given this matter relates to the internal interface between Councillors and Council employees.

Community Engagement

There has been no community engagement undertaken in relation to this report given this matter relates to the internal interface between Councillors and Council employees.

PROPOSAL

Council's current *Councillor Acceptable Request Guidelines* (the Guidelines) were adopted on 6 December 2018. Legislative changes since that time necessitate a review and update to the 2018 Guidelines.

Section 170A of the Act provides that the Councillor Acceptable Requests Guidelines are guidelines, adopted by resolution of the local government, about—

- (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Act;
- (b) reasonable limits on requests that a councillor may make.

No changes to the Guideline are proposed which are relevant to paragraph (a) above - that is, the way in which a councillor may ask a local government employee for advice to help them carry out their duties.

However, section 170 (3) of the Act now provides as follows:

*No councillor, including the mayor, may give a direction to any other local government employee **except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors.***

To accommodate this amendment, the proposed updated *Councillor Acceptable Requests Guidelines* at **Appendix A** permit Councillors to give reasonable direction to administrative support staff in accordance with section 170 of the Act and in line with the *Provision of Administrative Support to Councillors Guideline*, which is endorsed by the Chief Executive Officer under section 170AA of the Act.

In November 2023, the Councillor Conduct provisions under Chapter 5A of the Act were amended. Of relevance for this Guideline are the amended definitions in section 150K of the Act and the subsequent amendments to the *Code of Conduct for Councillors in Queensland*.

To accommodate these amendments to the Act, the proposed updated *Councillor Acceptable Requests Guidelines* have been amended to reflect how councillor conduct is now currently managed (ie. through referral to the Office of the Independent Assessor). In addition, the term "inappropriate conduct" is replaced by "conduct breach" to align with the updated provisions of the Act.

Legal

Section 170A of the *Local Government Act 2009* requires that local governments must adopt, by resolution, acceptable requests guidelines.

Human Rights Act 2019

The proposed *Councillor Acceptable Request Guidelines* are compatible with Council's obligations under the *Human Rights Act 2009* and are consistent with the local government principles in section 4 of the *Local Government Act 2009*.

Policy

The proposed *Councillor Acceptable Request Guidelines* do not conflict with any current policy positions or documents of Council.

Risk

The existing Guidelines are not reflective of the current provisions of the *Local Government Act 2009*. While a failure to adopt the updated Guideline proposed in this report may not diminish the intent and application of the existing document, a guideline that is not contemporary may be open to challenge.

Previous Council Resolution

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 which the motion is to be discussed and*
- (e) *adopt the amended Councillors Acceptable Requests Guidelines (Appendix D).*

Related Documentation

- Code of Conduct for Councillors in Queensland
- Councillor Expenses Reimbursement and Provision of Facilities and Support Policy
- Provision of Administrative Support for Councillors Guideline
- Sunshine Coast Council Investigations Policy

Critical Dates

There are no dates critical to the adoption of this Guideline.

Implementation

Should the recommendation in this report be accepted by Council, the Chief Executive Officer will publish the updated Guidelines on both Council's website and staff Intranet.

8.4 COUNCILLOR EXPENSES AND RESOURCES POLICY**File No:** Council Meetings**Author:** Coordinator Councillor Governance
Civic Governance**Appendices:** App A - Councillor Expenses and Resources Policy 137  **PURPOSE**

The purpose of this report is for Council to adopt an expenses reimbursement policy in accordance with section 250 (1) of the *Local Government Regulation 2012* (the Regulation). The Regulation states this policy must provide for the:

- payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and
- provision of facilities to Councillors for that purpose.

EXECUTIVE SUMMARY

Every local government in Queensland is required under the Regulation to adopt an expenses reimbursement policy. Council's existing *Councillor Expenses Reimbursement and Provision of Facilities and Support Policy* was adopted by Council on 10 November 2021.

To coincide with the commencement of the new term of Council and to reflect legislative and associated policy changes since 2021, an updated and renamed *Councillor Expenses and Resources Policy* has been developed and is presented at **Appendix A** for Council's consideration.

The proposed policy sets the parameters to authorise the payment of reasonable expenses incurred, or to be incurred, by Councillors in discharging their duties and responsibilities. The policy applies to the Mayor and all Councillors.

The proposed policy seeks to ensure that Councillors are appropriately and reasonably supported to carry out their roles, as well as including robust approval parameters in line with good governance practice and to reflect community expectations.

The proposed policy does not deviate significantly from the existing policy, but does seek to achieve a better consistency and alignment with other Council policies – in particular Council's Corporate Travel Policy and Motor Vehicle Policy and Procedure.

Under section 186(b) of the Regulation, Council's annual report must include information about both the expenses incurred and facilities provided to Councillors under the expenses reimbursement policy. Council complies with this requirement in the development of its annual report each year, with the report ordinarily considered by Council in November and published on Council's website thereafter.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled “Councillor Expenses and Resources Policy”
- (b) adopt under section 250 (1) of the *Local Government Regulation 2012*, the *Councillor Expenses and Resources Policy at Appendix A* to replace the *Councillors Expenses Reimbursement and Provision of Facilities and Support Policy* which was adopted by Council on 10 November 2021
- (c) request the Chief Executive Officer to publish the *Councillor Expenses and Resources Policy* on Sunshine Coast Council’s website and ensure a copy of the Policy can be inspected and purchased at Council’s public offices, in accordance with section 251 (1) of the *Local Government Regulation 2012 and*
- (d) determine entitlements for Councillors annually as part of the budget development and adoption process.

FINANCE AND RESOURCING

The adoption of this policy will have minimal impact on the adopted 2023-2024 budget. The amended policy does not provide for additional resources or funds beyond those already endorsed. The costs associated with the provision of support to, and reimbursement of expenses by, Councillors is primarily drawn from the budget for the Civic Governance Group.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S27 - Elected Council – providing community leadership, democratic representation, advocacy and decision-making.

CONSULTATION**Councillor Consultation**

All Councillors have been consulted about the proposed amendments to this Policy.

Internal Consultation

- Group Executive, Civic Governance
- Manager, Governance and Executive Services
- Governance Policy Lead
- Manager, Strategic Asset Management

External Consultation

Consultation with the Local Government Association of Queensland has occurred with regard to Councillor private use contributions of Council fleet vehicles.

There has been no other external consultation undertaken in relation to this report as this matter relates to the operational and logistical support provided by the organisation to support the Mayor and Councillors to undertake their roles.

Community Engagement

Community engagement has not been undertaken in relation to this report as this matter relates to the operational and logistical support provided by the organisation to support the Mayor and Councillors to undertake their roles.

However, the Regulation requires that a copy of an expenses reimbursement policy be published on Council's website and be available for purchase at Council's public offices. Councillor expenditure under this policy must also be published in Council's annual report.

PROPOSAL

The Act requires every council in Queensland to adopt a councillor expenses reimbursement policy which authorises the payment of reasonable expenses incurred, or to be incurred, by Councillors as well as detailing the resources provided to Councillors to assist them in discharging their duties and responsibilities as Councillors.

As indicated above, Council's existing *Councillor Expenses Reimbursement and Provision of Facilities and Support Policy* was most recently adopted by Council on 10 November 2021.

To coincide with the commencement of the new term of Council and to reflect legislative and associated policy changes since 2021, an updated and renamed *Councillor Expenses and Resources Policy* has been developed and is presented at **Appendix A** for Council's consideration.

Some of the key changes in the proposed policy compared with the current policy adopted in November 2021 include:

- In line with Council's transition to a new Motor Vehicle Policy and Procedure to achieve targets relating to reducing the size of the fleet and emissions, the option has been included in the proposed policy for Councillors to utilise a private vehicle for business purposes and seek reimbursement for business use up to the amount paid to Managers in lieu of a fleet vehicle.
- Inclusion of a requirement for Councillors to pay for parking at Council facilities in line with the arrangements established for Council employees with a vehicle entitlement.
- Councillors who travel overseas for Council-related business to be required to share the experience and learnings with their Councillor colleagues and the organisation, as well as provide details of costs or benefits derived from the travel – noting that in line with existing statutory requirements, expenses associated with overseas travel are reported in Council's annual report.

Legal

Under section 250 (1) of the Regulation, Council must adopt an expenses reimbursement policy. Amendments to that policy must also be adopted by resolution of Council.

In accordance with section 186(b) of the Regulation, the expenses incurred by, and the facilities provided to, each Councillor under the expenses reimbursement policy are published in Council's annual report.

Human Rights Act 2019

The proposed Councillor Expenses and Resources Policy is not incompatible with Council's obligations under the *Human Rights Act 2009*.

Policy

The proposed *Councillor Expenses and Resources Policy* achieves better alignment with other associated Council policies. As the existing *Councillors' Expenses Reimbursement and Provision of Facilities and Support Policy* dated 10 November 2021 will be replaced if Council accepts the recommendations in this report, there is minimal risk of policy inconsistency by the adoption of this new policy.

Risk

It is important that this Policy align with other Council policies to ensure consistency across a range of matters including procurement, human resource management, finance, fleet and asset management, and information technology allocation and use, amongst others. The proposed Policy has been prepared to ensure alignment with existing policies as far as practicable.

Council has in place established procedures for the authorisation of Councillor expenditure and the allocation of other resources, including support.

Previous Council Resolution**Ordinary Meeting 10 November 2021 (OM21/109)**

That Council:

- (a) *receive and note the report titled "Councillor Expenses Reimbursement and Provision of Facilities and Support Policy"*
- (b) *endorse the amended Councillor Expenses Reimbursement and Provision of Facilities and Support Policy (Appendix A) in accordance with section 250 of the Local Government Regulation 2012 to replace the Councillors' Expenses Reimbursement and Provision of Facilities Policy which was approved by Council on 12 October 2017*
- (c) *request the Chief Executive Officer to publish the amended Policy on Sunshine Coast Council's website and ensure a copy of the Policy can be inspected and purchased at Sunshine Coast Council's public office in accordance with section 251 of the Local Government Regulation 2012*
- (d) *determine entitlements annually as part of the budget adoption process and*
- (e) *remove the Media Engagement Policy – Councillor from Council's policy register.*

Related Documentation

Local Government Act 2009

Local Government Regulation 2012

Advocacy and Engagement Expenses Policy

Code of Conduct for Councillors in Queensland

Corporate Travel Policy

Councillors Acceptable Request Guidelines

Entertainment and Hospitality Policy

Information and Communications Technology (ICT) Acceptable Use Policy

Motor Vehicle Policy and Procedure

Procurement Policy (annual) and Contract Manual

Provision of Administrative Support to Councillors Guideline

Provision of Communication Support to Councillors Policy and Guideline

Critical Dates

There are no critical dates relevant to this report.

Implementation

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

- publish the *Councillor Expenses and Resources Policy* on Council's website as soon as practicable
- ensure a copy of the newly adopted Policy can be inspected and purchased at Council's public offices and
- continue to maintain appropriate mechanisms to facilitate the approval of expenses and allocation of resources in accordance with this policy.

8.5 COUNCILLOR APPOINTMENTS TO EXTERNAL BODIES

File No: Council Meetings
Author: Group Executive Civic Governance
Civic Governance

PURPOSE

This report seeks Council's consideration of potential nominees to the roles of:

- Director and Alternate Director of the Council of Mayors South East Queensland (COMSEQ) Pty Ltd and
- District 2 (North) representative on the Policy Executive of the Local Government Association of Queensland (LGAQ).

EXECUTIVE SUMMARY

Following the conclusion of the 2024 local government elections and the assumption of office by the Councillors, there is a need to consider Councillor representation on two external advocacy bodies of which Council is a member – the COMSEQ Pty Ltd and the Policy Executive of the LGAQ.

Council of Mayors South East Queensland Pty Ltd

COMSEQ is Australia's largest (by population representation) regional organisation of councils, advocating on behalf of, and representing the interests of, 11 councils in SEQ. Clause 11.1 of the COMSEQ Constitution provides that each member Council may appoint a Director to the COMSEQ Board and that each Director must be the Lord Mayor or Mayor or Administrator of the member council. Clause 11.10 of the COMSEQ Constitution provides that a Director of COMSEQ may nominate an Alternate Director to act in the Director's place when the Director is unable to do so. The Alternate Director must hold the office of Deputy Mayor of the member council.

Local Government Association of Queensland – Policy Executive

The LGAQ is a member owned company established under the *Corporation Act 2001*, which represents Queensland's 77 local governments. The Constitution of the LGAQ provides for the establishment of:

- a Board of Directors (which has corporate and legal responsibility for the organisation) and
- a Policy Executive.

The Policy Executive guides the policy and advocacy activities undertaken by the LGAQ on behalf of its membership and has three other specific responsibilities namely:

- appointing three Board Members (not including the President, who is elected by the members of the LGAQ)
- the approval of the annual budget of the LGAQ and

- the appointment of the LGAQ Chief Executive Officer.

The Policy Executive may meet up to six times each year (it is normally five meetings per year) and comprises the President and 15 District Representatives nominated from across Queensland. Each District Representative is nominated by the cohort of Councils that comprises that District. The Sunshine Coast Council, the City of Moreton Bay Council and the Noosa Shire Council make up District 2 (North).

The Policy Executive is reconstituted every four years following the conclusion of the Queensland local government elections. The Chief Executive Officer of the LGAQ has recently written to all council Chief Executive Officers inviting nominations for the District Representative position on the Policy Executive.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Councillor Appointments to External Bodies"**
- endorse the nomination of Mayor Rosanna Natoli as a Director and Councillor Maria Suarez as Alternate Director of the Council of Mayors South East Queensland Pty Ltd and**
- approve the nomination of Mayor Rosanna Natoli to be considered as the District Two (North) representative on the Policy Executive of the Local Government Association of Queensland.**

FINANCE AND RESOURCING

There is no financial cost to Council associated with the Councillor nominees in this report taking up the roles for which they are proposed. Councillors do not receive additional remuneration associated with their appointments as a Director or Alternate Director of COMSEQ.

A Councillor who is appointed to the LGAQ Policy Executive may receive a meeting fee of \$560.00 per meeting (the Policy Executive may meet up to six times in each year) and accommodation and travel costs (where required). These costs are met by the LGAQ – not Council.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S27 - Elected Council – providing community leadership, democratic representation, advocacy and decision-making.

CONSULTATION

Councillor Consultation

All Councillors have been consulted and had input to the nominations proposed to the LGAQ Policy Executive. As the constitution for COMSEQ requires that the nominee for the positions of Director and Alternate Director be the Mayor and Deputy Mayor respectively, consultation on these appointments has been undertaken with the Mayor and the Deputy Mayor.

Internal Consultation

- Chief Executive Officer

External Consultation

No external consultation has been considered necessary in formulating the recommendations in this report.

Community Engagement

There was no community engagement required for preparation of this report.

PROPOSAL

Following the conclusion of the 2024 local government elections and the assumption of office by the Councillors, there is a need to consider Councillor representation on two external advocacy bodies of which Council is a member – the COMSEQ Pty Ltd and the Policy Executive of the LGAQ.

COMSEQ Pty Ltd

COMSEQ was established in September 2005 as an independent advocacy organisation to represent the interests of one of the nation's fastest growing regions. COMSEQ is now Australia's largest regional organisation of councils (in terms of population represented) and through its 11 member councils, represents one in seven Australians.

COMSEQ is a company limited by shares. The members and shareholders of the company are the SEQ councils who each hold one share. The board of the company comprises the Mayors of each of the SEQ councils.

Key priorities for COMSEQ at this time include:

- representing members interests in the implementation of the SEQ City Deal, executed in March 2022;
- representing the interests of those members who are not key delivery partners in the staging of the Brisbane 2032 Olympic and Paralympic Games;
- leading a coordinated approach to member input to the SEQ Regional Planning Committee convened by the Minister responsible for Planning; and
- coordination of potential sub-regional approaches to sustainable waste management.

While the COMSEQ Constitution requires that a Director must be the Mayor of the member council and the Alternate Director must be the Deputy Mayor of the member council, it is considered prudent to seek Council authorisation for the Mayor and Deputy Mayor to

undertake these roles, given they represent an additional responsibility and interest for these two elected members of Council.

LGAQ Policy Executive

The LGAQ has existed since 1896 and is recognised as the peak body for the local government system in Queensland and is a constituent member of the Australian Local Government Association. The Constitution of the LGAQ provides for governance of the LGAQ through two principal vehicles:

- a Board of Directors (which have corporate and legal responsibility for the company under the terms of the *Corporations Act 2001* and the company's Constitution) and
- a Policy Executive, which guides the policy and advocacy activities undertaken by the LGAQ on behalf of its membership and has three other specific responsibilities namely:
 1. appointing three Board Members (not including the President)
 2. the approval of the annual budget of the LGAQ and
 3. the appointment of the LGAQ Chief Executive Officer.

The Policy Executive meets up to six times each year (usually five meetings) and comprises:

- the President and
- 15 District Representatives nominated from across Queensland.

Each District Representative is nominated by the cohort of councils that geographically comprise that District. The Sunshine Coast Council, the City of Moreton Bay Council and the Noosa Shire Council make up District 2 (North). If more than one nomination is received from the District, the nominations are put to a preferential ballot in which the three councils vote.

The Policy Executive is reconstituted every four years within 90 days following the conclusion of the Queensland local government elections. One of the early tasks of the Policy Executive following its appointment is to appoint three of its members who, along with the President, form the Board of the LGAQ.

Membership of the LGAQ Policy Executive provides an important advocacy channel for the Sunshine Coast Council in the context of a wide range of policy, funding, legislative and program initiatives on which the LGAQ is engaged with State and Federal Governments.

Legal

The proposed appointments to the COMSEQ Board and the LGAQ Policy Executive are being undertaken in accordance with the Constitution in place for each of these entities, which are established under the *Corporations Act 2001* (Cth).

Policy

There are no major policy implications associated with this report. Council does, however, utilise a number of avenues, including through its memberships of the LGAQ and COMSEQ, to progress its advocacy for policy, program, funding and legislative outcomes to support the efficient operation of Council and for the benefit of the region.

Risk

There are no significant risks to Council in supporting the recommendations in this report.

Previous Council Resolution**Ordinary Meeting 30 April 2020 (OM20/46):**

That Council:

- (a) receive and note the report titled "Nomination of Division 2 (North) representative on the Policy Executive of the Local Government Association of Queensland" and*
- (b) approve the nomination of Mayor Mark Jamieson as the District Two (North) representative on the Policy Executive of the Local Government Association of Queensland.*

Related Documentation

- Sunshine Coast Council Audit Committee Charter
- Constitution of COMSEQ Pty Ltd
- Constitution of the LGAQ

Critical Dates

Council is required to submit its nominations for the Director and the Alternate Director of COMSEQ Pty Ltd by close of business on 24 April 2024.

Council has been requested to submit its nomination for the District 2 (North) representative to the LGAQ Policy Executive by 1 May 2024.

Implementation

Subject to Council's decision on the recommendations in this report, the Chief Executive Officer will:

- Notify the Company Secretary for COMSEQ of the nominations for Director and Alternate Director of the COMSEQ Board and
- Notify the Chief Executive Officer of the LGAQ of Council's nominee for the role of District 2 (North) representative on the LGAQ Policy Executive.

8.6 REPRESENTATION AT PARIS 2024 OLYMPIC FAMILY PROGRAM

File No: Council Meetings
Author: Sunshine Coast Program Lead - Brisbane 2032
Economic & Community Development Group

PURPOSE

This report seeks Council's approval for Mayor Rosanna Natoli to undertake overseas travel from 24 July 2024 to 1 August 2024 to represent Council as a member of the Paris 2024 Olympic Games Family Program. As a Co-Host City / Games Delivery Partner, Sunshine Coast Council has been offered one (1) position as part of the Brisbane 2032 Olympic Family delegation.

This report is being presented for consideration at this time as participation in the Brisbane 2032 Olympic Family delegation to the Paris 2024 Olympic Games cannot be confirmed until approval to undertake overseas travel has been provided by Council.

EXECUTIVE SUMMARY

As a Co-Host City / Games Delivery Partner, Sunshine Coast Council has been offered one (1) position on the Paris 2024 Olympic Games Family Program with the Brisbane 2032 Olympic Family delegation.

Individuals accredited as Olympic Family receive access to the Paris 2024 Olympic Games including accommodation, event access/seating and transport services. The Olympic Family includes International Olympic Committee, International Paralympic Committee, International Sport Federations, National Olympic Committees, the Olympic Partner Sponsors, future Organising Committees for the Olympic Games (OCOGs), Rights Holding Broadcasters and select international dignitaries.

The following representatives have been invited to be part of the Brisbane 2032 Olympic Family delegation to Paris:

- Brisbane 2032 President and Chief Executive Officer (plus one accompanying guest each)
- Premier of Queensland and Minister for the Olympic and Paralympic Games (plus one accompanying guest)
- Lord Mayor of Brisbane (plus one accompanying guest)
- Mayor of Sunshine Coast Council
- Mayor of Gold Coast City Council.

OFFICER RECOMMENDATION**That Council:**

- (a) **receive and note the report titled "Representation at Paris 2024 Olympic Family Program"**
- (b) **approve overseas travel from 24 July 2024 to 1 August 2024 to enable Mayor Rosanna Natoli to participate in the Paris 2024 Olympic Family Program and**
- (c) **note that any costs incurred by Council in association with participation in the Paris 2024 Olympic Family Program will be reported in Council's 2024-2025 Annual Report.**

FINANCE AND RESOURCING

Mayor Natoli has indicated her intention to personally meet the costs of airfares associated with participating in the Paris 2024 Olympic Family Program.

All costs associated with accommodation and on-ground transport will be met by the International Olympic Committee.

An allowance for any other incidental costs incurred which are directly related to travelling as an official representative of Council are estimated to be no more than \$1000. Funding can be sourced from Council's current operational budget to fund expenditure on incidentals.

CORPORATE PLAN

Corporate Plan Goal: ***Our strong community***

Outcome: 1.1 - Healthy and active communities

Operational Activity: 1.1.1 - Identify and secure an enduring legacy for the Sunshine Coast as a key delivery partner in the Brisbane 2032 Olympic and Paralympic Games and work collaboratively with our Community Reference Group and key partners to identify and implement Sunshine Coast specific themes, opportunities and challenges.

CONSULTATION**Councillor Consultation**

Consultation has been undertaken with Mayor Natoli in relation to this report.

Councillors have been advised of the invitation for the Mayor to participate in the Paris 2024 Olympic Family Program.

Internal Consultation

Consultation has taken place with the following Council officers in the preparation of this report:

- Chief Executive Officer
- Group Executive, Economic and Community Development
- Group Executive, Civic Governance
- Sunshine Coast Program Lead, Brisbane 2032 Olympic and Paralympic Games.

External Consultation

External consultation has been undertaken in relation to this report with Brisbane 2032 Olympic and Paralympic Games Delivery Partners. The main partner and coordinator of the Australian delegation is Brisbane 2032, the Organising Committee for the Olympic Games (OCOG).

Community Engagement

There has been no Community Engagement undertaken in relation to this report.

PROPOSAL

In the past, the Mayor and Chief Executive Officer of the Olympic and Paralympic Games Host City would be included in the Olympic Family accreditation, where individuals accredited as Olympic Family receive access to the Games including accommodation, event access / seating and transport services.

The Olympic Family includes the International Olympic Committee, International Paralympic Committee, International Sport Federations, National Olympic Committees, the Olympic Partner Sponsors, future Organising Committees for the Olympic Games (OCOGs), Rights Holding Broadcasters and select international dignitaries.

Since Brisbane 2032 was awarded earlier as a regional bid under the 'New Norm', rather than the Host City contract signatory (Brisbane City Council) being the only Local Government invited to participate in the Olympic Family, the IOC has extended an invitation to both Sunshine Coast Council and Gold Coast City Council to participate.

To ensure Sunshine Coast Council maximises every opportunity offered as a delivery partner of the Olympic and Paralympic Games Brisbane 2032, particularly in activating our legacy in a sustainable and forward-looking manner and enhancing our experience and knowledge in matters of hosting and organising sports events, it is proposed that Mayor Natoli attend the Paris 2024 Olympic Games as part of the Brisbane 2032 Olympic Family delegation.

In recent years, as a Co-Host City of the Olympic and Paralympic Games Brisbane 2032, Sunshine Coast Council has been determined to ensure our organisation and region is appropriately acknowledged and engaged in all 2032 Games related initiatives. Non-attendance at the Paris 2024 Olympic Games could jeopardise this position and it is important that Council maintains a lead role in all aspects of Games delivery.

Council officers are currently working closely with the Brisbane 2032 Organising Committee to plan and carefully curate a program for the South East Queensland Mayors attending Paris 2024. Whilst not confirmed, Mayor Natoli will likely have the opportunity to attend events / functions / meetings hosted by the following organisations:

- International Olympic Committee
- Australian Olympic Committee
- World Union of Olympic Cities
- Australian Embassy/ Australian Government
- Brisbane 2032
- Paris City Council

In addition to the above, Mayor Natoli will be provided with the opportunity to attend competition events. During the proposed period of Mayor Natoli's attendance, those events which the Sunshine Coast region are proposed to host will be conducted:

- Basketball
- Road Cycling
- Football
- Mountain Bike
- Race Walk

Depending on overall scheduling, Mayor Natoli will also have the opportunity to attend other events including the Opening Ceremony. Whilst the Sunshine Coast region may not be hosting these events, attendance will still provide Mayor Natoli with an opportunity to observe the operations of the City and Venues during Games time. She would also be attending these events with other members of the Games Family which provides a unique opportunity to enhance relationships and promote the Sunshine Coast.

In summary, Mayor Natoli, as the Sunshine Coast's representative on the Paris 2024 Olympic Games Family Program would be required to:

- Officially represent the Sunshine Coast at a variety of official functions and events
- Network with past and future Games City Hosts and Games Delivery Partners to gain a deeper understanding of legacy outcomes derived from hosting an Olympic and Paralympic Games
- Observe the operations of the City of Paris and competition venues during the Games, capture learnings and disseminate information back through Council and the wider organisation and community
- Develop strategic relationships with key Olympic and Paralympic Games personnel and other International Sporting Federations to further develop the reputation of the Sunshine Coast as an international destination for sport, events and business.

Whilst separate programs, it is worth noting that Sunshine Coast Council will also be represented in Paris through the Olympic Observer Program and Paralympic Future OCOG Activities and Learning program. These programs consist of approximately 90 sessions facilitated by Paris 2024 and the International Olympic Committee/International Paralympic Committee on specific operational topics and are intended for operational staff responsible for Games delivery functions. Sunshine Coast Council will have two representatives (divided across three staff) on the Olympic Observer Program and one representative on the Paralympic Future OCOG Activities and Learning program.

In summary, there are a range of benefits that will be derived from the Mayor's attendance at the Paris 2024 Olympic Games. These include but are not limited to the following:

- Observe events proposed to be held on the Sunshine Coast in 2032
- Understand the experience of a spectator at an Olympic Games event
- Understand the community impacts for Host Cities during an Olympic and Paralympic Games
- Ensure the Sunshine Coast makes the most of the opportunities from the 2032 Games

- Understand the arts and culture offering at the Paris 2024 Games – Cultural Olympiad
- Understand the opportunities for local businesses from the Games
- View the transport offerings – not only for 2032 but potentially immediate opportunities for the Sunshine Coast.

Legal

The proposal contained in this report does not give rise to any additional legal issues or risks for Council.

Under section 188 of the *Local Government Regulation 2012*, the purpose of any international travel undertaken by a Councillor or a Council officer and any costs met by Council, will be reported in Council's annual report for the relevant financial year.

Policy

The Councillor Expenses Reimbursement and Provision of Facilities and Support Policy states that a resolution of Council is required for non-personal overseas travel under this policy where such travel falls outside of Council's adopted International Relations Policy.

Risk

There maybe a risk of a negative public reaction to expenditure associated with Council's participation in international activities. In this context it should be noted that:

- Mayor Natoli intends to personally meet the cost of airfares associated with the proposed travel
- costs such as accommodation and transfers are funded by the International Olympic Committee
- the pursuit of global recognition and strengthening of Olympic and Paralympic Games' related relationships is necessary if the region is to improve its local to global connections and leverage off our regions status as a Co-host City
- the insights afforded through participating in the Paris 2024 Olympic Games Family Program will potentially inform Council's approach to developing best practices in delivering a successful 2032 Olympic and Paralympic Games in our region.

Previous Council Resolution

There is no previous Council resolution relevant to this report.

Related Documentation

- Sunshine Coast Council Corporate Plan 2024-2028
- Councillor Expenses Reimbursement and Provision of Facilities and Support Policy

Critical Dates

The timeline for advising of attendance in the Paris 2024 Olympic Games Family is 25 April 2024.

This date is definitive as the accreditation process by the International Olympic Committee is required to commence on this date to ensure all members are appropriately accredited prior to the commencement of the Program.

Implementation

Should the recommendations in this report be accepted by Council, the Chief Executive Officer will allocate resources to assist in preparing Mayor Natoli for this Program, including all formalities associated with obtaining accreditation and making appropriate travel arrangements.

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 30 May 2024.

13 MEETING CLOSURE