

# Agenda

## **Ordinary Meeting**

**Thursday, 28 January 2021**

**commencing at 9:00am**



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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 10 December 2020 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 PLANNING SCHEME REVIEW AND PREPARATION OF A NEW PLANNING SCHEME****File No:** Council meetings**Author:** Coordinator Planning Scheme and Projects  
Customer Engagement & Planning Services Group**Attachments:** Att 1 - Planning Scheme Review Report ..... 21  
Att 2 - Project Plan..... 87  
Att 3 - Proposed Community Engagement Approach ..... 109**PURPOSE**

The purpose of this report is to:

- present to Council the findings from a review of the current planning scheme, including recommendations arising from this review and
- seek a resolution from Council to make a new planning scheme under the *Planning Act 2016*.

**EXECUTIVE SUMMARY**

The Sunshine Coast Planning Scheme 2014 (the planning scheme) took effect on 21 May 2014 and has been in operation for over six and a half years.

Under the *Planning Act 2016*, Council is required to review its planning scheme within 10 years of it taking effect and decide, based on that review, whether to amend or replace the planning scheme. In addition, the current Corporate Plan 2020-2024 states that Council will commence development of the region's next planning scheme, which is intended to be in place by 2024.

As an initial step towards preparation of a new planning scheme, a Review of the current planning scheme has been undertaken to examine its efficiency and effectiveness as a regulatory instrument and consider whether it accords with community expectations, current legislation, State planning instruments and Council's adopted vision and strategies. Details of the Review are contained in **Attachment 1 (Planning Scheme Review Report)**.

While the Review has found that the current planning scheme compares favourably to other contemporary planning schemes in Queensland, and has been generally successful in its operation to date, a number of significant influences are emerging which require the current planning and policy framework to be revised and updated, including:

- state and regional planning horizons have shifted to 2041 and beyond (noting the current planning scheme has a planning horizon to 2031)
- there is a need to improve and strengthen alignment with recent State, regional and local planning policy changes
- mapping needs to be updated to better reflect physical and environmental constraints, infrastructure projects, the State Planning Policy (SPP) and South East Queensland Regional Plan 2017 (SEQRP) and
- there are opportunities to improve useability, accessibility and user experience through new technological delivery platforms (fully electronic planning scheme).

On balance, based on the findings of the Review, it is recommended that the current planning scheme be replaced with a new planning scheme.

To formally commence preparation of a new planning scheme, Council must first propose to make a planning scheme under the *Planning Act 2016*. According to this Act, a planning scheme must:

- identify strategic outcomes for the local government area to which the planning scheme applies (typically included in the planning scheme's strategic framework)
- include measures that facilitate the achievement of the strategic outcomes and
- coordinate and integrate the matters dealt with by the planning scheme, including State and regional aspects of the matters.

To support preparation of a new planning scheme, a Project Plan (**Attachment 2**) and Proposed Community Engagement Approach (**Attachment 3**) have been prepared.

A range of key inputs will guide and inform preparation of a new planning scheme. Some of these inputs are contained in existing plans and strategies (e.g. SEQRP and the Environment and Livability Strategy), and other inputs will emerge from processes that are currently underway (e.g. the Sunshine Coast Mass Transit Project business case process) or are yet to commence. The timing of the new planning scheme and the direction that it takes will be heavily influenced by these inputs.

Apart from some mandatory elements specified in State planning legislation, such as standardised zones and definitions, the format and structure of the new planning scheme will largely be open for Council to determine. However, a structure similar to the current planning scheme is suggested. In addition, to help guide preparation of the new planning scheme, a set of preliminary drafting and planning principles has been identified.

From start to finish, the plan-making process is anticipated to take in the order of three to four years to complete (noting that the timing of certain steps in the process, such as state interest reviews, are not within Council's control).

If Council proposes to make a new planning scheme, the next step will be to seek a notice from the State Planning Department setting out the plan-making process to be followed.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Planning Scheme Review and Preparation of a New Planning Scheme"**
- (b) based on a review of the current planning scheme, decide to replace the planning scheme**
- (c) propose to make a new planning scheme under section 18 of the *Planning Act 2016* and**
- (d) delegate authority to the Chief Executive Officer to prepare and progress the proposed planning scheme under the *Planning Act 2016* and *Minister's Guidelines and Rules*.**

## FINANCE AND RESOURCING

If Council formally resolves to prepare a new planning scheme, adequate resourcing will be crucial to ensure timeliness and quality of outputs and overall project success.

The New Planning Scheme Project will be a multi-year project that is anticipated to be delivered over four (4) financial years. To this end, a budget briefing paper for the Project

was approved as part of the 2020/21 budget process, covering the period until 30 June 2024. In order to commence the New Planning Scheme Project in the second half of this financial year, funding for human and financial resources has been allocated within the 2020/21 Strategic Planning Branch budget.

It is proposed that the new planning scheme project will be managed “in-house” by a core project team within the Strategic Planning Branch, in partnership with a range of internal and external subject matter experts.

While there will be a pivot of resources within the Strategic Planning Branch to focus on the new planning scheme project, there will continue to be a need to administer the amendment program for the existing planning scheme. This work will be undertaken within existing 2020/21 budget resources allocated to the Strategic Planning Branch and is intended to progressively diminish in future financial years as the commencement of a new planning scheme draws nearer.

## **CORPORATE PLAN**

**Corporate Plan Goal:** *A healthy environment*

**Outcome:** 2.1 - A resilient region shaped by clever planning and good design

**Operational Activity:** 2.1.6 - A performance review of the existing planning scheme will be undertaken, background planning studies prepared and a community reference group established.

## **CONSULTATION**

### **Councillor Consultation**

The future direction for the review of the current planning scheme and preparation of a new planning scheme was discussed with Councillors at a workshop held on 8 October 2020.

### **Internal Consultation**

No internal consultation has been undertaken specifically in relation to this report. However, as part of the planning scheme review process, internal consultation has occurred with various branches including:

- Development Services Branch
- Urban Growth Projects Branch
- Economic Development Branch
- Community Planning and Development
- Environment and Sustainability Policy Branch
- Design and Placemaking Services Branch
- Transport and Infrastructure Planning Branch

The main purpose of this consultation was to seek feedback on the operational performance and effectiveness of the current planning scheme and obtain up to date information and advice about adopted and proposed strategies that would inform preparation of a new planning scheme.

In addition, on 11 December 2020, a briefing was provided to the Executive Leadership Team on the development of the new planning scheme.

### **External Consultation**

No external consultation has been undertaken in relation to this report. However, as part of the planning scheme review process, targeted external consultation was conducted with

some locally-based planning consultants to obtain feedback on the operational performance of the current planning scheme from a practitioner's perspective.

### **Community Engagement**

No community engagement has been undertaken in relation to this report. However, a review of the results of previous consultation processes conducted for other recent strategy projects has been undertaken and has informed this report. If Council formally resolves to prepare a new planning scheme, community engagement will be a core element of the plan-making process.

In this regard, a Community Engagement Strategy will be prepared to ensure that communications and engagement activities across all stages of the project successfully support the preparation of the new planning scheme and meet the expectations of the community and project stakeholders. A Proposed Community Engagement Approach document (**Attachment 3**) has been prepared to outline the key elements of a Community Engagement Strategy.

If Council decides to prepare a new planning scheme, it is intended that a Community Reference Group will be established to help shape and inform the community engagement that is undertaken for this and other related planning projects.

### **PROPOSAL**

This report presents to Council the outcomes from a review of the current planning scheme and, based on the findings of that review, recommends that the current planning scheme be replaced. The report also seeks a resolution from Council to propose a new planning scheme.

### **Background**

The Sunshine Coast Planning Scheme 2014 (the planning scheme) took effect on 21 May 2014 and has been in operation for over six and a half years. During this time, the planning scheme has been subject to a number of amendments as part of Council's ongoing planning scheme amendment program to ensure that it has been kept up to date and has continued to operate efficiently and effectively.

Under the *Planning Act 2016*, Council is required to review its planning scheme within 10 years of it taking effect and decide, based on that review, whether to amend or replace the planning scheme. In addition, the current Corporate Plan 2020-2024 states that Council will commence development of the region's next planning scheme, which is intended to be in place by 2024.

### **Planning scheme review**

Given this background, early last year, the Strategic Planning Branch initiated a Planning Scheme Review Project (the Review) with the following purpose:

*To ensure the regulation of land use and development on the Sunshine Coast remains up to date, effective and efficient, and in accordance with Council's adopted vision and strategies.*

In particular, the Review has examined the efficiency and effectiveness of the planning scheme as a regulatory instrument, and whether it accords with community expectations, current legislation and Council's adopted vision and strategies.

The scope of the Review has included:

- primarily a technical, internally focused review of the operational effectiveness of the current planning scheme, including consultation with key users
- a review of the current and emerging policy environment relevant to land use planning, particularly at the State, regional and local levels

- an audit of mapping/data, development outcomes and legal proceedings
- a review of community and industry feedback from consultation on recent Council strategies and projects and
- identification of information gaps, key findings and recommendations.

While the Review has found that the current planning scheme compares favourably to other contemporary planning schemes in Queensland, and has been generally successful in its operation to date, a number of significant influences are emerging which require the current planning and policy framework to be revised and updated, including:

- state and regional planning horizons have shifted to 2041 and beyond (noting the current planning scheme has a planning horizon to 2031)
- there is a need to improve and strengthen alignment with recent State, regional and local planning policy changes
- mapping needs to be updated to better reflect physical and environmental constraints, infrastructure projects, the State Planning Policy and South East Queensland Regional Plan 2017 and
- there are opportunities to improve useability, accessibility and user experience through new technological delivery platforms (fully electronic planning scheme).

While these matters could be addressed through one or more further amendments to the current planning scheme, on balance, based on the findings of the Review, it is recommended that the current planning scheme be replaced with a new planning scheme.

### **Preparation of a new planning scheme**

To formally commence preparation of a new planning scheme, Council must first propose to make a planning scheme under the *Planning Act 2016*.

A planning scheme is a statutory planning instrument made by a local government to manage land use and development within the local government area. According to the *Planning Act 2016*, a planning scheme must:

- identify strategic outcomes for the local government area to which the planning scheme applies (typically included in the planning scheme's strategic framework)
- include measures that facilitate the achievement of the strategic outcomes and
- coordinate and integrate the matters dealt with by the planning scheme, including State and regional aspects of the matters.

The practical effect of dot point three above is that, in addition to addressing matters of interest to the local government, a planning scheme must also incorporate and be aligned with state and regional interests as expressed in the State Planning Policy (SPP) and the South East Queensland Regional Plan 2017 (SEQRP 2017).

For the Sunshine Coast context, it is also important to note that a new planning scheme will not apply to all parts of the local government area. As is the case with the current planning scheme, the Maroochydore City Centre and Caloundra South Priority Development Areas (PDAs) will continue to be subject to their own development schemes under the *Economic Development Act 2012*. Similarly, in the event that the Beerwah East Major Development Area (MDA) is made available for urban development, it may also be declared as a PDA and therefore not be subject to the planning scheme. In addition, the undeveloped parts of Kawana Waters subject to a development agreement will continue to be subject to Development Control Plan 1 Kawana Waters.

### Planning scheme content and structure

While it is largely open to a local government to determine the content of its planning scheme, there is some mandatory content specified under the *Planning Act 2016* and

subordinate legislation. In particular, the *Planning Regulation 2017* includes 'regulated requirements' for the contents of planning schemes in Queensland. These regulated requirements include standardised:

- zone names, zone purpose statements and zone colours
- land use terms and definitions and
- administrative terms and definitions.

Beyond these regulated requirements, there is no mandatory structure or format for drafting a planning scheme under the *Planning Act 2016*. However, it will be important to ensure that the structure of a new planning scheme is efficient, logical and easy to navigate.

Contemporary planning schemes for major local government areas have a structure that typically includes the following:

- **Introduction** – includes preliminary content on the purpose, structure and interpretation of the planning scheme.
- **Strategic framework** – identifies the strategic outcomes and policy directions for the planning scheme area, supported by mapping.
- **Tables of assessment** – identify the levels of assessment for development (i.e. accepted development, code assessable development and impact assessable development) and the assessment benchmarks (i.e. codes) that development must be assessed against.
- **Zone maps** – allocate land use zones to all premises within the planning scheme area.
- **Overlay maps** – identify physical, environmental or other elements that may constrain or otherwise influence development outcomes.
- **Local plan areas** – divides the planning scheme area into discrete local plan areas for the purposes of finer-grain planning.
- **Assessment benchmarks** – criteria that development must be assessed against, typically in the form of codes (e.g. zone codes, local plan codes, overlay codes, use codes and other development codes).
- **Local government infrastructure plan (LGIP)** – an LGIP is that part of a planning scheme that identifies the local government plans for trunk infrastructure that are necessary to service urban development at the desired standard of service (DSS) in a coordinated, efficient and financially sustainable manner.
- **Definitions** – includes land use and administrative definitions that assist in the interpretation and operation of the planning scheme.
- **Schedules** – that accommodate technical and other supporting information.
- **Planning scheme policies** – separate local planning instruments that support the planning scheme by providing advice and guidance material.

It is also noted that the above structure is similar to that adopted in the current planning scheme. As part of the Review, feedback from internal and external users indicated that the structure of the current planning scheme was logical and easy to navigate.

Therefore, the structure outlined above (or a variant to this) is considered to provide a sound basis upon which to prepare a new planning scheme for the Sunshine Coast.

#### Key inputs

A range of key inputs will guide and inform the preparation of a new planning scheme. Some of these inputs are contained in existing plans and strategies, and other inputs will emerge from processes that are currently underway or are yet to commence. The timing of the new

planning scheme and the direction that it takes will be heavily influenced by these related processes.

Key inputs for a new planning scheme are summarised in **Table 1** below.

**Table 1: Key inputs**

Existing plans and strategies	Work currently underway	Further work/investigation required
<ul style="list-style-type: none"> <li>• State Planning Policy 2017 (including associated mapping)</li> <li>• South East Queensland Regional Plan 2017</li> <li>• Corporate Plan 2020-2024 (currently under review)</li> <li>• Council's regional strategies (REDs, ELS, Community Strategy, Integrated Transport Strategy)</li> </ul>	<ul style="list-style-type: none"> <li>• Sunshine Coast Mass Transit <i>Options Analysis</i></li> <li>• Coastal hazards / climate change impacts as part of the Coastal Hazard Adaptation Strategy (CHAS) project</li> <li>• Flooding and stormwater (e.g. new flood hazard mapping based on hydraulic risk)</li> <li>• Biodiversity, waterways and wetlands mapping</li> <li>• Planning for the Beerwah East MDA</li> <li>• Planning for Maroochydore City Centre surrounds</li> <li>• Planning for Sunshine Coast Airport and surrounds</li> <li>• Planning for strategic greenspaces, including the Blue Heart and Lower Mooloolah Floodplain</li> </ul>	<ul style="list-style-type: none"> <li>• Design provisions, especially for multi-unit residential and mixed use development</li> <li>• Emerging uses/issues such as micro-breweries, secondary dwellings and short-term accommodation (e.g. AirBnB)</li> <li>• Planning for Palmview structure plan area</li> <li>• Centres and employment planning</li> <li>• Scenic amenity, views, landscape character, local character</li> <li>• Housing needs assessment</li> <li>• Natural hazard risk assessments (SPP requirement)</li> <li>• Implications of transport and mobility trends</li> <li>• Review of local extractive resources</li> <li>• Consideration of Aboriginal and Torres Strait Islander cultural heritage and interests</li> <li>• e-Planning approach</li> </ul>

The most significant input for the new planning scheme is the South East Queensland Regional Plan 2017 (SEQRP). The SEQRP indicates that of the 87,000 dwellings needed to accommodate the forecast population growth of the Sunshine Coast to 2041, 53,700 (or 62%) are to be delivered by way of consolidation and 33,700 (or 38%) are to be delivered by way of expansion.

The business case process for Sunshine Coast Mass Transit (SCMT) and, in particular, the community engagement program for the SCMT *Options Analysis*, will consider the options for land use change in locations close to the potential mass transit service.

However, irrespective of the outcomes of the SCMT *Options Analysis* process, the new planning scheme will need to have an increased focus on urban consolidation (and in particular consolidation done well and at the right locations) as opposed to continued urban expansion. A greater emphasis on urban consolidation also aligns with the growth management principles set out in Council's Environment and Liveability Strategy.

The SEQRP notes that "*Regional plans are reviewed generally every five to seven years. On this basis, a review of Shaping SEQ would see a new plan delivered sometime between*

2022 and 2024.” Accordingly, it is anticipated that a new SEQ Regional Plan is likely to be delivered in either draft and/or final form during the project timeframe for the preparation of a new planning scheme, which may have implications for its delivery.

#### Consultation and engagement

To ensure project success, consultation and engagement will be a key component to the preparation of a new planning scheme.

In terms of statutory consultation requirements, there is a minimum 40 business day public consultation period for a proposed planning scheme under the *Planning Act 2016*. In addition, Council is required to prepare and submit, to the State Planning Department, a ‘Communications Strategy’ for the proposed planning scheme.

In addition to these statutory requirements, it is proposed to undertake meaningful consultation and engagement to ensure that consultation activities across all stages of the project successfully support the preparation of the new planning scheme and meet expectations of the community and project stakeholders. This is intended to include the following initiatives:

- Formation of a Community Reference Group (CRG) in the early stages of the project to help shape the communications and engagement that is undertaken for the new planning scheme and other related planning projects.
- Preparation of a Community Engagement Strategy in accordance with Council’s Community Engagement Framework and the State’s Community Engagement Toolkit for Planning. As a starting point, a Proposed Community Engagement Approach (**Attachment 3**) has been prepared.
- Preliminary (non-statutory) public consultation on the proposed policy directions for the new planning scheme.
- The development and alignment of key messaging in coordination with other major Council strategies and projects (e.g. the next Corporate Plan, Mass Transit Project, and Coastal Hazard Adaptation Strategy).
- Preparation and implementation of technology-based engagement tools (e.g. on-line tools and interactive websites).
- Development of project branding and preparation of media and promotional material to support community engagement activities and correspondence.
- The formation of internal technical working groups and external reference groups to provide technical input and feedback on new planning scheme content.

#### Preliminary drafting principles

By their nature and the role they need to perform, planning schemes tend to be large and relatively complex documents. From the outset, it is therefore important to identify a set of drafting principles to help guide the drafting process for a new planning scheme.

In this regard, the State Planning Department has released a number of guidance documents for drafting and amending planning schemes, most notably ‘*Drafting a planning scheme – Guidance for local governments*’, dated June 2020. Having regard to this guidance material and based on previous plan-making knowledge and experience, the preliminary drafting principles in **Table 2** below have been identified for a new planning scheme:

Table 2: Preliminary drafting principles

<b>Drafting principle</b>	<b>Element</b>
<b><i>Strong and clear policy framework</i></b>	<ul style="list-style-type: none"> <li>• Elevate important policy positions to provide strong heads of power</li> <li>• Ensure clear line of sight from vision through strategic outcomes to code provisions</li> <li>• Provide clear and concise outcomes</li> <li>• Address emerging trends, uses and issues</li> </ul>
<b><i>Risk tolerant and risk aware</i></b>	<ul style="list-style-type: none"> <li>• Avoid unnecessary regulation</li> <li>• Lowest level of assessment possible for low risk development</li> <li>• Improve alignment with community expectations for higher risk development</li> </ul>
<b><i>Balanced approach to certainty and flexibility</i></b>	<ul style="list-style-type: none"> <li>• Provide certainty where outcomes are non-negotiable or where it assists efficiency</li> <li>• Be fair and practical and avoid undue rigidity</li> <li>• Allow for changing social and economic circumstances which may lead to new types of development</li> <li>• Consider potential unintended consequences</li> </ul>
<b><i>Effective and defensible</i></b>	<ul style="list-style-type: none"> <li>• Provide clear and objective outcomes</li> <li>• Ensure internal consistency</li> <li>• Minimise complexity, duplication, and layers</li> <li>• Pre-empt likely development-related risks and challenges</li> <li>• Ensure vertical and horizontal alignment</li> </ul>

#### Preliminary planning principles

Having regard to the findings from the Planning Scheme Review and Council's adopted policy positions and strategies, the following preliminary planning principles have been identified for a new planning scheme:

- Retain strong and clearly defined growth management boundaries.
- Promote a compact, transit-supportive and sustainable pattern of settlement.
- Provide for vibrant, compact centres as a focus for economic and social activity and protection of the Sunshine Coast activity centre network.
- Encourage economic diversification and leverage investments in key infrastructure and region shaping projects.
- Maintain a strong position on building height as a key feature distinguishing the Sunshine Coast from other metropolitan regions in SEQ.
- Promote Sunshine Coast Design principles.
- Prioritise high quality urban landscaping, deep planting and walkable, leafy streets.
- Increase focus on the design of multi-unit residential and mixed use development.
- Recognise the distinct character and identity of individual communities.
- Maintain a focus on local planning (i.e. retention of local plans as a key concept and building block for the planning scheme).
- Protect biodiversity, landscape character and scenic amenity.
- Protect the ongoing viability of natural economic resources (e.g. agricultural land, forestry, fisheries and extractive resources).
- Encourage appropriate value adding rural enterprises.
- Avoid constrained or high hazard areas and improve resilience in existing areas.

- Adapt to a changing climate.

As part of preliminary community consultation for a new planning scheme, it is intended that community feedback will be sought to confirm the planning principles/strategic directions for the new planning scheme.

Ultimately, these planning principles/strategic directions would be reflected in the Strategic Framework (or strategic plan) of the new planning scheme. The Strategic Framework sets the policy direction for the planning scheme area and forms the basis for ensuring appropriate development occurs within the area. Having regard to these principles and Council's vision for the Sunshine Coast, the following potential themes for the Strategic Framework have been identified at this early stage:

- Shaping sustainable growth
- A smart economy
- A healthy and resilient region
- A creative community of communities and
- Connected people and places.

#### Plan-making process and indicative timeframes

The process for preparing a new planning scheme is governed by the *Planning Act 2016* (the Act) and the *Minister's Guidelines and Rules* (MGR). At the outset, the State Planning Department will provide Council with a notice about the process for making a planning scheme in accordance with section 18 of the Act.

It is anticipated that the plan-making process for the new planning scheme will involve the main steps outlined in **Figure 1** below. Indicative timeframes for these various steps are also shown (noting these timeframes are ambitious and do not allow for any contingency or dependent project delay).

From start to finish, the plan-making process is anticipated to take in the order of three to four years to complete (noting that the timing of certain steps in the process, such as state interest reviews, are not within Council's control).

To provide a project management framework for the preparation and delivery of a new planning scheme, a Project Plan has been prepared (refer to **Attachment 2**). The Project Plan outlines the scope of the Project, the proposed work program, governance arrangements, anticipated resourcing requirements and other key project management aspects.

**Figure 1 – Plan-making process and indicative timeframes**

### Legal

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

The *Planning Act 2016* and the *Minister's Guidelines and Rules* sets out the statutory process that a local government must follow when making a planning scheme. Where necessary, legal advice will be sought during the plan-making process to ensure compliance with these statutory requirements and to verify that the planning scheme is legally robust.

### Policy

A planning scheme is a local planning instrument that seeks to integrate state, regional and local planning interests. State and regional planning interests are expressed in the following State planning instruments:

- State Planning Policy (July 2017) and
- South East Queensland Regional Plan 2017.

As part of plan-making process (principally at the State interest review stages), the Planning Minister will need to be satisfied that the proposed planning scheme appropriately integrates relevant State and regional planning interests as expressed in the above planning instruments.

At the local level, the proposed planning scheme will seek to integrate the strategic policy directions (as relevant to land use planning and development) contained in the following higher order Council plans and strategies:

- Corporate Plan
- Environment and Liveability Strategy 2017
- Regional Economic Development Strategy 2013-2033
- Sunshine Coast Community Strategy 2019-2041 and
- Integrated Transport Strategy 2018.

### **Risk**

Preparation of a new planning scheme is a significant and complex undertaking and has inherent risks, particularly for a diverse and dynamic region such as the Sunshine Coast. In this regard, section 5.4 of the Project Plan (**Attachment 2**) has considered the risk profile for preparation of a new planning scheme.

Overall, the preparation of a new planning scheme has been assessed as having a “moderate” level of risk. The risk assessment has identified a range of strategies to ensure that the identified risks are mitigated as far as practicable.

### **Previous Council Resolution**

There is no previous Council resolution relevant to this report.

### **Related Documentation**

*Planning Act 2016*

Minister’s Guidelines and Rules

### **Critical Dates**

Council’s current Corporate Plan 2020-2024 states that Council will commence development of the region’s next planning scheme, which is intended to be in place by 2024.

Preparation of a new planning scheme is a significant undertaking for a local government that typically takes several years to complete. Therefore, in order to meet the timeframe stated in the Corporate Plan, it is imperative that a formal Council resolution to prepare a new planning scheme is obtained as soon as practicable.

### **Implementation**

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will need to give notice of the proposed planning scheme to the State Planning Department under section 18 of the *Planning Act 2016*.

The State Planning Department will then give Council a notice about the process for making the planning scheme which must include, as a minimum, the following:

- the local government must publish at least one public notice about the proposal to make the planning scheme

- the local government must keep the proposed planning scheme available for inspection and purchase for a period of at least 40 business days after the day the public notice is published in a newspaper circulating in the local government area
- the public notice must state that any person may make a submission about the proposed planning scheme to the local government during the consultation period
- a communications strategy that the local government must implement about the proposed planning scheme
- the local government must consider all properly made submissions about the planning scheme
- the local government must notify persons who made properly made submissions about how the local government dealt with the submissions
- the local government must give the Minister a notice containing a summary of the matters raised in the properly made submissions and stating how the local government dealt with the matters and
- after the planning scheme is made, the local government must publish a public notice about making the planning scheme.

Council must make the planning scheme by following the process set out in the notice from the State Planning Department.



**8.2 REVIEW OF THE CLASSIFICATION AND MANAGEMENT OF COUNCIL INFORMATION**

**File No:** Council meetings

**Author:** Chief of Staff  
Office of the CEO

**Appendices:** App A - Terms of Reference ..... 121

**Attachments:** Att 1 - Information Access and Management Policy ..... 123

**PURPOSE**

The objective of this report is to outline a range of practices that have been recently instituted to improve accessibility and availability of Council information and to seek Council’s consideration of a proposed review of the policy and service arrangements underpinning the classification and management of Council information.

**EXECUTIVE SUMMARY**

Sunshine Coast Council generates and receives significant information in relation to the conduct of its functions, interface with customers and clients and delivery of projects, activities and resources.

Council has had in place since 2012, an Information Access and Management Policy (see **Attachment 1**) that establishes the sensitivity classifications for information held by Council and how information is to be managed in accordance with that classification system.

Whilst being broad in scope and intent, the Policy is outdated and is not necessarily reflective of contemporary information classification and management practices or community expectations.

Council also recognises there is a wider community interest in examining aspects of its practices in relation to the classification, management and accessibility of information which is considered by Council, with a view to enhancing the availability of information to the general public and improving the understanding of the circumstances when information should be maintained on a confidential basis – and for how long this should be the case.

While a range of actions have been implemented since April 2020 to enhance the availability of information considered by Council, consistent with an approach based on the premise of continuous improvement and responsiveness to community expectations, it is proposed to commission an independent external review of the classification and management of Council information.

This approach reflects the need to provide a more contemporary operating policy platform for Council information that effectively considers Council’s statutory and legal obligations along with community expectations in relation to the accessibility of Council information. The proposed Terms of Reference for the review are outlined in **Appendix A** for Council’s consideration. The principles underpinning the conduct of the proposed review are outlined in the body of this report.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Review of the classification and management of Council information”
- (b) approve the Terms of Reference for the review of the classification and management of Council information as outlined in Appendix A of this report and
- (c) authorise the Chief Executive Officer to proceed to commission an independent external review of the classification and management of Council information in accordance with the key principles outlined in this report.

**FINANCE AND RESOURCING**

It is estimated the cost to commission an external consultant to undertake the review of the classification and management of Council information and provide a report within the nominated timeframe of up to three months is likely to be in the order of \$60,000. Funding for this review is included in the budget for the Office of the Chief Executive Officer.

**CORPORATE PLAN**

<b>Corporate Plan Goal:</b>	<i>An outstanding organisation</i>
<b>Outcome:</b>	We serve our community by providing this great service
<b>Operational Activity:</b>	S29 - Governance: providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

**CONSULTATION****Councillor Consultation**

Consultation has been undertaken with Mayor Jamieson, Councillor M Suarez and Councillor D Law in relation to the review proposed in this report.

In addition, all Councillors were briefed on progress with the matters which are the subject of this report at their workshop on 24 August 2020.

**Internal Consultation**

In preparing this report, consultation has been undertaken with:

- Chief Executive Officer
- Chief Strategy Officer
- Executive Manager, Office of the Chief Executive Officer
- Coordinator, CEO Governance and Operations

**External Consultation**

No specific external consultation has been undertaken in the context of the development of this report. However, the procedural arrangements associated with the conduct of the proposed review of the classification and management of Council information require that:

- The review must include engagement with the community at the initial phase of the review and a process for seeking community input and feedback on any proposals to be submitted to Council for consideration.
- The report of the review is to be publicly accessible.

- All persons who provide input to, or information for, the purposes of the review are to be advised that their contribution will be accessible to the public.
- The review report must identify all persons and organisations who contributed to the review.

### **Community Engagement**

Community engagement will be an integral component of the review that is recommended in this report.

### **PROPOSAL**

Sunshine Coast Council, as one of the largest local governments in Queensland, generates and receives significant information in relation to the conduct of its functions, interface with customers and clients and delivery of projects, activities and resources.

Council has had in place since 2012, an Information Access and Management Policy (see **Attachment 1**) that establishes the sensitivity classifications for information held by Council and how information is to be managed in accordance with that classification system.

Key principles espoused in that Policy are:

- Council information underpins Council efficiency, decision-making and risk management.
- An Information Asset Register will facilitate access to and reuse of Council information, and help minimise duplication.
- Generally Council information is unclassified and is accessible to all Council officers.
- For limited and specific categories of information, access will be restricted to particular employees to protect confidentiality.
- The Queensland Government Information Security Classification Framework will guide classification.
- Classified information will be unclassified once conditions requiring classification no longer exist.
- Access to secured information will be monitored, reviewed, reported and managed.

Whilst being broad in scope and intent, the Policy is outdated and is not necessarily reflective of contemporary information classification and management practices or community expectations.

Notwithstanding this, it is acknowledged that a large proportion of the information assets held by Council are accessible to the public through a range of channels, including (but not limited to):

- publicly accessible data and information repositories (eg. Development-I, publicly accessible registers)
- Libraries and other Council facilities
- Council's websites, social media platforms and other online resources
- Media and other publications
- Purchase from Council for specific purposes (ie. property search information for conveyancing and other purposes)
- Council's Disclosure Log, published on Council's website
- Right to Information.

Council must also manage its information assets in a manner that complies with a range of other Council policies and statutory requirements, including those obligations established by the following legislation (and associated subordinate legislation):

- *Local Government Act 2009*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Planning Act 2016*
- *Public Sector Ethics Act 1994*
- *Public Records Act 2002*
- *Criminal Code 1899*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Civil Liability Act 2003*
- *Evidence Act 1977*
- *Financial Accountability Act 2009.*

In all cases and as a matter of practice, Council seeks to balance the public interest in making the majority of information held by Council accessible to the community, alongside the public interest that is served by managing certain information in a confidential manner.

For example, the public interest is generally not served by making publicly available an individual's personal information, information that could compromise individual and/or public safety and information that could result in significant penalties or costs to the ratepayer.

Council recognises however, that there is a wider community interest in examining aspects of its practices in relation to the classification, management and accessibility of information considered by Council, with a view to enhancing the availability of information to the general public and improving the understanding of the circumstances when information should be maintained on a confidential basis – and for how long this should be the case.

Within this context, a range of improvement actions have been implemented by Council since April this year including:

Item	Actions
Live streaming of Council meetings	Implemented from the Post-election meeting held on 23 April 2020 to comply with COVID-19 public health directions and associated regulatory requirements. Live streaming of all Council statutory meetings is now an ongoing practice.
Management of Confidential Information proposed for consideration at Council meetings	<p>The following actions have been implemented to reduce the extent of, and better manage, confidential information considered by Council at statutory meetings:</p> <ol style="list-style-type: none"> <li>1. As a general rule, Council reports are drafted as publicly available reports, with any information which is subject of clear and necessary confidentiality obligations generally presented as a Confidential attachment, thereby enabling the context of the report to be publicly understood. In the period since the commencement of the current term of Council, there have been 98 Council officer reports considered at Council statutory meetings (23 April to 10 December 2020 inclusive), of which there have been eight reports</li> </ol>

Item	Actions
	<p>(8.2%) that were resolved by Council as containing confidential information in their entirety.</p> <ol style="list-style-type: none"> <li>2. Where confidential information is contained in a report (either in the entirety of the report or in a confidential attachment) a more informative confidentiality explanatory notice is published with the report, outlining both the basis for the confidentiality of the information and the rationale and implications of not maintaining confidentiality of the information. Where a report is proposed to be considered as confidential in its entirety, the confidentiality notice (which is published) also provides an outline of the matter which is the subject of the report.</li> <li>3. In the context of confidential information contained in Council reports, where appropriate, the report now includes a specific recommendation on when any specific confidential information may be publicly released.</li> <li>4. More informative report titles have been introduced for reports containing confidential information, to promote a better understanding of the subject matter of the report.</li> <li>5. The recommendations in any Confidential Report which become part of the Motion for public consideration by Council are now drafted in such a manner that they promote a clearer understanding of the substance of the decision that Council is being asked to resolve.</li> </ol>
Internal operational practices	<p>Some internal processes have been redesigned to support improved information classification and management practices including:</p> <ul style="list-style-type: none"> <li>• More extensive education and training of staff in the drafting of Council reports</li> <li>• Induction training for Councillors on their statutory obligations associated with the management of Council information</li> <li>• Re-establishment of a formal review process by the Executive Leadership Team of all reports proposed for consideration by Council prior to reports being approved by the Chief Executive Officer for inclusion on the Council agenda</li> <li>• Reduction in late reports</li> <li>• Revised meeting practices (much of which has since been encompassed in the new 2020 Standing Orders) to facilitate better management and classification of Council information and to ensure compliance with recent amendments to the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>.</li> </ul>

### **Proposed External Review**

While a range of changes have been implemented since April 2020, consistent with an approach based on a premise of continuous improvement and responsiveness to community expectations, it is proposed to commission an independent external review of the classification and management of Council information.

This reflects the need to provide a more contemporary operating policy platform for Council information that effectively considers Council's statutory and legal obligations along with community expectations in relation to the accessibility of Council information. The proposed Terms of Reference for the review are outlined in **Appendix A** for Council's consideration.

It is envisaged that the external review would take approximately three months to complete from the point of engagement of the external review consultant.

#### **Key principles in relation to the conduct of the review**

1. It is proposed that the review should be undertaken by an appropriately qualified and credentialed external party ("the reviewer") sourced through a process which complies with Council's Procurement Policy.
2. In the interests of establishing an appropriate and balanced governance mechanism associated with the conduct of the review, it is proposed the project be overseen by a Steering Committee comprising:
  - Mayor Mark Jamieson (Chair)
  - Councillor M Suarez (Subject matter interest)
  - Councillor D Law (as Community portfolio Councillor)
  - the Chief Executive Officer or her nominee
  - three external representatives with relevant expertise, approved by the Chief Executive Officer following consultation with Councillors.
3. The review must include a process for seeking community input and feedback at the initial phase of the review (to understand potential expectations) and a second phase of consultation on any proposals prior to being submitted to Council for consideration.
4. The review must include a process for seeking input and feedback from all Councillors, Council's Executive Leadership Team (ELT) and other Council staff nominated by ELT members.
5. The report of the review is to be publicly accessible and provided to Council for its consideration. All persons who provide input to, or information for, the purposes of the review are to be advised that their contribution will be accessible to the public.
6. The review report must include a list identifying all persons and organisations who contributed to the review.

#### **Legal**

Council has a range of statutory and legal obligations associated with the management of information that it generates and which it obtains from third parties. These obligations will need to be considered in the context of the proposed review, noting that any recommendations produced from the review which could compromise Council's legal obligations are unlikely to be approved for implementation.

#### **Policy**

Council has an existing Information Access and Management Policy which has been in place since 2012. The policy received minor updates in 2018 to reflect the new organisational structure being implemented at that time.

The outcomes of the proposed review will inform the development of a new Information Classification and Management Policy, for future consideration by Council.

The procurement of an external party to undertake the review will occur in accordance with Council's Procurement Policy.

**Risk**

The key risk associated with not pursuing a process of continuous improvement associated with the management and classification of Council information is that the achievement of Council's goal to be an outstanding organisation may potentially be eroded. Likewise, Council would be seen as unresponsive to the expectations of some segments of the community.

Any risks associated with the conduct of the review will be documented in the associated project plan and appropriately managed - although it is considered the risks associated with progressing the proposed review would be minimal.

**Previous Council Resolution**

There is no previous Council resolution relating to this matter.

**Related Documentation**

Information and Access Policy

Sunshine Coast Council Corporate Plan 2020-2024

**Critical Dates**

Subject to Council endorsing the recommendations in this report, it is anticipated the procurement of an appropriate external party could be completed by March 2021. On this basis, the expectation is that the review report would be completed by the end of June or early July 2021, for consideration by Council thereafter, unless any extensions of time are granted to the external party.

**Implementation**

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

1. Establish the Steering Committee to oversee the conduct of the independent external review.
2. Seek expressions of interest for the three independent roles on the Steering Committee.
3. Commence the procurement process in accordance with the approved Terms of Reference and principles for the review, in order to engage a suitably credentialed party to undertake the proposed independent external review of the classification and management of Council information.
4. Engage with Councillors on the expressions of interest received for the independent expertise-based roles on the Steering Committee.
5. Provide a report to Council by no later than the end of August 2021 on the outcomes of the review.



**8.3 DECEMBER 2020 FINANCIAL PERFORMANCE REPORT**

<b>File No:</b>	<b>Financial Reports</b>
<b>Author:</b>	<b>Coordinator Financial Services Business Performance Group</b>
<b>Attachments:</b>	<b>Att 1 - December 2020 Financial Performance Report .....133</b>

**PURPOSE**

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

**EXECUTIVE SUMMARY**

This monthly financial performance report provides Council with a summary of performance against budget as at December 2020 in terms of the operating result and delivery of the capital program.

**Operating Performance****Table 1: Operating Budget as at December 2020**

	<b>Original Budget \$000</b>	<b>Current Budget \$000</b>
Total Operating Revenue	465,069	467,015
Total Operating Expenses	460,733	464,544
<b>Operating Result</b>	<b>4,336</b>	<b>2,471</b>

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

**OFFICER RECOMMENDATION**

**That Council receive and note the report titled "December 2020 Financial Performance Report".**

**FINANCE AND RESOURCING**

This report sets out the details of Council's financial performance and investments for the month ending December 2020 and meets Council's legislative reporting requirements.

**CORPORATE PLAN**

<b>Corporate Plan Goal:</b>	<b><i>An outstanding organisation</i></b>
<b>Outcome:</b>	5.7 - A financially sustainable organisation
<b>Operational Activity:</b>	5.7.1 - Develop and monitor Council's budget, including legislated requirements.

**CONSULTATION****Portfolio Councillor Consultation**

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

**Internal Consultation**

This report has been written in conjunction with advice from:

- Acting Group Executive Business Performance
- Acting 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 2020/21 Investment Policy and  
Sunshine Coast Council's 2020/21 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 10 December 2020 (OM20/132)**

*That Council:*

- receive and note the report titled "**Budget Review 2 2020/21**"*
- adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2020/21 financial year incorporating:*
  - the statement of income and expenditure*
  - the statement of financial position*
  - the statements of changes in equity*
  - the statement of cash flow*
  - the relevant measures of financial sustainability*
  - the long term financial forecast*
  - the Debt Policy*
- note the following documentation applies as adopted 25 June 2020*
  - the Revenue Policy*
  - 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*

- (iii) *the Revenue Statement and the rates and charges to be levied for the 2020/21 financial year and other matters as adopted 25 June 2020*
- (d) *endorse the Minor Capital Works Program (Appendix B) as amended.*

**Ordinary Meeting 17 September 2020 (OM20/103)**

*That Council:*

- (a) *receive and note the report titled “Budget Review 1 2020/21”*
- (b) *adopt Appendix A as tabled, pursuant to section 107A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2020/21 financial year incorporating:*
  - (i) *the statement of income and expenditure*
  - (ii) *the statement of financial position*
  - (iii) *the statements of changes in equity*
  - (iv) *the statement of cash flow*
  - (v) *the relevant measures of financial sustainability*
  - (vi) *the long term financial forecast*
  - (vii) *the Debt Policy*
- (c) *note the following documentation applies as adopted 25 June 2020*
  - (i) *the Revenue Policy*
  - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
  - (iii) *the Revenue Statement and*
  - (iv) *the rates and charges to be levied for the 2020/21 financial year and other matters as adopted 25 June 2020.*
- (d) *endorse the Minor Capital Works Program (Appendix B) as amended.*

**Special Meeting Budget 25 June 2020 (SM20/16)**

That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s budget for 2020/21 financial year incorporating:

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statements of changes in equity*
- iv. the statement of cash flow*
- v. the relevant measures of financial sustainability*
- vi. the long term financial forecast*
- vii. the Debt Policy (adopted by Council resolution on 11 June 2020)*
- viii. the Revenue Policy (adopted by Council resolution on 11 June 2020)*
- 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 2020/21 Capital Works Program, endorse the indicative four-year program for the period 2022 to 2025, and note the five-year program for the period 2026 to 2030*

- xii. the rates and charges to be levied for the 2020/21 financial year and other matters as detailed below in clauses 3 to 12 and*
- xiii. endorse the full time equivalent establishment as per the Sunshine Coast Council Establishment 2020/2021 report.*

**Related Documentation**

2020/21 Adopted Budget

**Critical Dates**

There are no critical dates for this report.

**Implementation**

There are no implementation details to include in this report.

**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**

Nil

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 25 February 2021.

**13 MEETING CLOSURE**