

New Planning Scheme Community Reference Group

Terms of Reference
May 2021

© Sunshine Coast Regional Council 2009-current.

Sunshine Coast Council™ is a registered trademark of Sunshine Coast Regional Council.

www.sunshinecoast.qld.gov.au

mail@sunshinecoast.qld.gov.au

T 07 5475 7272 F 07 5475 7277

Locked Bag 72 Sunshine Coast Mail Centre Qld
4560

Disclaimer

Information contained in this document is based on available information at the time of writing. All figures and diagrams are indicative only and should be referred to as such. While the Sunshine Coast Regional Council has exercised reasonable care in preparing this document it does not warrant or represent that it is accurate or complete. Council or its officers accept no responsibility for any loss occasioned to any person acting or refraining from acting in reliance upon any material contained in this document.

Contents

1: Background	4
1.1 Current Planning Scheme	4
1.2 Decision to Prepare a New Planning Scheme	4
1.3 Current Policy Platform	4
1.4 Timing and Key Steps	5
1.5 Purpose of the New Planning Scheme Project	5
1.6 Approval	5
1.7 Responsible Council Manager	5
2: New Planning Scheme Community Reference Group	6
2.1 Community Reference Group Purpose	6
2.2 CRG Scope	6
2.3 CRG Membership	6
2.4 Roles and Responsibilities	7
2.6 Tenure	9
2.7 Removal of Existing Members	9
2.8 Vacancies	9
2.9 No Payment	10
3: Member Conduct	11
3.1 Code of Conduct	11
3.2 Declarations of Conflict of Interests	12
3.3 Termination of Member's Appointment	12
4: CRG Operations	13
4.1 Meetings and Procedures	13
4.2 Reporting	13
4.3 Media Statements	13

1: Background

1.1 Current Planning Scheme

The Sunshine Coast Planning Scheme 2014 (current planning scheme) took effect on 21 May 2014 and regulates the way land, buildings and structures are used and developed on the Sunshine Coast. Under state planning legislation, a local government must review its planning scheme within 10 years of it taking effect.

In this regard, Council undertook a review of the current planning scheme in 2020. The review found that, while the current planning scheme is generally operating well as a planning instrument, it could be improved in several important ways including:

- improving and strengthening alignment with state, regional and local planning policy;
- shifting the planning horizon to 2041 and beyond;
- updating mapping to better reflect physical and environmental constraints and infrastructure projects;
- responding to emerging issues; and
- improving usability, accessibility and user experience through new technological platforms such as an electronic planning scheme.

1.2 Decision to Prepare a New Planning Scheme

Based on a review of the current planning scheme, at the Ordinary Meeting held on 28 January 2021, Council resolved to replace the current planning scheme and prepare a new planning scheme for the Sunshine Coast.

It is anticipated that the new planning scheme, which is intended to be completed over the next 3 to 4 years, will build on the strengths of the current planning scheme whilst also providing new and enhanced direction for future development.

1.3 Current Policy Platform

A planning scheme must be aligned with state and regional interests as expressed in the State Planning Policy and the South East Queensland Regional Plan 2017.

Council's Corporate Plan and regional strategies also provide a strong policy platform. Council's vision articulated in the Corporate Plan 2021 – 2025 is for the Sunshine Coast to be Australia's most sustainable region – Healthy. Smart. Creative.

This vision is supported by the following Council strategies:

- Environment and Liveability Strategy 2017;
- Regional Economic Development Strategy 2013 – 2033;
- Community Strategy 2019 – 2041;
- Integrated Transport Strategy 2019; and
- Sunshine Coast Design Book.

Areas subject to separate legislation and not covered by the planning scheme include the Maroochydore City Centre Priority Development Area (PDA), Caloundra South PDA and the undeveloped parts of Kawana Waters.

1.4 Timing and Key Steps

Preparation of the new planning scheme is expected to take approximately 3 to 4 years. There are a number of key phases involved, including two key community engagement phases.

The first of these phases is to conduct preliminary (non-statutory) consultation on proposed regional and local policy directions, prior to drafting of the new planning scheme. Following confirmation of the regional and local policy directions, the draft content of the new planning scheme is then prepared by Council. The draft is then sent to the State Government for review and approval prior to being placed on formal public consultation, which is a statutory requirement (and the second key community engagement phase). Submissions are then reviewed and relevant changes made to the proposed planning scheme before it is sent to the State Government for final sign off, prior to final adoption by Council and the new planning scheme takes effect.

1.5 Purpose of the New Planning Scheme Project

The purpose of the project is to prepare a new planning scheme under the *Planning Act 2016* that will replace the current Sunshine Coast Planning Scheme 2014. Council is committed to ensuring that the community plays a meaningful role in the preparation of the new planning scheme.

1.6 Approval

This Terms of Reference has been endorsed by the Chief Executive Officer.

1.7 Responsible Council Manager

The Responsible Council Manager for the project is the Manager Strategic Planning.

2: New Planning Scheme Community Reference Group

2.1 Community Reference Group Purpose

2.1.1 Primary purpose

The primary purpose of the Community Reference Group (CRG) is to provide key input and guidance to Council about the best ways to engage with the community during preparation of the new planning scheme.

2.1.2 Secondary purpose

The secondary purpose of the CRG is to:

- assist Council in connecting with the local community and stakeholders to circulate project information;
- provide a channel for community feedback on engagement opportunities for the new planning scheme;
- build community advocacy, awareness and understanding of the New Planning Scheme Project;
- assist in effective communication and engagement with the broader public; and
- assist in managing community perception and community expectations of the project.

2.2 CRG Scope

The focus of the CRG will be to guide Council in consulting and engaging with the community, at the key consultation and engagement phases in the new planning scheme preparation process.

The CRG will not make decisions on behalf of Council. The CRG will provide feedback and advice to be considered by Council. Council does not have a reporting relationship to the CRG.

The CRG is one part of a broader consultation and engagement approach for preparation of the new planning scheme.

2.3 CRG Membership

The standing members of the CRG include:

- Independent Chairperson; and
- Up to 10 voluntary members drawn from community areas, which may include:
 - Cultural interests;
 - Traditional Owners (Traditional Owners will also be engaged through a separate process and may or may not elect to be involved in the CRG);
 - Environmental interests;
 - Business/Local economy interests;
 - Community/social interests;
 - Young people;

- Education sector; and
- Disability advocacy.

The Mayor has Ex Officio standing of the CRG. Council officers in attendance:

- Responsible Council Manager;
- Coordinator Planning Scheme and Projects; and
- Other officers as relevant from time to time.

2.4 Roles and Responsibilities

2.4.1 Independent Chairperson

A Chairperson will be appointed by Council to conduct and manage meeting proceedings with the objective of ensuring the meetings are run fairly and without bias.

The role of the Chairperson includes:

- Ensuring individual CRG members are heard and can contribute to the process. At times, the Chairperson may have to mediate the process to ensure all parties in the discussion are heard, actions are summarised and conducive working relationships are maintained;
- Conducting and managing meetings consistent with this Terms of Reference, including facilitating the flow of information and discussion;
- Ensuring meetings are focused on the Group's purpose and scope, and on delivering clear outputs and/or outcomes;
- Supporting members and resolving any conflicts that may occur within the CRG;
- Contributing to the preparation of meeting agendas and minutes/notes and communicating with individual members on a regular basis;
- Attending community information sessions as part of the wider public consultation for the project;
- Collating issues raised by the CRG and forwarding to the Council Project Team for a response;
- Spokesperson for media enquiries; and
- Attending internal Council meetings on behalf of the CRG when required.

2.4.2 Members (includes community, professional and expert members)

The CRG members should be representative of a range of key interests, positions and concerns and collectively represent a diverse cross-section of the community, including leaders from the education and community services sector, the environment sector and business and industry leaders. To the extent possible, CRG members should also be representative of the various localities across the Sunshine Coast.

Group members should work effectively and efficiently with the Chairperson, Council officers and relevant consultants to achieve the best outcome for the CRG.

Responsibilities include:

- taking reasonable steps to ensure that they are knowledgeable about the purpose and

outcomes of the group and the New Sunshine Coast Planning Scheme Project;

- attending and actively and constructively participating in all meetings;
- providing informed and considered comment and advice;
- making, supporting and adhering to any final recommendations (noting that members may express a dissenting view on particular matters which should be appropriately minuted); and
- ensuring that meeting minutes/notes are accurate and reflect a true and correct record of proceedings.

2.4.3 Proxies

Proxies will not be permitted to attend a meeting.

2.4.4 Observers

Observers may be invited by Council to attend a meeting, or part of a meeting, but are not able to participate in the meeting without the Chairperson's agreement.

2.4.5 Guest Presenters

The Chairperson may, from time to time, invite guests to deliver presentations to the meeting and/or provide information, advice and opinion about a topic. These guest presenters do not have any other role in the meeting.

2.4.6 Council and State Government Officers

Council officers and State Government officers may attend the meeting from time to time.

2.4.7 Administrative Support

Administrative support will be provided by Council. This will extend to:

- arranging meetings;
- preparing and sending out agendas, meeting minutes/notes and other documentation;
- maintaining up to date contact details for members;
- carrying out or monitoring follow-up actions which arise from the business of meetings; and
- preparing deliverables from CRG actions.

2.5 Recruitment

The selection advisory panel needs to ensure that, collectively, the members of the Group represent a diverse cross section of our community, including the different localities of the Sunshine Coast to the extent possible.

The selection advisory panel will strive to ensure a gender balance of members.

2.5.1 Voluntary Representation

Representation on the CRG may occur by the Council directly approaching community members and inviting them to become a member of the CRG or via an open Expression of Interest process.

If an EOI process is used for the appointment of voluntary representatives, it will be consistent with the following process:

- the process will be coordinated by the Responsible Council Manager;
- the Responsible Council Manager will establish a selection advisory panel with two members who have an understanding of the Group's purpose and role;
- the selection advisory panel members will include the Chief Strategy Officer, Responsible Council Manager and the Coordinator Planning Scheme and Projects;
- the selection process will be merit based, as inclusive as possible, and be based on the statement of claims provided by the EOI process;
- Council will maintain a database of candidates and anyone can nominate themselves by completing the EOI form and submitting it to council; and
- successful nominees will be confirmed by the Responsible Council Manager and advised in writing of the intention to appoint them and will be asked to complete a declaration of interest.

The following criteria will be considered when selecting voluntary members:

- **Interest:** Members should be able to demonstrate interest in one or more issues or elements relevant to the New Planning Scheme Project.
- **Capacity to communicate:** Ability to communicate information from the CRG to other interested stakeholders.
- **Constructive participation:** Ability to commit to working constructively and cooperatively as part of the CRG. They should agree to fulfil their role as defined in this Terms of Reference.
- **Capacity and skills to contribute:** Members should be able and willing to commit to the role and responsibilities of the CRG, and actively participate in the business of the CRG.
- **Availability and flexibility:** Members should be available and willing to meet on the agreed dates (to be confirmed), at a mutually agreed time and venue.

2.6 Tenure

Unless otherwise determined, appointments to the CRG are only for the duration of the New Planning Scheme Project.

2.7 Removal of Existing Members

Council may remove existing members on request from the relevant member or the Chairperson.

2.8 Vacancies

Where a vacancy arises in the membership of the Group, the position may be left vacant or may be filled in accordance with a decision made by the Responsible Council Manager, having regard to the length of time remaining in the project and advice of the Chairperson.

As vacancies arise in the Group, nominees who have already registered an interest will be considered first by the selection panel.

If no suitable nominee is available, the panel may call for additional nominations through Council's communication channels, requiring interested parties to complete and submit the EOI form.

2.9 No Payment

Participation in the CRG is voluntary and no payment shall be made by Council to any standing or voluntary member for attendance or disbursements.

3: Member Conduct

3.1 Code of Conduct

Members of the CRG have a duty to discharge responsibilities entrusted by Council and the laws made under the Australian Constitution according to the highest standards of conduct.

The following Code of Conduct outlines principles that should be observed by all members of the Group, and should be read in conjunction with the *Public Sector Ethics Act (Qld) 1994*.

A CRG member should perform the duties of the office impartially, uninfluenced by fear or favour.

- A CRG member should be frank and honest in official dealings with colleagues and with Council.
- A CRG member should ensure their personal conduct does not reflect adversely on the reputation of Council.
- A CRG member should demonstrate respect for fellow members, Councillors, Council employees and other members of the public.
- A CRG member should avoid situations in which any private interest, whether pecuniary or otherwise, conflicts or might reasonably be thought to conflict with their public duty.
- CRG members should not:
 - engage with the media or participate in public forums in relation to the activities of the CRG without prior agreement of the Responsible Council Manager and the Chairperson;
 - use information obtained in the course of their CRG duties to directly or indirectly gain an advantage for themselves or for any other person;
 - discuss or publicly disclose information gained in the course of their CRG duties without prior approval of the Responsible Council Manager;
 - solicit or accept from any person any remuneration or benefit for the discharge of their duties;
 - solicit or accept any benefit, advantage or promise of future advantage for themselves, their immediate family or any business concern or trust with which they are associated, from persons who are in, or seek to be in, any contractual or special relationship with Council;
 - accept any gift, hospitality or concessional travel offered in connection with the discharge of their duties.
- A CRG member should avoid actual or potential conflicts between their duties to the CRG and their personal interests. Members should also be aware of possible perceived conflicts of interest.
- A CRG member should comply with all laws and other Council policy, procedures and requirements.

3.2 Declarations of Conflict of Interests

As part of the appointment process, members will be required to complete a conflict of interest declaration. Additionally, members should update their declarations of interest as they become aware of any real, perceived or potential conflicts.

Members of the CRG who have or acquire directly or indirectly a personal or pecuniary interest in a matter decided or under consideration by the CRG must as soon as reasonably practicable disclose to the Group full and accurate details of the interest.

3.3 Termination of Member's Appointment

A member's appointment may be terminated in writing by the Responsible Council Manager for any of the following reasons:

- the term of appointment has expired;
- the member has submitted a written resignation;
- the member breaches the code of conduct; or
- a performance issue or behaviour documented by the Responsible Council Manager (in consultation with the member), has not been rectified within a reasonable or agreed timeframe.

4: CRG Operations

4.1 Meetings and Procedures

Initially, up to three (3) CRG meetings are proposed to be held leading up to the commencement of the preliminary (non-statutory) consultation phase of the New Planning Scheme Project. These meetings are likely to occur in July 2021 (specific dates to be confirmed). Further meetings of the CRG may be held at key project milestones over the life of the New Planning Scheme Project.

Meetings are anticipated to occur on weekday evenings for a length of two hours (e.g. 6:00pm to 8:00pm). Date claimers for specific meetings will be distributed to members once the CRG is formed.

An indicative CRG meeting scope is provided below:

- Provide an overview of Council's Community Engagement Policy and framework and discuss project context and overarching objectives and legislative requirements. Confirm the scope and terms of reference of the CRG.
- Workshop and confirm overarching principles and objectives for the engagement aspects of the project. Discuss more specific objectives of the Preliminary Consultation Program.
- Discuss communication and engagement tools and how they may be utilised to achieve objectives. Discuss evaluation methods. Discuss the draft Preliminary Consultation Program and make any final changes.

Council administrative support will be responsible for coordinating and distributing agendas and meeting minutes/notes, including when and how they are distributed and finalised as well as preparing CRG deliverables. The outcomes from each meeting will be confirmed prior to the close of the meeting by the Chairperson with the CRG and recorded in the meeting minutes/notes. Minutes/notes will be prepared for each meeting and circulated with the following meeting's agenda for confirmation at that meeting.

The group will seek to provide feedback and advice based on a consensus building approach. Where consensus cannot be achieved, a 'show of hands' by the members will be required by the Chair and the outcomes documented as part of the meeting minutes/notes, including dissenting views.

A quorum for this group is deemed to be a majority of the members and a meeting may be cancelled if a majority of members cannot attend.

4.2 Reporting

The Chairperson of the CRG will report the advice of the CRG to the Responsible Council Manager.

4.3 Media Statements

All media communication with the CRG will only occur via the Chairperson through media statements jointly prepared and endorsed by the Chairperson and Council's Communication Branch.



Our region.
Healthy.
Smart.
Creative.

www.sunshinecoast.qld.gov.au

T 07 5475 7272 **E** mail@sunshinecoastcouncil.qld.gov.au

Locked Bag 72 Sunshine Coast Mail Centre Qld 4560