

# Minutes

## Ordinary Meeting

**Thursday 23 August 2012**

**Council Chambers, Cnr Currie and Bury Streets, Nambour**



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Please Note: The resolutions as shown in *italics* throughout these minutes are the resolutions carried by the Council.



**1 DECLARATION OF OPENING**

The Chair declared the meeting open at 9.02am.

**2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE****COUNCILLORS**

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2
Councillor P Cox	Division 3
Councillor C Thompson	Division 4
Councillor J McKay	Division 5
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor S Robinson	Division 9
Councillor G Rogerson	Division 10
Councillor R Green	Division 11
Councillor T Wellington	Division 12

**EXECUTIVE LEADERSHIP TEAM**

Chief Executive Officer  
Executive Director Finance and Business  
Executive Director Infrastructure Services  
Executive Director Community Services  
Executive Director Regional Strategy and Planning

**APOLOGIES**

Councillor C Dickson                      Division 6

**COUNCIL OFFICERS**

Manager Planning Assessment  
Director Development Services  
Project Director Urban Development  
Senior Development Planner  
Coordinator Biosphere and Partnerships  
Manager Environment Policy  
Project Director Partnerships and Engagement  
Project Director Transportation Strategy  
Manager Economic Development  
Senior Economic Development Officer – Major Events  
Project Delivery and Design Manager  
Chief Legal Officer  
Lifeguard Services Manager  
Manager Community Facilities

**ATTENDEES**

Representatives of Surf Life Saving Queensland (Part of Item 10.4.1)



### 3 RECEIPT AND CONFIRMATION OF MINUTES

#### Council Resolution

Moved: Councillor R Baberowski  
Seconded: Councillor R Green

*That the minutes of the Special Meeting (Budget) held on 27 June 2012 and Ordinary Meeting held on 26 July 2012 be received and confirmed.*

**Carried unanimously.**

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### 4 OBLIGATIONS OF COUNCILLORS

#### 4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 172 of the *Local Government Act 2009*, no declarations of material personal interest were made during this meeting.

#### 4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor R Green declared a perceived conflict of interest in relation to Item 7.1.3 as a Director of Noosa Biosphere Ltd.

Pursuant to Section 173 of the *Local Government Act 2009*, the Mayor noted that all councillors may have a perceived conflict of interest in relation to Item 7.4.1 due to their association with various affected community organisations.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a conflict of interest in relation to Item 10.2.1 due to his association with an affected party.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to Item 10.4.1 due to a financial contribution to his election campaign.

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**5 MAYORAL MINUTE**

Nil.

**6 PRESENTATIONS**

Nil.

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**PROCEDURAL MOTION**

**Moved: Councillor M Jamieson**  
**Seconded: Councillor E Hungerford**

*That the Standing Orders be suspended to allow the presentation of Petitions at Item 9 due to public interest.*

**Carried unanimously.**

**(Item 9 was considered at this stage).**

**PROCEDURAL MOTION**

**Moved: Councillor M Jamieson**  
**Seconded: Councillor G Rogerson**

*That the Standing Orders be suspended to consider Item 7.4.2 Peregian Originals due to public interest.*

**Carried unanimously.**

**(Item 7.4.2 was considered at this stage).**

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## 7 REPORTS DIRECT TO COUNCIL

### 7.1 REGIONAL STRATEGY AND PLANNING

#### 7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (RETIREMENT VILLAGE AND AGED CARE FACILITY) – 26-40 MENZIES DRIVE, PACIFIC PARADISE

**File No:** MCU03/0122

**Author/Presenter:** Principal Development Planner, Planning Assessment

**Appendix:** App A – Conditions of Approval (Pg 28)

**Attachment:** Att 1 - Proposal Plans (Att Pg 3)

**Link to PD Online:**

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

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#### Council Resolution (OM12/104)

**Moved:** Councillor J O'Pray

**Seconded:** Councillor R Green

*That Council:*

- (a) *grant a Preliminary Approval for Application No. MCU03/0122 for a Material Change of Use (Residential Care Facility and Retirement Village) situated at 26 - 40 Menzies Drive Pacific Paradise, in accordance with Appendix A; with conditions 1g and 1h amended to read:*
- 1(g) *the development must be set back a minimum of 3 metres from the eastern boundary, including 2 metres of dense landscaping abutting the school and a 1 metre building setback;*
  - 1(h) *a 6 metre wide planted buffer to the Pacific Paradise Interchange and Bypass Road with native plants endemic to the area with a matured height and density to achieve a dense screen to the Pacific Paradise Interchange and Bypass;*
- (b) *find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:*
- (i) *there is a demonstrated need and community benefit for this facility;*
  - (ii) *the nature, location and scale of the land use will retain the existing natural character and amenity of the precinct and not impact upon adjoining or proximate residential uses, existing traffic and access arrangements;*
  - (iii) *the current zoning pre-dates the changes to the locality which have resulted from the construction of the North Shore Bypass Road. The site is no longer part of the extensive rural lands that surround the town area but, rather, a part of the bounded town area;*





- (iv) *the site is within easy walking distance of the town centre (supermarket, shops, tavern, bowling club) and is one of the few sites available for this use within the region that can provide such amenity for independent living without reliance upon motor vehicles;*
- (v) *the site adjoins existing urban zoned land;*
- (vi) *the development will provide opportunities for affordable "ageing in place" for the local community, together with local full-time and part-time jobs; and*
- (vii) *the nature, location and scale of the development will not adversely impact the local community.*

**Carried unanimously.**

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**7.1.2 APPLICATION FOR AMENDMENTS TO MASTER PLAN NO.14 TO PERMIT THE ESTABLISHMENT OF A CAR PARK (TEMPORARY) WITHIN PRECINCT 3 AND 4 OF DETAILED PLANNING AREA 1**

**File No:** MPC12/0003  
**Author:** Project Director Urban Development  
Regional Strategy and Planning  
**Appendix:** App A – Conditions of Approval (Pg 42)  
**Attachment:** Att 1 – Amended Master Plan No. 14 (Att Pg 7)

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**Council Resolution** (OM12/105)

**Moved:** Councillor P Cox  
**Seconded:** Councillor C Thompson

*That Council APPROVE WITH CONDITIONS Application No. MPC12/0003 and issue a Notice of Determination to amend Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001, in accordance with Appendix A.*

**Carried unanimously.**

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**7.1.3 ENDORSEMENT OF NOOSA BIOSPHERE GOVERNANCE DIRECTORS**

**File No:** ECM Projects - Biosphere  
**Author:** Coordinator Biosphere and Partnerships  
Regional Strategy and Planning  
**Appendix:** App A - Noosa Biosphere Limited Amended Constitution (Att Pg 79)

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**Council Resolution** (OM12/106)

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor J O'Pray

*That Council:*

- (a) *receive and note the report titled "Endorsement of Noosa Biosphere Governance Directors";*
- (b) *adopt the Noosa Biosphere Ltd Amended Constitution (Appendix A); and*
- (c) *endorse the following Category 1, 2 and 3 Directors on the Noosa Biosphere Governance Board:*
  - (i) *Councillor Russell Green (Category 1 Director);*
  - (ii) *Lindy Atkin (Category 2 Director);*
  - (iii) *Steve Cooper (Category 2 Director);*
  - (iv) *Steven Boyd (Economic Board – Category 3 Director);*
  - (v) *Rod Wallbridge (Social Board – Category 3 Director); and*
  - (vi) *Neil Tindale (Education Research and Development – Category 3 Director).*

**For:** Councillor J McKay, Councillor C Thompson, Councillor R Baberowski, Councillor E Hungerford, Councillor J O'Pray, Councillor T Wellington and Councillor M Jamieson.

**Against:** Councillor T Dwyer, Councillor P Cox, Councillor G Rogerson and Councillor S Robinson.

Carried.

Councillor R Green declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) as a Director of Noosa Biosphere Ltd. Councillor R Green left the meeting room for the debate and decision on this matter.

**PROCEDURAL MOTION**

**Moved: Councillor M Jamieson**  
**Seconded: Councillor C Thompson**

*That the Standing Orders be suspended to consider Item 7.3.1 2012-2013 Sunshine Coast Local Disaster Management Plan due to public interest.*

**Carried unanimously.**

**(Councillor G Rogerson and Councillor T Dwyer were absent when the vote was taken on this matter.)**

**(Item 7.3.1 was considered at this stage).**

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## 7.2 FINANCE AND BUSINESS

### 7.2.1 CORPORATE PLAN PROGRESS REPORT – JUNE 2012

**File No:** ECM 18/01/2011

**Author:** Corporate Planning and Performance Reporting Manager  
Corporate Governance

**Attachment:** App A - Progress Report on the Implementation of the Corporate Plan 2009-2014 (Att Pg 113)

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#### Council Resolution (OM12/107)

**Moved:** Councillor T Dwyer

**Seconded:** Councillor C Thompson

*That Council:*

- (a) receive and note the report titled "Corporate Plan Progress Report – June 2012";
- (b) note the "Progress Report on the Implementation of the Corporate Plan 2009-2014" (Appendix A); and
- (c) undertake a formal review of the Corporate Plan 2009-2014 with a view to having a new Corporate Plan adopted by February 2013.

**Carried unanimously.**

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**7.2.2 COUNCILLOR CODE OF CONDUCT**

**File No:** ECM 23 August 2012  
**Author:** Manager Council Services and Business Integration  
Finance and Business  
**Appendix:** App A - Amended Strategic Policy - Councillor Code of Conduct (Att  
Pg 155)  
**Attachment:** Att 1 - LGAQ Circular 2012-037 (Att Pg 157)

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**Council Resolution** (OM12/108)

**Moved:** Councillor T Dwyer  
**Seconded:** Councillor G Rogerson

*That Council:*

- (a) receive the report titled "Councillor Code of Conduct"; and
- (b) adopt the amended Strategic Policy "Councillor Code of Conduct" (Appendix A) with the following amendment:

***Under Key Ethical and Behavioural Obligations – remove:***

*"ensure their personal conduct does not reflect adversely on the reputation of the council"*

***and replace with:***

*"ensure their conduct as a councillor does not reflect adversely on the reputation of the council."*

***Under Key Ethical and Behavioural Obligations – remove:***

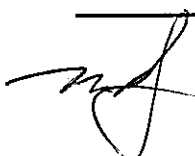
*"not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that Communication"*

***and replace with:***

*"communicate with the public or media on behalf of the Council, in accordance with Council's "Media Engagement Protocol".*

**Carried unanimously.**

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### 7.3 EXECUTIVE OFFICE

#### 7.3.1 2012/2013 SUNSHINE COAST LOCAL DISASTER MANAGEMENT PLAN

**File No:** ECM 23 August 2012

**Author:** Local Disaster Coordinator  
Executive Office

**Attachments:** App A - SC Local Disaster Management Plan (Att Pg 159)  
App B - SC Local Disaster Group Membership (Att Pg 617)

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#### Council Resolution (OM12/109)

**Moved:** Councillor C Thompson

**Seconded:** Councillor T Dwyer

*That Council:*

- (a) *receive and note the report titled "2012/2013 Sunshine Coast Local Disaster Management Plan";*
- (b) *adopt the 2012/2013 Sunshine Coast Local Disaster Management Plan (Appendix A) as its approved plan for disaster management on the Sunshine Coast;*
- (c) *endorse the membership of the Sunshine Coast Local Disaster Management Group (Appendix B); and*
- (d) *delegate to the Mayor, as the Chair of the Sunshine Coast Local Disaster Management Group, the appointment of members of the Local Disaster Management Group in consultation with the Local Disaster Coordinator.*

**Carried unanimously.**

**The Mayor resumed the Standing Orders and the meeting continued.**

**(Item 7.2.1 was considered at this stage).**

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## 7.4 COMMUNITY SERVICES

### 7.4.1 COMMUNITY PARTNERSHIP AND SPORTS FIELD MAINTENANCE FUNDING PROGRAMS 2012

**File No:** ECM 23 August 2012

**Author:** Community Connections Team Leader  
Community Services

**Appendices:** App A – Community Partnership Funding Program 2012/13 (Att Pg 619)  
App B – Sports Field Maintenance Funding Program 2012 Recommendations (Att Pg 630)

**Attachments:** Att 1 – Community Partnership Funding Program 2010 and 2011 (Att Pg 631)  
Att 2 - Sports Field Maintenance Funding Program 2011 Second Year Funding (Att Pg 638)

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#### Council Resolution (OM12/110)

**Moved:** Councillor J McKay  
**Seconded:** Councillor E Hungerford

*That Council:*

- (a) *receive and note the report titled “Community Partnership and Sports Field Maintenance Funding Programs 2012”;*
- (b) *endorse the Community Partnerships Finding Program Recommendations (Appendix A); and*
- (c) *endorse the Sports Field Maintenance Funding Program Recommendations (Appendix B).*

**Carried unanimously.**

The Mayor noted that all councillors may have a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to their association with various affected community organisations. All councillors remained in the meeting room for the debate and decision on this matter.

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**7.4.2 PEREGIAN ORIGINALS CONCERTS AT PEREGIAN BEACH PARK****File No:** TE12/0252**Author:** Community Land Permits Project Manager  
Community Services**Attachments:** Att 1 - Temporary Event Approval (Att Pg 641)  
Att 2 - Peregian Originals Permit Monitoring Summary (Att Pg 650)  
Att 3 - Aerial View of Peregian Beach Park (Att Pg 651)  
Att 4 - Peregian Originals Site Plan (Att Pg 652)  
Att 5 - Peregian Originals long term Business Plan (Att Pg 653)  
Att 6 - Peregian Originals long term Business Plan Appendices (Att Pg 743)  
Att 7 - Peregian Originals Financial Report 2011-2012 (Att Pg 772)  
Att 8 - Peregian Originals Financial Summary (Att Pg 781)  
Att 9 - Peregian Originals Draft Traffic Management Plan (Att Pg 784)

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**Council Resolution** (OM12/111)**Moved:** Councillor S Robinson  
**Seconded:** Councillor E Hungerford*That Council:*

- (a) *receive and note the report titled "Peregian Originals Concerts at Peregian Beach Park";*
- (b) *note that a permit has already been issued to the East Coast Originals Incorporated to hold concerts on the first and third Sunday of the month at Peregian Beach Park up until 30 September, 2012, where the permit holder is required to fully comply with all permit conditions;*
- (c) *authorise the Chief Executive Officer to issue the East Coast Originals Incorporated with a permit that allows the permit holder to continue with concerts held on the first and third Sunday of the month (6 in total) at Peregian Beach Park for the period 1 October 2012 to 31 December 2012, where the permit holder is required to fully comply with all permit conditions;*
- (d) *authorise the Chief Executive officer to issue the East Coast Originals Incorporated with a permit to allow 6 concerts, held only on the first Sunday of the month at Peregian Beach Park for the period 1 January 2013 to 30 June 2013, where the permit holder is required to fully comply with all permit conditions;*
- (e) *request the East Coast Originals Incorporated to engage with Council Officers to source an alternative location to conduct replicate concerts on the third Sunday of the month with concerts commencing 20 January 2013;*
- (f) *authorise the Chief Executive officer to issue the East Coast Originals Incorporated with a permit for an appropriate alternative location that allows the permit holder to conduct a concert on the third Sunday of the month for the period 1 January 2013 to 30*

*June 2013, where the permit holder is required to fully comply with all permit conditions;*

- (g) subject to full compliance with the permit conditions, authorise the Chief Executive Officer under delegated authority to issue ongoing permit renewals to East Coast Originals Incorporated following the expiry of event permits on the 30 June each year; and*
- (h) endorse the continuation of the quarterly meetings with adjoining residents and these meetings be coordinated by the divisional councillor.*

**For: Councillor S Robinson, Councillor T Dwyer, Councillor P Cox, Councillor C Thompson, Councillor R Baberowski, Councillor E Hungerford, Councillor J O'Pray and Councillor M Jamieson.**

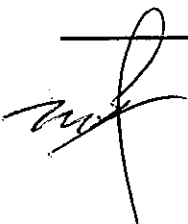
**Against: Councillor J McKay, Councillor T Wellington, Councillor R Green and Councillor G Rogerson.**

**Carried.**

**The Mayor resumed the Standing Orders and the meeting continued.**

**(Item 7.1.1 was considered at this stage).**

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**8 NOTIFIED MOTIONS**

Nil

**9 TABLING OF PETITIONS****9.1 PETITION – SAVING PEREGIAN ORIGINALS****Council Resolution** (OM12/112)

**Moved:** Councillor R Green  
**Seconded:** Councillor T Wellington

*That Council resolve the petition tabled by Councillor R Green in relation to saving Peregian Originals be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**

**9.2 PETITION – SAVING PEREGIAN ORIGINALS****Council Resolution** (OM12/113)

**Moved:** Councillor R Green  
**Seconded:** Councillor T Wellington

*That Council resolve the electronic petition tabled by Councillor R Green in relation to saving Peregian Originals be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**

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**10 CONFIDENTIAL SESSION****CLOSURE OF THE MEETING TO THE PUBLIC****Moved: Councillor R Baberowski****Seconded: Councillor G Rogerson**

*That the meeting be closed to the public pursuant to section 72 (1) (e) and (h) of the Local Government (Operations) Regulation 2010 to consider the following items:*

*10.1.1 Confidential – Not For Public Release – Future Transport Considerations*

*10.2.1 Confidential – Not For Public Release – Major Events Sponsorship Program 2012/2013 – Round 1*

*10.3.1 Confidential – Not For Public Release – Landslip Remediation Works*

*10.4.1 Confidential – Not For Public Release – Service Review*

**Carried unanimously.**

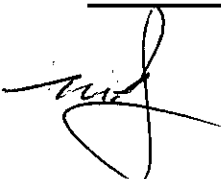
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**RE-OPENING OF THE MEETING TO THE PUBLIC****Moved: Councillor M Jamieson****Seconded: Councillor R Green**

*That the meeting be re-opened to the public.*

**Carried unanimously.**

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**10.1 REGIONAL STRATEGY AND PLANNING**

**10.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – FUTURE TRANSPORT CONSIDERATIONS**

**File No:** ECM 230812  
**Author:** Project Director Transportation Strategy  
Regional Strategy and Planning

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**Council Resolution** (OM12/114)

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor T Dwyer

*That Council authorise the Chief Executive Officer to proceed to next steps in accordance with the direction given in confidential session.*

**Carried unanimously.**

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**The Mayor left the chair at 12.00pm during confidential discussion on Item 10.1.1 and the Deputy Mayor took the chair at this time.**



**10.2 FINANCE AND BUSINESS****10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - MAJOR EVENTS  
SPONSORSHIP PROGRAM 2012-2013 - ROUND 1**

**File No:** ECM  
**Author:** Senior Economic Development Officer - Major Events  
Finance and Business

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**Council Resolution** (OM12/115)

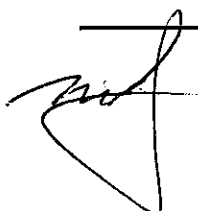
**Moved:** Councillor P Cox  
**Seconded:** Councillor S Robinson

*That Council approves the sponsorship of major events under Round 1 of the Major Events Sponsorship Program 2012-2013 in accordance with recommendations of the Major Events Advisory Panel as discussed in confidential session.*

**Carried unanimously.**

**Councillor J O'Pray declared a conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to his association with an affected party. Councillor J O'Pray left the meeting room for the debate and decision on this matter.**

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**10.3 INFRASTRUCTURE SERVICES****10.3.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - LANDSLIP  
REMEDIAION WORKS**

**File No:** 21546  
**Author:** Team Leader Project Delivery South  
Infrastructure Services

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**Council Resolution** (OM12/116)

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor R Green

*That Council note the intention to enter into a contract to undertake works on the subject lands.*

**For:** Councillor J McKay, Councillor P Cox, Councillor C Thompson,  
Councillor E Hungerford, Councillor R Baberowski, Councillor J O'Pray,  
Councillor S Robinson, Councillor G Rogerson, Councillor R Green,  
Councillor T Wellington and Councillor M Jamieson.

**Against:** Councillor T Dwyer.

Carried.

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**At the conclusion of confidential discussion on Item 10.3.1 the Mayor returned to the chair of the meeting.**

**10.4 COMMUNITY SERVICES****10.4.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – SERVICE REVIEW**

**File No:** ECM 230812  
**Author:** Executive Director  
Community Services

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**Council Resolution** (OM12/117)

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor R Green

*That Council:*

- (a) *is satisfied that, because of the specialised nature of the services, it would be impractical or disadvantageous to invite quotes or tenders; and*
- (b) *delegate authority to the Chief Executive Officer to implement the service review outcomes as discussed in the confidential session.*

**For:** Councillor J McKay, Councillor P Cox, Councillor R Baberowski, Councillor E Hungerford, Councillor S Robinson, Councillor G Rogerson, Councillor T Wellington, Councillor R Green and Councillor M Jamieson.

**Against:** Councillor T Dwyer and Councillor C Thompson.

**Carried.**

**A presentation was received from representatives of Surf Life Saving Queensland on item 10.4.1 during part of the confidential session.**

**Councillor J O'Pray declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to a financial contribution to his election campaign. Councillor J O'Pray left the meeting room for the debate and decision on this matter.**

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**11 NEXT MEETING**

The next Ordinary Meeting will be held on Thursday 20 September 2012 in the Council Chambers, 9 Pelican Street, Tewantin commencing at 9.00am.

**12 MEETING CLOSURE**

The meeting closed at 4.20pm.

Confirmed date: \_\_\_\_\_

20/9/12

  
\_\_\_\_\_  
CHAIR



## 13 APPENDICES

### ITEM 7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (RETIREMENT VILLAGE AND AGED CARE FACILITY) – 26-40 MENZIES DRIVE, PACIFIC PARADISE – APP A – CONDITIONS OF APPROVAL

#### 1. APPLICATION DETAILS

Application No: MCU03/0122  
Street Address: 26–40 Menzies Drive, Pacific Paradise  
Real Property Description: Lot 5 SP217624  
Planning Scheme: Maroochy Plan 2000 (7 May 2002)

#### 2. DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval for Material Change of Use (Residential Care Facility and Retirement Village)

#### 3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

#### 4. ASSESSMENT MANAGER CONDITIONS

##### PLANNING

1. Prior to the issue of a development permit, provide detailed site plans, floor plans and elevations of the proposed development showing the following
  - (a) a minimum floor level for all buildings of 3.24 m Australian Height Datum;
  - (b) the maximum height of 8.5 metres above the minimum floor level listed in part (a) above;
  - (c) a maximum of 106 two bedroom units (or equivalent in dwelling unit factor) for the Retirement Village;
  - (d) a maximum of 120 beds for the Residential Care Facility;
  - (e) the development must be setback a minimum of 6 metres from the front (southern) boundary;
  - (f) a 3 metre wide landscaping strip along the road frontage of the subject site;
  - (g) the development must be set back a minimum of 6 metres from the eastern boundary, including 2 metres of landscaping abutting the school, 2 metre wide footpath and 2 metres building setback;
  - (h) a 20 metre wide planted buffer to the Pacific Paradise Interchange and Bypass Road with native plants endemic to the area with a matured height and density to achieve a dense screen to the Pacific Paradise Interchange and Bypass;
  - (i) the development must use sustainable building materials, solar panels and water reuse in the design of the building. The buildings should also reflect best solar orientation in their design; and



- (j) the design of the private roads within the Retirement Village must allow for a side load (wheelie bins) waste collection vehicle.

#### **CIVIL ENGINEERING**

- 2. Stormwater must be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy and QUDM.

#### **HYDRAULICS AND WATER QUALITY**

- 3. Prior to the issue of a development permit, provide an amended Integrated Water Management Plan which addresses the following issues:
  - (a) demonstrate how surface levels within the development will be provided to maintain the function and not lower the performance of the current flood levee which traverses the site;
  - (b) demonstrate how an adequate flood refuge area above the Probable Maximum Flood (PMF) will be provided within the second floor of the aged care facilities for all residents and employees of the site and how such a refuge will be able to be operated to provide all basic services during such as event;
  - (c) provide a revised flood impact assessment demonstrating no off-site flood impacts for a full range of Average Recurrence Interval (ARI) events up to and including the 1 in 100 year ARI event for both the local and regional flood events. The revised assessment is to be based on roughness parameters which correspond to a landscape/rehabilitation concept plan for the site and specifically dealing with the proposed landscaping of the channels and perimeter of the site; and
  - (d) provide a Flood Emergency Management Plan which is suitable to be used by the future operators and residents of the site and documents procedures and strategies that will be employed in a flood event to ensure the safety of people is not compromised. The plan is to consider events up to and including the PMF and is to document both evacuation and refuge strategies.

#### **ENVIRONMENTAL HEALTH**

- 4. Prior to issue of a development permit, provide an updated Noise Assessment Report. The following requirements for this report include:
  - (a) identify within the assessment the road traffic noise affected dwellings within the Sunshine Motorway and/or the Pacific Paradise Interchange and Bypass Road Transport Noise Corridor; and
  - (b) identify within the report from the findings of those dwellings within the corridor which have assigned by the report a noise category lower than that assigned by the Queensland Development Code (QDC) Mandatory Part 4.4 "Buildings in the Transport Noise Corridors".

#### **UNITYWATER**

- 5. Reticulated water must be provided to the development.
- 6. Reticulated sewerage must be provided to the development.



**5. REFERRAL AGENCIES**

The referral agencies applicable to this application are:

	Referral Status	Referral Agency and Address
State Controlled Roads	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
<b>Response</b>	<i>The agency provided its response on 3 September 2004 (Reference No. 80/133/702.8 (AO) f27 lah4691). A copy of the response is attached, including any conditions the agency has for the development.</i>	
Acid Sulphate Soil	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
<b>Response</b>	<i>The agency did not provide a response.</i>	

A copy of any referral agency conditions is attached.

**6. APPROVED PLANS**

Not Applicable.

**7. REFERENCED DOCUMENTS**

Not Applicable.

**8. ADVISORY NOTES**

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

**Infrastructure Contributions**

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "Adopted Infrastructure Charges Resolution (No.1) 2011" under the State Planning Regulatory Provision (Adopted Charges) and the "Sustainable Planning Act 2009". Infrastructure Contributions will be calculated at the time of issue of any Development Permit.
2. Infrastructures Charges for Water and Sewer are to be in accordance with the Infrastructure Agreement signed between the applicant and Unitywater.



**Unitywater**

3. Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicant's cost.

**Equitable Access and Facilities**

4. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
  - (a) the *Disability Discrimination Act 1992* (Commonwealth); and
  - (b) *Anti-Discrimination Act 1991* (Queensland).

The Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to Premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

**Aboriginal Cultural Heritage Act 2003**

5. 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 and Resources Tribunal, 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 Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

**9. PROPERTY NOTES**

Not Applicable.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Material Change of Use (Residential Care Facility and Retirement Village)



- Development Permit for Operational Work
- Development Permit for Building Work

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 2 properly made submissions about the application. In accordance with *Integrated Planning Act 1997*, the name and address of the principal submitter for each properly made submission is provided and attached.

**14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. the nature, location and scale of the land use will retain the existing natural character and amenity of the precinct and not impact upon adjoining or proximate residential uses, existing traffic and access arrangements;
2. the current zoning pre-dates the changes to the locality which have resulted from the construction of the North Shore Bypass Road. The site is no longer part of the extensive rural lands that surround the town area but, rather, a part of the bounded town area;
3. the site is within easy walking distance of the town centre (supermarket, shops, tavern, bowling club) and is one of the few sites available for this use within the region that can provide such amenity for independent living without reliance upon motor vehicles;
4. the site adjoins existing urban zoned land;
5. the development will provide opportunities for affordable "ageing in place" for the local community, together with local full-time and part-time jobs; and
6. the nature, location and scale of the development will not adversely impact the local community.

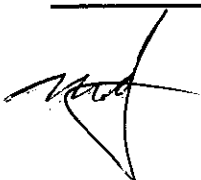
**15. RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

**16. OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au) or at Council Offices.



**ITEM 7.1.2 APPLICATION FOR AMENDMENTS TO MASTER PLAN NO.14 TO PERMIT THE ESTABLISHMENT OF A CAR PARK (TEMPORARY) WITHIN PRECINCT 3 AND 4 OF DETAILED PLANNING AREA 1 – APP A – CONDITIONS OF APPROVAL**

**1. APPLICATION DETAILS**

Application No:	MPC12/0003
Street Address:	Lake Kawana Boulevard, Wurtulla
Real Property Description:	Part of Lot 521 SP176150
Planning Scheme:	Caloundra City Planning Scheme 1996

**2. DECISION DETAILS**

The following type of approval has been issued:

- Notice of Determination for amendment to Master Plan No.14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001.

**3. RELEVANT PERIOD OF APPROVAL**

Not applicable

**4. ASSESSMENT MANAGER CONDITIONS**

**PLANNING**

1. Amend page 44 (**section 9.4 - Precinct 3**) Site Development Plan Requirements of Master Plan No.14 to include the following additional clause:

9.4.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.

2. Amend page 44 (**section 9.5 - Precinct 4**) Site Development Plan Requirements of Master Plan No.14 to include the following additional clause:-

9.5.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.

3. Amend page 58, Table 1 (Precinct 3) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.

4. Amend page 59, Table 1 (Precinct 4) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.

#### GENERAL

5. Amended pages of Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 incorporating the required amendments shall be submitted to Council for approval within 90 days of the date of this Notice of Determination.
6. All other conditions and advice notes of previous approvals and amendments for Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 shall continue to apply.

#### 5. ADVISORY NOTES

- (a) Six hard copies and an electronic copy of the final version of the amended Master Plan document for Council's endorsement is required.
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**ITEM 7.1.3 ENDORSEMENT OF NOOSA BIOSPHERE GOVERNANCE DIRECTORS – APP A – NOOSA BIOSPHERE LIMITED AMENDED CONSTITUTION**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach3.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach3.pdf)

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**ITEM 7.2.1 CORPORATE PLAN PROGRESS REPORT – JUNE 2012 – APP A – PROGRESS REPORT ON IMPLEMENTATION OF CORPORATE PLAN 2009-2014**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach4.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach4.pdf)

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**ITEM 7.2.2 COUNCILLOR CODE OF CONDUCT – APP A AMENDED STRATEGIC POLICY – COUNCILLOR CODE OF CONDUCT – AS AMENDED**

[Item 7.2.2 Councillor Code of Conduct App A Policy Amended](#)

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**ITEM 7.3.1 2012/2013 SUNSHINE COAST LOCAL DISASTER MANAGEMENT PLAN – APP A – SUNSHINE COAST LOCAL DISASTER MANAGEMENT PLAN**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach7.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach7.pdf)

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**ITEM 7.3.1 2012/2013 SUNSHINE COAST LOCAL DISASTER MANAGEMENT PLAN – APP B – SUNSHINE COAST LOCAL DISASTER GROUP MEMBERSHIP**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach8.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach8.pdf)

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**ITEM 7.4.1 COMMUNITY PARTNERSHIP AND SPORTS FIELD MAINTENANCE FUNDING PROGRAMS 2012 – APP A – COMMUNITY PARTNERSHIP FUNDING PROGRAM 2012/2013**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach9.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach9.pdf)



**ITEM 7.4.1 COMMUNITY PARTNERSHIP AND SPORTS FIELD MAINTENANCE  
FUNDING PROGRAMS 2012 – APP B – SPORTS FIELD MAINTENANCE FNDING  
PROGRAM 2012 RECOMMENDATIONS**

[http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om\\_230812/Attach10.pdf](http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/om_230812/Attach10.pdf)

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