

Minutes

Ordinary Meeting

Thursday 18 October 2012

Council Chambers, 1 Omrah Avenue, Caloundra

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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 9.00 am.

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 C Dickson	Division 6
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 (Absent Items 10.1.1 – 10.2.2)
Councillor T Wellington	Division 12

EXECUTIVE LEADERSHIP TEAM

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

APOLOGIES

Nil.

COUNCIL OFFICERS

Coordinator, Planning Assessment North
Manager Planning Assessment
Coordinator, Planning Applications South
Coordinator Biodiversity
Manager Environmental Operations
Coastal and Canals Manager
Local Disaster Coordinator
Coordinator Flood and Stormwater
Principal Planner (Appeals)
Solicitor

ATTENDEES

Representatives of Quad Park Corporation (Part of Item 10.2.3)
Representatives of Sunshine Coast Event Centre (Part of Item 10.2.3)



3 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor R Green
Seconded: Councillor E Hungerford

That the minutes of the Ordinary Meeting held on 29 September 2012 and Special Meeting (draft Sunshine Coast Planning Scheme) held on 29 and 30 August 2012 be received and confirmed.

Carried unanimously.

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 T Wellington declared a perceived conflict of interest in relation to Item 7.1.1 due to him being a submitter to MCU12/0012.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to Item 7.3.1 due to his association with the Maroochy Surf Lifesaving Club.

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

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor G Rogerson declared a perceived conflict of interest in relation to Confidential Item 10.2.1 due to his association with an affected party.



5 MAYORAL MINUTE

Nil.

6 PRESENTATIONS

Nil.

PROCEDURAL MOTION

Moved: Councillor M Jamieson

Seconded: Councillor J McKay

That the Standing Orders be suspended to allow Item 9 Petitions to be dealt with as next item on the agenda, due to public interest.

(Item 9 was considered at this stage).

The Mayor resumed the standing orders and the meeting continued.

(Item 7.1.1 was considered at this stage).



7 REPORTS DIRECT TO COUNCIL

7.1 REGIONAL STRATEGY AND PLANNING

7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME BASED BUSINESS TYPE 3 - SIGNIFICANT SCALE (QUAD BIKE TOURS) - 298 TABLELANDS ROAD, COORAN

File No: MCU12/0012

Author/Presenter: Development Planner, Planning Assessment North
Coordinator, Planning Assessment North, Planning Assessment
Regional Strategy and Planning

Appendices: App A – Conditions of Approval (Pg 18)

Attachments: Att 1 - Site Map showing Submitters (Att Pg 3)
Att 2 - Proposal Plan (Att Pg 4)
Att 3 - Concurrence Response DERM (Att Pg 5)
Att 4 - Police Permit (Att Pg 8)

Councillor T Wellington declared a conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to him being a submitter to MCU12/0012. Councillor T Wellington left the meeting room for the debate and decision on this matter.

MOTION

Moved: Councillor R Green
Seconded: Councillor R Baberowski

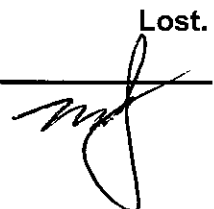
That Council Refuse Application No. MCU12/0012 for a Development Permit for Material Change of Use for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours) situated at 298 Tablelands Road, Cooran, for the following reasons:

1. The proposal will adversely impact on nearby resident's amenity as it is not possible to attenuate the noise impact of the proposed usage to a satisfactory level on the training circuit or on Tablelands Road.
2. The proposal is inconsistent with the Business Uses Code and the Mary River Catchment Locality as the proposal will adversely interfere with the amenity of the area and the nature of the business conflicts with the locality.
3. The proposal will result in unacceptable impacts on Woodnum National Park's environmental qualities and is incompatible with current conservation recreation use of the park.

For: Councillor R Green, Councillor R Baberowski, Councillor T Dwyer and Councillor S Robinson.

Against: Councillor J O'Pray, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor P Cox, Councillor G Rogerson and Councillor M Jamieson.

Lost.



Council Resolution (OM12/142)

Moved: Councillor P Cox
Seconded: Councillor E Hungerford

That Council Approve Application No. MCU12/0012 and grant a Development Permit for Material Change of Use for Home-based Business – Significant Scale (Quad Bike Tours) situated at 298 Tablelands Road, Cooran, subject to the conditions in Appendix A, with:

- (a) *Amendments to condition 8 to read as follows:*
8. *The total number of quad bike tours from the site must not exceed 2 per day, Monday to Saturday. No tours shall be conducted on Sundays and public holidays. The on-site inductions must not exceed a maximum of 30 minutes.*

AMENDMENT

Moved: Councillor G Rogerson

That Council Approve Application No. MCU12/0012 and grant a Development Permit for Material Change of Use for Home-based Business – Significant Scale (Quad Bike Tours) situated at 298 Tablelands Road, Cooran, subject to the conditions in Appendix A, with:

- (a) Amendments to condition 8 to read as follows:
8. The total number of quad bike tours from the site must not exceed 2 per day. The on-site inductions must not exceed a maximum of 30 minutes.

The motion lapsed for want of a seconder.

AMENDMENT

Moved: Councillor G Rogerson
Seconded: Councillor J O'Pray

That Council Approve Application No. MCU12/0012 and grant a Development Permit for Material Change of Use for Home-based Business – Significant Scale (Quad Bike Tours) situated at 298 Tablelands Road, Cooran, subject to the conditions in Appendix A, with:

- (a) Amendments to condition 8 to read as follows:
8. The total number of quad bike tours from the site must not exceed 2 per day *Thursday to Monday inclusive*, with the use not to be conducted on the following Public Holidays – Christmas Day, Boxing Day, Australia Day, Good Friday or Easter Sunday. The on-site inductions must not exceed a maximum of 30 minutes.

For: Councillor J O'Pray, Councillor G Rogerson and Councillor M Jamieson.

Against: Councillor R Green, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor P Cox, Councillor S Robinson, Councillor T Dwyer and Councillor R Baberowski.

Lost.



AMENDMENT

Moved: Councillor R Green
Seconded: Councillor R Baberowski

That Council Approve Application No. MCU12/0012 and grant a Development Permit for Material Change of Use for Home-based Business – Significant Scale (Quad Bike Tours) situated at 298 Tablelands Road, Cooran, subject to the conditions in Appendix A, with:

- (a) Amendments to condition 8 to read as follows:
8. The total number of quad bike tours from the site must not exceed 2 per day, Monday to Saturday. No tours shall be conducted on Sundays and public holidays. The on-site inductions must not exceed a maximum of 30 minutes.

- (b) Condition 15 amend to read:

Prior to the commencement of the use the applicant shall submit a Noise Management Plan to council for approval, this must include as a minimum:

- (a) Objective statement for the minimisation of adverse impacts upon the acoustic amenity of the environment near the quad bike site;
- (b) Names of overall responsible person and site quad bike manager for the site tourism operations;
- (c) Training details for site quad bike manager to ensure safety of patrons and minimisation of noise emissions on the training circuit, on Tablelands Road, and in the National Park. Annual training that is suitable and relevant for these requirements for each site quad bike manager is the minimum training requirement. The details and dates of the training for the site quad bike manager shall be detailed in the NMP;
- (d) Minimum competency levels for quad bike drivers to be achieved prior to departing the on-site training circuit, including method of testing prior to departure from the site;
- (e) Training and inductions for quad bike riders shall not exceed 30 minutes per tour;
- (f) Quad bike driver behaviour and site quad bike manager supervision requirements for noise minimisation during travel on Tablelands Road and in the National Park;
- (g) All riders shall be provided with a communication headset to converse and receive instructions;
- (h) Hours of operation of quad bikes training and tours to be 8.30am to 5pm Monday to Saturday;
- (i) The total number of quad bike tours must not exceed 2 per day on Monday to Friday with only one tour on Saturday. There are to be no tours on Sundays or Public Holidays;
- (j) The maximum number of quad bikes for any tour is to be limited to twelve. While a tour is in operation no other quad bikes are permitted to be operated on the training circuit or on the site;
- (k) Quad bikes are to be Kymco MXU300 (including automatic transmission, 270cc engine, governed and fitted with a suitable muffler), or equivalent to be approved by Council;
- (l) Quad bikes must be mechanically governed by an authorised mechanic to a maximum speed of 30km/hr;
- (m) Quad bikes are to be maintained in good condition. All maintenance and servicing of quad bikes that requires running of quad bike engines shall be conducted external to the site. Quad bike maintenance records, including

regular mechanical servicing and inspection of muffler condition, and annual noise testing to be kept on site and provided to Council for inspection, upon request;

- (n) Maximum noise level of quad bikes to be not greater than maxL 69 dBA at 10 metres from the edge of the track when the bike is being driven around the training circuit with throttle wide open. A minimum of three laps of the training track shall be completed during each noise test per quad bike. All bikes to be tested at least once per annum. Noise levels to be measured by a suitably qualified acoustic consultant with company membership of the AAAC, or individual membership of the AAS;
- (o) If a reasonable complaint about quad bike operations is received, then Council may request additional noise testing to be conducted. Any bikes that do not comply with the maximum noise levels shall be removed from service and will not be permitted to be used for quad bike training or tours, until testing indicates compliance with the maximum noise level criteria; and
- (p) A noise complaint plan, including a standard noise complaint registration form, a publicly advertised noise complaint phone number fitted with an answering machine if not attended, and actions taken in response to a complaint to prevent the source of the complaint from re-occurring. All noise complaint records and responses to be kept on file on the site for inspection by Council, if requested.

For: Councillor R Green, Councillor J McKay and Councillor R Baberowski.

Against: Councillor J O'Pray, Councillor C Thompson, Councillor C Dickson, Councillor E Hungerford, Councillor P Cox, Councillor S Robinson, Councillor G Rogerson, Councillor T Dwyer and Councillor M Jamieson.

Lost.

The motion moved by Councillor P Cox and seconded by Councillor E Hungerford was put.

For: Councillor J O'Pray, Councillor C Dickson, Councillor E Hungerford, Councillor P Cox, Councillor G Rogerson and Councillor M Jamieson.

Against: Councillor R Green, Councillor C Thompson, Councillor J McKay, Councillor S Robinson, Councillor T Dwyer and Councillor R Baberowski.

The Mayor used his casting vote and the motion was carried.

Carried.



Council Resolution (OM12/143)**Moved:** Councillor G Rogerson**Seconded:** Councillor T Dwyer

That Council request the Chief Executive Officer to write to the Department of Heritage Environment Protection in relation to Quad Bike Tours on the trail through Woodnum National Park, requesting that efforts be made to segregate the quad bike tour and other motorised vehicles from any equestrian activity or non motorised use.

Carried unanimously.

Councillor R Green raised a Point of Order in relation to the mover speaking to the motion more than once. The Mayor ruled out of order.

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

That the Standing Orders be suspended to allow Confidential Item 10.2.3 to be discussed as next item on the agenda.

Carried unanimously.

CLOSURE OF THE MEETING TO THE PUBLIC**Moved:** Councillor M Jamieson**Seconded:** Councillor E Hungerford

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

10.2.3 Confidential – Not For Public Release – Value and Success Program – Proposed Business Reform

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

Against: Councillor G Rogerson and Councillor T Dwyer.

(External representatives from Quad Park Corporation and Sunshine Coast Events Centre presented at this stage.)




RE-OPENING OF THE MEETING TO THE PUBLIC

Moved: Councillor M Jamieson
Seconded: Councillor C Thompson

That the meeting be re-opened to the public.

Carried unanimously.

(Item 7.1.2 was discussed at this stage.)



7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (12 LOTS INTO 12 LOTS) AT 385 – 523 AHERNS ROAD, CONONDALE

File No: REC11/0051
Author/Presenter: Development Planner, Planning Assessment
Principal Development Planner, Planning Assessment
Regional Strategy and Planning
Attachment: Att 1 - Proposal Plan (Att Pg 11)

Council Resolution (OM12/144)

Moved: Councillor J McKay
Seconded: Councillor G Rogerson

That Council:

- (a) APPROVE Application No. REC11/0051 for a Development Permit to Reconfigure 12 Lots into 12 Lots at 385-523 Aherns Road, Conondale described as Lot 5 on SP240945, Lot 5 on RP50304 and Lots 1 – 10 on C3821 and delegate to the Chief Executive Officer to prepare appropriate conditions to attach to the approval; and
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. the proposal does not result in the creation of any additional small lots in the Rural Precinct, in that it replaces 10 small 'township' sized lots with 10 'rural residential' sized lots;
 2. the proposal provides a constructed road access to the enlarged lots and removes the conflict associated with the overhead electrical line currently affecting 5 of the existing small lots; and
 3. the applicant has demonstrated that each of the enlarged lots is capable of supporting a dwelling, effluent disposal area and suitable access point.

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

Against: Councillor R Green and Councillor T Wellington.

- Carried.

**7.1.3 CHARTER FOR SUNSHINE COAST PLACES – URBAN DESIGN
ADVISORY PANEL**

File No: ECM 18 October 2012
Author: Senior Urban Designer
Regional Strategy and Planning
Appendix: App A - Local Charter-for-Sunshine-Coast-Places (Att Pg 13)
Attachments: Att 1 - National Urban-Design-Protocol (Att Pg 23)
Att 2 - State Charter-for-Queensland-Places (Att Pg 51)
Att 3 - Inaugural-Report-UDAP (Att Pg 68)

Council Resolution (OM12/145)

Moved: Councillor C Thompson
Seconded: Councillor G Rogerson

That Council:

- (a) *receive and note the report titled "Charter for Sunshine Coast Places - Urban Design Advisory Panel ; and*
- (b) *adopt the "Charter for Sunshine Coast Places" contained in Appendix A.*

Carried unanimously.



7.1.4 ENVIRONMENT LEVY 2011-2012 ANNUAL PROGRESS REPORT

File No: 1-17286
Author: Senior Biodiversity Project Officer - Environment Levy
Regional Strategy and Planning
Appendix: App A - Environment Levy Program 2011-2012 Annual Progress Report (Att Pg 91)
Attachment: Att 1 - Revised Environment Levy Program (August 2011) (Att Pg 122)

Council Resolution (OM12/146)

Moved: Councillor R Baberowski
Seconded: Councillor G Rogerson

That Council:

- (a) *receive and note the report titled "Environment Levy 2011-2012 Annual Progress Report" and*
- (b) *note the "Environment Levy Program 2011 -2012 Annual Progress Report" (Appendix A).*

Carried unanimously.



7.2 FINANCE AND BUSINESS

7.2.1 AUGUST 2012 FINANCIAL PERFORMANCE REPORT

File No: ECM 18 October 2012
Author: Acting Financial Services Manager
Finance and Business
Appendix: App A - August 2012 Financial Performance Report (Att Pg 123)

Council Resolution (OM12/147)

Moved: Councillor M Jamieson
Seconded: Councillor C Thompson

That Council:

- (a) *receive and note the report titled "August 2012 Financial Performance Report"; and*
- (b) *approve the budget amendments for operating as outlined in the August 2012 Financial Performance Report (Appendix A).*

Carried unanimously.

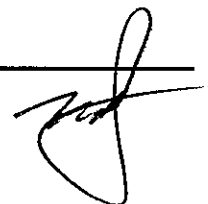


7.2.2 FINANCIAL RESERVES FOR PERIOD ENDING 30 JUNE 2012**File No:** ECM 18 October 2012**Author:** Acting Financial Services Manager
Finance and Business**Appendix:** App A - Reserves Statement Summary (Att Pg 131)

Council Resolution (OM12/148)**Moved:** Councillor E Hungerford**Seconded:** Councillor C Thompson*That Council:*

- (a) *note and receive the report "Financial Reserves for the Period Ended 30 June 2012"; and*
- (b) *adopt the reserve movements for the period 1 July 2011 to 30 June 2012 and reserves balances as at 30 June 2012 as shown in Appendix A.*

Carried unanimously.



7.2.3 APPLICATION OF NATIONAL COMPETITION POLICY REFORM FOR 2012-2013

File No: ECM 18 October 2012
Author: Manager, Commercial & Procurement
Commercial Analysis Manager
Finance and Business
Attachments: Att 1 - Reform Options (Att Pg 133)
Att 2 - Business Activity Identification (Att Pg 135)
Att 3 - Full Cost Performance (Att Pg 138)

Council Resolution (OM12/149)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled "Application of National Competition Policy Reform 2012-2013";*
- (b) *apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2012-2013 financial year in accordance with section 44(1)(c) of the Local Government Act 2009; and*
- (c) *apply the Code of Competitive Conduct to the following business activities, for the 2012-2013 financial year in accordance with section 47 of the Local Government Act 2009:*
 - (i) *Sunshine Coast Airport;*
 - (ii) *Sunshine Coast Holiday Parks; and*
 - (iii) *Quarries.*

Carried unanimously.



7.2.4 QUARTERLY PROGRESS REPORT - QUARTER 1, 2012-2013**File No:** 4.16.4**Author:** Corporate Planning and Reporting Manager
Finance and Business**Appendix:** App A - Chief Executive Officers Report – Quarter 1 (Att Pg 139)
App B - Operational Plan Activities Report (Att Pg 165)

Council Resolution (OM12/150)**Moved:** Councillor C Dickson**Seconded:** Councillor R Baberowski*That Council:*

- (a) *receive and note the report titled "Quarterly Progress Report – Quarter 1, 2012-2013";*
- (b) *note the Chief Executive Officer's Quarterly Progress Report – Quarter 1, 1 July to 30 September 2012 (Appendix A); and*
- (c) *note the Operational Activities Report – Quarter ended September 2012 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.*

Carried unanimously.



7.3 INFRASTRUCTURE SERVICES

7.3.1 MAROOCHY BEACH RENOURISHMENT PROJECT UPDATE

File No: ECM 18 October 2012
Author: Manager Environmental Operations
Infrastructure Services
Attachments: Att 1 - Map of Maroochy Beach Pipeline Alignment (Att Pg 205)
Att 2 - WBM Feasibility Report Final (Att Pg 206)
Att 3 - Typical Beach Renourishment Profile (Att Pg 385)

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 his association with the Maroochy Surf Lifesaving Club. Councillor J O'Pray remained in the meeting room for the debate and decision on this matter.

Council Resolution (OM12/151)

Moved: Councillor J O'Pray
Seconded: Councillor C Thompson

That Council:

- (a) *receive and note the report titled "Maroochy Beach Renourishment Project Update";*
- (b) *endorse the continuation of the project to construct a sand renourishment pipe line;*
- (c) *note that the balance of the 2012/2013 capital project be placed into reserves and that in the 2013/2014 Financial Year a budget allocation of \$900,000 be provided to undertake a renourishment program of 125,000m³ at a forecast cost of \$1,400,000 as noted as the medium level of service, option two in this report; and*
- (d) *bring forward the second dredging program, as noted as option two, medium level of service in this report, from the 2017/2018 to the 2015/2016 Financial year, and to do so allocate and place in reserves \$500,000 in 2014/2015 and \$500,000 in 2015/2016 financial years to fund a beach renourishment program of 75,000m³ at a forecast cost of \$1,000,000.*

Carried unanimously.



7.4 EXECUTIVE OFFICE**7.4.1 AUDIT COMMITTEE REPORT 10 SEPTEMBER 2012****File No:** ECM 18 October 2012**Author:** Manager Audit and Assurance
Executive Office**Appendix:** App A – Minutes Audit Committee Minutes 10 September 2012 (Att
Pg 387)

Council Resolution (OM12/152)**Moved:** Councillor R Green**Seconded:** Councillor G Rogerson*That Council:*

- (a) *receive and note the report titled "Audit Committee Report 10 September 2012; and*
- (b) *note and implement the recommendations from the Audit Committee Minutes 10 September 2012 (Appendix A).*

Carried unanimously.



7.4.2 RECOMMENDATIONS OF THE QUEENSLAND FLOODS COMMISSION OF INQUIRY

File No: ECM 18 October 2012

Authors: Local Disaster Coordinator
Executive Office
Principal, Flooding & Stormwater Management
Regional Strategy and Planning
Senior Strategic Planner, Strategic Land Use Planning
Regional Strategy and Planning

Appendices: App A - Actions on Interim Report Recommendations (Att Pg 405)
App B - Actions on Final Report Recommendations (Att Pg 415)

Attachments: Att 1 - Detailed Policy Commentary (Att Pg 427)

Council Resolution (OM12/153)

Moved: Councillor C Thompson
Seconded: Councillor R Baberowski

That Council:

- (a) *receive and note the report on the Recommendations of the Queensland Floods Commission of Inquiry's Interim and Final Reports and their implications for Council;*
- (b) *endorse the Action Plans, which outline priorities for action and timeframes (Appendix A and Appendix B); and*
- (c) *request the Chief Executive Officer to provide funding submissions to future Budget Reviews for Council's consideration and determination and approve lodgement of a local government grants and subsidies program application.*

Carried unanimously.



7.4.3 QUEENSLAND BOUNDARIES COMMISSIONER'S REQUEST

File No: ECM 18 October 2012
Author: Executive Director
Executive Office

Council Resolution (OM12/154)

Moved: Councillor M Jamieson
Seconded: Councillor C Thompson

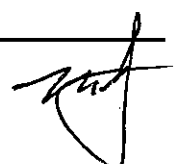
That Council:

- (a) *receive and note the report titled "Queensland Boundaries Commissioner's Request"; and*
- (b) *in response to the Queensland Boundaries Commissioner's request of 19 September 2012, acknowledge the State Government's boundary review process and advise that council's preference is for the current unified local government model for the Sunshine Coast region to be retained.*

For: Councillor J O'Pray, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor P Cox, Councillor S Robinson, Councillor G Rogerson, Councillor R Baberowski and Councillor M Jamieson.

Against: Councillor R Green, Councillor T Wellington and Councillor T Dwyer.

Carried.



8 NOTIFIED MOTIONS**8.1 NOTICE OF MOTIONS****8.1.1 NOTICE OF MOTION - DIGITAL ECONOMY****File No:** ECM 18 October 2012**Author:** Councillor J McKay
Notices of Motion

Council Resolution (OM12/155)**Moved:** Councillor J McKay**Seconded:** Councillor C Dickson

That Council request the Chief Executive Officer to write to Senator, the Honourable Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, requesting consideration of funding assistance to the provider of the television tower in Conondale to enable the ongoing provision of the service and removal of the signal black spot.

Carried unanimously.



8.1.2 NOTICE OF MOTION - MONTVILLE VILLAGE HALL

File No: ECM 18 October 2012
Author: Councillor J McKay
Notices of Motion

MOTION

Moved: Councillor J McKay
Seconded: Councillor G Rogerson

That Council:

- (a) authorise the Chief Executive Officer to approve the use of \$7,000 of Councillor Emergent Capital works and Minor Operational Works allocation towards the restoration costs of the Montville Village Hall;
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the application and assessment processes included in Councils Grants Policy:
 - 1. the purpose of the funding is consistent with the Key Principles of the Grants Policy; and
 - 2. the Acquittal Process set out in the Grants Policy will be adhered to; and
- (c) find the following are sufficient grounds to justify the decision despite the conflict with the Councils Councillor Emergent Capital Works and Minor Operational Works Policy:
 - 1. the Montville Village Hall while not owned by Council plays a vital role in the social life of the Montville Community which is not served by any similar Council facility.

For: Councillor J McKay, Councillor C Dickson, Councillor G Rogerson, Councillor T Dwyer and Councillor R Baberowski.

Against: Councillor R Green, Councillor T Wellington, Councillor J O'Pray, Councillor C Thompson, Councillor E Hungerford, Councillor P Cox, Councillor S Robinson and Councillor M Jamieson.

Lost.

Council Resolution (OM12/156)**Moved:** Councillor G Rogerson**Seconded:** Councillor J McKay

That council request the Chief Executive Officer bring forward a legitimate means to achieve council's objectives in relation to funding of community groups for operational and capital purposes regardless of tenure for discussion on 12 November 2012.

For: Councillor J O'Pray, Councillor J McKay, Councillor C Dickson, Councillor P Cox, Councillor S Robinson, Councillor G Rogerson, Councillor T Dwyer, Councillor R Baberowski and Councillor M Jamieson.

Against: Councillor E Hungerford, Councillor T Wellington and Councillor C Thompson.

Carried.

(Councillor R Green was absent for the vote on this motion.)



9 TABLING OF PETITIONS**9.1 PETITION – HOME BASED BUSINESS (QUAD BIKE TOURS) –
TABLELANDS ROAD, COORAN****Council Resolution** (OM12/157)

Moved: Councillor R Green
Seconded: Councillor R Baberowski

That Council resolve the petition tabled by Councillor R Green in relation to Home Based Business (Quad Bike Tours) – Tablelands Road, Cooran be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

**9.2 PETITION – PINE TERRACES – DRAINAGE EASEMENT, 13 PINE STREET,
BUDERIM****Council Resolution** (OM12/158)

Moved: Councillor E Hungerford
Seconded: Councillor G Rogerson

That Council resolve the petition tabled by Councillor E Hungerford in relation to Pine Terraces – 13 Pine Street, Buderim be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

(Item 7.1.1 was discussed at this time.)



10 CONFIDENTIAL SESSION**CLOSURE OF THE MEETING TO THE PUBLIC**

Moved: Councillor M Jamieson
Seconded: Councillor R Baberowski

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

- 10.1.1 *Confidential – Not For Public Release – Planning Appeal Coolum Beach*
- 10.2.1 *Confidential – Not For Public Release – Quarterly Progress Report – Quarter 1 2012/2013*
- 10.2.2 *Confidential – Not For Public Release – Acquisition of Easements – Pine Street Buderim*
- 10.2.3 *Confidential – Not For Public Release – Value and Success Program – Proposed Business Reform*

Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC

Moved: Councillor C Thompson
Seconded: Councillor T Wellington

That the meeting be re-opened to the public.

Carried unanimously.

(Councillor T Dwyer and Councillor C Dickson were absent for the vote on this item.)



10.1 REGIONAL STRATEGY AND PLANNING

**10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL
COOLUM BEACH**

File No: 1-20400 (MCU08/0069)
Authors/Presenters: Solicitor
Executive Office
Principal Planner, Appeals Management
Regional Strategy and Planning

Council Resolution (OM12/159)

Moved: Councillor S Robinson
Seconded: Councillor E Hungerford

That Council authorise the Chief Executive Officer to attempt to settle the appeal.

Carried unanimously.

(Councillor T Dwyer and Councillor C Dickson were absent for the vote on this item.)



10.2 FINANCE AND BUSINESS**10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUARTERLY
PROGRESS REPORT - QUARTER 1 2012/2013**

File No: 4.16.4
Author: Manager Corporate Governance
Finance and Business

Councillor M Jamieson 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 M Jamieson left the meeting room for the debate and decision on this matter.

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.

Councillor G Rogerson declared a perceived 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 G Rogerson remained in the meeting room for the debate and decision on this matter.

Council Resolution (OM12/160)

Moved: Councillor C Thompson
Seconded: Councillor R Baberowski

That Council note the item.

Carried unanimously.

(Councillor M Jamieson; Councillor J O'Pray; Councillor T Dwyer and Councillor C Dickson were absent for the vote on this item.)



10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF EASEMENTS - PINE STREET BUDERIM

File No: ECM
Author: Operations Manager Property & Business
Finance and Business

Council Resolution (OM12/161)

Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council proceed with the resumption of stormwater drainage easements over the alignment of the existing stormwater drainage pipe located over part of the common property of the Pine Terraces Community Title Scheme 6439 (Lot 38 RP218740) and part of the common property of the Pine Terrace 2 Community Title Scheme 5831 (Lot 39 RP218740) in accordance with the requirements of the Acquisition of Land Act 1967.

Carried unanimously.

(Councillor T Dwyer and Councillor C Dickson were absent for the vote on this item.)



10.2.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - VALUE AND SUCCESS PROGRAM – GOVERNANCE REVIEW

File No: ECM 18 October 2012
Author: Executive Director Finance and Business
Finance and Business

Councillor T Dwyer declared that he holds the position of Director/Chairman of The Sunshine Coast Events Centre. Councillor T Dwyer remained for the debate but left the meeting room for the decision on this matter.

Acting Executive Director Finance and Business left the meeting for this item due to his role as a board member of the Quad Park Corporation.

Council Resolution (OM12/162)

Moved: Councillor E Hungerford
Seconded: Councillor T Wellington

That Council delegate authority to the Chief Executive Officer to implement the outcomes in accordance with the directions identified in confidential session.

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

Against: Councillor J McKay, Councillor P Cox, Councillor S Robinson and Councillor G Rogerson.

Carried.

(Councillor T Dwyer, Councillor R Green and Councillor C Dickson were absent for the vote on this item.)



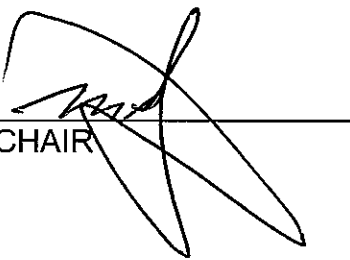
11 NEXT MEETING

The next Ordinary Meeting will be held on Thursday 15 November 2012 in the Council Chambers, corner Currie and Bury Streets, Nambour commencing at 9.00am.

12 MEETING CLOSURE

The meeting closed at 6.50pm.

Confirmed date: 15 November 2012


CHAIR



13 APPENDICES

ITEM 7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – HOME BASED BUSINESS TYPE 3 – SIGNIFICANT SCALE (QUAD BIKE TOURS) – 298 TABLELANDS ROAD, COORAN – APP A – CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU12/0012
Street Address:	298 Tablelands Rd Cooran
Real Property Description:	Lot 2 RP 192052
Planning Scheme:	The Noosa Plan (8 August 2011)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use - Home-based business Type 3 - Significant Scale (Quad Bike Tours)

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

When Conditions must be Complied With

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

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Nature and Extent of Approved Use

3. The home-based business is limited to undertaking quad bike inductions and storage in the cleared area marked as 'Car parking, Shed A & Shed B' as indicated on the approved Site Plan. Quad bikes shall not be ridden outside the 800m² bike induction area of the site, and the associated driveway leading to Tablelands Road.
4. The approved use must be conducted by a permanent resident or residents of the detached house, with the total number of persons associated with the approved use on the site at any one time not exceeding 10 tourists and 3 staff.
5. The approved use must not involve the sale of goods from the premises, nor the public display of goods visible from any point outside the premises.

6. Any storage of flammable and/or combustible liquids must comply with the minor storage provisions of Australian Standard AS1940 *"The Storage and Handling of Flammable and Combustible Liquids"*.
7. The total number of advertising signs provided on the site must not exceed one, having a maximum sign face area of 0.3 m² and not involving illumination or motion.
8. The total number of quad bike tours from the site must not exceed 2 per day, Monday to Friday, with only one tour on Saturday. No tours shall be conducted on Sundays and Public Holidays. The on-site inductions must not exceed a maximum of 30 minutes.
9. The use shall not operate outside the hours of 8:30am to 5pm, Monday to Saturday.
10. All tourists must be picked up by mini bus/troop carrier or the like.
11. The development must be provided with an approved on-site waste water treatment and effluent disposal system in accordance with *PSP 24 - Effluent Disposal* and have a capacity sufficient for the use. Due to the frequent accessing of the site for pump-out, portaloos are not to be used.
12. All mechanical servicing and repair associated with the quad bikes is to be undertaken off site at an approved mechanical workshop.
13. Refuse storage, removal and collection facilities must be provided in accordance with the following:
 - (a) Provision of 2 x 240L wheelie bins for the business use; and
 - (b) Collection by service vehicles from the kerbside.
14. The quad bikes must have the appropriate registration permits for use on the roads, as specified by the Department of Transport & Main Roads and Queensland Police.
15. Prior to the commencement of the use, the applicant shall submit a Noise Management Plan (NMP), to the reasonable satisfaction of Council. This must include as a minimum:
 - (a) Objective statement for the minimisation of adverse impacts upon the acoustic amenity of the environment near the quad bike site;
 - (b) Names of overall responsible person and site quad bike manager for the site tourism operations;
 - (c) Training details for site quad bike manager to ensure safety of patrons and minimisation of noise emissions on the training circuit, on Tablelands Road, and in the National Park. Annual training that is suitable and relevant for these requirements for each site quad bike manager is the minimum training requirement. The details and dates of the training for the site quad bike manager shall be detailed in the NMP;
 - (d) Minimum competency levels for quad bike drivers to be achieved prior to departing the on-site training circuit, including method of testing prior to departure from the site;
 - (e) Training and inductions for quad bike riders shall not exceed 30 minutes per tour;
 - (f) Quad bike driver behaviour and site quad bike manager supervision requirements for noise minimisation during travel on Tablelands Road and in the National Park;
 - (g) All riders shall be provided with a communication headset to converse and receive instructions;



- (h) Hours of operation of quad bikes training and tours to be 8.30am to 5pm Monday to Saturday;
- (i) The total number of quad bike tours must not exceed 2 per day on Monday to Friday with only one tour on Saturday. There are to be no tours on Sundays or Public Holidays;
- (j) The maximum number of quad bikes for any tour is to be limited to twelve. While a tour is in operation no other quad bikes are permitted to be operated on the training circuit or on the site;
- (k) Quad bikes are to be Kymco MXU300 (including automatic transmission, 270cc engine, governed and fitted with a suitable muffler), or equivalent to be approved by Council;
- (l) Quad bikes must be mechanically governed by an authorised mechanic to a maximum speed of 30km/hr;
- (m) Quad bikes are to be maintained in good condition. All maintenance and servicing of quad bikes that requires running of quad bike engines shall be conducted external to the site. Quad bike maintenance records, including regular mechanical servicing and inspection of muffler condition, and annual noise testing to be kept on site and provided to Council for inspection, upon request;
- (n) Maximum noise level of quad bikes to be not greater than $_{maxL}$ 69 dBA at 10 metres from the edge of the track when the bike is being driven around the training circuit with throttle wide open. A minimum of three laps of the training track shall be completed during each noise test per quad bike. All bikes to be tested at least once per annum. Noise levels to be measured by a suitably qualified acoustic consultant with company membership of the AAAC, or individual membership of the AAS;
- (o) If a reasonable complaint about quad bike operations is received, then Council may request additional noise testing to be conducted. Any bikes that do not comply with the maximum noise levels shall be removed from service and will not be permitted to be used for quad bike training or tours, until testing indicates compliance with the maximum noise level criteria; and
- (p) A noise complaint plan, including a standard noise complaint registration form, a publicly advertised noise complaint phone number fitted with an answering machine if not attended, and actions taken in response to a complaint to prevent the source of the complaint from re-occurring. All noise complaint records and responses to be kept on file on the site for inspection by Council, if requested.

Sunset Clause for Completion of Approved Development

16. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses on 31 March 2015, unless application is made and approved by Council for extension.

ENGINEERING

Site Access and Driveways

17. An access driveway must be provided from the formation in Tablelands Road to the quad bike storage and induction area. The access driveway (location and formation) must be in accordance with AS/NZS 2890.1:2004 and certified by an RPEQ prior to the commencement of the use. The certification must include recommendations for the ongoing maintenance of the access location and driveway.
18. The property owner must maintain the access location and the full length of the access driveway in accordance with the recommendations of the RPEQ certification.



Stormwater Drainage

19. Stormwater runoff from the development, including bike wash down must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Damage to Services and Assets

20. Any damage caused to existing services and assets above or below the ground must be repaired:
- (a) Where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) Where otherwise, upon completion of the works associated with the development.
- Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

5. REFERRAL AGENCIES

Not Applicable.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
-	-	Site Plan - 298 Tablelands Road, Cooran, prepared by Charles Morais	Date Stamped 6/02/2012

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:

Aboriginal Cultural Heritage Act 2003

1. 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

Not Applicable

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 24 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, 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

Not Applicable.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* 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 or at council Offices.



**ITEM 7.1.3 CHARTER FOR SUNSHINE COAST PLACES – URBAN DESIGN
ADVISORY PANEL - APPENDIX A – LOCAL CHARTER FOR SUNSHINE
COAST PLACES**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach6.pdf

**ITEM 7.1.4 ENVIRONMENT LEVY 2011-2012 ANNUAL PROGRESS REPORT – APP A
– ENVIRONMENT LEVY PROGRAM 2011-2012 ANNUAL PROGRESS
REPORT**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach10.pdf

**ITEM 7.2.1 AUGUST 2012 FINANCIAL PERFORMANCE REPORT – APP A – AUGUST
2012 FINANCIAL PERFORMANCE REPORT**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach12.pdf

**ITEM 7.2.2 FINANCIAL RESERVES FOR PERIOD ENDING 30 JUNE 2012 – APP A –
RESERVES STATEMENT SUMMARY**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach13.pdf

**ITEM 7.2.4 QUARTERLY PROGRESS REPORT- QUARTER 1, 2012-2013 – APP A –
CHIEF EXECUTIVE OFFICER'S REPORT – QUARTER 1**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach17.pdf


**ITEM 7.2.4 QUARTERLY PROGRESS REPORT – QUARTER 1, 2012-2013 – APP B –
OPERATIONAL PLAN ACTIVITIES REPORT**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach18.pdf

**ITEM 7.4.1 AUDIT COMMITTEE REPORT 10 SEPTEMBER 2012 – APP A – MINUTES
AUDIT COMMITTEE 10 SEPTEMBER 2012**

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach22.pdf

**ITEM 7.4.2 RECOMMENDATIONS OF THE QUEENSLAND FLOODS COMMISSION OF
INQUIRY – APP A – ACTIONS ON INTERIM REPORT RECOMMENDATIONS**



http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach23.pdf

ITEM 7.4.2 RECOMMENDATIONS OF THE QUEENSLAND FLOODS COMMISSION OF INQUIRY – APP B – ACTIONS ON FINAL REPORT RECOMMENDATIONS

http://www.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM_181012/Attach24.pdf

