

Minutes

Ordinary Meeting

Thursday, 25 July 2013

Council Chambers, 1 Omrah Avenue, Caloundra



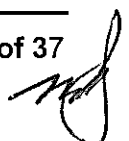


mf

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	7
2	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE	7
3	RECEIPT AND CONFIRMATION OF MINUTES	8
4	OBLIGATIONS OF COUNCILLORS.....	8
4.1	DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS	8
4.2	DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS	8
5	MAYORAL MINUTE.....	8
6	PRESENTATIONS	8
7	REPORTS DIRECT TO COUNCIL.....	9
7.1	REGIONAL STRATEGY AND PLANNING	9
7.1.1	DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ADDITIONAL TOURIST ATTRACTIONS, 157 WARRAN ROAD, YAROOMBA, QLD, 4573	9
7.2	COMMUNITY SERVICES.....	10
7.2.1	ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013 - 2028	10
7.2.2	NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013 - 2023.....	11
7.2.3	COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14.....	12
7.2.4	COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY	13
7.2.5	COMMERCIAL USE OF COUNCIL-CONTROLLED LAND - REGION WIDE PERMITS.....	14
7.3	FINANCE AND BUSINESS	16
7.3.1	MAY 2013 FINANCIAL PERFORMANCE REPORT	16
7.3.2	PROCUREMENT POLICY.....	17

7.3.3	SOLE AND SPECIALISED SUPPLIER LISTINGS.....	18
7.3.4	MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013.....	19
7.3.5	COUNCILLORS' EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY.....	21
7.4	EXECUTIVE OFFICE	22
7.4.1	CONTRACT EXTENSION FOR INDEPENDENT MEMBERS OF THE AUDIT COMMITTEE.....	22
8	NOTIFIED MOTIONS	23
8.1	NOTICES OF MOTION.....	23
8.1.1	NOTICE OF MOTION - TELECOMMUNICATIONS COVERAGE	23
8.1.2	NOTICE OF MOTION - BRIBIE ISLAND BREAKTHROUGH.....	24
8.1.3	NOTICE OF MOTION - SCHOOL ZONE SPEED CAMERA PILOT PROJECT.....	25
8.1.4	NOTICE OF MOTION - REPORTING PROCESSES.....	26
9	TABLING OF PETITIONS.....	27
9.1	PETITION - REMOVAL OF COFFEE VAN, HAPPY VALLEY	27
9.2	PETITION – REJECTION OF NATIONAL BROADBAND NETWORK TOWER - HUNCHY	27
10	CONFIDENTIAL SESSION	28
10.1	COMMUNITY SERVICES.....	29
10.1.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SPONSORSHIP PROPOSAL.....	29
10.2	FINANCE AND BUSINESS	30
10.2.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY ACQUISITION OF LAND - BEERWAH	30
10.2.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LEASE AMENDMENT	31
10.3	EXECUTIVE OFFICE	32
10.3.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST AIRPORT LEASE OF TERMINAL OFFICE.....	32
10.3.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CLAIM FOR COMPENSATION - COURT APPLICATION NO. 4553/2000.....	33



11 NEXT MEETING 34

12 MEETING CLOSURE..... 34

13 APPENDICES 35

7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ADDITIONAL TOURIST ATTRACTIONS, 157 WARRAN ROAD, YAROOMBA, QLD, 4573 – APPENDIX A – CONDITIONS OF APPROVAL 35

7.2.1 ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013 – 2028 – APPENDIX A – ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013-2028..... 35

7.2.2 NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013 – 2023 – APPENDIX A - NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013-2028 35

7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14 – APPENDIX A – 2013/14 COMMUNITY PARTNERSHIP FUNDING PROGRAM (CPFP) ENVIRONMENT CATEGORY RECOMMENDATIONS..... 35

7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14 – APPENDIX B – CPFP (ENVIRONMENT CATEGORY) ALLOCATIONS PREVIOUSLY ENDORSED – AMENDED..... 35

7.2.4 COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY – APPENDIX A – DRAFT COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY..... 35

7.2.5 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND - REGION WIDE PERMITS – APPENDIX A – PROPOSED CHANGES TO REGION WIDE PERMIT LOCATIONS – AMENDED 36

7.3.2 PROCUREMENT POLICY – APPENDIX A – PROCUREMENT POLICY . 36

7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS – APPENDIX A – SOLE SUPPLIER LIST 36

7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS – APPENDIX B – SPECIALISED SUPPLIER LIST 36

7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX A – AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013..... 36

7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX B – AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 36

- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX C – AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – AMENDED..... 37
- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX D – PUBLIC INTEREST TEST REPORT 37
- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX E – SUMMARY OF SUBMISSIONS RECEIVED..... 37
- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX F – STRATEGIC POLICY – INSTALLATION OF AN ELECTION ADVERTISING DEVICE.. 37
- 7.3.5 COUNCILLORS' EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY – APPENDIX A – COUNCILLORS EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY – PROPOSED - AMENDED..... 37

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 R Baberowski	Division 1 (Absent Item 3)
Councillor T Dwyer	Division 2 (Absent Items 10.2.1 – 10.3.2)
Councillor P Cox	Division 3
Councillor C Thompson	Division 4 (Chair)
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8 (Absent Items 10.2.1 – 10.3.2)
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 M Jamieson Mayor
Executive Director Executive Office

COUNCIL OFFICERS

Senior Development Planner
Manager Development Services
Development Officers - Community Sport and Facility Planning
Aquatic and Leisure Facility Manager
Community Planning and Strategy Manager
Team Leader Community Connections
Waterways Project Officer
Community Land Permits Project Manager
Manager Community Response
Manager Corporate Governance
Team Leader Councillor Governance
Manager Community Facilities
Quad Park Manager

3 RECEIPT AND CONFIRMATION OF MINUTES**Council Resolution**

Moved: Councillor E Hungerford
Seconded: Councillor R Green

That the Minutes of the following meetings be received and confirmed:

- *Special Meeting (Commercial Use of Council Controlled Land) held on 4 June 2013*
- *Special Meeting (Festive Season Strategy and Tourism Development held on 5 June 2013*
- *Special Meeting (Organisational Review and Structure) held on 6 June 2013*
- *Ordinary Meeting held on 20 June 2013*
- *Special Meeting (Budget) held on 25 June 2013*
- *Special Meeting (Tourism and Investment Matters) held on 27 June 2013.*

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

Councillor G Rogerson declared a perceived conflict of interest in relation to Item 7.2.3 (as defined in section 173 of the *Local Government Act 2009*) due to a past association with Petrie Creek Catchment Care Group.

Councillor J O'Pray declared a perceived conflict of interest in relation to Item 7.3.3 (as defined in section 173 of the *Local Government Act 2009*) due to a contribution by an affected party to his election campaign.

Councillor G Rogerson declared a perceived conflict of interest in relation to Item 10.1.1 (as defined in section 173 of the *Local Government Act 2009*) due to contributions made by an affected party to his election campaign.

5 MAYORAL MINUTE

Nil

6 PRESENTATIONS

Nil

7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR
ADDITIONAL TOURIST ATTRACTIONS, 157 WARRAN ROAD,
YAROOMBA, QLD, 4573**

File No: MCU12/0190
Author: Senior Development Planner
Regional Strategy & Planning Department
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plans
Att 2 - Concurrence Agency Response
Att 3 - Preliminary Approval Plan of Development

Council Resolution (OM13/127)

Moved: Councillor J O'Pray
Seconded: Councillor T Dwyer

That Council APPROVE WITH CONDITIONS Application No. MCU12/0190 and grant a Development Permit for Material Change of Use of Premises to establish 2 new tourist attractions, including a vintage car museum/exhibition area and a dinosaur park for the land situated at the Palmer Resort, 157 Warran Road, Yaroomba, subject to the conditions of approval as outlined in Appendix A.

Carried unanimously.

7.2 COMMUNITY SERVICES**7.2.1 ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013 - 2028**

File No: Statutory Meetings
Authors: Development Officer Community Sport & Facilities Plan
Community Services Department
Development Officer Community Sport & Facility Planning
Community Services Department
Appendices: App A - Elizabeth Daniels Sports Complex Draft Master Plan
2013 - 2028 (*Under Separate Cover*)

Council Resolution (OM13/128)

Moved: Councillor C Dickson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled "Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028"*
- (b) *endorse the "Elizabeth Daniels Sports Complex Draft Master Plan 2013 - 2028" (Appendix A) for public exhibition and comment*
- (c) *note that major portions of the site are impacted by significant future transport planning and infrastructure*
- (d) *authorise the Chief Executive Officer to seek further detailed responses from the Department of Transport and Main Roads as part of the consultation process and*
- (e) *request the Chief Executive Officer collate and consider all feedback received as part of the public consultation and present final master plan for consideration by council.*

Carried unanimously.

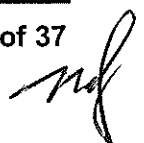
7.2.2 NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013 - 2023

File No: ECM 25 July 2013
Authors: Aquatic and Leisure Facilities Manager
Community Services Department
Community Planning and Strategy Manager
Community Services Department
Appendices: App A - Nambour Showgrounds Draft Master Plan 2013 - 2023
(Under Separate Cover)

Council Resolution (OM13/129)**Moved:** Councillor G Rogerson**Seconded:** Councillor J McKay*That Council:*

- (a) receive and note the report titled "***Nambour Showgrounds Draft Master Plan 2013 - 2023***"
- (b) endorse the ***Nambour Showgrounds Draft Master Plan 2013 - 2023*** (Appendix A) for public exhibition and comment and
- (c) request the Chief Executive Officer collate and consider all feedback received as part of the public consultation and present the final Master Plan for adoption to council.

Carried unanimously.



7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14

File No: ECM 25 July 2013
Author: Team Leader Community Connections
Community Services Department
Appendices: App A - 2013/14 Community Partnership Funding Program
(CPFP) Environment Category Recommendations
App B - CPFP (Environment Category) Allocations Previously
Endorsed
Attachments: Att 1 - CPFP Guidelines - Environment Category 2013-14
Att 2 - Additional Information (*Under Separate Cover*) -
Confidential

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 a past association with Petrie Creek Catchment Care Group. Councillor G Rogerson remained in the meeting room for the debate and decision on this matter.

Council Resolution (OM13/130)

Moved: Councillor G Rogerson
Seconded: Councillor S Robinson

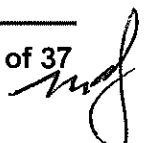
That Council:

- (a) *receive and note the report titled "Community Partnership Funding Program (Environment) Recommendations"*
- (b) *endorse the Community Partnership Funding Program (Environment Category) Recommendations for a single year of funding for 2013/2014 (Appendix A) subject to Transfer Manager approval where relevant for Noosa based applications and*
- (c) *note the ongoing previously endorsed commitment to organisations listed in Appendix B, as amended, through to 2014/2015 and request the Chief Executive Officer to notify the Transfer Manager in relation to Noosa based organisations whose funding must be met by a future Noosa Council from 1 January 2014 to 30 June 2015 and*
- (d) *note that the Chief Executive Officer will meet as a matter of urgency with representatives of the Petrie Creek Catchment Care Group in order to discuss current grants opportunities.*

For: Councillor T Dwyer, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor R Baberowski, Councillor P Cox, Councillor R Green and Councillor T Wellington.

Carried.



**7.2.4 COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE
POLICY**

File No: ECM 25 July 2013
Author: Community Leasing and Assets Manager
Community Services Department
Appendices: App A - Draft Community Purpose Land and Infrastructure
Tenure Policy

Council Resolution (OM13/131)

Moved: Councillor J McKay
Seconded: Councillor T Dwyer

*That Council defer the decision on "**Community Purpose Land and Infrastructure Tenure Policy**" and refer the matter to a Strategic Discussion Forum.*

Carried unanimously.

Councillor T Wellington was absent for the vote on this item.

7.2.5 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND - REGION WIDE PERMITS

File No: ECM
Author: Community Land Permits Project Manager
Community Services Department
Appendices: App A - Proposed changes to Region Wide Permit Locations

MOTION

Moved: Councillor C Thompson

Seconded: Councillor J McKay

That Council:

- (a) receive and note the report titled "**Commercial Use of Council-Controlled Land - Region Wide Permits**"
- (b) endorse the proposed changes to the Region Wide permit locations (Appendix A) as amended and excluding Reference 13.2 Surf Based Business (Surfing Tours)
- (c) request the Chief Executive Officer to refer the Reference 13.2 Surf Based Business (Surfing Tours) for discussion by council at an upcoming Strategic Discussion Forum and
- (d) endorse the proposed application process for Region Wide permits.

AMENDMENT

Council Resolution (OM13/132)

Moved: Councillor S Robinson

Seconded: Councillor G Rogerson

That Council:

- (a) *receive and note the report titled "**Commercial Use of Council-Controlled Land - Region Wide Permits**"*
- (b) *endorse the proposed changes to the Region Wide permit locations (Appendix A) as amended and excluding Reference 13.1, 13.2, 13.3 Surf Based Businesses*
- (c) *request the Chief Executive Officer to refer the Reference 13.1, 13.2, 13.3 Surf Based Businesses for discussion by council at an upcoming Strategic Discussion Forum and*
- (d) *endorse the proposed application process for Region Wide permits.*

For: Councillor R Baberowski, Councillor T Dwyer, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson, Councillor R Green and Councillor T Wellington.

Against: Councillor P Cox and Councillor E Hungerford.

Carried.

The amendment became the motion.

The motion moved by Councillor Thompson and seconded by Councillor McKay as amended was put.

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

Against: Councillor E Hungerford.

Carried.



7.3 FINANCE AND BUSINESS

7.3.1 MAY 2013 FINANCIAL PERFORMANCE REPORT

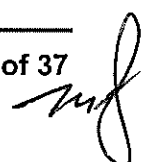
File No: Financial Reports
Author: Acting Financial Services Manager
Finance & Business Department
Attachments: Att 1 - May 2013 Financial Performance Report

Council Resolution (OM13/133)

Moved: Councillor C Thompson
Seconded: Councillor G Rogerson

That Council receive and note the report titled "May 2013 Financial Performance Report".

Carried unanimously.



7.3.2 PROCUREMENT POLICY

File No: Contracts
Authors: Procurement and Contracts Performance Manager
Finance & Business Department
Manager Commercial & Procurement
Finance & Business Department
Appendices: App A - Procurement Policy
Attachments: Att 1 - Current Procurement Policy

Council Resolution (OM13/134)

Moved: Councillor C Dickson
Seconded: Councillor C Thompson

That Council:

- (a) *receive and note the report titled "**Procurement Policy**" and*
- (b) *adopt the Procurement Policy (Appendix A).*

Carried unanimously.

7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS

File No: Contracts
Authors: Procurement and Contracts Performance Manager
Finance & Business Department
Manager Commercial & Procurement
Finance & Business Department
Appendices: App A - Sole Supplier List
App B - Specialised Supplier List

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 contribution by an affected party to his election campaign. Councillor J O'Pray left the meeting room for the debate and decision on this matter.

Council Resolution (OM13/135)

Moved: Councillor C Thompson
Seconded: Councillor E Hungerford

That Council:

- (a) receive and note the report titled "***Sole and Specialised Supplier Listings***" and
- (b) adopt the Sole Supplier Listing (Appendix A) and
- (c) adopt the Specialised Supplier Listing (Appendix B).

Carried unanimously.

Councillor J O'Pray was absent for the debate and vote on this item.



7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013

File No: 22.12.1

Author: Manager Corporate Governance
Finance & Business Department

Appendices: App A - Amendment Local Law No. 1 (Miscellaneous) 2013
App B - Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013
App C - Amendment Subordinate Local Law No. 3 (Administration) 2013
App D - Public Interest Test Report
App E - Summary of Submissions Received
App F - Strategic Policy - Installation of an Election Advertising Device

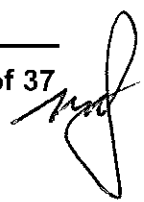
Attachments: Att 1 - State Interest Check Report

Council Resolution (OM13/136)

Moved: Councillor R Green
Seconded: Councillor T Dwyer

That Council:

- (a) *receive and note the report titled “**Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2103**” and*
- (b) *hereby resolves to implement the recommendations of the Public Interest Test Report for Amendment Subordinate Local Law No.2 (Miscellaneous) 2013 and note that the anti-competitive provisions contained in the law are in the public interest and should be retained and*
- (c) *hereby resolves that proposed:*
- *Amendment Local Law No.1 (Miscellaneous) 2013*
 - *Amendment Local Law No.2 (Administration) 2013 and*
 - *Amendment Subordinate Local Law No.3 (Administration) 2013*
- have been reviewed in accordance with section 38 of the Local Government Act 2009 and that, taking into consideration the circumstances of the Sunshine Coast Regional Council area, the laws do not contain any possible anti-competitive provisions and*
- (d) *hereby resolves to consolidate the amendments contained in Amendment Local Law No.2 (Administration) 2013 (concerning election signs) into Part 2 of Amendment Local Law No.2 (Miscellaneous) 2013, enabling the Council to make a single consolidated local law containing all the publicly advertised amendments and*
- (e) *accordingly, hereby resolve to make*
- (i) *Amendment Local Law No.1 (Miscellaneous) 2013, which has been amended since advertisement to:*



- (1) consolidate the provisions of the advertised draft Amendment Local Law No.2 (Administration) 2013 and
 - (2) include a new section 4(1) to clarify an ambiguity in the definition of 'information notices' and
 - (3) include amendments to take account of public submissions as detailed in Appendix E attached to the report titled "**Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2103**" presented to council dated 25 July 2013 and
- (ii) Amendment Subordinate Local Law No.2 (Miscellaneous) 2013, which has been amended since advertisement to:
- (1) incorporate minor formatting and drafting changes and
 - (2) include amendments to take account of public submissions as detailed in Appendix E attached to the report titled "**Making of Amendment Local Law No. 1 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 and Amendment Subordinate Local Law No. 3 (Administration) 2013**" presented to council dated 25 July 2013 and
- (iii) Amendment Subordinate Local Law No.3 (Administration) 2013, provided the Chief Executive Officer receives satisfactory legal advice about its validity and subject to the following changes since the draft was advertised:
- (1) incorporate minor formatting and drafting changes and
 - (2) include amendments into Schedule 8A Display of election signs:
 - (A) to insert the words 'other than a candidates electoral office' in clause 2 (2)(b)(i)(A) following the word 'place'; and
 - (B) to replace the words 'consent of the owner' in Table 1 (appearing five times) with 'consent of the occupier'.
- (f) subject to the amendments referred to in resolution (e) above, the Chief Executive Officer be authorised to make any necessary administrative and formatting amendments to the documents as part of the final proof reading and cross referencing and
- (g) resolve to delete the strategic policy titled "Installation of an election advertising device" from council's policy register detailed in Appendix F.

For: Councillor T Dwyer, Councillor P Cox, Councillor C Thompson, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor R Green and Councillor T Wellington.

Against: Councillor R Baberowski, Councillor E Hungerford and Councillor G Rogerson.

Carried.



7.3.5 COUNCILLORS' EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY

File No: ECM
Author: Team Leader Councillor Governance
Finance & Business Department
Appendices: App A - Councillors' Expenses Reimbursement and Provision of
Facilities Policy - Proposed
Attachments: Att 1 - Councillors' Expenses Reimbursement and Provision of
Facilities Policy - Tracked Changes

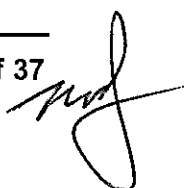
Council Resolution (OM13/137)

Moved: Councillor C Thompson
Seconded: Councillor T Dwyer

That Council:

- (a) receive and note the report titled "**Councillors' Expenses Reimbursement and Provision of Facilities Policy**"
- (b) endorse the amended Councillors' Expenses Reimbursement and Provision of Facilities policy (Appendix A), as amended: 1.4.1 Professional Development, replace "reimbursed" with "reimbursed or entitled to" pursuant to section 250 of the Local Government Regulation 2012
- (c) request the Chief Executive Officer to publish the amended Policy on Sunshine Coast Council's website and ensure a copy of the policy may be inspected and purchased at Sunshine Coast Council's public office in accordance with section 251 of the Local Government Regulation 2012 and
- (d) determine entitlements annually as part of the budget adoption process.

Carried unanimously.



7.4 EXECUTIVE OFFICE**7.4.1 CONTRACT EXTENSION FOR INDEPENDENT MEMBERS OF THE AUDIT COMMITTEE****File No:** ECM**Author:** Manager Audit and Assurance
Executive Office**Attachments:** Att 1 - Audit Committee Charter
Att 2 - CV Overview of External Members (*Under Separate Cover*)
- *Confidential*

Council Resolution (OM13/138)**Moved:** Councillor C Thompson**Seconded:** Councillor C Dickson*That Council:*

- (a) *receive and note the report titled "**Contract Extension for Independent Members of the Audit Committee**" and*
- (b) *appoint Mr Peter Dowling as Audit Committee Chair and Mr Len Scanlan as an Independent Audit Committee Member by extending their existing individual contracts to 30 June 2016.*

Carried unanimously.

8 NOTIFIED MOTIONS**8.1 NOTICES OF MOTION****8.1.1 NOTICE OF MOTION - TELECOMMUNICATIONS COVERAGE**

File No: Statutory Meeting
Author: Councillor Greg Rogerson
Notice of Motion

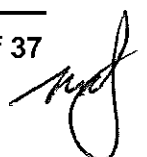
Council Resolution (OM13/139)

Moved: Councillor G Rogerson
Seconded: Councillor J McKay

That Council authorise the Chief Executive Officer to make representations to the Minister of Broadband Communications and the Digital Economy, The Hon. Anthony Albanese and the relevant carriers, seeking urgent investment into mobile phone and broadband coverage to address the lack of coverage in the following areas:

- *Kenilworth to Conondale*
- *Obi Obi Valley.*

Carried unanimously.



8.1.2 NOTICE OF MOTION - BRIBIE ISLAND BREAKTHROUGH

File No: Statutory Meeting
Author: Councillor Tim Dwyer
Notice of Motion

Council Resolution (OM13/140)

Moved: Councillor T Dwyer
Seconded: Councillor J McKay

That Council authorise the Chief Executive Officer to continue negotiations with the Queensland State Government in relation to the situation referred to as the Bribie Island breakthrough to seek proactive coastal protection measures by the State Government including, but not limited to, sand nourishment/sand replenishment program, improvements to groynes and enhancement of coastal vegetation buffers.

Carried unanimously.

8.1.3 NOTICE OF MOTION - SCHOOL ZONE SPEED CAMERA PILOT PROJECT

File No: Statutory Meeting
Author: Councillor Tim Dwyer
Notice of Motion

Council Resolution (OM13/141)

Moved: Councillor T Dwyer
Seconded: Councillor C Dickson

That Council authorise the Chief Executive Officer to write to the Queensland State Government Minister for Transport & Main Roads requesting a 'School Zone Speed Camera' pilot project, with the implementation, learnings and outcomes to be used to inform the State Government and local community of the value of the project in regards to road safety and school funding opportunities throughout Queensland.

Carried unanimously.



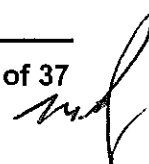
8.1.4 NOTICE OF MOTION - REPORTING PROCESSES

File No: Statutory Meeting
Author: Councillor Tim Dwyer
Notice of Motion

COUNCILLOR RECOMMENDATION

That Council authorise the Chief Executive Officer to implement reform to reporting processes that result in clear and transparent track changes and/or amendment to Council officer reports from their initial compilation to the final version presented to Council Meetings.

With the approval of the Chair and Councillors, Councillor Dwyer withdrew the Notice of Motion.



9 TABLING OF PETITIONS**9.1 PETITION - REMOVAL OF COFFEE VAN, HAPPY VALLEY****Council Resolution** (OM13/142)

Moved: Councillor T Dwyer
Seconded: Councillor G Rogerson

That Council resolve the petition tabled by Councillor T Dwyer in relation to the removal of Mr Muston's Coffee Van at Happy Valley be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

9.2 PETITION – REJECTION OF NATIONAL BROADBAND NETWORK TOWER - HUNCHY**Council Resolution** (OM13/143)

Moved: Councillor G Rogerson
Seconded: Councillor J McKay

That Council resolve the petition tabled by Councillor Rogerson in relation to the rejection of National Broadband Network Tower in Hunchy be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

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

Moved: Councillor R Green
Seconded: Councillor E Hungerford

Moved: Councillor R Green
Seconded: Councillor E Hungerford

That the meeting be closed to the public pursuant to section 275 (h) of the Local Government Regulation 2012 to consider the following items:

- 10.1.1 Confidential - Not for Public Release - Sponsorship Proposal*
- 10.2.1 Confidential - Not for Public Release - Compulsory Acquisition of Land - Beerwah*
- 10.2.2 Confidential - Not for Public Release - Lease Amendment*
- 10.3.1 Confidential - Not for Public Release - Sunshine Coast Airport Lease of Terminal Office*
- 10.3.2 Confidential - Not for Public Release - Claim for Compensation - Court Application No. 4553/2000*

Carried unanimously.

Councillor T Dwyer, Councillor J McKay, Councillor C Dickson and Councillor G Rogerson were absent for the vote on this item.

RE-OPENING OF THE MEETING TO THE PUBLIC**Council Resolution**

Moved: Councillor P Cox
Seconded: Councillor T Wellington

That the meeting be re-opened to the public.

Carried unanimously.

Councillor T Dwyer and Councillor J O'Pray were absent for the vote on this item.

10.1 COMMUNITY SERVICES**10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SPONSORSHIP PROPOSAL**

File No: ECM
Author: Manager Community Facilities
Community Services Department

This report is confidential in accordance with section 275 (e) (h) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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 contributions made by an affected party to his election campaign. Councillor G Rogerson left in the meeting room for the debate and decision on this matter.

Council Resolution (OM13/144)

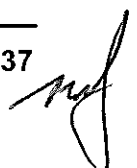
Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council delegate to the Chief Executive Officer the authority to negotiate an appropriate sponsorship agreement in accordance with the directions identified in confidential session.

Carried unanimously.

Councillor T Dwyer and Councillor J O'Pray were absent for the vote on this item.

Councillor G Rogerson was absent for the debate and vote on this item.



10.2 FINANCE AND BUSINESS**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMPULSORY ACQUISITION OF LAND - BEERWAH**

File No: ECM PropertyLandCommercial
Author: Manager Property
Finance & Business Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Council Resolution (OM13/145)

Moved: Councillor R Baberowski
Seconded: Councillor C Thompson

That Council:

- (a) *resolve to continue with the compulsory acquisition of native title rights and interests in or over land identified as Lot 100 on unregistered plan SP235756, currently described as part of Lot 561 FTY 1884 (the Land)*
- (b) *make an application to the Minister administering the Acquisition of Land Act 1967 that any native title rights and interests in and over the Land be acquired for the purposes of public works (Council depot) and historical purposes and*
- (c) *authorise the Chief Executive Officer to make application to the state government seeking for the transfer of land to be at nil consideration.*

Carried unanimously.

Councillor G Rogerson was absent for the vote on this item.

10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LEASE AMENDMENT

File No: ECM
Authors: Acting Manager, Property and Business
Finance & Business Department
Business Technical Support Officer
Finance & Business Department

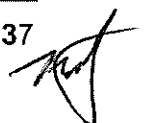
This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it.

Council Resolution (OM13/146)

Moved: Councillor G Rogerson
Seconded: Councillor S Robinson

That Council delegate authority to the Chief Executive Officer to provide an amendment to the Car Park Lease at Eumundi for the purposes of limited Recreational Vehicle Parking (maximum of 20 sites) as discussed during confidential session.

Carried unanimously.



10.3 EXECUTIVE OFFICE**10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST
AIRPORT LEASE OF TERMINAL OFFICE**

File No: ECM
Author: Commercial Property Coordinator
Executive Office

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it.

Council Resolution (OM13/147)

Moved: Councillor S Robinson
Seconded: Councillor C Thompson

That Council approve Sunshine Coast Airport Management to proceed to lease terminal office space of 10.8 m² at Sunshine Coast Airport under Section 236 of the Local Government Regulation 2012 without going to public tender.

Carried unanimously.

**10.3.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - CLAIM FOR
COMPENSATION - COURT APPLICATION NO. 4553/2000**

File No: Council Meetings
Author: Chief Legal Officer
Executive Office

This report is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving the local government.

Council Resolution (OM13/148)

Moved: Councillor E Hungerford
Seconded: Councillor T Wellington

That Council note the advice from the Chief Legal Officer.

Carried unanimously.

11 NEXT MEETING

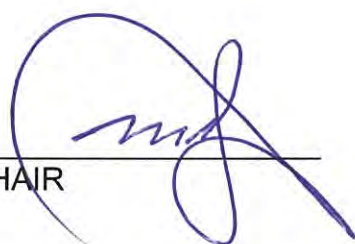
The next Ordinary Meeting will be held on 22 August 2013 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

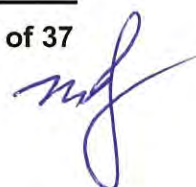
12 MEETING CLOSURE

The meeting closed at 2:15pm.

Confirmed 22 August 2013.

CHAIR





13 APPENDICES**7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ADDITIONAL TOURIST ATTRACTIONS, 157 WARRAN ROAD, YAROOMBA, QLD, 4573 – APPENDIX A – CONDITIONS OF APPROVAL**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach1.pdf>

7.2.1 ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013 – 2028 – APPENDIX A – ELIZABETH DANIELS SPORTS COMPLEX DRAFT MASTER PLAN 2013-2028

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach5.pdf>

7.2.2 NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013 – 2023 – APPENDIX A - NAMBOUR SHOWGROUNDS DRAFT MASTER PLAN 2013-2028

Due to the size of this document an electronic link has not been provided.

7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14 – APPENDIX A – 2013/14 COMMUNITY PARTNERSHIP FUNDING PROGRAM (CPFP) ENVIRONMENT CATEGORY RECOMMENDATIONS

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach7.pdf>

7.2.3 COMMUNITY PARTNERSHIP FUNDING PROGRAM (ENVIRONMENT CATEGORY) RECOMMENDATIONS 2013/14 – APPENDIX B – CPFP (ENVIRONMENT CATEGORY) ALLOCATIONS PREVIOUSLY ENDORSED – AMENDED

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach6.pdf>

7.2.4 COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY – APPENDIX A – DRAFT COMMUNITY PURPOSE LAND AND INFRASTRUCTURE TENURE POLICY

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach10.pdf>



7.2.5 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND - REGION WIDE PERMITS – APPENDIX A – PROPOSED CHANGES TO REGION WIDE PERMIT LOCATIONS – AMENDED

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach12.pdf>

7.3.2 PROCUREMENT POLICY – APPENDIX A – PROCUREMENT POLICY

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach14.pdf>

7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS – APPENDIX A – SOLE SUPPLIER LIST

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach16.pdf>

7.3.3 SOLE AND SPECIALISED SUPPLIER LISTINGS – APPENDIX B – SPECIALISED SUPPLIER LIST

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach29.pdf>

7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX A – AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach18.pdf>

7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX B – AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach19.pdf>



- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX C – AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – AMENDED**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach30.pdf>

- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX D – PUBLIC INTEREST TEST REPORT**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach21.pdf>

- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX E – SUMMARY OF SUBMISSIONS RECEIVED**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach22.pdf>

- 7.3.4 MAKING OF AMENDMENT LOCAL LAW NO. 1 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS) 2013 AND AMENDMENT SUBORDINATE LOCAL LAW NO. 3 (ADMINISTRATION) 2013 – APPENDIX F – STRATEGIC POLICY – INSTALLATION OF AN ELECTION ADVERTISING DEVICE**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach23.pdf>

-
- 7.3.5 COUNCILLORS' EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY – APPENDIX A – COUNCILLORS EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES POLICY – PROPOSED - AMENDED**

<http://cms.sunshinecoast.qld.gov.au/addfiles/agendaAttachments/OM250713/Attach31.pdf>





mf

**APPENDIX A – CONDITIONS OF APPROVAL – 157 WARRAN ROAD,
YAROOMBA**

1. APPLICATION DETAILS

Application No:	MCU12/0190
Street Address:	157 Warran Road, Yaroomba Qld 4573
Real Property Description:	Lot 13 SP 238215, Lot 10 SP 238215, Lot 27 SP 238215
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)

2. DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use of Premises for an extension to an existing Integrated Tourist Facility to add new tourist attractions.

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.
**(Refer to Advisory Note)*

Nature and Extent of Approved Use

3. The approved use is for Development Permit for Material Change of Use for an extension to an existing Integrated Tourist Facility to add 2 new tourist attractions in accordance with the approved plans to include:
 - (a) a vintage car museum/gallery/exhibition area (4 x 500m² temporary marquee structures & a 150m² theatre) or 1 x 2,000m² marquee and a 150m² marquee);
 - (b) a fenced dinosaur theme park to accommodate up to 160 animated dinosaur replicas.
4. The temporary museum/gallery/exhibition structures may not be replaced by permanent buildings until detailed building plans have been approved by Unitywater.
5. Future buildings housing the museum/gallery/exhibition must not exceed the height and gross floor area of the approved temporary structures and must be located within the approved *Future Allowable Building Area* identified on the approved *Future Permanent Building Area Plans*.



6. The new tourist attractions on the premises must not operate outside the hours of:
 - (a) 10:00am to 6:00pm 7 days per week 365 days per year for the vintage car museum/gallery/exhibition attraction.
 - (b) 10:00am to 9:00pm 7 days per week 365 days per year for the mini dinosaur theme park.

Building appearance

7. Roof materials for the new structure must be non-reflective and designed with colours and styles to minimise the visual impact of the development.

ENGINEERING CONDITIONS

Site Access and Driveways

8. Site access for patron of the attractions must be from the main resort access on Warran Road.

Car Parking

9. Within precinct 1B (resort parking), a minimum of 249 car parking spaces must be provided and line marked on the site in accordance with the approved plans and SKM Traffic Impact Assessment Study. The works must include 8 disabled parking spaces within the total as per the SKM Report.
10. All resort car parking and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
11. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

Service Vehicles

12. Provisions for public passenger transport bus/coach and taxi set down must be provided on site in accordance with the approved plans and DTMR concurrence conditions.

Pedestrian and Bicycle Facilities

13. Pedestrian and bicycle facilities must be provided for the development in accordance with the approved plans. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a minimum 1.5 metre wide concrete footpath as shown in magenta on the approved *Carparking, Cyclist Facilities & Pedestrian Network Plan*.
 - (b) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
 - (c) a minimum of 4 class 3 bicycle parking spaces to be located in proximity to the entrance to the vintage car museum.
14. The pedestrian path network to the new tourist attraction must be maintained in good working order at all times.

Easements

15. The applicant must register access easements as necessary.
16. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Damage to Services and Assets

17. 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.

Flood Immunity

18. The minimum floor level of all buildings constructed for the vintage car gallery must be in accordance with the Approved Plans.
19. All elements of the Mini Dinosaur Park, including the exhibits, which are located below the 1 in 100 year ARI flood level, are to be designed to either tolerate or exclude inundation by flood waters such that damage to the park does not occur and the use can be recommenced following a flood event without delay.

Stormwater Quality Management

20. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and may include either a proprietary underground system or a vegetated bioretention system, provided that all areas subject to this approval are treated to achieve 45% reduction in TN, 60% reduction in TP and 80% reduction in TSS mean annual loads.

LANDSCAPING & ENVIRONMENTAL HEALTH

21. The development site must be landscaped*. The works must be undertaken generally in accordance with a Landscape Plan and an Operational Works approval and must include:
- (a) the landscaping works shown on the approved plans
 - (b) provision street furniture including a minimum of bench seats and litter bins;
 - (c) provision of a water fountain located near the vintage car museum.
- *(Refer to Advisory Note)*
22. The applicant must landscape the vintage car museum/gallery/exhibition marquee structures to soften their appearance and ensure that ancillary air conditioning units and other structures are screened.
23. The applicant must site the dinosaur exhibits amongst the existing vegetation. Vegetation within the dinosaur park may not be removed without the permission of council as part of an application for operational works (landscaping).
24. While the dinosaur park may be fenced to limit access, the fence must remain transparent so as not to obstruct the views of residents within the resort or adjacent community title scheme accommodation and to maintain the visual amenity of the resort. Alternatively, additional landscape screening to the exhibit as approved by council would be acceptable.
25. All landscape works must be maintained for the life of the development in accordance with horticultural best practice with construction techniques and irrigation that allow for healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

Acoustic Amenity

26. During operating hours, noise emissions from the dinosaur exhibits must not exceed the background noise level plus 5dB(A) at any noise sensitive receptor (dwelling) external to the resort site. The background noise level must be assessed as the LA90,15min (Fast Response) in the absence of the source noise.
27. Where complaints (other than frivolous or vexatious) are made to council about noise from the dinosaur exhibit, council may require the resort manager to:
- Submit a Noise Impact Assessment prepared by a suitably qualified acoustic consultant in accordance with Maroochy Plan 2000 Planning Scheme Policy, and/or
 - Install volume limiting devices for the exhibits and/or shield mechanical plant and equipment as certified by a qualified acoustic consultant.
28. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. air conditioning units), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned or controlled to ensure that sound pressure does not exceed the following levels outside the site:
- 40 dB(A) L_{eq} for living and work areas
 - 35 dB(A) L_{eq} for sleeping areas
 - 45 dB(A) L_{max} for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note).

Outdoor Lighting Devices

29. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.

Waste Management

30. Refuse receptacles must be provided at each exhibit and emptied on regular basis.

UNITYWATER

31. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
32. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewer mains, and 1.0 metre from a sewer manhole chamber or sewer inspection opening, *unless otherwise approved by Unitywater*. The 300mm VC trunk sewer main is greater than 3 metres in depth and requires a clearance of 2 metres each side of the sewer, *unless otherwise approved by Unitywater*. Structural footings must be founded below the sewer zone of influence.
33. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature, and suitable approved varieties.
34. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	Department of Transport & Main Roads PO Box 1600 Sunshine Plaza Postal Shop, Maroochydore Qld 4558	State-controlled road matters; Public Passenger Transport; Railways.	The agency provided its response on 17 June 2013 (Reference No. TMR12-005009). A copy of the response is attached.

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Plans requiring amendments

Plan No.	Rev.	Plan Name	Date
13103A/06	14	<i>Future Permanent Building Area Plan</i> , prepared by AK Building Design	27/05/13
13103A/08	14	<i>Mini Dinosaur Park Site Plan</i> prepared by AK Building Design	27/05/13
13103A/09	14	<i>Mini Dinosaur Park Layout Part 1 Plan</i> prepared by AK Building Design	27/05/13
13103A/10	14	<i>Mini Dinosaur Park Layout Part 2 Plan</i> prepared by AK Building Design	27/05/13
13103A/11	14	<i>Palmer Dinosaur Park Schedule</i> prepared by AK Building Design	27/05/13
Amendments		Amend the plans to remove the tennis court from the proposed dinosaur park or provide a replacement court in proximity to the tennis club.	

Plan No.	Rev.	Plan Name	Date
13103A/02	14	<i>Sub-Precinct 1A & 1B Extent of Works Plan</i> , prepared by AK Building Design	27/05/13
13103A/03	14	<i>Carparking, Cyclist Facilities & Pedestrian Network Plan</i> , prepared by AK Building Design	27/05/13
13103A/04	14	<i>Vintage Car Gallery Aerial Plan</i> , prepared by AK Building Design	27/05/13
13103A/05	14	<i>Vintage Car Gallery Layout Plan</i> , prepared by AK Building Design	27/05/13
13103A/06	14	<i>Vintage Car Gallery Site Drainage/ Pathways Plan</i> , prepared by AK Building Design	27/05/13
Amendments		Locate marquee #1 to be 2m clear of the 300mmVC trunk sewer main unless otherwise approved by Unitywater.	

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
QB10456	R03	<i>Tourist Attractions - Palmer Coolum Resort - Traffic Impact Assessment Study, prepared by SKM</i>	30/04/13

8. ADVISORY NOTES

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

PLANNING

Nature and Extent of Approved Development

- Should the outstanding matters raised in this approval be addressed to Council's satisfaction, Council may change the approval to a Development Permit through the Negotiated Decision Notice process.

Infrastructure Charges

- This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

- From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact Q Leave on 1800 803 481 (free call) or (07) 3212 6855.

Preparation of Operational Works Application

- The applicant is advised to refer to section 2.1.2 of Planning Scheme Policy No. 5 – *Operational Works* prior to preparation of any Operational Works application for the development.

Co-ordination of Operational Works Assessment

- To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

6. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction.
 - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures.
 - (c) works programme identifying key components of the works and their respective durations.
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
 - (f) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

LANDSCAPE

Co-ordination of Operational Works Assessment

Preparation of a Landscape Plan

7. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
- (a) be prepared by a qualified person and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size
 - (c) show all existing and proposed services including overhead power, drainage, water and sewerage
 - (d) include important spot levels and/or contours
 - (e) include contextual information of the site including adjoining roads, land uses and photographs of site
 - (f) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
 - (g) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
 - (h) show landscape works for the full frontage of the development site
 - (i) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan.

Qualified Person

8. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.

Qualified Person

9. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.

UNITYWATER

10. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.

Equitable Access and Facilities

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

Aboriginal Cultural Heritage Act 2003

12. 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 Operational Work (Engineering and Landscaping)
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 181 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.





mf