



AGENDA

ORDINARY MEETING

Wednesday 22 February 2012

commencing at 9.30am

Council Chambers, 9 Pelican Street, Tewantin

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**3 RECEIPT AND CONFIRMATION OF MINUTES****3.1 CONFIRMATION OF MINUTES****3.1.1 ORDINARY MEETING HELD ON 31 JANUARY 2012**

That the minutes of the Ordinary Meeting held on 31 January 2012 be received and confirmed.

4 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEMS 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*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

5 MAYORAL MINUTE**6 PRESENTATIONS**

7 REPORTS DIRECT TO COUNCIL

7.1 REGIONAL STRATEGY AND PLANNING

7.1.1 PUBLIC TRANSPORT LEVY INITIATIVES CONTINUATION REPORT

File No: ECM 22 February 2012
Author: Project Manager State Transport Projects
Regional Strategy and Planning

PURPOSE

The purpose of this report is to enable the continuation of the public transport initiatives into 2012/13 to meet current agreements and in line with user expectations until the new council has been able to consider the Public Transport Levy as part of the budget process.

EXECUTIVE SUMMARY

The requirement for this report is triggered by the delay in the date of the local government elections. This timing does not allow the required notifications to be given under existing agreements and arrangements with State agencies and operators (as applicable) for the continuation of existing public transport services.

Many of the existing public transport service arrangements require confirmation by the end of May 2012 to ensure seamless continuation into 2012/13. This enables certainty to be provided to users and service providers (bus operators).

There are a range of contractual or funding agreements associated with the current range of public transport service initiatives operating with funding support from the Public Transport Levy. This ranges from Funding Agreements with the state to service contracts with transport operators. Existing agreements generally have a review or renewal date of 30 June of each year for the life of the agreement but requiring confirmation of continuation by end of May of that year.

This report seeks confirmation of the intent to continue these services until a new council has considered the Public Transport Levy as part of its 2012/13 budget deliberations.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled 'Public Transport Levy Initiatives Continuation Report';**
- (b) confirms it requires the seamless continuation of existing public transport services to ensure no interruption to users of these services until the new council has considered the Public Transport Levy as part of the 2012/13 budget process;**
- (c) authorise the Chief Executive Officer to consider options and negotiate with transport agencies to provide continuation of current public transport service;**

- (d) authorise the Chief Executive Officer to use funds from the Public Transport Levy Reserve to support these services; and
- (e) clarifies that the existing services affected include:
- (i) Beerwah to Landsborough to Maleny Bus Service trial,
 - (ii) Council Cabs,
 - (iii) Improvements to Route 619 (between Maroochydore and Kawana Shopping World)
 - (iv) Coolum to Nambour Bus Service trial, and
 - (v) Flexilink services between Peachester and Beerwah, Conondale and Maleny, Kenilworth and Mapleton and Boreen Point and Tewantin.

FINANCE AND RESOURCING

It is proposed to use existing funds in the Public Transport Levy Reserve to remove uncertainty and provide a seamless continuation of existing public transport services to meet agreements and intentions for a short period until the new council has considered the Public Transport Levy.

The funding required to provide this continuation for users may range from \$230,000 to \$600,000. The actual cost will depend on the flexibility of existing service contracts relating to minimum periods for service extension or the extension of existing contracts.

Advice on the Reserve has previously been distributed. Funds in the order of \$3.25 million are available. The funding proposed to provide continuity represents only a portion of the funds existing in this Reserve.

CORPORATE PLAN

Corporate Plan Theme: *Accessibility and Connectedness*

Emerging Priority: 6.2 Better public transport
Strategy: 6.2.3 In partnership with state government, deliver a responsive and affordable public transport system, that considers arterial bus and light rail, which links the major activity centres of the region

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.2 Effective business management
Strategy: 8.2.3 Implement a business approach that focuses on maximising opportunities, managing risks and improving quality of service

Corporate Plan Theme: *Innovation and creativity*

Emerging Priority: 3.1 Partnerships and alliances that drive innovation
Strategy: 3.1.1 Foster partnerships with governments, business and the community to encourage innovation and sustainability.

CONSULTATION

Internal Consultation

Internal communication related to public transport service initiatives has been maintained through the regular email updates to councillors and senior staff. The subject of this report has required internal consultation between officers of the Regional Strategy & Planning Department, Infrastructure Services Department, Finance and Business Department and Community Services Department.

External Consultation

Preliminary external consultation has involved officers of the Department of Transport and Main Roads, TransLink Transit Authority and the public transport service operators as appropriate.

Community Engagement

No community engagement has occurred in this matter.

PROPOSAL

It is proposed to deal with the issues arising from the change of local government election date and consequential timing impacts to various commitments in place for public transport service improvements through this report to:

- Continue existing commitments in terms of public transport services being supported by the Public Transport Levy so as not to inconvenience current users;
- authorise the Chief Executive Officer to consider options of dealing with contractual issues related to continuation of public transport services until the new council has considered the Public Transport Levy as part of the 2012/13 budget process;
- authorise the Chief Executive Officer to use a portion of existing funds available from the Public Transport Levy Reserve to ensure a seamless continuation for users.

Background

In the normal course of business this report would not have been required if the local government election date had remained in March 2012. This would have allowed a new council the opportunity, as part of the 2012/13 budget process, to consider the Public Transport Levy and the necessary advices provided to State transport agencies and transport operators as necessary before the end of May 2012.

The change to the local government election date to 28 April 2012 makes this report necessary as it will mean Council may not commence budget deliberations until June 2012.

Many of the existing public transport service arrangements require confirmation by the end of May 2012 to ensure seamless continuation into 2012/13. This enables certainty to be provided to users and service providers (bus operators).

Failure of confirmation by the end of May 2012 would see cessation of the service at the end of June under the arrangements in place. This timing is required to enable appropriate communication to occur to current users to allow alternative travel arrangements to be made. It also allows service providers time to deal with equipment levels and rosters.

The services in question that are considered for continuation into 2012/13 include:

- Beerwah to Landsborough to Maleny Bus Service trial,
- Council Cabs,
- Improvements to Route 619 (between Maroochydore and Kawana Shopping World)
- Coolum to Nambour Bus Service trial, and
- Flexilink services between Peachester and Beerwah, Conondale and Maleny, Kenilworth and Mapleton and Boreen Point and Tewantin.

Any proposals for commencement of any new service initiatives will now be deferred.

Legal

There are a range of contractual or funding agreements associated with the current range of public transport service initiatives operating with funding support from the Public Transport Levy. This ranges from Funding Agreements with the state to service contracts with transport operators. Existing agreements generally have a review or renewal date of 30 June of each year for the life of the agreement but requiring confirmation of continuation by end of May of that year.

Options for how their seamless continuation can occur will need to be investigated. Internal legal and procurement advice will need to be sought to deal with this matter.

This report supports this by identifying an existing, available funding source which simplifies financial discussions when dealing with the procedural and contractual matters.

Policy

This report is in line with and supports the recently adopted Sustainable Transport Strategy as follows:

Sustainable Transport Strategy Goal 1: *A shift to public and active transport modes is achieved*

- | | | |
|--------------------------|-----|--|
| Integrated Policy | 1.1 | Integrate services, pricing and passenger information systems and improve access to create a connected public transport network. |
| | 1.2 | In partnership with State Agencies, improve public transport travel speed, frequency, reliability and patronage to increase vehicle productivity to more effectively compete with the reliability, speed and convenience of the private motor vehicle leading to increased patronage and revenues relative to service provision costs. |
| | 1.3 | Improve accessibility, safety, convenience, coverage, and comfort of public transport service for all users including the disabled, seniors, and residents with limited access to services. |

The Public Transport Levy Policy applies to this report.

Risk

There is a risk of the discontinuation of the current public transport services supported by council. This would cause disruption to current users and a loss of confidence in any future public transport initiatives, as well as public transport as a viable travel mode alternative.

There are no apparent significant risks associated with the continuing of public transport service initiatives which revolve around contractual, funding, procedural and timing issues.

Previous Council Resolution

No previous resolutions are relevant to this report.

Related Documentation

The documents relevant to the issue relate to correspondence and agreements related to each service.

Critical Dates

The agreements generally have renewal confirmation dates of the end of May, by which time confirmation of continuance is required or the cessation of the initiative will take effect on 30 June of that year. This year it is likely that council will not be in a position to consider the Public Transport Levy in the normal course of business.

Implementation

Discussions would need to be held with TransLink, Department of Transport and Main Roads and service providers to develop options for continuation that meet all parties' requirements. Internally, investigations into all issues related to enabling the continuation would occur.

The Chief Executive Officer would be presented with information sufficient to enable a decision of the preferred course of action to continue existing services, until the new council has considered a full report on the Public Transport Levy.

Officers would then follow through with actions to formalise any arrangements.

Implementation of any service continuation will require the co-operation and co-ordination between the responsible state organisation (under legislation), the public transport operators (via its contractual basis) and council where appropriate, due to funding and support marketing.

Some additional communication strategy may be necessary to retain confidence in service continuation for users.

8 PERFORMANCE AND SERVICE COMMITTEE RECOMMENDATIONS

(PSC) ITEM 4.1.1 BUDGET DEVELOPMENT 2012/2013

That Council:

- (a) receive and note the report titled "Budget Development 2012/2013"; and
- (b) endorse the option to adopt the 2012/2013 budget by 30 June 2012.

That Council request the Chief Executive Officer to write to both the Minister and Shadow Minister for Local Government and Planning advocating for an October election date as part of future fixed term elections for Local Government, on the basis that an October election date allows for improved budget preparations and business planning for incoming Councils.

(PSC) ITEM 4.1.2 FREE WI-FI TRIALS IN PUBLIC PLACES

That Council:

- (a) receive and note the report titled "Free WiFi Trials in Public Places";
- (b) subject to the procurement of a suitable private Wi-Fi partner and the identification of the required funding through the budget review process, authorise the Chief Executive Officer to establish a free Wi-Fi internet access trial in public places for one year, with the trial sites being located at:
 - (i) Mooloolaba Esplanade;
 - (ii) Gympie Terrace, Noosaville;
 - (iii) Kings Beach, Caloundra;
 - (iv) Montville township; and
- (c) authorise the Chief Executive Officer to commission an independent evaluation of the free Wi-Fi internet access trial after one year from its commencement, with the results of the evaluation and projected cost estimates to be reported to council for consideration prior to the continuation of the service at the trial sites and any extension of the trial to other locations.

(PSC) ITEM 4.1.3 PROPOSED AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (PARKING) 2012

That Council:

- (a) receive and note the report titled "Proposed Amendment Subordinate Local Law No. 1 (Parking) 2012";
- (b) resolves to propose to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as detailed in Attachment 1 with the following amendments to the new Schedule 4 inserted by section 3, which relate to the infringement notice penalty amounts detailed in Column 2 for section 106 and section 205 offences:

Column 1 Minor traffic offence	Column 2 Infringement notice penalty
*Paid parking offences provided for in section 106 (Paid parking offences) of the Transport Operations (Road Use Management) Act 1995.	3/10 penalty unit
The offence provided for section 205 (parking for longer than indicated) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009	1/2 penalty unit

- (c) resolves in relation to Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above), to adjust its process for making local laws resolved on 1 June 2010 pursuant to section 29(1) of the Local Government Act 2009, by excluding community consultation for the following reasons:
- (i) the amendments reduce the penalty infringement notice amount for certain parking offences and therefore do not negatively impact on residents of the Sunshine Coast Regional Council area;
- (d) resolves that proposed Amendment Subordinate Local Law No. 1 (Parking) 2012 (as amended in (b) above) has 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 law does not contain any possible anti-competitive provisions. The subordinate local law relates to the regulation of parking and does not relate to a commercial activity; and
- (e) accordingly resolves to make Amendment Subordinate Local Law No. 1 (Parking) 2012 as amended in (b) above.

(PSC) ITEM 4.1.4 QUARTERLY PROGRESS REPORT - QUARTER 2, 2011-2012

That Council:

- (a) receive and note the report titled "Quarterly Progress Report - Quarter 2, 2011-2012";
- (b) note the Chief Executive Officer's Quarterly Progress Report – Quarter 2, 1 October 2011 to 31 December 2011 (Appendix A); and
- (c) note the Operational Plan Activities Report – Quarter Ended December 2011 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.

(PSC) ITEM 4.2.1 ENVIRONMENTAL FUNCTIONS - OPERATIONAL SERVICE LEVELS

That Council:

- (a) receive and note the report titled "Environmental Functions - Operational Service Levels";
- (b) endorse the defined operational service levels for each of the environmental functions (Appendix A); and
- (c) note a future report will be presented that outlines the current state of assets managed by Environmental Operations as a component of the asset management plan presentations in the forthcoming budget.

(PSC) ITEM 4.3.1 BALLINGER PARK SPORTS COMPLEX MASTER PLAN

That Council:

- (a) receive and note the report titled "Ballinger Park Sports Complex Master Plan";
- (b) adopt the Ballinger Park Sports Complex Master Plan (Appendix A) and implement future stages of development for the Ballinger Park Sports Complex in accordance with the revised master plan, subsequent development priorities as outlined within this report, successful application of external funding and councils annual budget process including ten year capital works program; and
- (c) present the Ballinger Park Sports Complex Master Plan and prioritised staged implementation to the relevant sporting and recreation user groups and wider community.

(PSC) ITEM 4.3.2 Arts Industry Incubators Feasibility Study Report

That Council:

- (a) receive and note the report titled "Arts Industry Incubators Feasibility Study Report";
 - (b) receive and note the consultant report titled "Arts Industry Incubators Feasibility Study – Costed Implementation Strategy (Appendix A);
 - (c) receive and note the consultant report titled "Sunshine Coast Arts Incubators Feasibility Study – Report" (Appendix B);
 - (d) refer the initiative to the 2012/2013 budget development process for funding consideration; and
 - (e) recognise linkages between community services, strategic planning and economic development in regard to the Creative Industry initiatives.
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(PSC) ITEM 4.4.1 AUDIT COMMITTEE REPORT 30 JANUARY 2012

That Council:

- (a) receive and note the report titled "Audit Committee Report 30 January 2012";
 - (b) note and implement the recommendations from the Audit Committee Minutes 30 January 2012 (Appendix A);
 - (c) acknowledge and thank the professional external members of the Audit Committee for their contribution during this term of council and thank also the internal audit team; and
 - (d) request the Chief Executive Officer to provide regular written reports to Council on strategic risk as identified to the Audit Committee.
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PERFORMANCE AND SERVICE COMMITTEE RECOMMENDATION

That Council adopt the recommendations of the Performance and Service Committee Meeting of 14 February 2012, except where dealt with separately by Council.

9 STRATEGY AND PLANNING COMMITTEE RECOMMENDATIONS

(SPC) ITEM 4.1.1 PRESENTATIONS – KIN KIN QUARRY MANAGEMENT PLAN

That Council receive and note the presentations provided by both Neilsens Quality Gravels Pty Ltd and the Kin Kin Community Group in relation to the Kin Kin Quarry Management Plan.

(SPC) ITEM 4.2.1 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 158 LOTS), PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (COMMUNITY CENTRE) - SPRINGS DRIVE, MERIDAN PLAINS

That Council:

- (a) approve with conditions Application No. 2007/56-00019 and grant a Development Permit for a Reconfiguration of a Lot (1 into 158 lots) situated at Springs Drive, Meridan Plains, in accordance with Appendix A amended, namely:
 - (i) amend Condition 40 to read as follows:
 - 40. The land area identified as Park (total of 24.187 hectares) on the Plan Drawing No. 051033.7 Amendment F Dated 06/06/11 by KHA Development Managers must be transferred to Council in fee simple on trust for park purposes. The land area to be transferred must be unencumbered by services such as pump stations, services easements or similar operational uses;
 - (ii) insert additional conditions 40A and 40B as follows:
 - 40A. The land owner/developer must be responsible for all costs associated with the transfer of the land, including the requirement to obtain a valuation for the land from a registered property valuer and to pay all stamp duty upon transfer.
 - 40B. One original signed and 'stamped' Queensland Land Registry Transfer of Ownership and Forms 1, 24 and 20 must be lodged with Council for endorsement prior to the registration of title, together with a survey plan and a copy of the land valuation; and
 - (iii) delete Condition 41;
- (b) approve with conditions Application No. 2007/56-00019 and grant a Preliminary Approval for a Material Change of Use (Community Centre) situated at Springs Drive, Meridan Plains, in accordance with Appendix A;
- (c) approve a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the residential precinct only (applying to duplex dwellings and display dwellings) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;

- (d) find the following are sufficient planning grounds to justify the decision, in recommendation (c) above, despite the conflict with the Planning Scheme:
 - (i) duplex dwellings are supported by the Planning Area Code in Caloundra City Plan 2004; and
 - (ii) display dwellings function in a similar manner to a detached dwelling;
 - (e) approve in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Community Centre only) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, subject to the conditions in Appendix A;
 - (f) find the following are sufficient planning grounds to justify the decision, in recommendation (e) above, despite the conflict with the Planning Scheme:
 - (i) the particular nature, location and scale of the land use will not impact on the amenity of the precinct and not impact upon adjoining residential uses, existing traffic and access arrangements, where developed in accordance with the conditions of approval;
 - (ii) the particular nature, location and scale of the proposal will not impact upon environmental values, where developed in accordance with the conditions of approval;
 - (iii) the proposed land use does not present serious conflict with the Planning Scheme as a whole; and
 - (g) refuse in part a Preliminary Approval Overriding the Planning Scheme (varying the effect of the planning scheme) for the community centre precinct (for Accommodation Building, Function Room, Restaurant and Place of Worship) for application 2007/56-00019 at Springs Drive, Meridan Plains, described as Lot 12 SP189346, for the following reasons:
 - (i) these uses are intended to be ancillary to the community centre land use;
 - (ii) where ancillary, no change to the level of assessment is required;
 - (h) advise the applicant that Council agree to offset the value of the Land for Parks and Community Facilities aspect of the Adopted infrastructure Charges to a maximum value of \$1,440,738 for the provision of trunk infrastructure as recognised in the Adopted Infrastructure Charges Resolution.
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(SPC) ITEM 4.2.2 REPRESENTATIONS FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE (EXTENSION TO SHOPPING COMPLEX) AND PRELIMINARY APPROVAL FOR BUILDING WORKS AT 119 POINT CARTWRIGHT DRIVE, 10 AND 12 TUMUT STREET, 2-18 BERMAGUI CRESCENT AND TUMUT STREET BUDDINA KNOWN AS KAWANA SHOPPINGWORLD

That the item lay on the table until the Ordinary Meeting of the 22 February 2012.

(SPC) ITEM 4.2.3 REQUEST FOR A NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH AN EXTRACTIVE INDUSTRY (SAND EXTRACTION) AND ENVIRONMENTALLY RELEVANT ACTIVITY NO. 16 (EXTRACTIVE AND SCREENING ACTIVITIES), 545 EASTERN MARY RIVER ROAD, 2084 AND 2316 MALENY-KENILWORTH ROAD, CONONDALE

That Council:

- (a) agree to delete Conditions 1 to 6 of the Preliminary Approval;
- (b) approve with Conditions Application No. 2010/610004 and grant a Negotiated Decision Notice for a Development Permit for a Material Change of Use to Establish an Extractive Industry (Sand Extraction) and Environmentally Relevant Activity Number 16 (Extractive and Screening Activities) situated at 545 Eastern Mary River Road, 2084 and 2316 Maleny-Kenilworth Road, Conondale, described as Lots 1 and 2 RP55330 and Lot 1 RP55331 in accordance with the conditions of approval outlined in Appendix A as amended namely:

delete Condition 12 and replace with:

- 12. From the commencement of use and until the site is fully rehabilitated in accordance with the Revised Rehabilitation Management Plan listed in this Decision Notice the high bank of the Mary River and the extraction pit must be surveyed at intervals not exceeding two years and within 6 months of a significant flow event (see below). Survey of the high bank of the Mary River and the extraction pit must be kept and made available to Council Officers upon request. A significant flow event is defined as a 1 in 10 year ARI event which shall be deemed to have occurred when the Bellbird Gauge records a peak flow of 1800m³/s or greater. The survey must include the high bank of the Mary River, top of batter of the extraction pit and the entire extraction pit both above and below any standing water within the pit with contours in meters AHD at intervals no more than 1m.
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(SPC) ITEM 4.2.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ENTERTAINMENT AND DINING BUSINESS AND MODIFICATIONS TO EXISTING SERVICE STATION, 66 NOOSA DRIVE, NOOSA HEADS

That Council APPROVE WITH CONDITIONS Application No. 132009.1335 and grant a Development Permit for Entertainment and Dining Business – Type 1 Restaurant and modifications to an existing Service Station situated at 66 Noosa Drive, Noosa, in accordance with Appendix A and subject to the following changes:-

A. Amend Decision Details to read as follows:-

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use – Entertainment and Dining Business Type 1- Restaurant and modifications to existing Service Station.

B. Delete Condition 1

C. Amend Conditions 18, 22, 23, 30 and 50 to read as follows:-

18. Vehicular access to and within the development must be constructed generally in accordance with drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 or as amended by conditions of this approval. The access must include all necessary signage and linemarking including the proposed automated signage for the Lower Carparking area.
22. The Loading Bay as shown on drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 must be suitable for a MRV and be suitably signed and linemarked. All signage and linemarking must be in accordance with the Queensland Transport and Mains Roads Manual of Uniform Traffic Control Devices (MUTCD).
23. Carparking must be provided within the site generally as shown on drawing number plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 and plan SK8.01 Revision I prepared by WBP Architects dated 7 February 2012, except as modified herein.
30. The new sections of footpath as shown on plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012 must be constructed as part of the development. The paths crossing the “islands” must be at grade with no step up or down.
50. The development site and the road reserve in front of the site must be landscaped generally in accordance with Council’s Noosa Junction Master Plan and Council’s planning scheme policy PSP3 – Landscape Plants and Guidelines. The works must be undertaken in accordance with an Operational Works approval and the Sunshine Coast Regional Council landscape materials palette for that specific area and must include in particular:
 - (a) the works shown on the approved Landscaping Plan, as may be amended by conditions of this Development Permit;

- (b) planting of more mature vegetation including pot sizes of 45 and 100 litres to the Noosa Drive frontage;
- (c) vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage; and
- (d) provision of street trees within the road reserve.

D. Include the following additional conditions to read as follows:-

1. The position of the fuel bowsers and associated filling areas on site shall be located such that vehicles filling at the bowsers do not impede the vehicle path to the disabled space. The vehicle path shall be in accordance with AS 2890.6.
2. On-street car parking spaces (relocated and new) must be generally in accordance with plan SK8.02 Revision L prepared by WBP Architects dated 7 February 2012, the Noosa Junction Master Plan and AS2890.5-1993. The redundant harstand area of the current on-street car parking spaces must be removed and the area landscaped in accordance with Council's Noosa Junction Master Plan and Council's Planning Scheme Policy PSP3 – Landscaping Plants and Guidelines.

E. Amend the list of Approved Plans to read as follows:-

6. APPROVED PLANS/DOCUMENTS

Approved Plans

Plan No.	Rev.	Plan Name	Date
SK8.01	I	Lower Floor Plan	7.02.12
SK8.02	L	Ground Floor Plan	7.02.12
SK8.03	D	Upper Floor Plan	7.02.12
SK8.04	C	Elevations and Sections	18.10.11
SK8.05	D	Site Carpark Setout Plan	7.02.12
SK8.06	D	Lower Level Carpark Setout Plan	7.02.12
SK8.07	E	Site Landscaping Plan	7.02.12
SK8.08	C	Lower Floor Landscaping Plan	7.02.12

F. Delete the list of Plans Requiring Amendment

G. Amend Further Development Permits Required to read as follows:-

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work for Landscaping, Access and/or Carparking, Site Civil Works, Roadworks, Stormwater Drainage and Frontage Works

Development Permit for Operational Works for Advertising Devices

Development Permit for Building Work

(SPC) ITEM 4.2.5 UPCOMING SIGNIFICANT DEVELOPMENT APPLICATIONS

That Council:

- (a) receive and note the report titled 'Upcoming Significant Development Applications'; and
 - (b) note the List of Upcoming Significant Development Applications (Appendix A).
-

(SPC) ITEM 5.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - PALMVIEW EAST-WEST GREENLINK ALIGNMENT

That the matter lay on the table pending further advice from the Palmview infrastructure agreement signatories and further Council review of best practice public transport provision associated with links to the east.

(SPC) ITEM 5.1.2 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – UPDATE – STRATEGIC OPERATIONS

That Council note the discussions held in confidential session.

STRATEGY AND PLANNING COMMITTEE RECOMMENDATION

That Council adopt the recommendations of the Strategy and Planning Committee Meeting of 15 February 2012, except where dealt with separately by Council.

10 NOTIFIED MOTIONS

10.1 NOTICE OF RESCISSION

Nil.

10.2 NOTICE OF MOTION

10.2.1 NOTICE OF MOTION - ACCESS TO BUILDING THE EDUCATION REVOLUTION FUNDED FACILITIES

File No: ECM 22 February 2012

Author: Councillor V Griffin
Notice of Motion

Attachment: [Att 1 - BER P21 Schools - Summary List](#) (OM Att Pg 3)

EXECUTIVE SUMMARY

Councillor V Griffin intends to move the following Notice of Motion at the next Ordinary Meeting of Council on 22 February 2012.

COUNCILLOR RECOMMENDATION

That Council write to the Queensland and Commonwealth Ministers for Education and the Queensland and Commonwealth Auditors-General, expressing concern at the failure to provide for real community access at low or no cost to Building the Education Revolution (BER) funded facilities on the Sunshine Coast, as required under the conditions of funding.

COUNCILLOR COMMENT

At the Ordinary Meeting of 16 March 2011, Council resolved as follows:

That Council:

- (a) request the Chief Executive Officer to undertake consultation with all schools with Building the Education Revolution (BER) funded facilities, and in addition also include Bli Bli, Bokarina, Currimundi, Chancellor Park and Kuluin Schools to examine adequacy of community access to those facilities and report to council on the outcome of that process and any impacts these have on council facilities, and the impacts that these may have on planning for social planning infrastructure; and*
- (b) request the Chief Executive Officer to formally negotiate a regional agreement on partnerships facilities and community access with the Minister of Education.*

It is a condition of BER funding that community access be available to these facilities at low or no cost. Such access has the potential to obviate the need for future Council (ratepayer and developer) funded facilities. It also has a value in and of itself to optimise community access to such facilities, thus providing for greater integration of residential and school communities.

Since that resolution, officers in the Community Services directorate have sought to establish the current situation. In brief, they have found:

- There are 72 BER-funded facilities (private and public) on the Sunshine Coast (**see Attachment 1**).
- The value of such facilities is in the order of \$164 million.
- Beyond basic information it has not been possible to ascertain the specifics of each facility constructed. It would appear that within the Department of Education the required information has not been collated centrally – to get this information Council would need to contact individual schools.
- It has been difficult to consult with the 72 schools individually. Therefore officers have not been able to gather information from every school. However the information that has been gathered suggests that while most schools are agreeable in principle to community access to the BER facilities there is significant variation in the application of the conditions of funding .
- The conditions of funding state that community access is to be provided at low or no cost. However it would appear that generally the fees are being set as full cost recovery or as a revenue raising activity for the given school.
- Promotion of the facilities in most cases is non-existent therefore community members would not be able to find out that they existed. It is a condition of BER funding that the availability of the facility to the community needs to be promoted.
- The processes for hiring the school facilities are complex and the extent of the forms, even for a single booking puts people off.
- Public liability insurance is an issue. Some of the schools state that groups or individuals must have \$10 million public liability insurance, even for a single booking. However council officers have been advised by senior DET officers that school principals can choose to hire facilities to low-risk activities without the insurance.

CONCLUSION

1. Much of the problems identified above could be overcome if Department of Education, Employment and Workplace Relations (DEEWR) or Department of Education and Training (DET) would publish guidelines to schools on the community use aspect, providing more clarity on the specific elements. There is an excellent example available from the state of Victoria.
2. It is likely that similar problems are occurring across the state of Queensland with respect to BER funded facilities and community access.
3. This is an issue of considerable probity, since a major funding condition for millions of dollars worth of facilities appears not to be being implemented in the state of Queensland.
4. It is essential that both State and Federal Ministers for Education and both State and Federal Auditors-General have this matter brought to their attention for swift remedial action.

EXECUTIVE DIRECTOR COMMUNITY SERVICES COMMENTS

The content of the Notice of Motion reflects the findings of the work undertaken by the Community Services Department in attending to the Council resolution of the 16 March 2011 and the recommendation is supported.

10.3 FORESHADOWED NOTICE OF MOTION

11 TABLING OF PETITIONS

Petitions only eligible for submission if:

- * Legible
 - * Have purpose of the petition on top of each page
 - * Contain at least 10 signatures
 - * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to Committee/Chief Executive Officer for report and recommendation
 - Petition not be received
-

12 CONFIDENTIAL SESSION

13 NEXT MEETING

The next Ordinary Meeting will be held on 14 March 2012 in the Caloundra Council Chambers, 1 Omrah Avenue, Caloundra.

14 MEETING CLOSURE
