

# **MINUTES**

## **Ordinary Meeting**

**Thursday, 29 May 2014**

**commencing at 6pm**

**Pomona Bowls Club, School Street, Pomona**

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**Crs Noel Playford (Chair), Bob Abbot, Sandy Bolton, Joe Jurisevic,  
Frank Pardon, Tony Wellington, Frank Wilkie**

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**1 ATTENDANCE & APOLOGIES****COUNCILLORS**

Councillor N Playford, Mayor  
Councillor B Abbot  
Councillor S Bolton  
Councillor J Jurisevic  
Councillor F Pardon  
Councillor T Wellington  
Councillor F Wilkie

**EXECUTIVE**

B de Chastel, Chief Executive Officer  
A Rogers, Director Community Services  
M Shave, Director Corporate Services

**APOLOGIES**

Nil.

The meeting commenced at 6.00pm.

**2 CONFIRMATION OF MINUTES****Council Resolution**

**Moved:** Cr Bolton  
**Seconded:** Cr Jurisevic

The Minutes of the Ordinary Meeting held on 1 May 2014 be received and confirmed subject to the following amendment:

Item 4, Page 7 - *Application for Material Change of Use – Service and Utility Type 3 (Tower), Situated at 153 Lake Flat Road, Boreen Point* to correct a typographical error to the Application No. to replace “MCU13/0052” with “MCU13/0053”.

**Carried.**

**3 MAYORAL MINUTES**

Nil.

**4 NOTIFIED MOTIONS**

Nil.

**5 CONSIDERATION OF COMMITTEE RECOMMENDATIONS****INFRASTRUCTURE & SERVICES COMMITTEE RECOMMENDATIONS****20 MAY 2014 - Crs Bob Abbot (Chair), Sandy Bolton, Frank Pardon, Noel Playford***Other Councillors in attendance: Cr Jurisevic***3 APPOINTMENT OF NEW CHAIRPERSON****Council Resolution****Moved: Cr Pardon****Seconded: Cr Abbot**

That Council note that Cr Abbot resigned as Chairperson of the Infrastructure & Services Committee and that the Committee appointed Cr Bolton as its new Chairperson.

**Carried.**

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***The following Recommendations from the Infrastructure & Services Committee were adopted without discussion or further amendment.***

**Council Resolution****Moved: Cr Jurisevic****Seconded: Cr Bolton**

The Infrastructure & Services Committee recommendations dated 20 May 2014 be adopted except where dealt with or held over by separate resolution.

**Carried.****1 FREE HOLIDAY BUSES EASTER 2014 AND NOOSA HEADS LIONS PARK CAR PARK**

Council note the report by the Project Officer, Transport Infrastructure Management to the Infrastructure and Services Committee dated 20 May 2014 and request staff to write to TransLink expressing Council's appreciation for their ongoing support of this initiative.

**2 REGIONAL ARTS DEVELOPMENT FUND (RADF) GRANT RECOMMENDATIONS FOR ROUND 1 2014**

That Council note the report by the Cultural Project Officer to the Infrastructure & Services Committee dated 20 May 2014 and endorse the Regional Arts Development Fund Grant Recommendations for Round 1 2014 as set out in Attachment 1 to the report.

**PLANNING & ORGANISATION COMMITTEE RECOMMENDATIONS****20 MAY 2014 - Crs Frank Wilkie (Chair), Noel Playford, Joe Jurisevic, Tony Wellington***Other Councillors in attendance: Cr Pardon***2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A RETAIL BUSINESS TYPE 2 – SHOP, ENTERTAINMENT & DINING BUSINESS TYPE 2 - FOOD & BEVERAGES AND COMMERCIAL BUSINESS TYPE 1 – OFFICE SITUATED AT 215 DAVID LOW WAY, PEREGIAN BEACH**

*Cr Wilkie declared a perceived conflict of interest in this matter (as defined in section 173 of the local government Act 2009) due to his membership of the Peregian Beach Community Association who have previously made a submission in support of the development application. Cr Wilkie believed he could consider this item impartially and in the public interest and therefore remained in the meeting room for the debate.*

*Cr Jurisevic declared a perceived conflict of interest in this matter (as defined in section 173 of the local government Act 2009) due to his membership of the Peregian Beach Community Association who have previously made a submission in support of the development application. Cr Jurisevic believed he could consider this item impartially and in the public interest and therefore remained in the meeting room for the debate.*

**Planning & Organisation Committee Recommendation**

*That Council note the report by Development Planner regarding Application No. MCU13/0251 for a Development Permit for Material Change of Use for Retail Business Type 2 - Shop, Entertainment & Dining Business - Type 1 Food & Beverages, Commercial Type 1 - Office situated at 215 David Low Way, Peregian Beach and*

- A. Approve the application in accordance with the conditions contained in the Ordinary Meeting Agenda dated 29 May 2014.*
- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:*
  - 1. The proposal provides for a supermarket which will satisfy the top-up and convenience shopping needs of residents and visitors of the locality, and is not otherwise able to be accommodated within the existing Neighbourhood Centre.*
  - 2. The development is located directly opposite the Peregian Beach village and is likely to complement and contribute to the village as the focal point for the community.*
  - 3. The site has a current development approval which includes a significant retail commercial component and is located between 2 existing commercial uses.*

**Council Resolution**

**Moved: Cr Abbot**  
**Seconded: Cr Wellington**

*That Council note the report by Development Planner regarding Application No. MCU13/0251 for a Development Permit for Material Change of Use for Retail Business Type 2 - Shop, Entertainment & Dining Business - Type 1 Food & Beverages, Commercial Type 1 - Office situated at 215 David Low Way, Peregian Beach and*

- A. Approve the application in accordance with the following conditions:

#### PLANNING

##### When Conditions must be Complied With

1. Unless otherwise stated, all conditions of the Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.
2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed below, unless otherwise amended by the conditions of approval.

Plan No.	Rev.	Plan Name	Date Submitted
DA-03	2	Site Plan, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-04	2	Ground Floor Plan, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-05	2	Elevations, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-06	2	Elevations, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-07	2	Sections, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-08	2	Diagrammatic Perspectives, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-09	2	Perspectives, prepared by <i>Red Door Architecture</i>	27/03/2014
DA-10	2	Perspectives, prepared by <i>Red Door Architecture</i>	27/03/2014

##### Performance Bond

3. Security in the form of a cash bond or trading bank guarantee to the sum of **\$50,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

##### Business Uses

4. The Retail Business Type 2 – Shop, must not operate outside the hours of 7am to 9pm. Any Entertainment & Dining Business – Type 1 Food & Beverage uses must not operate outside the hours of Sunday to Thursday 7am to 10pm, and Friday and Saturday 7am to 12 midnight.
5. Service delivery vehicles must not conduct deliveries outside the hours of 6am to 9pm.
6. The tenancies are to have a minimum of 50% transparent glazing fronting the internal carpark.

**Advertising Signage**

7. Any advertising sign or device is to comply with Council's policies on advertising, alternatively, an application for Operational Works (Signage) is required for any signage in excess of this requirement. The proposed advertising signage on the plans listed within the decision notice is not approved.

**Design**

8. The development must be finished in muted tones which blend in with the natural surrounds. The buildings must be finished with the mix of materials and details identified within the approved plans.

**Community Management Statement**

9. Any proposed Community Management Statement required for the development pursuant to the Body Corporate and Community Management Act 1997 must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

**Fire Management**

10. The development must be carried out in accordance with the recommendations of a Bushfire Management Plan prepared by a suitably qualified person and an approval for Operational Works.
11. Certification must be submitted from a suitably qualified person which certifies that the recommendations of a Bushfire Management Plan approved by Council have been incorporated into the development.
12. A copy of the Bushfire Management Plan approved by Council must be provided to the nearest fire, ambulance and police station.

**Koala Management**

13. The development shall be carried out in accordance with the management measures recommended in the Koala Habitat Management Report Solutions Report dated June 2010.

**Bicycle Parking & End of Trip Facilities**

14. Secure bicycle racks shall be provided on site to accommodate a minimum of 18 bicycles. The cycle parking rack is to be made available for customers and staff at all times during business hours.
15. End of trip facilities shall be provided for staff and shall include a minimum of 4 lockers and a minimum of 1 shower cubicle.

**Acoustic Report**

16. An acoustic report prepared by a suitably qualified person is to be submitted and approved by council prior to the issue of the Decision Notice for Operational Works. The acoustic report is to address all potential noise sources from the proposed development and demonstrate that –
  - mechanical equipment such as ventilation, air conditioning, refrigeration, fans, plant rooms, refuse compactors and pumps etc. and

- vehicle movements from waste collection activities and delivery of goods (including refrigerated vehicles, engine noise, fork lifts, compactors etc.) to the service yard and dock area
- will not cause an environmental nuisance to the future residential uses on the balance of the site and the existing nearest residential areas when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment. Noise emissions are to comply with the noise requirements under the *Environmental Protection Act 1994*.
17. The acoustic report shall include the location of any plant and associated equipment, predicted noise levels and a description of acoustic enclosures and screenings including an acoustic screen along the western boundary to mitigate intrusive noise from delivery and waste vehicles and associated activities.
  18. Certification must be submitted from a suitably qualified person which certifies that the recommendations of a Noise Management Plan approved by Council have been incorporated into the development.

### **Waste Management Plan**

19. A Waste Management Plan (Operational) in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", for the day-to-day operation of the development is to be submitted and approved by council prior to the issue of a Development Permit for Operational Works. The Plan should include the following information as a minimum:
  - The types of waste that will be generated from the activities approved within the development.
  - Estimated volumes or tonnage of both recyclables and waste generated.
  - Methods to be used for dealing with any green waste.
  - Initiatives to minimize waste either by waste prevention, reduction, re-use or recycling.
  - Description of procedures for getting all waste to the bins; the storage of bins and the collection of bins by the contractor.
  - A description of the design details of waste storage and recycling areas including size, location, elevation, enclosure/s, floor plan and methods of bin washing that prevent contamination of storm water and an appropriately sized bin wash area drained to sewer.
  - A description of types and volume of waste storage containers to be used.
  - The waste and recycling storage area should include the provision of correctly sized containers for all waste and recycling materials including putrescible matter, non-recycling waste, paper/ cardboard, glass, aluminium/steel cans, waste oil, styrofoam boxes, etc., and bin washing facilities connected to sewer.
  - A detailed description of the waste vehicle access to collect waste including vehicle turnarounds consistent with vehicle access requirements that allow vehicles to enter and leave the site in a forward direction. It should be noted that:
    - Waste vehicles are front loading for steel bins 1.5 to 3m<sup>3</sup> bins
    - Waste vehicles are rear loading for plastic low noise bins 1.1m<sup>3</sup> bins
    - Waste vehicles are side loading for 240 litre wheelie bins
    - The advisory notes contain specifications for Refuse Vehicle Access Requirements for design purposes

**Outdoor Lighting**

20. Any outdoor lighting with the potential to affect surrounding residential premises shall be designed, installed, operated and maintained in accordance with AS4282 "The Control of the Obtrusive effects of Outdoor Lighting".
21. During operating hours, all parking areas, pedestrian areas and entrances/exits to all stairwells, lifts and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "Public Lighting Code". Lighting must be designed to reduce the contrast between shadows and well lit areas.

**Unitywater**

22. Construction activities must not impede the access of Unitywater or Fire Brigade personnel to vital infrastructure (eg. valves, fire hydrants and sewer access chambers).
23. The fire-fighting demand on Unitywater's water supply system from the development must not exceed 30 litres per second.
24. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
25. Water meters must be located on alternative boundaries to electrical pillars.
26. The existing Unitywater sewer infrastructure must be relocated clear of the proposed building works prior to commencement of excavation on site.
27. Written approval to enter and construct must be provided from property owners through which external sewers or relocated sewers traverse. This must be submitted with lodgment of the associated development application for Operational Works.
28. Easements of between 3 and 10 metres must be provided over all Unitywater sewers located within property boundaries in accordance with the SEQ standards. Easements shall be centred over the pipe. Easement terms shall be the most current registered dealing held by the Department of Natural Resources & Mines and shall not be altered or amended.
29. Buildings, basements 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. Any proposed or existing retaining wall crossing Unitywater sewer mains must be self supporting for a minimum of 1.0 metre each side of the sewer pipe and piered below the zone of influence of the sewer.
30. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
31. 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.
32. 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.



**Landscaping**

33. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval, *Planning Scheme Policy 3 Landscaping Plants and Guidelines* and must include in particular:
- (a) The works generally shown on the Approved Plans unless amended by these conditions
  - (b) A minimum 3.5m wide landscaped area on the David Low Way frontage within the site boundary, extending from the bus-stop to the intersection with the unnamed road, with at least 2.5m of the landscaped area at road level
  - (c) The transformer is not to be located within the landscape setback areas
  - (d) A minimum 2m wide landscaped area on the unnamed road frontage within the site boundary with at least 1.2m of the landscaped area at road level
  - (e) a densely landscaped strip along the David Low Way and the unnamed road frontage of the subject site, exclusive of the access driveway, bus stop and pedestrian entry, generally uncompromised by infrastructure items to provide vegetative structural screening of the development from the David Low Way
  - (f) A minimum of 4 x 100L street trees to the David Low Way frontage and 4 x 100L street trees to the unnamed road frontage shall be provided
  - (g) landscaping to raised planting beds along road frontages is adequately supported by the provision of structured soils suitable for the approved planting palette selection.
  - (h) All retaining structures and associated civil infrastructure are to be designed, constructed and certified to accommodate the vegetative structural screening of the development from the David Low Way when the trees are mature.
  - (i) All fencing to retaining walls tops must be of open construction and suitable for purpose to ensure vegetative screening of the development
  - (j) Provide a 45L car park shade trees for every 4 car parking spaces including structural soils to all beds
  - (k) Removal of all bioretention basins from front road setback areas to allow for suitable screening vegetation
  - (l) Removal of the Pylon sign from the front boundary landscape setback area
  - (m) Landscaping trees to the David Low Way frontage must be of similar form and type to existing landscaping to the eastern side of David Low Way
34. With any operational works application, provide details of the level spreader and stormwater swale works outside the development area.
35. A 5 metre wide easement for access purposes must be registered against the title of the property in favour of Council over the land area from the stub road to the park dedication area on the subject site. The easement must be granted at no cost to Council.

**Parkland Restoration and Dedication**

36. An Ecological Restoration Plan for the Park shall be prepared and submitted for Council approval prior to the commencement of use. The park areas of the site shall be revegetated and rehabilitated in accordance with the Council approved Ecological Restoration Plan.

37. The Ecological Restoration Plan shall be prepared by a qualified and experienced Ecologist, to the reasonable satisfaction of the Council. The Ecological Restoration Plan (ERP) shall be applicable to the portion of the site to be dedicated to Council as Parkland and address environmental weed removal and control, rehabilitation of existing vegetation communities and revegetation strategies for degraded areas of the area of the site to be dedicated as parkland. It shall identify all the areas of the park that require ecological restoration, specify actions and works necessary to result in robust, self-sustaining, viable indigenous plant communities and habitat. The ERP shall aim to revegetate the park areas with suitable native species to resemble the local endemic ecosystem by removing all environmental weeds from the area. The ERP shall detail continual maintenance requirements for a 1 year period (the maintenance period) to enable the revegetation and rehabilitation works to be self-maintaining.
38. The following, inter alia, shall be addressed and included in the Ecological Restoration Plan and specifications:
- (a) specify the required works and actions for each area in terms of:
    - (i) site preparation (this may include thinning, grass removal, weed removal and control, etc.);
    - (ii) establishment of the missing floristic and structural elements;
    - (iii) The area previously cleared within the proposed park area must include in the replanting within the eastern and western edges of the proposed park boundary a minimum of 8 x 100L *Melaleuca quinquenervia* to provide relatively instant screening of the east/west clearing path
    - (iv) planting and mulching procedures;
    - (v) watering procedures;
    - (vi) protection from wildfire, particularly during the establishment phase;
    - (vii) erosion and sediment control;
    - (viii) on-going maintenance;
    - (ix) access for maintenance;
    - (x) environmental safeguards; and
    - (xi) incorporation of the relevant requirements of all the management plans required by this approval, particularly the Bushfire Management Plan and Koala Management Plan.
39. A plain wire fauna-friendly fence shall be erected around the eastern interface of the park area to be protected and restored, prior to clearing works and construction activities commencing on site. The fauna fence will have signs attached restricting entry to authorised persons only.
40. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures 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.
41. Following the restoration of the park area in accordance with the approved restoration plan, the land required to be dedicated for park purposes, as indicated on drawing M2358-00-03/C on council file 2010/627 shall be dedicated to the Crown (with Council as Trustee) for parkland for environmental protection purposes pursuant to the Land Act 1994 at no cost to Council.

## ENGINEERING

### External Works

42. The David Low Way frontage to the subject site and the intersection of David Low Way with the unnamed road (Road 151) at the south eastern corner of the subject site must be upgraded. The works must be generally in accordance with drawing No. 13512-1 dated 21 March 2014 prepared by Holland Traffic Consulting and undertaken in accordance with an Operational Works approval. The works must include in particular:
- (a) construction of the required intersection islands and linemarking
  - (b) construction of any necessary widening on the eastern side of David Low Way opposite the intersection, with any works restricted to a maximum incursion width of 0.5m
  - (c) construction of new kerb and channeling and bus stop in the David Low Way frontage of the site
  - (d) any associated underground stormwater drainage
  - (e) any associated realignment or relocation of existing services and lighting
  - (f) widening and sealing of the existing road pavement
  - (g) construction of any associated retaining structures
  - (h) construction of a shared pathway in accordance with the conditions of this Decision Notice
  - (i) provision of landscaping in accordance with Council requirements
43. The existing formation of the unnamed road (Road 151) must be upgraded as required to cater for the proposed development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) repair and/or replacement of any damaged sections of kerb and channel
  - (b) repair and/or replacement of any substandard sections of pavement
  - (c) repair and/or replace green bike land pavement treatments in accordance with Council requirements
  - (d) any extension to the formation to facilitate access to the subject site
  - (e) relocation or extension to the existing stormwater system, services and property accesses
  - (f) a 30mm asphalt overlay at the completion of the construction works

### Road Widening

44. The property boundary along David Low Way must be realigned to be a minimum of 2.5m from the new kerb line of the bus stop. The affected parts of the site must be dedicated as "Road".

### Site Access and Driveways

45. A sealed access driveway must be provided from the unnamed road (Road 151) to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a driveway crossover in accordance with IPWEAQ standard drawing SEQ – R052
  - (b) suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the exit to warn motorists of pedestrian movement along the frontage street
  - (c) fencing or vegetation near the driveway must comply with the sight line requirements as defined in AS/NZS2890.1:2004. The sight lines must be shown on any plans submitted for Operational Works approval.

**Car Parking**

46. A minimum of 85 car parking spaces must be provided and marked on the site and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 13 staff parking spaces within the total, which are clearly marked for that purpose
  - (b) provision of vandal resistant public lighting with intensities to satisfy the requirements of Australian Standard AS1158: *Public Lighting Code*
  - (c) dimensions, crossfalls and gradients in accordance with Australian Standard AS/NZS 2890.1:2004 and AS/NZS2890.6:2009 for the relevant user class
47. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
48. Directional signage must be provided to direct customers to the car parking spaces provided on site.

**Service Vehicles**

49. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) regular access for a SRV
  - (b) regular access for a LRV
  - (c) regular for a waste collection vehicle

**Pedestrian and Bicycle Facilities**

50. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a 2.5 metre wide concrete shared pathway within the road verge for the entire length of the site's frontage to David Low Way
  - (b) a 2 metre wide concrete pathway within the road verge for the length of the site's frontage to the unnamed road (Road 151) extending from the intersection with David Low Way to the entrance to the site
  - (c) reinstatement of road cycle lanes (minimum of 1.5m in width) and green pavement treatments to delineate bike land and neatly integrate with existing bike land treatments.

**Stormwater Drainage**

51. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and must include in particular a detailed Stormwater Management Plan (including MUSIC modeling and reporting) for the construction and operational phases of the development that:
- (a) demonstrates that there is no net increase in stormwater runoff (volume and frequency) from the site
  - (b) includes stormwater quality improvement devices that achieve the current "best practice" water quality objectives
  - (c) Sediment and Erosion Control Plan during the construction phases

- (d) Provision to cater for the stormwater runoff from the adjoining properties and roads that drain through the site, including registration of drainage easements
  - (e) All structures including infiltration pits, level spreaders etc, located within the developable area of the site and clear of the area to be dedicated as Park.
52. All buildings proposed on site must be constructed to comply with Council's Minimum Floor Height requirements at the time of issue of the Building Permit.

#### **Electricity and Telecommunication Services**

53. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
54. Certification must be submitted to Council from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

#### **Easements**

55. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
56. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.
57. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

#### **Earthworks and Retaining Walls**

58. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: *Guidelines on Earthworks for Commercial and Residential Developments*.
59. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

#### **Acid Sulfate Soils**

60. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person and referenced in a Development Permit for Operational Works. In this regard appropriate testing and supporting documentation prepared by a suitably qualified specialist must be submitted to Council for approval prior to obtaining a Development Permit for Operational Works.

**Damage to Services and Assets**

61. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
- (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; and
- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. The proposal provides for a supermarket which will satisfy the top-up and convenience shopping needs of residents and visitors of the locality, and is not otherwise able to be accommodated within the existing Neighbourhood Centre.
  2. The development is located directly opposite the Peregian Beach village and is likely to complement and contribute to the village as the focal point for the community.
  3. The site has a current development approval which includes a significant retail commercial component and is located between 2 existing commercial uses.

**Carried unanimously.**

**(Crs. Wilkie and Jurisevic voted in favour of the motion)**

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***The following Recommendations from the Planning & Organisation Committee were adopted without discussion or further amendment.***

**Council Resolution**

**Moved: Cr Wilkie**  
**Seconded: Cr Wellington**

The Planning & Organisation Committee recommendations dated 20 May 2014 be adopted except where dealt with or held over by separate resolution.

**Carried.**

**1 PLANNING & ENVIRONMENT COURT APPEAL 1648 OF 2014 – NOOSA ON WEYBA DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL FOR A MIXED USE COMMUNITY TITLE DEVELOPMENT**

That Council note the report by the Senior Development Planner to the Planning and Organisation Committee dated 20 May 2014 regarding Planning & Environment Court Appeal 1648 of 2014 (Northbrook Corporation Pty Ltd) for the Noosa on Weyba development application and agree to defend the appeal.

**3 APPLICATION FOR OPERATIONAL WORKS – EARTHWORKS SITUATED AT 26 EXHIBITION STREET, POMONA**

*Item not dealt with by the Planning & Organisation Committee. Referred to the General Committee for consideration.*

**4 UTILITY MODEL AND UNITYWATER'S INTERIM CONNECTION POLICY**

That Council note the Coordinator Development Assessment's report to the Planning and Organisation Committee Meeting dated 20 May 2014 regarding the Utility Model and Unitywater's Interim Connection Policy and

A. Agree to endorse the Interim Connection Policy subject to the following amendments:

1. The future development assumptions for Noosa as identified in Part 2 of Noosa's Priority Infrastructure Plan shall be incorporated into the Interim Connection Policy;
2. All conservation lands in public ownership, including National Parks, foreshores and the like shall be excluded from the Connection, Future Connection and Restricted Connection Areas given these lands are located outside the identified Priority Infrastructure Area for Noosa and are not planned for development;
3. Private properties that have an existing connection but which are located outside the Priority Infrastructure Area shall be limited to property connection for a single residential dwelling only;
4. The Sewer Utility Model maps are to exclude Lots 14 & 44 RP59216 (Map 3 – Boreen Point) and Lot 101 SP254354 (Maps 4 & 5 – Cooran) from the Connection Area;
5. The Sewer Utility Model and Water Utility Model Maps are to include Lot 366 MCH 958 at 119 Moorindil Street, Tewantin as a Restricted Sewer Area as Water & Sewerage PSP contributions have been paid for a single residential dwelling;
6. The Water Utility Model Maps are to exclude Lot 101 SP254354 (Maps 4 & 5 – Cooran) from the Connection Area;
7. The Water Utility Model Maps are to identify Lake Macdonald (Map 11) consistent with Lake Cooroibah, lake Cootharaba, Lake Weyba, Noosa River; and

B. Request that Unitywater provide an amended copy of the Interim Connections Policy incorporating the required amendments to Council prior to 1 July 2014.

**5 SUBMISSIONS ON NOOSA PLAN AMENDMENTS PRELIMINARY CONSULTATION**

That Council note the report by Strategic Planner, Strategic Land Use Planning to the Planning and Organisation Committee dated 20 May 2014, and respond to persons who made submissions to the preliminary consultation on the proposed scheme amendments advising them of the process going forward.

**6 GRANTING OF TENURE – NOOSA NORTH SHORE LANDING GROUND FOR AIRCRAFT (LOT 7 MCH4562)**

*Item not dealt with by the Planning & Organisation Committee. Referred to the General Committee for consideration.*

**7 NOOSA RIVER CARAVAN PARK ONSITE MANAGEMENT CONTRACT 327401 - OPTION**

That Council note the report by the Senior Property Officer, Property and Land Management to the Planning and Organisational Committee dated 20 May 2014 and authorise the exercise of the option to extend the Contract for a further one (1) year period commencing 1 September 2014, as per conditions offered in Tender 327401.

**8 SUNRISE NEIGHBOURHOOD SHOPPING CENTRE – SHOP 5 NEW LEASE AGREEMENT**

That Council note the report by the Senior Property Officer, Property and Facilities to the Planning and Organisation Committee Meeting dated 20 May 2014 and

- A. Approve the new lease agreement in the new company name of Australian Leisure and Hospitality Group Pty Limited, for 5 years commencing 2 January 2015;
- B. Authorise the Chief Executive Officer to award a subsequent 5 year extension of the lease subject to the lessee complying with the terms of the lease; and
- C. Apply the exception to the requirement for tendering of the lease under Section 236 (1) (c) (iii) of the *Local Government Regulation 2012* as the renewal is to the existing tenant.

**9 FINANCIAL PERFORMANCE – MAY 2014**

That Council note the Financial Performance Report for April 2014 from the Manager Financial Services to the Planning and Organisation Committee meeting dated 20 May 2014.

**10 ADMINISTRATIVE ACTION COMPLAINT PROCESS**

That Council note the report by the Project Officer Governance to the Planning and Organisation Committee Meeting dated 20 May 2014 and

- A. Rescind the existing Complaints Management Process that transferred to the Noosa Council from the Sunshine Coast Regional Council under the *Local Government (De-amalgamation Implementation) Regulation 2013*; and
- B. Adopt the Administrative Action Complaint Process and authorise the Chief Executive Officer to make administrative amendments to the Process referred to in Attachment 1.

**11 REVIEW OF INSTRUMENTS OF DELEGATIONS**

That Council note the report by the Project Officer Governance to the Planning and Organisation Committee dated 20 May 2014 and

- A. Rescind existing delegations that transferred to the Noosa Council from the Sunshine Coast Regional Council under the *Local Government (De-amalgamation Implementation) Regulation 2013* as detailed in Attachment 1; and
- B. Delegate to the Chief Executive Officer of Council pursuant to section 257 of the *Local Government Act 2009*, all powers referred to in Attachment 2.



**12 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

That Council note the report by the Chief Executive Officer to the Planning & Organisation Committee dated 20 May 2014 and in accordance with Section 195 of the Local Government Act 2009, agree to appoint Martin Drydale, Director Planning & Infrastructure as the Acting Chief Executive Officer during any periods of leave or absence by the Chief Executive Officer.

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**GENERAL COMMITTEE RECOMMENDATIONS**

**26 MAY 2014 – Crs Tony Wellington (Chair), Bob Abbot, Sandy Bolton, Joe Jurisevic, Frank Pardon, Noel Playford, Frank Wilkie**

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***The following Recommendations from the General Committee were adopted without discussion or further amendment.***

**Council Resolution**

**Moved: Cr Wellington**  
**Seconded: Cr Bolton**

The General Committee recommendations dated 26 May 2014 be adopted.

**Carried.**

**1 APPLICATION FOR OPERATIONAL WORKS – EARTHWORKS SITUATED AT 26 EXHIBITION STREET, POMONA – FURTHER REPORT**

That Council approve Application No. OPW13/0830 for a Development Permit for Operational Works – Earthworks and Stockpile for Repairs situated at 26 Exhibition Street, Pomona in accordance with the following Conditions of Approval:

1. The applicant must provide a “Flood Impact Assessment” of the filling placed on site.  
*\*(Refer to Advisory Note)* The assessment must:
  - (a) be prepared by a suitably qualified professional engineer,
  - (b) have regard to Council’s Pomona Flood Study, and
  - (c) clearly indicate the extent of any off-site impacts.Should the assessment conclude that offsite impacts will occur, recommendations must be included in the ‘Flood Impact Assessment’ detailing any necessary remedial works.
2. The applicant must undertake any necessary remediation works included in the recommendations of the required “Flood Impact Assessment”. Remediation works may include, but not be limited to, removal of fill and/or reshaping surface levels.
3. The applicant must provide a landscape rehabilitation plan, based the findings of the “Flood Impact Assessment”, that provides compensatory habitat along the batters of the fill to offset habitat lost. The compensatory habitat must provide habitat features for local threatened frog species.
4. The landscape rehabilitation plan must be submitted to Council for approval within 2 months of this notice.
5. Council must be contacted at least 5 working days prior to any works commencing to organise a prestart. The contact number to arrange a pre-start meeting is 5329 6244. The pre-start meeting must include the relevant parties for the following aspects of the works:
  - (a) Earthworks;
  - (b) Landscaping and/or rehabilitation
6. All unsuitable materials and other waste must be removed from the fill.

7. All fill and associated batters must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
8. The batters of the existing fill must be regraded such that that are a maximum grade of:
  - (a) 1 in 6 where in proximity to waterbodies
  - (b) 1 in 4 for grassed areas.
  - (c) 1 in 3 for planted areas
9. No further filling, excluding the repairs to the existing surface, is to be undertaken on the site without Council approval.
10. No further disturbance of the riparian vegetation, unless for ecological restoration works, is to be undertaken on the site without Council approval.
11. All stockpiles of fill material must be located above the 1%AEP flood level.
12. All exposed or disturbed surfaces must be suitably stabilised as soon as is practicable after works have been completed. *\*(Refer to Advisory Note)*
13. Where damage occurs to any council asset as a result of the development works, it must be repaired immediately where it creates a hazard that presents risk to person or property. Other damage must be repaired prior to completion of works.
14. All works must be completed within 12 months from the date that this permit takes effect.

#### **ADVISORY NOTES**

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

##### **General Advisory Notes**

1. In regard to the required "Flood Impact Assessment" Council will provide access to the current data relating to flood modeling within the Pomona township.
2. Council reserves the right to call up any performance bond held or levy charges against the property, should emergency works be required to be undertaken by Council to make the site safe due to inactivity on the development site for extended periods of time.
3. Should any changes or modifications to the approved plans be required as a result of construction constraints, a "Request to change an existing approval" under the Sustainable Planning Act 2009 must be made. Amended plans clearly indicating the changes must be lodged with this application along with the appropriate fees.

##### **Prestart Meeting Request**

4. Contact Council on 5329 6244 to arrange a prestart or an inspection giving a minimum of 5 business days notice of preferred inspection time.

##### **Erosion and Sediment Control**

5. Accepted best practice standards include:
  - (a) the Sunshine Coast Regional Council Manual for Erosion and Sediment Control V1.2 or other superseding document subsequently adopted by Council;
  - (b) Best Practice Erosion and Sediment Control, International Erosion Control Association (2008)
6. As a general rule, a site is determined to have achieved effective short-term stabilisation if at the completion of the works:
  - I. Methods of stabilisation are:
    - appropriate for slopes and slope lengths; and
    - are consistent with best practice environmental management practices such as in the Manual for Erosion and Sediment Control or the IECA Manual; and
  - II. Stormwater runoff from the site is not currently, and is not likely to result in visible evidence of sedimentation or erosion, or lead to water contamination.

**2 GRANTING OF TENURE – NOOSA NORTH SHORE LANDING GROUND FOR AIRCRAFT (LOT 7 MCH4562)**

That Council note the report by Coordinator Property and Land Management to the Planning and Organisation Committee Meeting dated 20 May; and

- A. Grant a three year lease to Sunshine Coast Aviators Inc. with respect to the new hangar to be constructed, and
- B. Grant a three year trustee permit to the Sunshine Coast Model Flyers Inc. with respect to the existing hangar at the site.

**3 BUDGET REVIEW FOR THE 6 MONTHS ENDING 30 JUNE 2014**

That Council note the report by the Manager Financial Services to the General Committee dated 26 May 2014 and adopt the changes identified in the budget statements attached to the report.

**4 NOOSA BIOSPHERE RESERVE – REVIEW OF MANAGEMENT MODEL**

That Council note the report by the Noosa Biosphere Reserve Working Group to the General Committee meeting dated 26 May 2014 in relation to the review of the Noosa Biosphere Reserve Management Model and:

- A. Note the feedback from the community consultation;
- B. Adopt the proposed Noosa Biosphere Reserve Management Model as set out in the report by the Noosa Biosphere Reserve Working Group;
- C. Request the Chief Executive Officer to develop a proposed implementation plan to transition to the new Noosa Biosphere Reserve Management model;
- D. Authorise the Chief Executive Officer to commence implementation and transition to the proposed Noosa Biosphere Reserve Management Model; and
- E. In relation to the Noosa Biosphere Ltd, Council:
  - 1. Wind up the Noosa Biosphere Ltd following its AGM as part of the transition to the new Noosa Biosphere Reserve Management model;
  - 2. Request the Noosa Biosphere Ltd to focus on finalising current budgeted projects until that time including undertaking the Noosa Biosphere Day; and
  - 3. Thank the Noosa Biosphere Ltd Board members for their contribution to the Noosa Biosphere Reserve.

**6 ORDINARY MEETING REPORTS**

Nil.

**7 PETITIONS****1 PETITION: REQUEST TO COUNCIL TO INTRODUCE ADDITIONAL KERBSIDE ANGLE PARKING ON SUNSHINE BEACH ROAD, NOOSA JUNCTION****Council Resolution**

**Moved: Cr Pardon**  
**Seconded: Cr Jurisevic**

That the petition tabled by Cr Pardon requesting Council to introduce kerbside angle parking on Sunshine Beach Road, Noosa Junction be received and referred to the Chief Executive Officer to determine appropriate action.

**Carried.**

**8 CONFIDENTIAL SESSION**

Nil.

**9 NEXT MEETING**

The next Ordinary Meeting will be held on 26 June 2014 in the Council Chambers, 9 Pelican Street, Tewantin commencing at 6pm.

**10 MEETING CLOSURE**

The meeting closed at 6.20pm.