



AGENDA

Ordinary Meeting

Thursday, 17 January 2019

commencing at 6pm

Council Chambers, 9 Pelican Street, Tewantin

**Crs Tony Wellington (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic,
Frank Pardon, Brian Stockwell, Frank Wilkie**

“Noosa Shire – different by nature”

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1 ATTENDANCE & APOLOGIES

2 CONFIRMATION OF MINUTES

The Minutes of the Ordinary Meeting held on 20 December 2018 be received and confirmed.

3 MAYORAL MINUTES

Nil

4 PETITIONS

5 NOTIFIED MOTIONS

Nil.

6 CONSIDERATION OF COMMITTEE RECOMMENDATIONS**GENERAL COMMITTEE RECOMMENDATIONS**

14 JANUARY 2019 - Crs. Frank Wilkie (Chair), Ingrid Jackson, Joe Jurisevic, Cr Jess Glasgow, Frank Pardon, Brian Stockwell and Tony Wellington

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jackson

That the operation of the Standing Orders or any relevant provision thereof be suspended to allow Councillors to each sign a declaration to abide by the new Councillor Code of Conduct, which came into effect on 3 December 2018.

Carried.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jackson

That Standing Orders be resumed.

Carried.

1 PRE-RESPONSE REQUEST TO CHANGE CONDITIONS OF P&E COURT ORDER (318/2008) FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESOURCE BASED SPRING WATER BOTTLING PLANT (COOROY MOUNTAIN SPRING WATER) AT 314 COOROY MOUNTAIN ROAD, COOROY MOUNTAIN

Cr Stockwell declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to having prepared an economic assessment of the relocation of the parent company's (Wimmers) relocation to Lake MacDonald Drive location In his previous role as Manager/Director in the State Development of Infrastructure and Planning wherein he provided justification for the establishment of the industrial enterprise outside of the urban footprint on economic grounds. Cr Stockwell believed that he could consider this item impartially and in the public interest and requested to remain in the meeting room to participate in the debate and vote on this matter.

Pursuant to section 175E(4) of the Local Government Act 2009, the remaining Councillors gave consideration to whether the conflict was a real conflict or perceived conflict and whether Cr Stockwell may participate in the meeting for the debate and vote on this matter or whether he must leave the meeting for the debate and vote on this matter.

Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Pardon

That Councillors note the perceived conflict of interest declaration of Cr Stockwell and resolve that this represents a perceived conflict of interest in this matter and Cr Stockwell may remain in the meeting room to participate in the debate and vote on this matter.

Carried.

Cr Stockwell did not vote on the above motion.

Committee Recommendation**Moved: Cr Wellington****Seconded: Cr Pardon**

That Council note the report by the Coordinator Planning to the General Committee Meeting dated 14 January 2019 regarding Application No. 132006.268.03 for a Pre-Response Request for a Minor Change to Conditions of Approval situated at 314 Cooroy Mountain Road, Cooroy Mountain and:

- A. Advise the applicant that Council does not support the proposed change to increase truck numbers as:
1. The proposed changes do not constitute a minor change under the Planning Act 2016 as the changes would result in a substantially different development.
 2. The proposal would have a detrimental impact on Cooroy Mountain Road and the residential amenity of properties along the truck route.
 3. The proposal is not consistent with the Cooroy and Lake Macdonald Locality Code as it would have adverse impacts on the amenity enjoyed by users of adjoining and nearby properties.
- B. Advise the applicant that Council would support a change to the development approval subject to additional conditions ~~5A5B~~, B1, B2 and B3 being included and condition 5C, 8 and 9 amended as follows:
- 5B. Prior to the Council completing the staged upgrade works to Cooroy Mountain Road, weekly trucks shall be limited as follows:*
- (a) 40 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;*
 - (b) 20 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).*
- 5C. After the Council has completed the staged upgrade works to Cooroy Mountain Road, weekly trucks shall be limited as follows:*
- (a) 50 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;*
 - (b) 25 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).*
- Note: The road upgrade referred to is the upgrading of the remaining 2.2 kilometres of Cooroy Mountain Road to provide two (2) 3.5 metre wide traffic lanes with a 1.0 metre wide sealed shoulder to a total formation width of 9.0 metres.*
8. *The applicant must undertake improvement works to the existing site access to Cooroy Mountain Road to the reasonable satisfaction of Council. The intersection between Cooroy Mountain Road and the site access must be designed and constructed to provide safe turning areas for the vehicles likely to use the access and passing opportunities for other road users. The works must:*
- a. be generally in accordance with drawing number R01 - Revision C prepared by Barlow Shelley Consulting Engineers dated 20 December 2018,*
 - b. be designed and constructed in accordance with the most recent edition of the Department of Main Roads Road Planning and Design Manual and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks, and*
 - c. the internal driveway at the access point must be widened sufficiently to ensure that all vehicles exiting the site and travelling west can remain on the southern side of the centreline of the improved Cooroy Mountain Road.*

9. *The full extent of the driveway from Cooroy Mountain Road to the loading area of the facility must be sealed, designed and constructed in accordance with AS/NZS2890.1-2004, AS2890.2-2002 and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks. The driveway shall be designed and constructed to grades that prevent vehicles from scraping and/or bottoming. Should any driveways be constructed to grades that do not comply with ASINZS2890.1:2004 and AS2890.2-2002, Council will require that the driveway be removed and reconstructed to levels that do comply.*
- B1. *The road reserve opposite the site access must be landscaped. The works must be undertaken in accordance with an Operational Works approval and the Noosa Plan for that specific area and must include in particular:*
- a. *An accurate account of trees removed for the works including species, amount of visual dominance in the landscape and approximate age.*
 - b. *Replacement planting of trees removed ~~in~~ must have a minimum pot size of 45L.*
 - c. *landscaping treatment to the northern road reserve including the provision of advanced tree stock of local native species to provide and maintain visually the rural nature of the road corridor.*
 - d. *A 36 months maintenance program to ensure the growth of the replacement plantings.*
- B2. *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.*
- B3. *All landscape works must be maintained generally in accordance with the approved design for the life of the development.*
- C. Refer the proposed upgrade of Cooroy Mountain Road and Topaz Street to the Director of Infrastructure Services to determine the timing of the upgrade works within the 10 year Capital Works Program.

Carried.

Cr Stockwell voted for the motion.

2 THE NATURE CONSERVANCY PARTNERSHIP PROPOSAL - NOOSA RIVER OYSTER REEF RESTORATION PROJECT

Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Pardon

That Council note the report by the Director Environment and Sustainable Development and Environmental Services Manager to the General Committee Meeting dated 14 January 2019, consider the proposal from the Nature Conservancy as detailed in this report, and

A Consider in the finalisation of the Noosa River Plan the inclusion of an aquatic and marine ecosystem restoration program as a core element of the Noosa River Plan 2019; that:

1. combines local knowledge and scientific expertise to inform advocacy, policy, planning and on-ground action;
2. coordinates and integrates the implementation, monitoring, evaluation and review of investment across a range of sectors and community groups;
3. respects both the traditional owner and historic commercial fishing family heritage;

4. addresses the priority threats to natural resource productivity and fish habitats to improve ecosystem health;
 5. aims to enhance the biological and structural complexity across the network of fish habitats;
 6. has a goal of increasing the overall carrying capacity of the river in terms of biodiversity and fish abundance.
- B.** Note that Council considers the proposal from the Nature Conservancy as detailed in this report to be a significant opportunity to advance aquatic and marine ecosystem restoration in the Noosa River;
- C.** Agree in principle to partner with the Nature Conservancy in accordance with the Partnership Proposal 2019 (Attachment 1);
- D.** Develop a Partnership Agreement outlining at a minimum, partnership and project governance arrangements, funding requirements and accountabilities, monitoring, evaluation and reporting requirements, and that this agreement be reported back to Council for endorsement; and
- E.** Note that any partnership agreement would commence from 1 July 2019 and refer consideration of the funding to the 2019/20 budget process.

Cr Jackson called for a division on the voting. The motion was carried 6/1.

For: Crs Stockwell, Pardon, Jurisevic, Wilkie, Glasgow and Wellington.

Against: Crs Jackson.

3 1819T063 - CASTAWAYS BEACH SAFETY IMPROVEMENTS TENDER AWARD

Committee Recommendation

Moved: Cr Glasgow

Seconded: Cr Pardon

That Council note the report by the Project Manager to the General Committee Meeting dated 14 January 2019 and award tender 1819T063 for Castaways Beach Safety Improvements to Exceed Concrete Construction Pty Ltd for the lump sum price of \$240,975.57 (excluding GST).

Carried.

4 PROPOSED TELECOMMUNICATIONS LEASE AT COOYAR STREET, NOOSA HEADS

Cr Glasgow left the meeting.

Committee Recommendation

Moved: Cr Jackson

Seconded: Cr Pardon

That Council note the report by the Property Advisor to the General Committee Meeting dated 14 January 2019 regarding the telecommunications lease on Council premises at Cooyar Street, Noosa Heads and agree to enter a commercial lease of the premises to Optus Mobile Pty Ltd as outlined in the report.

Carried.

5 FINANCIAL PERFORMANCE REPORT - DECEMBER 2018

Cr Glasgow returned to the meeting.

Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Glasgow

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 14 January 2019 outlining December 2018 year to date financial performance against budget.

Carried.

Recommendation

The General Committee recommendations dated 14 January 2019 be adopted except where dealt with or held over by separate resolution.

7 ORDINARY MEETING REPORTS

Nil.

8 CONFIDENTIAL SESSION

Nil

9 NEXT MEETING

The next Ordinary Meeting will be held on 21 February 2019 at the Council Chambers, 9 Pelican Street, Tewanin commencing at 6pm.

10 MEETING CLOSURE