



MINUTES

Ordinary Meeting

Thursday, 17 September 2020

commencing at 5pm

Council Chambers, 9 Pelican Street, Tewantin

**Crs Clare Stewart (Chair), Karen Finzel, Joe Jurisevic, Amelia Lorentson,
Brian Stockwell, Tom Wegener, Frank Wilkie**

“Noosa Shire – different by nature”

1 ATTENDANCE & APOLOGIES**COUNCILLORS**

Councillor C Stewart, Mayor
Councillor J Jurisevic
Councillor A Lorentson
Councillor B Stockwell
Councillor T Wegener
Councillor F Wilkie

EXECUTIVE

B de Chastel, Chief Executive Officer
C Irwin, Acting Director Corporate Services
K Contini, Director Community Services
K Rawlings, Director Environment & Sustainable Development
D Iezzi, Director Executive Services
C Billingham, Director Infrastructure Services

APOLOGIES

Councillor K Finzel

The meeting commenced at 5.00pm.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Wilkie

That the operation of the Standing Orders or any relevant provision thereof be suspended to allow Council to change the order of proceedings to deal with Item 9 – Ordinary Meeting Reports as the first item of business.

Carried unanimously.

1 COUNCILLOR MEETING ATTENDANCE - LEAVE OF ABSENCE**Council Resolution**

Moved: Cr Stewart

Seconded: Cr Wilkie

That Council note the report by the Chief Executive Officer to the Ordinary meeting dated 17 September 2020 and agree to provide Cr Finzel with a leave of absence for the Ordinary Meeting of 17 September 2020.

Carried unanimously.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Wilkie

That Standing Orders be resumed.

Carried unanimously.

2 CONFIRMATION OF MINUTES**Council Resolution****Moved: Cr Lorentson****Seconded: Cr Stockwell**

The Minutes of the Special Meeting held on 16 July 2020 be received and confirmed.

Carried unanimously.

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

The Minutes of the Ordinary Meeting held on 20 August 2020 be received and confirmed.

Carried unanimously.

Council Resolution**Moved: Cr Wilkie****Seconded: Cr Lorentson**

The Minutes of the Special Meeting held on 31 August 2020 be received and confirmed.

Carried unanimously.

3 MAYORAL MINUTES

Nil.

4 PETITIONS**1 PETITION: REQUEST FOR REMOVAL OF TRAFFIC ISLAND IN RISLEY COURT, COORAN****Council Resolution****Moved: Cr Stewart****Seconded: Cr Wilkie**

That the petition tabled by Cr Stewart requesting that Council remove the traffic island located in Risley Court, Cooran be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

5 NOTIFIED MOTIONS

Nil.

6 PRESENTATIONS

Nil.

7 DEPUTATIONS

Nil.

8 CONSIDERATION OF COMMITTEE RECOMMENDATIONS**AUDIT & RISK COMMITTEE RECOMMENDATIONS**

21 AUGUST 2020 - Cr Clare Stewart, Cr Amelia Lorentson, Scott Williams (Chair), Tim Cronin

The following Recommendations from the Audit & Risk Committee were adopted without discussion or further amendment.

Council Resolution

Moved: Cr Lorentson

Seconded: Cr Wegener

The Audit & Risk Committee recommendations dated 21 August 2020 be adopted.

Carried unanimously.

1 QUEENSLAND AUDIT OFFICE BRIEFING PAPER

That Council note the Briefing Paper provided by the Queensland Audit Office (QAO) to the Audit & Risk Committee meeting dated 21 August 2020.

2 2019/20 DRAFT FINANCIAL STATEMENTS AND END OF FINANCIAL YEAR UPDATE

That Council note the report by the Manager Financial Services to the Audit & Risk Committee Meeting dated 21 August 2020 regarding the presentation of the draft financial statements for the period ending 30 June 2020.

3 INTERNAL AUDIT

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 21 August 2020 providing an update on internal audit matters and approve the proposed new Internal Audit Plan 2020-24 provided as Attachment 2 to the report.

4 RISK MANAGEMENT AND PUBLIC INTEREST DISCLOSURE UPDATE

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 21 August 2020 and note the update on risk management and Public Interest Disclosures.

PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS

8 SEPTEMBER 2020 - Crs Brian Stockwell (Chair), Karen Finzel, Clare Stewart and Tom Wegener

Other Councillors in attendance: Cr Amelia Lorentson (except for Item 4).

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

Council Resolution

Moved: Cr Wegener

Seconded: Cr Stockwell

The Planning & Environment Committee recommendations dated 8 September 2020 be adopted.

Carried unanimously.

- 1 132005.1133.13 - PLANNING & ENVIRONMENT COURT APPEAL NO 2097 OF 2020 - APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT APPROVAL FOR 140 MULTIPLE DWELLING UNITS & ASSOC FACILITIES - SHOP, RESTAURANT, MULTI-FUNCTION ROOM & GYM AT 75 RESORT DRIVE, NOOSA HEADS**

The Planning & Environment Committee was unable to deal with this matter due to the majority of Councillors declaring conflicts of interest resulting in the Planning and Environment Committee not having a quorum. The matter was referred by the Chief Executive Officer to the General Committee for consideration.

- 2 RAL19/0011 - PLANNING & ENVIRONMENT COURT APPEAL NO. D7/2020 - REFUSAL OF APPLICATION TO SUBDIVIDE 120, 126 AND 138 HAPPY JACK CREEK ROAD, RIDGEWOOD**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 8 September 2020 regarding Planning & Environment Appeal No. D7/2020 and:

- A. Agree to settle the appeal generally in accordance with the following conditions:

PLANNING**When Conditions Must Be Complied With**

1. Unless otherwise stated, all works required by the conditions of this Decision Notice must be completed prior to submission of the subdivision plan to Council for plan sealing.

Approved Plans

2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
61948/B	-	Plan of Development – Proposed Boundary Realignment between Lots 480 & 481 on MCH524 & lot 528 on MCH1930	4 August 2020

3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

Currency Period

4. The Currency Period for this development approval lapses if all conditions have not been complied with, and the plan of survey lodged with Council for endorsement by 31 August 2024, unless an application to extend the currency period is approved by Council.

Building and Effluent Envelope (Lot 2)

5. The applicant must prepare a metes and bounds building and effluent envelope plan indicating a House site area and effluent disposal area for Lot 2. The areas must be in accordance with the Approved Plan. The plans must be submitted in both hardcopy and digital format (dwg) on GDA 94 zone 56 coordinates. The applicant must submit the plans to Council for approval prior to the endorsement of the Plan of Survey.
6. The future dwelling on Lot 2 must be sited and constructed in accordance with the approved building and effluent envelope shown on the Approved Plans. A copy of the approved plan of development must be included in the contract of sale for Lot 2, together with a clause which requires the future dwelling to be constructed in accordance with it.

ENGINEERING

Property Access and Driveways

7. A residential driveway must be constructed to Lot 2. The works must be undertaken in conjunction with any subsequent building approval and the access must be:
 - a. generally in accordance with Council's standard drawing RS-056 and any associated addendum, and
 - b. located in that part of the frontage above the 0.05%AEP level.
8. A residential driveway must be constructed to Lot 1. The works must be undertaken in conjunction with any subsequent building approval and the access must be generally in accordance with Council's standard drawing RS-056 and any associated addendum

Stormwater Drainage

9. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Electricity and Telecommunication Services

10. Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
11. 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.
12. 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.

Damage to Services and Assets

13. 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.

Upgrade of Bridge Signage

14. A 24 tonne load limit sign and 10km / hr sign must be installed in a suitable location at both ends of the bridge in Crawfords Road. The signage must be in accordance with the Manual of Uniform Traffic Control devices and installed prior to the endorsement of the Plan of Survey.

Infrastructure Agreement

15. The Applicant/Owner shall comply with the terms of any Infrastructure Agreement applying to the land.
- B. Agree to enter into an Infrastructure Agreement with the appellant that provides for a contribution to be paid to Council for improvements to the existing bridge in Crawfords Road.

3 MCU11/0266.03 REQUEST FOR EXTENSION TO CURRENCY PERIOD FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR OFFICE, RESTAURANT & SHOP AT 6 HERON STREET, PEREGIAN BEACH

That Planning & Environment Committee Agenda Item 3 be referred to the General Committee due to the significance of the issue.

4 51988.2849.03 - MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR A MULTIPLE DWELLING OF 20 UNITS, 8 SHOPS AND 2 RESTAURANTS - 49 HASTINGS STREET, NOOSA HEADS

That Planning & Environment Committee Agenda Item 4 be referred to the General Committee for further consideration.

5 NOOSA PLAN 2020 - ADMINISTRATIVE AMENDMENT NO.1

That Council note the report by the Director Environment & Sustainable Development to the Planning and Environment Committee Meeting dated 8 September 2020 and:

- A. Adopt the Noosa Plan 2020 – Administrative Amendment No.1 as per attachments 1 and 2 of the report;
- B. Delegate the CEO to make any further Administrative Amendments necessary to Noosa Plan 2020;
- C. Set a date of Friday 25 September 2020 for commencement of the amended scheme;
- D. Publicly notify adoption of the amendment in accordance with requirements of the Planning Act; and
- E. Provide the Chief Executive for Treasury – Development and Planning Services with a copy of the public notice and a certified copy of the administrative amendment.

6 NOOSA ENVIRONMENT STRATEGY - IMPLEMENTATION YEAR ONE ANNUAL UPDATE

That Council note the report by the Environmental Services Manager to the Planning & Environment Committee Meeting dated 8 September 2020 providing the year 1 annual progress report on implementation of the Environment Strategy.

7 PEREGIAN DIGITAL HUB - FULL YEAR REPORT TO 30 JUNE 2020

That Council note the report by the Economic Development Manager to the Planning and Environment Committee Meeting dated 8 September 2020 providing a full year report on the performance and activities of The Hub for the period 1 July 2019 to 30 June 2020.

SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS

8 SEPTEMBER 2020 - Crs Joe Jurisevic (Chair), Amelia Lorentson, Frank Wilkie and Clare Stewart

Other Councillors in attendance: Crs Karen Finzel and Tom Wegener

5 BICENTENNIAL COMMUNITY CENTRE (BCC) FULL YEAR REPORT TO 30 JUNE 2020

Cr Wilkie declared a real conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to his position as the Secretary of the Noosa Gymnastics Club. Cr Wilkie left the meeting room for the debate and decision on this matter.

Council Resolution

Moved: Cr Jurisevic

Seconded: Cr Stewart

That Council note the report by The J & Bicentennial Community Centre Coordinator to the Services & Organisation Committee meeting dated 8 September 2020, providing an update on the activities of the Bicentennial Community Centre for the 2019/20 financial year.

Carried unanimously.

Cr Wilkie returned to the meeting.

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

Council Resolution

Moved: Cr Jurisevic

Seconded: Cr Wilkie

The Services & Organisation Committee recommendations dated 8 September 2020 be adopted except where dealt with or held over by separate resolution.

Carried unanimously.

1 2020 DELEGATIONS OF AUTHORITY ANNUAL REVIEW

That Council note the report by the Governance Officer to the Services & Organisation Committee Meeting dated 8 September 2020 and adopt:

- A. *New Delegations* - Pursuant to section 257 of the Local Government Act 2009, to delegate the powers of the Local Government outlined in the Delegations of Authority, as provided at Attachment 1 to the Report, to the Chief Executive Officer of Council;
- B. *Updated Delegations* - Pursuant to section 257 of the Local Government Act 2009, to delegate the powers of the Local Government outlined in the Delegations of Authority provided at Attachment 2 the Report, to the Chief Executive Officer of Council; and
- C. *Unchanged Delegations* - Pursuant to section 257 of the Local Government Act 2009, to delegate the powers of the Local Government outlined in the Delegations of Authority provided at Attachment 3 to the Report, to the Chief Executive Officer of Council.

2 NOOSA LEISURE CENTRE (NLC) - FULL YEAR REPORT TO 30 JUNE 2020

That Council note the report by the Noosa Leisure Centre Coordinator to the Services & Organisation Committee meeting dated 8 September 2020, providing an update on the activities of the Noosa Leisure Centre for the 2019/20 financial year.

3 NOOSA AQUATIC CENTRE (NAC) - FULL YEAR REPORT TO 30 JUNE 2020

That Council note the report by the Noosa Aquatic Centre Coordinator to the Services & Organisation Committee meeting dated 8 September 2020, providing an end of year update on the activities of the Noosa Aquatic Centre for the 2019/20 financial year.

4 THE J - FULL YEAR REPORT TO 30 JUNE 2020

That Council note the report by The J & Bicentennial Community Centre Coordinator to the Services & Organisation Committee meeting dated 8 September 2020, providing an update on the activities of The J for the 2019/20 financial year.

6 NOOSA COMMUNITY SUPPORT (NCS) - FULL YEAR REPORT TO 30 JUNE 2020

That Council note the report by the Noosa Community Support Coordinator to the Services & Organisation Committee meeting dated 8 September 2020, providing an update on the activities of Noosa Community Support for the 2019/20 financial year.

GENERAL COMMITTEE RECOMMENDATIONS

14 SEPTEMBER 2020 - Crs Frank Wilkie (Chair), Karen Finzel, Joe Jurisevic, Amelia Lorentson, Clare Stewart, Brian Stockwell and Tom Wegener

1 132005.1133.13 - PLANNING & ENVIRONMENT COURT APPEAL NO 2097 OF 2020 - APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT APPROVAL FOR 140 MULTIPLE DWELLING UNITS & ASSOC FACILITIES - SHOP, RESTAURANT, MULTI-FUNCTION ROOM & GYM AT 75 RESORT DRIVE, NOOSA HEADS

Cr Stewart declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to her friendship with the Applicants Rob and Leigh McCready of Altum Constructions. Cr Stewart left the meeting room for the debate and decision on this matter.

Cr Wilkie assumed the chair for this item in Cr Stewart's absence.

Cr Stockwell declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) as he advised that on 24 February 2020 this year he sought a review by the Independent Council Election Observer (ICEO) as to the public claims of the Future Noosa Team, of which Leigh McCready was publicly identified as a Campaign Manager. Leigh McCready is associated with the applicant, Altum Constructions. 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.

Council Resolution

Moved: Cr Jurisevic

Seconded: Cr Wegener

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 unanimously.

Cr Stockwell did not vote on the above motion.

Council Resolution

Moved: Cr Jurisevic

Seconded: Cr Lorentson

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 8 September 2020 regarding Planning & Environment Court Appeal 2097 of 2020 and agree to defend the appeal.

Carried unanimously.

Cr Stockwell voted in favour of the motion.

Cr Stewart returned to the meeting and resumed the Chair.

3 51988.2849.03 - MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR A MULTIPLE DWELLING OF 20 UNITS, 8 SHOPS AND 2 RESTAURANTS - 49 HASTINGS STREET, NOOSA HEADS

Cr Lorentson declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) as during the 2020 election campaign, Cr Lorentson's election material was displayed at this property. Cr Lorentson advised that she does not have a personal relationship with the applicant however her brother has had a prior business relationship with the applicant that ended 3 years ago. Cr Lorentson also advised that her husband has undertaken work at the business as an employee of Page Furnishers. Cr Lorentson believed that she 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 Lorentson may participate in the meeting for the debate and vote on this matter or whether she must leave the meeting for the debate and vote on this matter.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jurisevic

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

Carried unanimously.

Cr Lorentson did not vote on the above motion.

Motion

Moved: Cr Stockwell

Seconded: Cr Wegener

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 8 September 2020 regarding Application No. 51988.2849.03 to make a minor change to an existing approval for Multiple Dwelling of 20 units, 8 Shops and 2 Restaurants situated at Noosa On The Beach, 49 Hastings Street, Noosa Heads and:

A. Refuse the application for the following reasons:

1. The proposal is not consistent with the overall and specific outcomes of the Noosa Heads Locality Code under the Noosa Plan 2006 as:
 - a. the proposed works will adversely impact on main beach being a key recreation focal point for residents and visitors
 - b. an inadequate building setback to the beach is proposed and the proposal reduces the soft landscaping on site
 - c. the proposed works do not represent the high level of design and landscape quality that is sought for the area
 - d. the reduced setback to the beach potentially increases the risk of damage to the property from future coastal processes
 - e. The proposed works contribute additional site cover exceeding the maximum site cover sought for the area and present excessive bulk to main beach
2. The proposal is contrary to the Driveways and Car parking Code as sufficient car parking has not been provided on site to accommodate the number of vehicles likely to be generated by the increase and improvements to the dining areas.
3. The proposal is contrary to the Noosa Plan 2020 provisions for setbacks, site cover and car parking.

4. The proposal is not considered a minor change to the development approval as the proposed changes will dramatically change the approved built form in terms of scale, bulk and appearance.
 5. The proposal does not comply with probable solution S51.2 in proposing to increase the use area in excess of 300m².
 6. Proposes to place new structures in an area of high coastal risk and in an area identified as subject to flood inundation in the Natural Hazards Overlay of the Noosa Plan 2020.
- B. Note that Council relies on the following reasons for varying from the staff recommendation:
1. The built form is not a minor change to the overall scale and bulk of the existing development.
 2. That the application seeks to sanction unapproved 'creep' of commercial uses and structures into a location where there is a long standing planning intent to maintain private open space.
 3. Council differs from staff opinion in relation to Specific Outcome 8; and is of the view that the proposal detrimentally impacts on the visual and acoustic amenity and of beach users and adjoining and nearby premises.
 4. Council is not prepared to accept a contribution in lieu of the shortfall of car parks spaces on site.

For: Crs. Stockwell and Wegener

Against: Crs. Jurisevic, Lorentson, Wilkie and Stewart

Lost.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Lorentson

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 8 September 2020 regarding Application No. 51988.2849.03 to make a minor change to an existing approval for Multiple Dwelling of 20 units, 8 Shops and 2 Restaurants situated at Noosa On The Beach, 49 Hastings Street Noosa Heads and:

- A. Approve the change.
- B. Include the following additional conditions:

Additional conditions – 8 September 2020

Approved Plans

1. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans. The approved plans are listed in the following table and may be amended by these conditions and annotations on the plans.

Plan No.	Rev	Plan Name – Prepared by	Date
A002	Q	Existing Façade, prepared by <i>Kings Lane Architects</i>	05/02/2020
A100	Q	Proposed Refurbishment, prepared by <i>Kings Lane Architects</i> As annotated by Council	05/02/2020
A101	Q	Proposed GR FLR Refurbishment, prepared by <i>Kings Lane Architects</i>	05/02/2020

As annotated by Council			
A104	Q	Proposed Areas, prepared by <i>Kings Lane Architects</i>	05/02/2020
A300	Q	Proposed Section, prepared by <i>Kings Lane Architects</i>	12/02/2020
A310	Q	Proposed Elevations, prepared by <i>Kings Lane Architects</i>	05/02/2020
A800	Q	Proposed Perspective 01, prepared by <i>Kings Lane Architects</i>	05/02/2020
A801	Q	Proposed Perspective 02, prepared by <i>Kings Lane Architects</i>	05/02/2020
LD 01 Sheet 1 of 4	C	Landscape Design, prepared by <i>Environmental Landscape Planning</i>	3 February 2020
LD 02 Sheet 2 of 4	C	Landscape Design, prepared by <i>Environmental Landscape Planning</i>	3 February 2020
LD 03 Sheet 3 of 4	C	Landscape Design, prepared by <i>Environmental Landscape Planning</i>	3 February 2020
LD 04 Sheet 4 of 4	C	Landscape Design, prepared by <i>Environmental Landscape Planning</i>	3 February 2020

Nature and Extent of Approved Use

2. The area to be used for outdoor dining is limited to 14.1m² of use area.
3. No works or storage of materials is to occur within The Parade, unless authorised by a further permit.

Landscaping

4. The development site must be landscaped in accordance with the Approved Plans.
5. The existing Pandanus trees located within the raised garden beds must be retained in accordance with the Approved Plans. A Qualified Person* must be engaged for the duration of the works to:
 - a. Supervise tree protection within the development site and frontages, prior to, during and following construction in accordance with AS 4970, Protection of trees on development sites.
 - b. Provide Council with certification and photographic report on supervising construction works within the tree protection zone of the retained Pandanus trees, following the completion of the approved works.
6. 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.
7. All landscape works must be maintained generally in accordance with the approved design for the life of the development.
8. No signage is to be located within the landscaped areas.

Damage to infrastructure

9. Any damage to footpaths, street plantings, natural vegetation/trees kerb and channel, bridges or roadways must be repaired or reinstated to at least pre-existing conditions.

10. Where damage occurs to any Council asset as a result of the landscaping works, the damage must be repaired immediately where it creates a hazard that presents risk to person or property. Non-hazardous damage must be repaired prior to completion of works.

Car Parking

11. The applicant must comply with the requirements of any Infrastructure Agreement entered into with the Council with respect to the payment of car parking contributions in relation to the proposed development. In the event that the Infrastructure Agreement does not apply a minimum of one car parking space must be provided and marked on the site and made available and accessible at all times while the use is open for business.
12. A retaining wall must be maintained for the full length of the property to main beach with removable flood gates installed or available for installation prior to any significant coastal storm event to each entry point. These structures must be designed to mitigate the impact of wave overtopping of the Council controlled beach seawall during a significant event. Certification must be submitted to Council from a RPEQ which certifies that these structures meet the requirements of this condition.

- C. Include the following new Advisory Note:

Qualified Person

1. A Qualified Person, for the purpose of:
 - a. Undertaking, supervising tree works and preparing arboriculture certification, is considered to be a person with a minimum three years current experience in tree protection, hazard identification/mitigation assessment and either:
 - i. International Society of Arboriculture (ISA) certification; or
 - ii. A Diploma of Arboriculture.

- D. Agree to enter into an Infrastructure Agreement with the applicant that provides for contributions in lieu of one onsite car parking space.

- E. Find the following matters relevant to the assessment and sufficient reason to approve the application:

1. The proposal complies with the Overall Outcomes of the Noosa Heads Locality Code as the development will provide for entertainment and dining premises, providing interest for visitors and residents accommodated in the immediate area, whilst outdoor dining facilitates a vibrant pedestrian friendly streetscape;
2. The development is consistent with the bulk and scale of buildings within proximity to the subject site, presenting an improved, high quality built form and landscaping along The Parade, and providing a direct link to Main Beach.

- F. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

- G. Note the application was lodged under the Noosa Plan 2006, which was superseded by the Noosa Plan 2020, which commenced on 31 July 2020. All references to the 'Noosa Plan' or 'the planning scheme' within the assessment report is in reference to the now superseded Noosa Plan 2006.

For: Crs. Jurisevic, Lorentson, Wilkie and Stewart

Against: Crs. Stockwell and Wegener

Carried.

7 NOOSA RIVER OYSTER ECOSYSTEM RESTORATION PROJECT – ANNUAL REPORT NO. 1 AND OUTCOMES OF INDEPENDENT REVIEW OF MONITORING AND EVALUATION PLAN

Cr Stockwell declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to the fact as a Sole Trader in his business Watershed Australia, he subcontracted Eberhard Consulting as part of a consulting project he did for the Queensland Government in 2016 reviewing and developing the monitoring and evaluation of the Reef Plan Best Management Program. 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.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Jurisevic

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 unanimously.

Cr Stockwell did not vote on the above motion.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Stockwell

That Council note the report by the Environmental Services Manager to the General Committee Meeting dated 14 September 2020 and approve the *Noosa River Oyster Project: Annual Report No. 1* (provided as Attachment 1 to the report) as meeting the requirements of the Alliance & Funding Agreement.

For: Crs. Stockwell, Wegener, Wilkie and Jurisevic

Against: Crs. Lorentson and Stewart

Carried.

8 USE OF LIONS PARK NOOSA HEADS FOR CAR PARKING

Council Resolution

Moved: Cr Stockwell

Seconded: Cr Stewart

That Council note the report by the Project Manager Transport Innovation to the General Committee Meeting dated 14 September 2020 and:

- A. Approve the use of the Noosa Heads Lions Park Reserve for paid car parking over 2020/21 Christmas holiday period from 14 December 2020 to 27 January 2021 with delegation to the CEO to reduce the days subject to weather and advice from the Council COVID Safe team;
- B. Approve the use of the Noosa Heads Lions Park Reserve for paid car parking over 2021 Easter holiday period from 2 April 2021 to 18 April 2021 with delegation to the CEO to reduce the days subject to weather and advice from the Council COVID Safe team;

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- C. Approve the use of the Noosa Heads Lions Park Reserve for paid car parking over the 2020 September holiday period from 19 September 2020 to 5 October 2020 with delegation to the CEO to reduce the days subject to weather and advice from the Council COVID Safe team;
 - D. Write to the Department of Natural Resources, Mines and Energy and seek Ministerial Approval for an inconsistent secondary use of the Noosa Heads Lions Park (Lot 117 on SP108103) for paid car parking during school holidays and long weekends for the period of the public health declaration for the COVID-19 pandemic; and
 - E. That an amount equivalent to 50% of Council's share of the 'profit' from car parking in the Noosa Heads Lions Park Reserve be held 'in reserve' and allocated to recreational improvements in Lions park for residents and visitors alike, noting that the term 'profit' refers to Council's share of the revenue less costs associated with rectifying any damage/impact from parking on the reserve, the hire of temporary fencing to protect children at the playground & BBQ area, parking signage at Lions Park, the printing of tickets and the use of traffic control to assist in the movement of pedestrians from Lions Park.

For: Crs. Stockwell, Wegener, Lorentson, Jurisevic and Stewart

Against: Cr Wilkie

Carried.

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

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jurisevic

The General Committee recommendations dated 14 September 2020 be adopted except where dealt with or held over by separate resolution.

Carried unanimously.

2 MCU11/0266.03 REQUEST FOR EXTENSION TO CURRENCY PERIOD FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR OFFICE, RESTAURANT & SHOP AT 6 HERON STREET, PEREGIAN BEACH

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 8 September 2020 regarding Application No. MCU11/0266.03 for an extension to the currency period for a Development Permit for Material Change of Use for Business Type 1 Office, Entertainment and Dining Business Type 1 Food & Beverage & Retail Business Type 2 Shop & Salon, situated at 6 Heron Street, Peregian Beach and:

- A. Refuse to extend the currency period for the following reasons:
 - 1. The proposed development is contrary to the Overall Outcomes 7.7.2 g), jj) and oo) and Specific Outcomes O6 and O12 of the Eastern Beaches Locality Code of the Noosa Plan 2006 as:
 - i. The proposed development does not incorporate a pitched or curved roof form, exceeds the maximum plot ratio for the Neighbourhood Centre Zone and results in a building scale which is not compatible with surrounding development and which presents an appearance of excessive bulk to adjacent properties, roads and the village green.

2. The proposed development is contrary to the Purpose, Overall Outcomes and Performance Outcomes PO11 and PO12 of the Local Centre Zone of the Noosa Plan 2020 as:
 - i. The proposed development is not small in scale in the context of Peregrin Beach village, exceeding the maximum plot ratio of the site and will result in a building which is not compatible with the scale of surrounding development and presents a bulky appearance adjacent properties, roads and the village green.
 - ii. The proposed development does not provide a 2 metre setback to the village green and maintain the visual continuity and pattern of buildings fronting the village green and consequently will impact on the area's amenity.
 3. The proposed development is contrary to the Purpose and Overall Outcomes and the Performance Outcome PO3, PO7 and PO10 of the Coastal Communities Local Plan Code of the Noosa Plan 2020 as:
 - i. The proposal does not retain and enhance the built form of streetscape character of the centre as the scheme has excessive plot ratio and site cover, and proposes inadequate setbacks to the village green.
 - ii. The proposed development does not provide varied roof forms and variations in projected and recessed elements and facades.
 - iii. The proposed development does not respect the scale and character of development on adjoining sites and is not sympathetic to the coastal village character of the local centre.
 4. It is unlikely the proposed development can proceed as approved as it makes no allowance for equitable access to level 1 and the roof terrace contrary to the Building Code of Australia and the Disability Discrimination Act 1992.
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

4 PROPOSED LEASE OF COOROY DATA CENTRE AT 11A MAPLE STREET, COOROY

That Council note the report by the Property Advisor to the General Committee Meeting dated 14 September 2020 regarding the lease on Council's Cooroy Data Centre premises at 11A Maple Street and:

- A. Agree to enter a commercial lease of the premises to OneQode Assets Pty Ltd as generally outlined in the report; and
- B. Agree to negotiate and enter a licence for an associated wireless internet telecommunications mast on the adjacent Cooroy Butter Factory rooftop.

5 NOOSA NORTH SHORE BEACH CAMPGROUND – PROPOSED INTERIM MANAGEMENT AGREEMENT

That Council note the report by the Property Advisor Commercial Property to the General Committee Meeting dated 14 September 2020 and:

- A. Authorise the CEO to enter into an interim management agreement for the Noosa North Shore Beach Campground with 1Eight Pty Ltd for 6 months commencing 1 October 2020 with an additional 1 x 1 month extension option at Council's sole discretion;
- B. Apply the exception to the requirement under *Section 235 (a) of the Local Government Regulation 2012* for entering into a contract for goods and services without first inviting written quotes or tenders if satisfied that there is only 1 supplier who is reasonably available; and

- C. Further, staff undertake a detailed induction of the new manager to identify the key environmental attributes and sensitive sites and to outline visitor management expectations to ensure the park and adjoining dunal system is managed in line with environmental best practice.

6 TENDER T000017 - STREET SWEEPING SERVICES

That Council note the report by the Works Coordinator to the General Committee Meeting dated 14 September 2020 and:

- A. Award tender T000017 Street Sweeping Services to Specialised Pavement Services Pty Ltd;
- B. Award the contract for an initial term of two (2) years, with an option to extend for one (1) term of up to twelve (12) months. The option to extend will be at Council's own discretion and subject to the contractor's ability to meet the requirements under the contract.

9 FINANCIAL PERFORMANCE REPORT – AUGUST 2020

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 14 September 2020 outlining August 2020 year to date financial performance against budget, including performance against key financial sustainability indicators.

9 ORDINARY MEETING REPORTS

Item dealt with as first item of business at the meeting (refer to page 2).

10 CONFIDENTIAL SESSION

Nil.

11 PUBLIC QUESTION TIME

Nil.

12 NEXT MEETING

The next Ordinary Meeting will be held on 15 October 2020 at the Council Chambers, 9 Pelican Street, Tewanin commencing at 5pm.

13 MEETING CLOSURE

The meeting closed at 6.10pm.