



# MINUTES

## General Committee Meeting

**Monday, 15 March 2021**

**10am**

**Council Chambers, 9 Pelican Street, Tewantin**

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

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*“Noosa Shire – different by nature”*

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

Cr Frank Wilkie (Chair)  
Cr Joe Jurisevic  
Cr Amelia Lorentson  
Cr Clare Stewart  
Cr Brian Stockwell  
Cr Tom Wegener

**EXECUTIVE**

B de Chastel, Chief Executive Officer  
A Dow, Acting Director Environment and Sustainable Development (*for reports 1 – 6*)  
K Contini, Director Community Services (*for report 7*)  
M Shave, Director Corporate Services (*for report 10*)

**APOLOGIES**

Cr Karen Finzel

The meeting commenced at 10.00am.

**2 CONFIRMATION OF MINUTES****Committee Resolution**

**Moved:** Cr Lorentson  
**Seconded:** Cr Stockwell

The Minutes of the General Committee Meeting held on 15 February 2021 be received and confirmed.

**Carried unanimously.**

**3 PRESENTATIONS**

Nil.

**4 DEPUTATIONS**

Nil.

## 5 ITEMS REFERRED FROM COMMITTEES

## 1 MCU20/0119 - APPLICATION FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION AT 1/20 NANNYGAI STREET, NOOSAVILLE

**Motion****Moved: Cr Stockwell****Seconded: Cr Stewart**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. MCU20/0119 for a Development Permit for Material Change of Use - Short-term accommodation situated at 1/20 Nannygai Street, Noosaville 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 this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

**Approved Plans**

2. Development 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
18010 03 of 14	DA-02	<i>Proposed Site Plan</i> , prepared by Mercury Design	12.03.2018
18010 04 of 14	V2	<i>Ground Floor Plan</i> , prepared by Mercury Design	02.02.2021
18010 05 of 14	DA-02	<i>First Floor Plan</i> , prepared by Mercury Design	12.03.2018
18010 07 of 14	DA-02	<i>Elevations (west)</i> , prepared by Mercury Design	12.03.2018
18010 08 of 14	DA-02	<i>Elevations (east)</i> , prepared by Mercury Design	12.03.2018
18010 09 of 14	DA-02	<i>Elevations (north and south)</i> , prepared by Mercury Design	12.03.2018
18010 10 of 14	DA-02	<i>Sections</i> , prepared by Mercury Design	12.03.2018

**Currency**

3. This development approval lapses if the use has not happened by 18 March 2027, unless an application to extend the currency period is approved by Council.

**Nature and Extent of Approved Use**

4. The total number of bedrooms on the site must not exceed 4.
5. No more than 8 guests may occupy the premises at any time.
6. All outdoor areas, including balconies, decks, pool and the like, must not be used after 9pm each night.

7. The premises must not be used as a party house, with no events, functions or parties (e.g. bucks parties, hen's parties, raves, or wedding receptions for example) permitted on site.

#### **Built Form**

8. The existing media room on the Ground Floor must be converted back to 'bike parking' only, as per approved plan Ground Floor Plan, prepared by Mercury Design (18010 - 04 of 14 – V2) dated 2 February 2021.

#### **Amenity**

9. The operation of the approved use must not detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by surrounding residents or cause a nuisance, including a noise nuisance.

#### **Car Parking**

10. Existing car parking on site, as detailed on the approved plans, must be maintained and kept available for users of the short-term accommodation.
11. 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.

#### **Waste Management**

12. Waste storage and disposal facilities must be provided in accordance with *Planning Scheme Policy 9, Waste Management*, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
13. Waste containers must:
  - a. At all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
  - b. Be placed on the kerb side frontage of the premises, for the collection of general waste from the container; and
  - c. Not be placed on the kerb side frontage for longer than 24 hours before or after the scheduled collection day for the collection of waste in the container.

#### **Contact Person**

14. Prior to the commencement of the use written confirmation must be provided to Council confirming:
  - a. the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
  - b. that the contact person is available 24 hours a day, 7 days a week; and
  - c. that the contact person resides within 20 minutes travel time (by vehicle) of the premises; and
  - d. that the contact person is to be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.

15. A sign must prominently and permanently display in letters and numbers not less than 50mm in height, a current up to date written notice detailing the contact person's phone number, and a statement that the contact person is responsible for the supervision and maintenance of the premises. The sign must not exceed 0.2m<sup>2</sup>, be displayed at the front of the premises and be visible to members of the public at all times.

#### **Code of Conduct**

16. A code of conduct must be developed and provided to all users and occupants of the short-term accommodation, including any website or social media used to promote the use of the premises for short-term accommodation.
17. The code of conduct must advise all users of the premises:
- a. That the use of the premises must not:
    - i. detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by residents in the vicinity of the premises; or
    - ii. cause a nuisance (including a noise nuisance);
    - iii. display unacceptable behavior including:
      - a. loud aggressive behaviour;
      - b. yelling, screaming, arguing; or
      - c. excessively loud cheering, clapping and singing.
    - iv. create a level of noise above the acceptable levels described by Queensland Government legislation for environmental protection (noise).
  - b. That a user of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility.
  - c. That each vehicle used by an user of the premises must:
    - i. be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
    - ii. be parked within the parking facilities at the premises where provided.
  - d. That each user of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container.
  - e. That each user of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.
  - f. That pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance).
  - g. The nature and extent of the approved use as detailed in conditions numbers 4 to 7 of this development approval.
18. The Code of Conduct must be displayed in a prominent location at the premises so that it can be viewed by guests.

#### **Complaints Management**

19. The contact person must maintain a record of all complaints received,

identifying how each complaint has been resolved or addressed within a reasonable time.

20. The contact person must respond to all complaints within 30 minutes of notification of a complaint.
21. The contact person, must keep and maintain a register of the use of the premises for short stay letting or home hosted accommodation, and record in the register, each of the following:
  - a. on each occasion on which the premises are used, or occupied, for short stay letting or home hosted accommodation on a commercial basis:
    - i. the number of adults who are users of the premises; and
    - ii. the number of minors, an individual who is under 18, who are users of the premises.
  - b. the dates when each person's use, or occupation, of the premises for short stay letting or home hosted accommodation began and ended.
22. The contact person, must make available, for inspection by Council, within 5 business days of receipt of a written request given at any time, each of:
  - a. the written record of complaints referred to in condition 18; and
  - b. the register referred to in condition 20.

#### **Protection of Privacy**

23. To ensure privacy is protected between adjoining properties, the window located on the upper level northern building face must either:
    - a. be fitted with translucent glazing; or
    - b. be fitted with a fixed external screen.
  24. The 'Alfresco' balcony located to the rear of the Ground Floor must include fixed external screens on the northern side of the balcony, positioned in such a way to obscure direct views into the windows or private open space areas of adjoining properties to the west.
- C. Request the Chief Executive Officer carry out a Final Inspection to ensure compliance with the Conditions of approval for both MCU18/0003 and MCU20/0119.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

#### **Amendment**

**Moved:** Cr Lorentson

**Seconded:** Cr Wilkie

That Item 6 be amended to read:

6. All outdoor areas, including balconies, decks, and the like, must not be used after 9pm each night and the pool area not to be used after 8pm each night.

**Carried unanimously.**

#### **Committee Recommendation**

**Moved:** Cr Stockwell

**Seconded:** Cr Stewart

That Council note the report by the Development Planner to the Planning &

Environment Committee Meeting dated 9 March 2021 regarding Application No. MCU20/0119 for a Development Permit for Material Change of Use - Short-term accommodation situated at 1/20 Nannygai Street, Noosaville 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 this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

#### **Approved Plans**

2. Development 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
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18010 07 of 14	DA-02	<i>Elevations (west)</i> , prepared by Mercury Design	12.03.2018
18010 08 of 14	DA-02	<i>Elevations (east)</i> , prepared by Mercury Design	12.03.2018
18010 09 of 14	DA-02	<i>Elevations (north and south)</i> , prepared by Mercury Design	12.03.2018
18010 10 of 14	DA-02	<i>Sections</i> , prepared by Mercury Design	12.03.2018

#### **Currency**

3. This development approval lapses if the use has not happened by 18 March 2027, unless an application to extend the currency period is approved by Council.

#### **Nature and Extent of Approved Use**

4. The total number of bedrooms on the site must not exceed 4.
5. No more than 8 guests may occupy the premises at any time.
6. All outdoor areas, including balconies, decks, and the like, must not be used after 9pm each night and the pool area not to be used after 8pm each night.
7. The premises must not be used as a party house, with no events, functions or parties (e.g. bucks parties, hen's parties, raves, or wedding receptions for example) permitted on site.

#### **Built Form**

8. The existing media room on the Ground Floor must be converted back to 'bike parking' only, as per approved plan Ground Floor Plan, prepared by Mercury Design (18010 - 04 of 14 – V2) dated 2 February 2021.

**Amenity**

9. The operation of the approved use must not detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by surrounding residents or cause a nuisance, including a noise nuisance.

**Car Parking**

10. Existing car parking on site, as detailed on the approved plans, must be maintained and kept available for users of the short-term accommodation.
11. 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.

**Waste Management**

12. Waste storage and disposal facilities must be provided in accordance with *Planning Scheme Policy 9, Waste Management*, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
13. Waste containers must:
  - a. At all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
  - b. Be placed on the kerb side frontage of the premises, for the collection of general waste from the container; and
  - c. Not be placed on the kerb side frontage for longer than 24 hours before or after the scheduled collection day for the collection of waste in the container.

**Contact Person**

14. Prior to the commencement of the use written confirmation must be provided to Council confirming:
  - a. the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
  - b. that the contact person is available 24 hours a day, 7 days a week; and
  - c. that the contact person resides within 20 minutes travel time (by vehicle) of the premises; and
  - d. that the contact person is to be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.
15. A sign must prominently and permanently display in letters and numbers not less than 50mm in height, a current up to date written notice detailing the contact person's phone number, and a statement that the contact person is responsible for the supervision and maintenance of the premises. The sign must not exceed 0.2m<sup>2</sup>, be displayed at the front of the premises and be visible to members of the public at all times.

**Code of Conduct**



16. A code of conduct must be developed and provided to all users and occupants of the short-term accommodation, including any website or social media used to promote the use of the premises for short-term accommodation.
17. The code of conduct must advise all users of the premises:
  - a. That the use of the premises must not:
    - i. detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by residents in the vicinity of the premises; or
    - ii. cause a nuisance (including a noise nuisance);
    - iii. display unacceptable behavior including:
      - a. loud aggressive behaviour;
      - b. yelling, screaming, arguing; or
      - c. excessively loud cheering, clapping and singing.
    - iv. create a level of noise above the acceptable levels described by Queensland Government legislation for environmental protection (noise).
  - b. That a user of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility.
  - c. That each vehicle used by an user of the premises must:
    - i. be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
    - ii. be parked within the parking facilities at the premises where provided.
  - d. That each user of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container.
  - e. That each user of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.
  - f. That pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance).
  - g. The nature and extent of the approved use as detailed in conditions numbers 4 to 7 of this development approval.
18. The Code of Conduct must be displayed in a prominent location at the premises so that it can be viewed by guests.

#### **Complaints Management**

19. The contact person must maintain a record of all complaints received, identifying how each complaint has been resolved or addressed within a reasonable time.
20. The contact person must respond to all complaints within 30 minutes of notification of a complaint.
21. The contact person, must keep and maintain a register of the use of the premises for short stay letting or home hosted accommodation, and record in the register, each of the following:

- c. on each occasion on which the premises are used, or occupied, for short stay letting or home hosted accommodation on a commercial basis:
    - i. the number of adults who are users of the premises; and
    - ii. the number of minors, an individual who is under 18, who are users of the premises.
  - d. the dates when each person's use, or occupation, of the premises for short stay letting or home hosted accommodation began and ended.
22. The contact person, must make available, for inspection by Council, within 5 business days of receipt of a written request given at any time, each of:
- a. the written record of complaints referred to in condition 18; and
  - b. the register referred to in condition 20.

#### **Protection of Privacy**

23. To ensure privacy is protected between adjoining properties, the window located on the upper level northern building face must either:
- a. be fitted with translucent glazing; or
  - b. be fitted with a fixed external screen.
24. The 'Alfresco' balcony located to the rear of the Ground Floor must include fixed external screens on the northern side of the balcony, positioned in such a way to obscure direct views into the windows or private open space areas of adjoining properties to the west.
- C. Request the Chief Executive Officer carry out a Final Inspection to ensure compliance with the Conditions of approval for both MCU18/0003 and MCU20/0119.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**For:** Crs Wilkie, Lorentson, Stewart and Stockwell

**Against:** Crs Jurisevic and Wegener

**Carried.**

**2 51987.44.02 – MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR ENTERTAINMENT AND DINING BUSINESS - TYPE 1 FOOD & BEVERAGES AND A RETAIL BUSINESS - TYPE 2 SHOP & SALON – 6 THOMAS STREET, NOOSAVILLE**

*The following material was presented to the meeting in relation to this item:*

- *Cr Clare Stewart – Images - refer to Attachment 1*

#### **Motion**

**Moved:** Cr Stewart

**Seconded:** Cr Lorentson

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. 51987.44.02 to make a minor change to an existing approval for Entertainment and Dining Business - Type 1 Food & Beverages and Retail Business - Type 2 Shop & Salon situated at 6 Thomas Street, Noosaville and:

A. Amend conditions 13, 16 and 24 to read as follows:

13. 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
15.0319.1.3A	A	<i>New Ground Floor Plan</i> , prepared by and+design	June 2020
15.0319.1.4A	A	<i>New First Floor Plan</i> , prepared by and+design	June 2020
15.0319.3.1A	A	<i>Sections</i> , prepared by and+design	June 2020
15.0319.4.1A	A	<i>Elevations</i> , prepared by and+design	June 2020

16. The approved uses must not operate outside the hours of 6:30am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses may operate until 12 midnight. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.
24. The building must be well articulated, with strong vertical design feature elements. The awning located within the road reserve must include lightweight timber features. The building must include subtle changes in colours, textures and materials to break up the building facades, with the exception of the northern elevation which may include a mural design. Any changes to the existing mural design and/or colour palette will require written authorisation from Council.

B. Delete conditions 14 and 15.

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

### **Amendment**

**Moved:** Cr Stockwell

**Seconded by** Cr Jurisevic

Amend Item 16 to read:

- 16 The approved uses must not operate outside the hours of 6:30am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses with a frontage to Thomas St may operate until 12 midnight. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.

**Lost unanimously.**

### **Committee Recommendation**

**Moved:** Cr Stewart

**Seconded:** Cr Lorentson

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. 51987.44.02 to make a minor change to an existing approval for Entertainment and Dining Business - Type 1 Food & Beverages and Retail Business - Type 2 Shop & Salon situated at 6 Thomas Street, Noosaville and:

A. Amend conditions 13, 16 and 24 to read as follows:

- 13 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
15.0319.1.3A	A	<i>New Ground Floor Plan</i> , prepared by and+design	June 2020
15.0319.1.4A	A	<i>New First Floor Plan</i> , prepared by and+design	June 2020

15.0319.3.1A	A	<i>Sections</i> , prepared by and+design	June 2020
15.0319.4.1A	A	<i>Elevations</i> , prepared by and+design	June 2020

- 16 The approved uses must not operate outside the hours of 6:30am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses may operate until 12 midnight. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.
- 24 The building must be well articulated, with strong vertical design feature elements. The awning located within the road reserve must include lightweight timber features. The building must include subtle changes in colours, textures and materials to break up the building facades, with the exception of the northern elevation which may include a mural design. Any changes to the existing mural design and/or colour palette will require written authorisation from Council.

B Delete conditions 14 and 15.

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

**Carried unanimously.**

### 3 NOOSA TRAIL MASTERPLAN

#### Committee Recommendation

**Moved: Cr Stockwell**

**Seconded: Cr Jurisevic**

That Council note the report by the Principal Environment Officer to the Planning & Environment Committee Meeting dated 9 March 2021 and

- A. Note the update on the development of the Noosa Trail Masterplan, the establishment of the Noosa Trail Masterplan Stakeholder Reference Group and the grant funded Trail 5 Upgrade project; and
- B. Adopt the Noosa Trail Masterplan for the purposes of enabling further detailed planning to be undertaken that will include consideration of opportunities and constraints to achieve:
1. A shire wide trail network that links the hinterland to the coast and defines trail locations and standards for walkers, runners, mountain bikers, horse riders and canoeists;
  2. Creation of shorter trail loops around existing towns and villages suitable for all ages and abilities;
  3. A significant enhancement of canoe and kayak trails and infrastructure to link to land trails including along Weyba Creek, Eenie Creek, Wooroi, Cooloothin Creek and the Noosa River and Lakes;
  4. Linkages between Cooloola National Park/ Lake Cootharaba/ Boreen Point to Kin Kin and Lake Macdonald;
  5. Opportunities to link to trails in adjoining Shires to create the opportunity for week-long adventures;

Noting that any expansion of the trail network is subject to feasibility assessment, landowner consent, ongoing operational maintenance costs and consideration of any new projects as part of Council's annual budget processes.

**Carried unanimously.**

**4 POTENTIAL AMENDMENTS TO NOOSA PLAN 2020 RELATING TO HOUSING CHOICE AND AFFORDABILITY**

In accordance with Chapter 5B of the Local Government Act 2009, Cr Jurisevic provided the following declaration to the meeting of a **prescribed** conflict of interest in this matter:

I, Cr Jurisevic, inform the meeting that I have a prescribed conflict of interest in the matter as an item in the report specifically refers to changes in zoning of a site in Doonella St, Tewantin that is at least in part, being developed by Chris Wright, with whom I would be considered as having a close friendship. The nature of the friendship stems from my wife having worked for Chris' wife Kelly and in the same office where Chris's business is located. Kelly was also Treasurer of the Sunshine Beach State High School P&C during my term as P&C President. My wife and I attended Chris and Kelly's wedding as well as several social gatherings together at each other's houses over the years as our children were close friends and attended the same playgroup and school growing up. I have no material interest in the development. As a result of my conflict of interest I will leave the meeting room while the matter is considered and voted on.

**Committee Recommendation****Moved: Cr Stewart****Seconded: Cr Wegener**

That Council note the report on Potential Amendments to Noosa Plan 2020 relating to Housing Choice and Affordability by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 and

- A. Prepare amendments to Noosa Plan 2020 in line with the actions outlined in parts 2.1 to 12.1 of the report, in accordance with Division 2 of the Planning Act 2016; and
- B. Update the Noosa Council Housing Needs Assessment prepared by Briggs & Mortar Pty Ltd in 2017 with regard to the provisions of Noosa Plan 2020 and the local housing situation and trends.

**Carried unanimously.**

Cr Jurisevic re-joined the meeting.

**5 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING – REVISED VERSION FOLLOWING PUBLIC CONSULTATION**

In accordance with Chapter 5B of the Local Government Act 2009, Cr Stockwell provided the following declaration to the meeting of a **prescribed** conflict of interest in this matter:

I, Cr Stockwell, inform the meeting that I have a prescribed conflict of interest in this matter as I am the owner of Lot 45 Noosa Lakes Resort at 3 Hilton Terrace, Tewantin. I am also the Body Corporate Chair. The draft Local Law for Short Stay Letting identifies the resort as one of proposed exempt sites (as identified in Attachment 7 of the Committee Agenda). The draft Local Law therefore has a different impact on me to the majority of short stay accommodation owners. Some would say beneficially, others the reverse, I have a Prescribed Conflict of Interest. As a result of my conflict of interest, I will leave the meeting room while the matter is considered and voted on.

**Motion****Moved: Cr Wilkie****Seconded: Cr Stewart**

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 and:

- A. Resolve to make:
  1. Administration (Amendment) Local Law (No. 1) 2021 as contained in Attachment 1; and
  2. Administration (Amendment) Subordinate Local Law (No.1) 2021 as contained in Attachment 2;
- B. In accordance with Council's Local Law Making Policy, further consult with the public about the revised versions of Administration (Amendment) Local Law (No.1) 2021 and Administration (Amendment) Subordinate Local Law (No.1) 2021;
- C. Pursuant to section 257 of the *Local Government Act 2009*, delegate to the Chief Executive Officer its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—
  1. how the public interest test of Administration (Amendment) Local Law (No. 1) 2021 contained in Attachment 1 and Administration (Amendment) Subordinate

2. Local Law (No. 1) 2021 contained in Attachment 2 is to be conducted; and
  3. the matters with which the public interest test report in relation to the local law and subordinate local law must deal; and
  4. the consultation process for the public interest test and how the process is to be used in the public interest test;
- D. Approve the complaints procedure contained in Attachment 4 for the purpose of providing a plain English explanation of the process for dealing with complaints;
- E. Refer the resource requirements for implementing the local law and proposed fees structure for applications and annual renewals to the FY2021/22 budget process;
- F. Allow resident letting agents for on-site managed complexes the ability to submit one application form for their entire letting pool, with the fees applied per property within the letting pool;
- G. Authorise the CEO to make minor amendments to the documents prior to public notification.

### **Amendment**

**Moved:** Cr Lorentson

**Seconded:** Cr Jurisevic

That Item H be added to read:

- H. That the CEO investigate incorporating a Council employed security firm replicating the Mornington Peninsula model.

**Carried unanimously.**

### **Committee Recommendation**

**Moved:** Cr Wilkie

**Seconded:** Cr Stewart

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 and:

- A. Resolve to make:
1. Administration (Amendment) Local Law (No. 1) 2021 as contained in Attachment 1; and
  2. Administration (Amendment) Subordinate Local Law (No.1) 2021 as contained in Attachment 2;
- B. In accordance with Council's Local Law Making Policy, further consult with the public about the revised versions of Administration (Amendment) Local Law (No.1) 2021 and Administration (Amendment) Subordinate Local Law (No.1) 2021;
- C. Pursuant to section 257 of the *Local Government Act 2009*, delegate to the Chief Executive Officer its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—
1. how the public interest test of Administration (Amendment) Local Law (No. 1) 2021 contained in Attachment 1 and Administration (Amendment) Subordinate
  2. Local Law (No. 1) 2021 contained in Attachment 2 is to be conducted; and
  3. the matters with which the public interest test report in relation to the local law and subordinate local law must deal; and

4. the consultation process for the public interest test and how the process is to be used in the public interest test;
- D. Approve the complaints procedure contained in Attachment 4 for the purpose of providing a plain English explanation of the process for dealing with complaints;
- E. Refer the resource requirements for implementing the local law and proposed fees structure for applications and annual renewals to the FY2021/22 budget process;
- F. Allow resident letting agents for on-site managed complexes the ability to submit one application form for their entire letting pool, with the fees applied per property within the letting pool;
- G. Authorise the CEO to make minor amendments to the documents prior to public notification;
- H. That the CEO investigate incorporating a Council employed security firm replicating the Mornington Peninsula model.

**For:** Crs Wilkie, Jurisevic, Stewart and Lorentson

**Against:** Crs Wegener

**Carried.**

Cr Stockwell re-joined the meeting.

## 6 DRAFT CLIMATE CHANGE RESPONSE PLAN

### Committee Recommendation

**Moved:** Cr Stockwell

**Seconded:** Cr Lorentson

That Council note the report by the Principal Strategic Planner and Carbon Reduction Officer to the Planning & Environment Committee Meeting dated 9 March 2021 and approve the draft Climate Change Response Plan for the purpose of community consultation, provided at Attachment 1 to the report.

**Carried unanimously.**

## 6 REPORTS DIRECT TO GENERAL COMMITTEE

### 7 NOOSA AQUATIC CENTRE CAFE LEASE TENDER ASSESSMENT - T000031

#### Committee Recommendation

**Moved:** Cr Stewart

**Seconded:** Cr Lorentson

That Council note the report by the Community Facilities Manager to the General Committee meeting dated 15 March 2021 and

- A. Award tender T000031 to David Evans, trading as Poolside NAC; and
- B. Award the lease agreement for an initial term of two (2) years, commencing 1 April 2021 at a rate of \$45,000 p.a. ex GST and increasing to \$50,000 p.a. ex GST in year 2, with an option to extend for a further three (3) periods of twelve (12) months each at a rate of \$55,000 p.a. ex GST in year 3 with CPI increases to be applicable in years 4 and 5, if the options are executed. The options to extend will be at Council's discretion and subject to the Contractor's demonstrated ability to meet the requirements of the lease agreement.

**Carried unanimously.**



**8 NOOSA NORTH SHORE BEACH CAMPGROUND MANAGEMENT SERVICES TENDER – T000033****Committee Recommendation****Moved: Cr Jurisevic****Seconded: Cr Wegener**

That Council note the report by the Property Advisor – Commercial Property to the General Committee Meeting dated 15 March 2021 and

- A. Award contract T000033 to 1 Eight Pty Ltd for the Noosa North Shore Beach Campground Management Services for an initial five (5) year period commencing 1 April 2021; and
- B. Authorise the Chief Executive Officer to exercise future options to extend the contract for a further 1 x 2 year period subject to satisfactory performance at Council's sole discretion.

**Carried unanimously.**

**9 MCU19/0114 & RAL19/0027 – APPLICATION FOR A SENIORS LIVING COMMUNITY, NEW COOROY GOLF CLUBHOUSE & FACILITIES AND BOUNDARY REALIGNMENT & ACCESS EASEMENT AT 30, 114, 122 & 144 MYALL STREET COOROY**

*The following material was presented to the meeting in relation to this item:*

- *Cr Brian Stockwell – Images - refer to Attachment 2*

**Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Stockwell**

That Council note the report by the Coordinator Planning, to the General Committee Meeting dated 15 March 2021 regarding Application MCU19/0114 and RAL19/0027 for a Development Permit for Material Change of Use – Entertainment & Dining Type 2 Recreation amusement fitness, Multiple Housing - Type 3 Retirement and Special Needs (Seniors Living Community) and Reconfiguring a Lot (Boundary Realignment and access easement) situated at 30, 114, 122 and 144 Myall St Cooroy and:

- A. Refuse the application for the following reasons:
  1. The proposal is not consistent with SEQ Regional Plan as the development would result in a high density residential development within an area which contains ecological vales and is not included with the planning schemes urban growth boundaries.
  2. The proposed development is contrary to State Planning Policy as it will irreversibly impact on good agricultural land.
  3. The proposed development is not consistent with Desired Environmental Outcomes of the Noosa Plan 2006 as the proposal will adversely impact on good agricultural land, is at odds with the expected rural character and amenity of the area and is more suitably located within the urban growth boundary. The proposal will also result in the loss of land intended to accommodate recreational activities for the community.
  4. The proposed development is inconsistent with the Noosa Plan's Strategic Framework as the proposed development will not conserve land for agricultural purposes and will result in development inconsistent with the rural character and amenity of the locality.

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5. The proposed development is not consistent with Overall Outcomes 6.7.2 a) (i) and (iv), c), d), r), s), y), cc), gg), rr) and ss) and Specific Outcomes O1, O3, O7, O8, O9, O10, O15, O18, O19, O20, O25, O27, O81, O82 and O88 of Cooroy and Lake Macdonald Locality Code as:
- i. It results in high density residential development outside of the Urban Growth Boundary which is not consistent with the Priority Infrastructure Plan.
  - ii. It utilises Rural zoned land for the purpose of Multiple Housing which is an inconsistent use in the zone with the land intended to be maintained for its rural character and use for agricultural.
  - iii. It utilises Open Space Recreation zoned land for the purpose of Multiple Housing which is an inconsistent use in the zone with the land intended to be used for recreational purposes.
  - iv. It utilises rural land intended to be protected and managed to preserve the scenic and environmental values of the area.
  - v. It does not preserve agricultural land, conserve open space for biodiversity and water quality purposes or provide development at a density consistent with the sites environmental constraints and proximity to the Lake Macdonald water supply catchment.
  - vi. The development does not minimise cut and fill and is excessive.
  - vii. The development results in adverse impacts on the sites environmental values.
  - viii. The development has the potential to impact on water quality of Lake Macdonald.
  - ix. The proposal will result in a detrimental impact on the scenic vista from the major road network and the entry into Cooroy township.
  - x. The proposed built form does not complement traditional streetscape and building forms.
  - xi. The height of club house will dominate surrounding spaces and the existing skyline.
  - xii. Parts of the development are located too close to Myall Street and are not consistent with the streetscape.
  - xiii. The excessive site cover results in excessive bulk and development which is not compatible with surrounding development.
  - xiv. The development has the potential to impact on the acoustic amenity of the surrounding area, as no acoustic measures are proposed to be implemented for the new golf club house.
6. The proposed development does not comply with Overall Outcomes 14.44.2 a), b) and j) and Specific Outcomes O16 and O17 of the Residential Uses Code as:
- i. It is proposed on land that is not suited to the development of residential buildings;
  - ii. It is not consistent with the character of the neighbourhood;
  - iii. It does not maximise the use of the natural topography and minimise the need for cut and fill; and
  - iv. It is not located within reasonable proximity to a variety of essential services.

7. The proposed development fails to meet Overall Outcomes 13.7.2 a), b), c), d) (i), (ii), (iii) and (v), e) and g) and Specific Outcomes O1, O3, O4, O5, O6, O8, O9, O10, O14, O15, O18 and O19 of the Biodiversity Overlay Code as the proposal will result in the removal of significant vegetation and intrude into the site's riparian buffer.
8. The proposal does not comply with Overall Outcomes 14.157.2 a) and b) of the Water Sensitive Design Code as the development:
  - i. is not designed and could not be constructed in a manner that does not impede, long term attainment of relevant Environmental Values and Water Quality Objectives as specified in the Environmental Protection Policy 2009;
  - ii. proposes infrastructure within the riparian zone and an extent of cut and fill that is likely to create adverse impacts on downstream ecosystems, properties and infrastructure due to changes to stormwater flow, water quality or ecosystem health.
9. The application proposes development within the Water Supply Catchment which may result in adverse effects on the quality of water entering Lake Macdonald contrary to Specific Outcome O11 of the Natural Hazards and Natural Resources Overlay Code.
10. The proposal does not comply with Overall Outcome 14.111.2 (c) and Specific Outcome O7 of the Driveways and Car Parking Code as:
  - i. Sufficient visitor parking is not provided and appropriately located for visitors of the Retirement and Special Needs use; and
  - ii. Sufficient parking is not provided for the golf club house.
11. The proposal does not comply with Overall Outcome 14.111.2 (c) and Specific Outcome O8 of the Driveways and Car Parking Code and Specific Outcome O7 and O36 of the Residential Uses Code as internal driveways are too narrow to satisfactorily accommodate internal traffic movements.
12. The proposed built form and landscaping is not consistent with the preferred character within Cooroy and will result in an appearance of excessive bulk, limited landscaping and continual roof form.
13. Noosa Plan 2020 has identified that it can meet the requirements for residential accommodation until 2041 within the current Urban Growth Boundary. The application has failed to demonstrate a significant planning need to develop outside of these boundaries, nor any overriding community benefit which would justify approving the development despite its conflict with the Planning Scheme and relevant State Planning Policies.
14. In preparing the Noosa Plan 2020 and in reviewing submissions pertaining to this property Council considered the development potential and suitability of this site and it was considered that despite its inclusion within the Urban Footprint of the SEQ Regional Plan, commitment of the land for urban purposes was neither necessary nor appropriate.
15. The proposal is not consistent with the provisions of the Noosa Plan 2020 which seek that the land is developed for rural residential purposes.
16. The proposal does not comply with the overall outcomes sought by the Biodiversity, Waterways and Wetlands overlay code in Noosa Plan 2020 as the development:
  - i. is not designed, sited, nor could it be constructed in a way that avoids adverse impacts on ecologically important areas, ecological systems

and processes.

- ii. does not propose to conserve, manage, enhance and nor rehabilitate to protect and improve biodiversity, ecosystem health, landscape stability and resilience of ecological linkages and riparian vegetation
- iii. is not designed nor propose a layout that provides for the protection and establishment of appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat.
- iv. does not protect and enhance the terrestrial and aquatic native flora and fauna and their habitats
- v. does not propose landscaping for the rehabilitation of ecologically important areas, degraded ecosystems and habitats to achieve a functional and healthy ecosystem state that requires minimal human intervention.

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

**Carried unanimously.**

## 10 FINANCIAL PERFORMANCE REPORT - FEBRUARY 2021

### Committee Recommendation

**Moved: Cr Stewart**

**Seconded: Cr Lorentson**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 15 March 2021 outlining February 2021 year to date financial performance against budget, including performance against key financial sustainability indicators.

**Carried unanimously.**

## 7 CONFIDENTIAL SESSION

Nil.

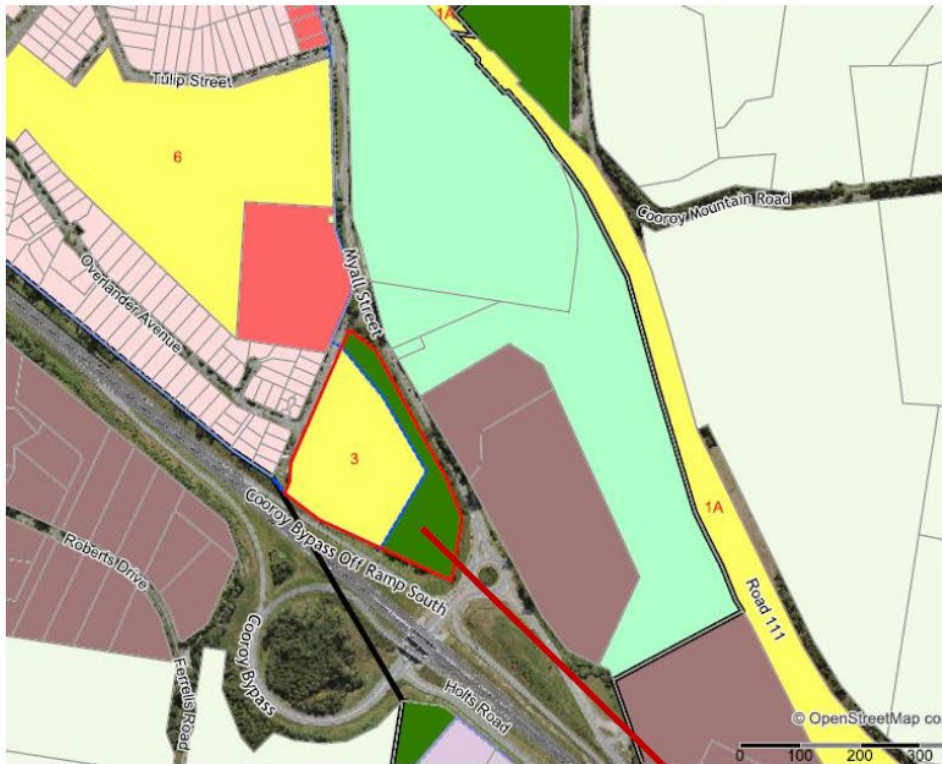
The meeting closed at 3.11pm.







# Noosa Plan 2020 Zones – Aerial Image



Environmental Management and Conservation Zone



# My view of likely approach if we were to investigate the extension of the Urban Growth Boundary



Probable Environmental Management and Conservation Zone if being consistent