



# MINUTES

## General Committee Meeting

**Monday, 12 April 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 Karen Finzel  
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 report 1*)  
B O'Connor, Acting Director Infrastructure Services (*for report 2*)

The meeting commenced at 10.00am.

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

**Moved:** Cr Stewart

**Seconded:** Cr Lorentson

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

**Carried unanimously.**

**3 PRESENTATIONS**

Nil.

**4 DEPUTATIONS**

Nil.

## 5 ITEMS REFERRED FROM COMMITTEES

### 1 MCU20/0128 – DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY AT 32 VIEWLAND DRIVE, NOOSA HEADS

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

*I, Cr Stewart, inform the meeting that I have a prescribed conflict of interest in this matter as the applicant, Deluca Charitable Foundation Limited is building this facility for the benefit of Youngcare and I am a Board Director of Youngcare. As a result of my conflict of interest, I will now leave the meeting room while the matter is considered and voted on.*

#### **Committee Recommendation**

**Moved:** Cr Jurisevic

**Seconded:** Cr Stockwell

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 6 April 2021 regarding Application No. MCU20/0128 for a Development Permit for Material Change of Use - Residential care facility situated at Reservoir 32 Viewland Dr, Noosa Heads 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
DA-0031	5	3d Views prepared by Ellivo	29/01/2021
DA-0032	4	3d Views prepared by Ellivo	21/01/2021
DA-0033	4	3d Views prepared by Ellivo	21/01/2021
DA-0034	4	3d Views prepared by Ellivo	22/01/2021
DA-0035	4	3d Views prepared by Ellivo	21/01/2021
DA-0036	4	3d Views prepared by Ellivo	22/01/2021
DA-1000	16	Ground Floor Plan prepared by Ellivo	15/03/2021
DA-1001	11	Level 1 Floor Plan prepared by Ellivo	04/02/2021
DA-1002	10	Roof Plan prepared by Ellivo	04/02/2021
DA-1600	4	Area Plans prepared by Ellivo	21/01/2021
DA-2100	5	Building Elevations prepared by Ellivo as amended in red by Council	21/01/2021
DA-2101	5	Building Elevations prepared by Ellivo as amended in red by Council	21/01/2021

DA-3100	6	Building Sections prepared by Ellivo	21/01/2021
DA-3101	2	Building Sections prepared by Ellivo	21/01/2021
DA06 (Page 11)	-	Noosa Youngcare Masterplan prepared by Form Landscape Architects	09/03/2021
DA06 (Page 12)	-	Tree Works Plan prepared by Form Landscape Architects as amended in red by Council	09/03/2021
DA06 (Page 13)	-	Walls and Fences prepared by Form Landscape Architects as amended in red by Council	09/03/2021

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

3. Deliveries and any service related activities must not occur outside the hours of:
  - a. 7am to 6pm Monday to Saturday
  - b. 9am to 5pm Sunday or any public holiday
4. The total number of residential beds established on the site, including the approved on site overnight carer accommodation, must not exceed twenty (20).
5. The total number of support workers residing on the premises at any one time must not exceed two.

#### **Currency Period**

6. This development approval lapses if the use has not happened by the 15 April 2027, unless an application to extend the currency period is approved by Council.

#### **Performance Bond**

7. Security in the form of a cash bond or trading bank guarantee to the sum of **\$10,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

#### **Street Identification**

8. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

#### **Water & Sewer Connections**

9. An underground connection to reticulated water and sewerage must be provided to the development in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).

#### **Plant and Equipment**

10. All air conditioning units, generators or other plant and mechanical equipment must be located at ground level and fully enclosed or screened such that,

10.1. they are not visible from the street frontage or adjoining properties;  
and

10.2. the screening enclosure minimises noise impacts to within acceptable levels at the boundary of the site.

11. All external plant and equipment must be sited away from neighbouring residential premises.

#### **Building Appearance**

12. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the, except where required to satisfy any privacy condition of this Decision Notice.

13. The building must be finished using a mixture of colours textures and materials using a muted, natural colour palette that complements the natural surroundings of the site.

#### **Fencing and Walls**

14. Any street fencing must be set back an average of 1 metre from the front property boundary. Any fencing on the front boundary must either:

- a. not exceed a maximum height of 1.2m
- b. be of open construction.

15. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

16. The 2m landscape zone between the building footprint and the side and rear boundaries must not be filled and must be landscaped to provide a visual buffer and transition to adjoining properties.

#### **Landscaping Works**

17. The development site 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. the works shown on the Approved Plans
- b. provision of 1 street tree within the road reserve for every 8 metres of road frontage

18. 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.

19. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

#### **Tree Retention**

20. Existing trees on site must be retained generally in accordance with the Tree Solutions referenced document, Arboricultural Report, 32 Viewland Drive prepared by Brandan Martin Director/ Principal Consulting Arborist dated December 5, 2020.

21. Provide to Council prior to or with an Operational Works Application an amended Tree Works Plan that accords with the referenced Arboricultural Report in Condition 20, and including additional trees identified as suitable for retention in consultation with the consulting arborist, Council's Environment Officer and in accordance with the referenced report.

**Clothes Drying Areas**

22. Outdoor clothes drying areas must be screened from public view.

**Protection of Privacy**

23. To ensure privacy is protected between adjoining properties, the windows located on the western and southern building faces must:
- a. have a minimum window sill height of 1.5 metres above floor level; or
  - b. be fitted with translucent glazing; or
  - c. be fitted with a fixed external screen.
24. The upper level balconies located on the southern facade of the apartment building must include either balcony planter boxes, balustrading or fixed external privacy screens, positioned in such a way to obscure direct views into the habitable room windows or private open space areas of the adjoining property.

**Communal Recreation Area/s**

25. Communal recreation area/s must be provided as shown on the approved plans.

**Safety and Security**

26. All external lighting at entrances, pathways, emergency exits and other external locations must not result in light shed beyond the boundaries of the site and design and/or screened where necessary to prevent glare and light disturbance to neighbouring properties.
27. Individual unit numbers must be clearly signed.
28. All pathways and land used for outdoor recreation must have grades not exceeding 1 in 20, with paths having hard, slip resistant surfaces.

**Site Access and Driveways**

29. A sealed access driveway must be provided from Viewland Drive to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- a. a driveway crossover generally in accordance with Council Standard Drawing RS-051
  - b. suitable safety measures to improve driver awareness of pedestrians and enhance pedestrian safety.

**Car Parking**

30. A minimum of six (6) car parking spaces must be provided and marked on the site and made available and accessible at all times. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- a. 3 visitor parking spaces within the total, which are clearly marked for that purpose and accessible at all times for visitor use
  - b. 2 staff parking spaces within the total, which are clearly marked for that purpose
  - c. 1 disabled parking space/s within the total
  - d. 1 emergency vehicle bay within the total

- e. dimensions, crossfalls and gradients in accordance with Australian Standards AS/NZS2890.1:2004 and AS/NZS2890.6:2009
31. 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.
  32. Directional signage must be provided to direct visitors to the car parking spaces provided on site.

#### **Stormwater Drainage**

33. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and be generally in accordance with drawing number Q20-004-C01 Revision F titled *Stormwater Drainage Layout Plan* prepared by Neil McKenzie and Associates Pty Ltd dated 11 March 2021. The operational works application must include but not be limited to:
  - a. Certification from the Geotechnical Engineer that supports the design and makes specific comment regarding the proposed on-site infiltration system and the swale drain
  - b. Certification that states that if the works are carried out in accordance with the design plans the development of the site will not create a stormwater worsening on the adjoining downstream properties

This condition is imposed pursuant to s145 of the *Planning Act 2016* being non-trunk infrastructure.

#### **Services**

34. 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.
35. Certification must be submitted to Council from all relevant service providers (Energex, NBN and Unitywater) which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

#### **Easements**

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

#### **Geotechnical Stability**

39. All works must be carried out generally in accordance with the recommendations contained in the *Report on Geotechnical Investigation – Project Number 95141.00* prepared by Douglas Partners dated January 2021 with the following additions:

- a. The report must be amended to include specific reference to the proposed on-site infiltration system and the proposed swale drain;
- b. Certification that states that if the works are carried out in accordance with the report the development of the site will not:
  - a. adversely impact on the stability of the subject site or
  - b. adversely impact on the stability of any adjoining land and/or structure erected on the adjoining land

The report incorporating the above amendments must be resubmitted to Council as part of any subsequent Development Permit for Operational Works\*.

\*(Refer to Advisory Note)

40. Prior to the commencement of the use certification must be submitted to Council from a qualified person\* which certifies that the development has been constructed in accordance with the approved Geotechnical Report for the development and that the development will remain stable in the long term.

\*(Refer to advisory Note)

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

41. All earthworks must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
42. All earthworks and associated retaining structures/batters/anchors must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: Guidelines on Earthworks for Commercial and Residential Developments.
43. Where the development involves excavation or filling over, or adjacent to, drainage, water supply or sewerage infrastructure, all access chamber surface levels must be adjusted to provide a freeboard of 100mm above the finished ground surface level.
44. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

#### **Damage to Services and Assets**

45. 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.



**Stormwater Quality**

46. The development must include a stormwater quality treatment system designed to achieve 80% reduction in Total Suspended Solids, 60% reduction in Total Phosphorous, and 45% reduction in Total Nitrogen compared to an unmitigated scenario, prior to discharge from the site.
47. The stormwater quality treatment system must be in accordance with an Operational Works approval for stormwater drainage and, the Queensland Urban Drainage Manual. The application for Operational Works Approval must demonstrate that:
  - 47.1. all runoff can be filtered via vegetated areas prior to discharge from the site.
  - 47.2. pollutant reduction predicted for the stormwater quality treatment train is designed in accordance with the Water by Design MUSIC modelling guidelines (Version 1) 2010.
  - 47.3. Detail design plans for the stormwater treatment train, and submitted for the Operational Works approval, demonstrate the size of water quality improvement features are consistent with the MUSIC model, and are visually integrated into the development in accordance with the Water by Design Bio-retention Technical Design guidelines (Version 1.1) October 2014.
  - 47.4. Any necessary retaining walls within bio retention basins must not exceed 0.8m in height. The operational works approval application must detail proposed rock finishing on any retaining walls, and these approved finishes shall be maintained for the life of the development. Raw finished concrete block retaining walls will not be approved.
  - 47.5. The application for operational works approval must include the design for educational signage to be included within/alongside the bio-retention basin. Signage must follow a green and white colour pallet and state "This bio retention basin cleans stormwater runoff prior to its discharge to The Noosa River".
  - 47.6. Stormwater detention must be included in the stormwater treatment train design, and maintained to facilitate for stormwater flows discharging from the development to be consistent with pre-development characteristics.
  - 47.7. Stormwater discharges are provided with a free draining outlet and connect to a lawful point of discharge in accordance with PSP6 Engineering Design Standards - Roads, drainage and earthworks
48. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2012) - Maintaining Vegetated Stormwater Assets (Version 1). A copy of this document must be retained on the site together with the approved Operational Works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.
49. Any proposed Community Management Statement required for the development must include the Water by Design (2012) – Maintaining Vegetated Stormwater Assets (Version 1) document and must include the full cost of maintaining the system in accordance with that document.

**Construction Traffic Management Plan**

50. A Construction Management Plan must be submitted with the Operational Works application and must address the following:
- a. traffic management during all aspects of the construction phase including:
    - i. a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
    - ii. maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
    - iii. proposed fencing to the site during the construction phase of the development
    - iv. approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
    - v. provision for worker car parking
  - b. maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
  - c. works programme identifying key components of the works and their respective durations
  - d. establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues.
  - e. Include a post out to the local residents and businesses advising of the proposed development, the expected time frames and the site contact details.
  - f. Include signage in prominent locations on the boundaries of the site advising of the proposed development, the expected time frames and the site contact details.
  - g. identification of complaint management procedures including:
    - i. contact details for the on-site manager
    - ii. dispute resolution procedures
  - h. details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense

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

C. Request the Chief Executive Officer to investigate the existing traffic and car parking concerns in Viewland Drive, Noosa Heads raised by residents in their submissions to Application No. MCU20/0128 for a Residential Care Facility at 32 Viewland Drive, Noosa Heads.

**Carried unanimously.**

Cr Stewart re-joined the meeting.

## 2 PARK ROAD TEMPORARY PATH UPGRADE FURTHER INFORMATION

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

- *Cr Wegener – map and images - refer to Attachment 1*

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

*I, Cr Lorentson, inform the meeting that I have a declarable conflict of interest in this matter due to my relationship with Andrew and Cathryn St Baker who reside in Park Road adjacent to where the pathway is located. My family have holidayed once with Andrew and Cathryn St Baker, my husband is close personal friends with Andrew St Baker and one of my election signs was located at Thomas Surfboards and Andrew St Baker is a joint owner of that business. As a result of my conflict of interest I will now leave the meeting room while the matter is considered and voted on.*

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

*I, Cr Wegener inform the meeting that I have a declarable conflict of interest in this matter due to my association with Andrew St Baker who owns a property in Park Road, adjacent to the where the pathway is located. Andrew St Baker contacted me in May 2020 about the pathway in question which runs on the northern edge of his property. I went to meet with him and looked at the path and he told me the history of his dealings with Council. I contacted the Project Officer and passed on Mr. St Baker's concerns. Later, I informally met the Project Officer on the boardwalk and, I believe, he told me that it will eventually come before Council. I have a perceived association with Mr. St Baker as I am a surfboard manufacturer and he is an owner of Thomas Surfboards and the Thomas Factory. I believe Mr. St Baker has had a fantastic influence on manufacturing in Noosa. In Council I have often congratulated the Thomas Factory and I have discussed the emerging Enterprise Business Zones which Mr. St Baker supports. During the election campaign Mr. St Baker allowed me to put an election core flute at the Thomas Surfboard Factory. I occasionally meet Mr. St Baker in the surf and have had two discussions on the Noosa Biosphere, the history of Noosa and the Bring Back the Fish campaign at his house, which is, obviously, right above the surf break. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because I believe I do not have a close personal relationship with Mr St Baker. Therefore, I will choose to remain in the meeting room. However, I will respect the decision of the meeting on whether I can remain in and participate in the decision.*

### Committee Resolution

**Moved:** Cr Stockwell

**Seconded:** Cr Stewart

That Council note the declarable conflict of interest by Cr Wegener and determine that it is in the public interest that Cr Wegener participates and votes on this matter because Council believes that Cr Wegener does not have a close personal relationship with Mr St Baker and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

(Cr Wegener did not vote on the above motion)

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

That Council note the report by the Special Projects Coordinator to the Services & Organisation Committee Meeting dated 6 April 2021, providing further design information and approve an upgrade to the temporary path constructed as part of the previously completed Park Road Boardwalk project to a permanent pathway, with funding to be sourced when available at a future budget review.

**For:** Crs. Stockwell, Wilkie and Jurisevic**Against:** Crs. Wegener, Finzel and Stewart**Carried on the casting vote of the Chair.**

Cr Lorentson re-joined the meeting.

*The meeting adjourned at 11.40am.*

*The meeting resumed at 11.47am.*

**6 REPORTS DIRECT TO GENERAL COMMITTEE****3 PROPOSED LEASE - SHOP 8, SUNRISE BEACH SHOPPING CENTRE**

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

*I, Cr Lorentson, inform the meeting that I have a declarable conflict of interest in this matter as my children are both casual employees at Café Le Monde and El Capitano which I believe are also owned or part owned by the Director of Tanglewood Company Pty Ltd, Ryan Taylor. In addition, during the 2020 election campaign I had election material on display at Café Le Monde. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because I believe I do not have a close personal relationship with Mr Taylor. Therefore, I will choose to remain in the meeting room. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.*

**Committee Resolution****Moved:** Cr Wilkie**Seconded:** Cr Stewart

That Council note the declarable conflict of interest by Cr Lorentson and determine that it is in the public interest that Cr Lorentson participates and votes on this matter because Council believes that Cr Lorentson does not have a close personal relationship with Mr Taylor and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

(Cr Lorentson did not vote on the above motion)

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

That Council note the report by the Property Advisor – Commercial Property to the General Committee Meeting dated 12 April 2021 regarding the lease of Shop 8, Sunrise Neighbourhood Shopping Centre and:

- A. Agree to enter a commercial lease of the premises to Tanglewood Company Pty Ltd, for a five (5) year term, as generally outlined in the report;
- B. Agree to an initial rent-free period of 6 months; and
- C. Authorise the CEO to award up to 4 subsequent lease extensions each of 5 years, subject to the lessee complying with the terms of the lease.

**Carried unanimously.****4 BUDGET REVIEW 3 (BR3) FOR THE 2020/21 FINANCIAL YEAR****Committee Recommendation****Moved: Cr Jurisevic****Seconded: Cr Lorentson**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 12 April 2021 and approve the proposed changes to the budget for the 2020/21 financial year as outlined in the revised Budget Financial Statements attached to the report.

**Carried unanimously.****5 FINANCIAL PERFORMANCE REPORT – MARCH 2021****Committee Recommendation****Moved: Cr Jurisevic****Seconded: Cr Stockwell**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 12 April 2021 outlining March 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 12.30 pm.

ATTACHMENT 1





