



AGENDA

Ordinary Meeting

Thursday, 20 May 2021

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”

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1 ATTENDANCE & APOLOGIES

2 CONFIRMATION OF MINUTES

The Minutes of the Ordinary Meeting held on 15 April 2021 be received and confirmed.

The Minutes of the Special Meeting held on 23 April 2021 be received and confirmed.

3 MAYORAL MINUTES

4 PETITIONS

5 NOTIFIED MOTIONS

Nil.

6 PRESENTATIONS

Nil.

7 DEPUTATIONS

Nil.

8 CONSIDERATION OF COMMITTEE REPORTS**1 PLANNING & ENVIRONMENT COMMITTEE MEETING REPORT – 11 MAY 2021****ATTENDANCE & APOLOGIES****COUNCILLORS**

Cr Brian Stockwell (Chair)
 Cr Karen Finzel
 Cr Tom Wegener
 Cr Clare Stewart

Cr Lorentson (*non-Committee Councillor*)

EXECUTIVE

B de Chastel, Chief Executive Officer
 A Dow, Acting Director Environment and Sustainable Development

COMMITTEE RECOMMENDATIONS TO COUNCIL**1 OPW20/0114 PLANNING & ENVIRONMENT COURT APPEAL NO. D209 OF 2020 - REFUSAL OF AN APPLICATION FOR OPERATIONAL WORKS - JETTY AT 1/4 PORTSIDE CT, NOOSAVILLE**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 11 May 2021 regarding Planning & Environment Court Appeal No. D209 of 2020 and agree to settle the appeal generally in accordance with the following conditions:

Approved Plans

1. 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
20.046 Sheet 1 of 2 Sheets	E	<i>Site Plan</i> prepared by Kunkel Building Design	6 August 2020
20.046 Sheet 2 of 2 Sheets	E	<i>Floor Plan, Floor Framing Plan & Typical Section</i> prepared by Kunkel Building Design	6 August 2020

Currency Period

2. The development approval lapses if the works have not been completed and all conditions of approval been complied with by 20 May 2023, unless an application to extend the currency period is approved by Council.

Site Specific Conditions

3. The approved plans must be certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) as being suitable for the intended use prior to the commencement of construction. A copy of the certified plans must be submitted to Council for records purposes.
4. The Registered Professional Engineer of Queensland (RPEQ) bears full responsibility for all structural aspects of the jetty.

General Conditions

5. All structures must be designed and constructed such that they are free standing within

the waterway and are not connected to or behind the revetment wall.

6. All structures must have no detrimental effects on stormwater drains and/or easements.
7. Jetties must have a level-walking surface of R.L 1.000 A.H.D or be level with the top of the revetment wall.
8. A rigid handrail must be fitted on one side of the walkway.
9. No posts or vertical supports of the proposed jetty are to extend vertically from the structure unless they provide necessary support for the handrail.
10. No boatlifting devices are to be attached or moored at the jetty structure for the purpose of elevating a vessel above the water without Council approval.
11. There must be no electrical reticulation system carrying electricity in excess of 24 volts beyond the revetment wall unless all switches and power outlets are positioned above the 1%AEP flood level.
12. Lighting associated with the use must be designed, installed, operated, and maintained in accordance with Section 3 of AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
13. Rock scour protection, wrapped in geotextile, extends from 750mm up to approximately 5000mm from the face of the revetment wall in Noosa Waters. Piles are to be:
 - a. Located clear of this rock protection where applicable; or alternatively
 - b. Where the scour protection extends beyond 750mm:
 - i. Prior to driving piles, the rocks are to be removed to expose the geotextile and the geotextile cut neatly to allow it to be turned back. During pile driving, care is to be taken to ensure the geotextile is not damaged. At the completion of pile driving, the fabric is to be turned down around the pile and the rocks replaced around the piles
14. The jetty is to be used for private purposes only with no commercial operations to be undertaken.
15. Boat repair activities are not permitted on site.
16. Wastewater and sullage must only be disposed of at approved pumpout facilities.
17. The mooring facility must not be utilised for live-aboard purposes, including short term accommodation.
18. Any construction and post construction activity is not to impact on the condition of the waterway, and is to be conducted so as not to breach the Environmental Protection Act EPA (1994) and the Environmental Protection (Water) Policy 2009.
19. Certification by a Registered Professional Engineer of Queensland that states that the jetty is constructed in accordance with best practice methods and is structurally sound must be submitted to Council. This certification must be submitted to Council within three (3) months of the completion of the works. A final inspection and approval of the structure by Council's Inspector is also required. Please contact Council's Development Assessment Branch on 5329 6500 to arrange the inspection.
20. After completion, the proposed works must be maintained in a sound state of repair in accordance with the approved plans

Performance Bond

21. Security in the form of a cash bond or trading bank guarantee to the sum of **\$2500** must be submitted to Council, to secure performance of all conditions of this approval, prior to commencement of 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.

2 MCU20/0106 – REPRESENTATIONS TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A FOOD & DRINK OUTLET AT 1 ARCADIA ST, NOOSA HEADS

That the Planning and Environment Committee Agenda Item 2 be referred to the General Committee due to the significance of the issue.

3 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY – MARCH 2021

That Council note the report by the Development Assessment Manger to the Planning & Environment Committee Meeting dated 11 May 2021 regarding planning applications that have been decided by delegated authority.

4 ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DEPARTMENT UPDATE – 3RD QUARTER 2020-21

That Council note the report by the Acting Director Environment and Sustainable Development to the Planning and Environment Committee Meeting dated 11 May 2021 providing an update on operations of the Environment and Sustainable Development Department for the period 1 January 2021 to 31 March 2021.

Committee Recommendation

That the report of the Planning & Environment Committee dated 11 May 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

2 SERVICES & ORGANISATION COMMITTEE MEETING REPORT – 11 MAY 2021**ATTENDANCE & APOLOGIES****COUNCILLORS**

Cr Joe Jurisevic (Chair)
Cr Amelia Lorentson
Cr Clare Stewart

Cr Tom Wegener (*non-Committee Councillor*)
Cr Karen Finzel (*non-Committee Councillor*)

EXECUTIVE

B de Chastel, Chief Executive Officer
B O'Connor, Acting Director Infrastructure Services (*for reports 3 - 4*)
M Shave, Director Corporate Services (*for reports 5 - 6*)
D Iezzi, Director Executive Services (*for report 7*)
K Contini, Director Community Services (*for report 8*)

APOLOGIES

Cr Frank Wilkie

COMMITTEE RECOMMENDATIONS TO COUNCIL**1 MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF THE SUNSHINE COAST**

That Services & Organisation Committee Agenda Item 1 be referred to the General Committee due to the significance of the issue.

2 CEO TRANSITION TO RETIREMENT

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 11 May 2021 and:

- A. Note the advice from the CEO that he proposes to retire on 2 February 2022; and
- B. Council commence a recruitment process for a new CEO with a view to having a decision on his replacement by October 2021 to enable a smooth transition to occur.

3 CAPITAL PROGRAM DELIVERY STATUS – APRIL 2021

That Council note the report by the Asset Planning Coordinator to the Services & Organisation Committee Meeting dated 11 May 2021 providing an update on the status of the 2020/21 Capital Works Program to 27 April 2021 including the progress of the \$4.6m of COVID recovery funding projects and maintenance activities and the \$1m funding (of a total \$1.99m) assigned to this financial year for the Local Roads Community Infrastructure (LRCI) grant.

4 INFRASTRUCTURE SERVICES DEPARTMENT UPDATE – 3RD QUARTER 2020-21

That Council note the report by the Acting Director Infrastructure Services to the Services & Organisation Committee Meeting dated 11 May 2021 providing an update on operations of the Infrastructure Services Department for the period 1 January to 31 March 2021.

5 JANUARY 2021 RATE LEVY OVERVIEW

That Council note the report by the Manager Revenue Services to the Services & Organisation Committee Meeting dated 11 May 2021 providing an overview of the January 2021 Rate Levy.

6 CORPORATE SERVICES DEPARTMENT UPDATE – 3RD QUARTER 2020-21

That Council note the report by the Director Corporate Services to the Services & Organisation Committee Meeting dated 11 May 2021 providing a Corporate Services Department update for the period 1 January to 31 March 2021.

7 EXECUTIVE SERVICES DEPARTMENT UPDATE – 3RD QUARTER 2020-21

That Council note the report by the Director Executive Services to the Services & Organisation Committee Meeting dated 11 May 2021 providing an update on the operations of the Executive Services Department for the period 1 January to 31 March 2021.

8 COMMUNITY SERVICES DEPARTMENT UPDATE – 3RD QUARTER 2020-21

That Council note the report by the Director Community Services to the Services & Organisation Committee meeting dated 11 May 2021 providing an update on the operations of the Community Services Department for the period 1 January to 31 March 2021.

9 OPERATIONAL PLAN PROGRESS REPORT – 3RD QUARTER 2020-21

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 11 May 2021 providing an update on progress with the implementation of the Operational Plan to 31 March 2021 and details of Council's Key Performance Indicators.

Committee Recommendation

That the report of the Services & Organisation Committee dated 11 May 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

3 GENERAL COMMITTEE MEETING REPORT – 17 MAY 2021**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
M Shave, Director Executive Services (*for report 6*)

COMMITTEE RECOMMENDATIONS TO COUNCIL**1 MCU20/0106 – REPRESENTATIONS TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A FOOD & DRINK OUTLET AT 1 ARCADIA ST, NOOSA HEADS**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 11 May 2021 regarding representations made in relation to Application No. MCU20/0106 for a Development Permit for Material Change of Use - Food and drink outlet situated at 1 Arcadia St Noosa Heads and

~~A. Agree to amend conditions 3, 6 and 9 to read as follows:~~

~~3. The approved use must not operate outside the hours of 6am to 12am, 7 days a week, except that use of the outdoor dining must cease at 10pm Sunday to Thursday.~~

~~6. Amplified music must cease to operate in outdoor spaces by:~~

~~a. 9pm Sunday – Thursday~~

~~b. 10pm Friday and Saturday~~

~~9. Any solid structure for the required planter boxes/pots must have an interesting finish to enhance the softening effect of the landscaping.~~

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

defer consideration of the application to the Ordinary Meeting for consideration of a Further Report addressing the following issues:

- A. More information about what different noise levels mean in practical terms and in the context of this application at Noosa Junction; and
- B. An indication of relevant similar conditions in recent approvals for hospitality operations in the Noosa Heads, Noosa Junction, Noosaville and Sunshine Beach areas.

2 MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF THE SUNSHINE COAST

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 11 May 2021 and:

- A. Agree to enter into a Memorandum of Understanding with the University of the Sunshine Coast which will enable Noosa Council and the University of the Sunshine Coast to develop a productive long-term working relationship with the opportunity to develop specific projects that will benefit both parties;
- B. Appoint the Chief Executive Officer as Council's Co-Chair of the Management Committee under the Memorandum of Understanding; and
- C. Appoint Cr <> as Council's representative on the Management Committee Have rotating Councillor representation on the Management Committee on an annual basis with the following councillors to undertake that role in this order:
 1. Cr Finzel
 2. Cr Lorentson
 3. Cr Wegener
- D. Request the Chief Executive Officer and the relevant Councillor to provide a report to Council on an annual basis regarding progress and actions taken in respect of the Memorandum of Understanding with the University.

3 SPS21/0017 - REQUEST TO APPLY SUPERSEDED PLANNING SCHEME - RECONFIGURING A LOT (1 LOT INTO 4 LOTS AND DRAINAGE RESERVE) AT 11C CHURCH STREET, POMONA

That Council note the report by the Coordinator Planning to the General Committee Meeting dated 17 May 2021 regarding a Request for Superseded Planning Scheme - Reconfiguring a Lot (1 lot into 4 lots and drainage reserve) at 11C Church Street, Pomona and not agree to the Request to apply the Superseded Planning Scheme and that Council indicate a preference for the area identified as a drainage reserve to be a reserve for environment purposes to link to the upstream areas zoned for this purpose.

4 COMMERCIAL HIGH USE PERMITS – TENDER ASSESSMENT (T000037)

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

I, Cr Jurisevic inform the meeting that I have a declarable conflict of interest in this matter as I have a long standing friendship with Fiona Tarr who is one of the owners of Tarr's Enterprises Pty Ltd t/as Adventure Sports Kitesurf Australia who are the selected tenderer for the Kite Surfing Lessons high use permit. Fiona and I served on the Sunshine Beach High School P&C Executive committee together for several years and our sons were in the same year at the High School and are friends. Our family have attended social gatherings and celebrations with the Tarrs at their residence and at local eateries over the years. Whilst we no longer share school P&C committee roles and our contact is less frequent, we remain in contact, principally through social media, and our sons retain their friendship. As a result of my conflict of interest I will leave the meeting room while the matter is considered and voted on.

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 trained by Noosa Surfing Academy, who is listed as a tender applicant for one of the High Use Commercial Permits. 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 Noosa Surfing Academy. 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.

That Council note the report by the Property Advisor to the General Committee Meeting dated 17 May 2021 regarding the Commercial High Use Permits tender assessment and:

- A. Issue five year Commercial High Use permits commencing 1 July 2021 to the following eight recommended Permittees:

Activity	Recommended Permittees
Learn to Surf Noosa Main Beach (West) 1	Surf Skills Pty Ltd t/as Noosa Learn to Surf (No change)
Learn to Surf Noosa Main Beach (West) 2	Go Ride A Wave Pty Ltd t/as Noosa Surf Lessons and Go Ride A Wave (No change)
Beach Equipment Hire – Main Beach	Dorajar Pty Ltd t/as Noosa Beach Surf Hire (No change)
Beach Equipment Hire – Rock Wall (Middle Groyne)	Go Ride A Wave Pty Ltd t/as Noosa Surf Lessons and Go Ride A Wave Pty Ltd (No change)
Snacks and Drinks Refreshment Van – First Point	Noosa Frenzy Ice Cream (No change)
Snacks and Drinks Refreshment Van - Noosa Spit	Kiwi Fish Pty Ltd (New permittee)
Beach Massage – Noosa Main Beach	Amanda Obara (No change)
Surf Dancing – Noosa Main Beach (West - between rockwalls)	Surfdancer Pty Ltd t/as Surfdancer (No change)
Kite Surfing Lessons – Noosa River Mouth & other locations	Tarr's Enterprises Pty Ltd t/as Adventure Sports Kitesurf Australia (No change)

- B. Agree to discontinue the permit activity for kayak tours and hire from Noosa Main Beach West due to lack of interest.
- C. Request the CEO to bring forward a report addressing amendment of Council's existing Commercial Use of Community Land Policy to reflect the outcomes of the tender process, including the change to five year terms and the agreed permit activities.

D. Advise all new Learn to Surf, Beach Hire and Surf Dancing Permittees of the upcoming Noosa World Surfing Reserve "Surfers Code of Conduct" and the need for their businesses to align with the Code once adopted.

5 CERTIFIED AGREEMENT NEGOTIATION PROCESS

That Council note the report by the People and Culture Manager to the General Committee Meeting dated 17 May 2021 providing an update on the Certified Agreement negotiation process and authorise the Chief Executive Officer to finalise the Noosa Shire Council Certified Agreement.

6 FINANCIAL PERFORMANCE REPORT – APRIL 2021

That Council note the report by the Director Corporate Services to the General Committee Meeting dated 17 May 2021 outlining April 2021 year to date financial performance against budget, including performance against key financial sustainability indicators.

Committee Recommendation

That the report of the General Committee dated 17 May 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

9 ORDINARY MEETING REPORTS**1 FURTHER REPORT - MCU20/0106 – REPRESENTATIONS TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A FOOD & DRINK OUTLET AT 1 ARCADIA ST, NOOSA HEADS**

Author **Manager Development Assessment, Kerri Coyle
Environment & Sustainable Development**

Index **ECM/ Application/ MCU20/0106**

Attachments **Nil**

EXECUTIVE SUMMARY

Not Applicable

RECOMMENDATION

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 11 May 2021 and the Further Report to the Ordinary Meeting dated 20 May 2021 regarding representations made in relation to Application No. MCU20/0106 for a Development Permit for Material Change of Use - Food and drink outlet situated at 1 Arcadia St Noosa Heads and:

- A. Agree to amend conditions 3, 6 and 9 to read as follows
3. The approved use must not operate outside the hours of 6am to 12am, 7 days a week, except that use of the outdoor dining must cease at 10pm Sunday to Thursday.
 6. Amplified music must cease to operate in outdoor spaces by:
 - a. 9pm Sunday – Thursday
 - b. 10pm Friday and Saturday
 9. Any solid structure for the required planter boxes/pots must have an interesting finish to enhance the softening effect of the landscaping.
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*
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REPORT

Council at its General Committee meeting considered a report requesting a Negotiated Decision Notice for a restaurant at 1 Arcadia Street, Noosa Heads. At the meeting there was considerable discussion about the recommended hours of operation, including whether the restaurant should be permitted to operate 7 days a week to midnight both internally and in the outdoor dining area and if so whether noise conditions prepared by Council's Environmental Health Coordinator should be imposed including:

15. Noise emanating from the internal premises and outdoor dining area including amplified or non-amplified noise and patron noise must not exceed 75 dB(C) between 6.00am to 12.00am fast response, when measured approximately 3 metres from the primary source of the noise.
16. Entertainers or speakers used to amplify noise must not be located in any outdoor dining area.
17. All amplified noise at the premises must be conducted through a sound limiting device at all times to ensure that noise does not exceed levels prescribed in the conditions of a licence.

18. The sound limiting device is to have a locking mechanism, which is to be locked at all times except for inspection or maintenance work on the device.
19. Access to the sound limiting device, except for maintenance work, is restricted to the licensee, nominee and the person in charge of the premises at any time.
20. The sound limiting device must be checked and if necessary calibrated by a qualified acoustic engineer at least every 12 months to ensure compliance with the conditions of this licence. Evidence of the sound limiting device calibration must be made available to an authorised person on request.

Council also discussed undertaking a future review of the operating hours for Noosa Junction, including outdoor dining requirements as part of the next package of amendments to the Noosa Plan 2020.

In the circumstances the General Committee meeting deferred consideration of the application to the Ordinary Meeting to allow a Further Report to be presented addressing the following issues:

- A. More information about what different noise levels mean in practical terms and in the context of this application at Noosa Junction; and
- B. An indication of relevant similar conditions in recent approvals for hospitality operations in the Noosa Heads, Noosa Junction, Noosaville and Sunshine Beach areas.

Meaning of Noise Levels

The typical volumes for common forms of entertainment are listed in the following table.

Source	Volume (decibels relative to the carrier)
Person talking normally at 1m	60-65 dBc
Piped restaurant music	65-75 dBc
Video disk background music	80-95 dBc
Soloists/duos	85-105 dBc
Other small bands	95-110 dBc
Small rock band	105-120 dBc

Other Similar Noise Conditions

There have been very few development approvals issued in recent years for restaurants or the like, that have similar relevant conditions. The following are 3 examples for Council's consideration:

Sunshine Beach Surf Club Conditions

8. All amplified noise at the premises must be conducted through a sound limiting device at all times to ensure that noise does not exceed the following:
 - i. between 6a.m. and 10p.m.—the adjusted maximum sound pressure level LA10, plus adjustments for tonal and impulse components, exceeding the background level LA90 by more than 10dB(A);
 - ii. between 10p.m. and 6a.m.—the sound pressure level LOCT10, in a full octave band with centre frequencies from 63HZ to 2000HZ, exceeding the background level LOCT90 by more than 8dB in any octave band.

Condition 8 i and ii shall apply for 12 months commencing 22 May 2020, unless further extended by Council in writing. After that time if not extended by Council in writing condition 8 iii and iv shall apply:

- iii. Noise emanating from the premises including amplified or non-amplified noise and patron noise prior to 10.00pm must not exceed 90dBC, fast response, when measured approximately 3 metres from the source of the noise; and
 - iv. Noise emanating from the premises including amplified or non-amplified noise and patron noise after 10.00pm must not exceed 85dBC, fast response, when measured approximately 3 metres from the source of the noise.
9. The sound limiting device is to have a locking mechanism, which is to be locked at all times except for inspection or maintenance work on the device.
 10. Access to the sound limiting device, except for maintenance work, is restricted to the licensee, nominee and the person in charge of the premises at the time.
 11. The sound limiting device must be checked and if necessary calibrated by a qualified acoustic engineer at least every 12 months to ensure compliance with the conditions of the license. Evidence of the sound limiting device calibration must be made available to an investigator or police on request.
 14. The use may operate 7 days a week from 10am to 12am (with the exception of New Year's Eve where it may operate until 2am). The outdoor dining area is not to be utilised after 10pm.

Bounce Backpackers in Mary St, Noosaville

7. For the first 12 months of operation the use of the pool/sundeck area must not occur outside of the hours of 7am to 10pm. The approved hours will revert to 7am to 9pm at this time unless a written request is received and approved by Council to alter the period of approval. In assessing a request Council will have regard to any noise monitoring results, any complaints and any other relevant matters. The results of the noise monitoring referred to in this Decision Notice must be submitted as part of the written request.
8. The café, pool and sundeck must only be available for the residents of the visitor accommodation use and must not be permitted for use by persons not staying in the visitor hostel.
10. Amplified music must not be audible at or beyond the boundaries of the site between 10pm and 7am.

Restaurant at 3/287 Gympie Terrace, Noosaville

3. The development must be undertaken in accordance with the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information for the Acoustic Assessment dated 10 October 2016 prepared by RoadPro Acoustic. In this regard, the acoustic wing walls and acoustic roof panel (if required) must be designed to complement the existing building and streetscape to the reasonable satisfaction of the Chief Executive Officer. Prior to the installation of these works the plans must be submitted to Council demonstrating compliance with this condition. Certification must be provided by a suitably qualified person on completion of the works, certifying the works meet the relevant noise criteria.
4. External speakers or amplified music are not permitted.
5. Internal amplified music must be directed internally to the tenancy.
6. Refuse disposal, particularly glass bottles and the like, must be considerate of noise at all times.

7. The Noise Management Plan submitted with the application must be amended to include site specific operational measures to minimise potential noise nuisance for surrounding residents and a complaints management process. The Noise Management Plan must incorporate the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information for the Acoustic Assessment dated 10 October 2016 prepared by RoadPro Acoustic. The amended Noise Management Plan must be submitted to Council prior to the commencement of the use.
8. The approved use must not operate outside the hours of:
 - a. 6.30am to 9.30pm Sunday to Thursday
 - b. 6.30am to 10.30pm Friday, Saturday and public holidays
 - c. The outdoor dining area must not be used after 8pm until the acoustic wing walls are installed pursuant to the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information dated 10 October 2016 prepared by RoadPro Acoustic.

All 3 development applications included an acoustic report with the application and for this reason the noise requirements varied somewhat and were set specific to the site's location and building design.

Notwithstanding this, review of these with Council's environmental health coordinator has identified that the noise limits set for Sunshine Beach Surf Club could be similarly imposed for 1 Arcadia Street, given the residential uses in Noosaville are also some distance from 1 Arcadia Street. The 75 dB(c) previously provided to Councillors also dealt with potential impacts for nearby tenancies.

Staff have considered the issues raised by Councillors, but confirm the previous recommendation as noise from outdoor dining areas is difficult to manage and it is considered appropriate that a review of the operating hours be undertaken with the community and traders before agreeing to further amendments. Should Council wish to approve the use to operate until midnight 7 days a week, including the outdoor dining area, then officers would recommend that noise limits be included on the approval. In this way, should the operation of the restaurant become a noise nuisance for residents, Council has the ability to undertake compliance and seek that the noise levels from the restaurant be better managed.

Alternative Motion

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 11 May 2021 and the Further Report to the Ordinary Meeting dated 20 May 2021 regarding representations made in relation to Application No. MCU20/0106 for a Development Permit for Material Change of Use - Food and drink outlet situated at 1 Arcadia St Noosa Heads and:

- A. Agree to amend conditions 3, 6 and 9 to read as follows:
 3. The approved use must not operate outside the hours of 6am to 12am, 7 days a week.
 6. Amplified music must cease to operate in outdoor spaces by:
 - a. 9pm Sunday – Thursday
 - b. 10pm Friday and Saturday
 9. Any solid structure for the required planter boxes/pots must have an interesting finish to enhance the softening effect of the landscaping.
- B. Include the following additional conditions:
 15. Noise emanating from the premises including amplified or non-amplified noise and patron noise prior to 10.00pm must not exceed 90dBC, fast response, when measured approximately 3 metres from the source of the noise; and

16. Noise emanating from the premises including amplified or non-amplified noise and patron noise after 10.00pm must not exceed 85dBC, fast response, when measured approximately 3 metres from the source of the noise.
 17. Entertainers or speakers used to amplify noise must not be located in any outdoor dining area.
 18. All amplified noise at the premises must be conducted through a sound limiting device at all times to ensure that noise does not exceed levels prescribed in the conditions of a licence.
 19. The sound limiting device is to have a locking mechanism, which is to be locked at all times except for inspection or maintenance work on the device.
 20. Access to the sound limiting device, except for maintenance work, is restricted to the licensee, nominee and the person in charge of the premises at any time.
 21. The sound limiting device must be checked and if necessary calibrated by a qualified acoustic engineer at least every 12 months to ensure compliance with the conditions of this licence. Evidence of the sound limiting device calibration must be made available to an authorised person on request.
- C. That the CEO be requested to include a review of the operating hours of licenced premises which includes outdoor dining as part of the next package of amendments of the Noosa Plan 2020 and that as part of that review process, consultation occur with the community and business associations.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

Consultation

External Consultation - Community & Stakeholder

Nil

Internal Consultation

Environmental Health Coordinator

Departments/Sections Consulted:

<input type="checkbox"/> Chief Executive Officer Executive Support	<input checked="" type="checkbox"/> Community Services Director Community Development Community Facilities Libraries & Galleries Local Laws x Waste & Environmental Health	<input type="checkbox"/> Corporate Services Director Financial Services Fleet ICT Procurement Property Revenue Services
<input type="checkbox"/> Executive Services Director Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> Environment & Sustainable Development Director Building & Plumbing Services x Development Assessment Economic Development Environmental Services Strategic Land Use Planning	<input type="checkbox"/> Infrastructure Services Director Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

10 CONFIDENTIAL SESSION

Nil.

11 PUBLIC QUESTION TIME**1 MAXINE HITCHEN – GLOSSY TEAM SUNRISE**

Q1: Would Noosa Council be willing to enter into discussions with the Uniting Church Australia, Qld, Synod around a land swap, so that the Fussy Vulnerable Glossy Black Cockatoos feed tree habitat at Grasstree Court, Sunrise Beach can be returned to conservation status?

Q2: Unfortunately, the local community does not feel like it has been adequately consulted or listened to. Can the Council contact the Church to request that they undertake community consultation as required and as referenced in Section 8 of the Ecological Management Plan. Further, can Council or the Church provide a detailed list of the community consultation that has occurred so far?

12 NEXT MEETING

The next Ordinary Meeting will be held on 17 June 2021 at the Council Chambers, 9 Pelican Street, Tewantin commencing at 5pm.

13 MEETING CLOSURE