



MINUTES

Ordinary Meeting

Thursday, 20 May 2021

5pm

Council Chambers, 9 Pelican Street, Tewantin

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

“Noosa Shire – different by nature”

1 ATTENDANCE & APOLOGIES

COUNCILLORS

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

EXECUTIVE

D Iezzi, Acting CEO / Director Executive Services
K Contini, Director Community Services
M Shave, Director Corporate Services
A Dow, Acting Director Environment & Sustainable Development
B O'Connor, Acting Director Infrastructure Services

APOLOGIES

Nil.

The meeting commenced at 5.01pm.

2 CONFIRMATION OF MINUTES

Council Resolution

Moved: Cr Finzel

Seconded: Cr Wilkie

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

Carried unanimously.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Finzel

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

Carried unanimously.

3 MAYORAL MINUTES

Nil.

4 PETITIONS**1 PETITION: REQUEST FOR COUNCIL SAVE GLOSSY BLACK COCKATOO HABITAT AT GRASSTREE COURT SUNRISE BEACH**

Refer to Attachment 1

Council Resolution

Moved: Cr Lorentson

Seconded: Cr Stewart

That the petition signed by 41,000 people tabled by Cr Lorentson requesting that Council save Glossy Black Cockatoo habitat at Grasstree Court Sunrise Beach, be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

2 PETITION: REQUEST FOR COUNCIL TO EXTEND THE CONSULTATION TIME FOR COMMENT ON THE PROPOSED LOCAL LAW FOR SHORT STAY LETTING

Refer to Attachment 2

Council Resolution

Moved: Cr Lorentson

Seconded: Cr Wegener

That the petition signed by 52 people tabled by Cr Lorentson requesting that Council extend the consultation time for comment on the proposed Local Law for short stay letting, be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

3 PETITION: REQUEST FOR COUNCIL TO INITIATE AN OPTIONAL TRIAL OF 3 X 140L WHEELIE BINS IN PETREL ST PEREGIAN BEACH

Refer to Attachment 3

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jurisevic

That the petition signed by 33 people tabled by Cr Wilkie requesting that Council further reduce household waste by initiating an optional trial of 140L curb-side wheelie bins (recycling, garden, landfill) for the residents of Petrel St Peregian Beach, be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

4 PETITION: REQUEST FOR COUNCIL LIMIT NUMBERS STAYING AND VISITING AT SHORT TERM ACCOMMODATION ON WITTA CIRCLE NOOSA HEADS

Refer to Attachment 4

Council Resolution

Moved: Cr Stewart

Seconded: Cr Wilkie

That the petition signed by 21 people tabled by Cr Stewart requesting that Council limit numbers staying and visiting short term accommodation on Witta Circle Noosa Heads, be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

5 NOTIFIED MOTIONS

Nil.

6 PRESENTATIONS

Nil.

7 DEPUTATIONS

Nil.

8 CONSIDERATION OF COMMITTEE REPORTS

1 PLANNING & ENVIRONMENT COMMITTEE MEETING REPORT – 11 MAY 2021

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

Council Resolution

Moved: Cr Stockwell

Seconded: Cr Wegener

That the report of the Planning & Environment Committee dated 11 May 2021 be received and the recommendations therein be adopted.

Carried unanimously.

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

2 SERVICES & ORGANISATION COMMITTEE MEETING REPORT – 11 MAY 2021

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

Council Resolution

Moved: Cr Jurisevic
Seconded: Cr Lorentson

That the report of the Services & Organisation Committee dated 11 May 2021 be received and the recommendations therein be adopted.

Carried unanimously.

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.

3 GENERAL COMMITTEE MEETING REPORT – 17 MAY 2021**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.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Finzel

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 she does not have a close personal relationship with the applicant 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)

Council Resolution

Moved: Cr Stockwell

Seconded: Cr Wilkie

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)

Activity	Recommended Permittees
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.

Carried unanimously.

Cr Jurisevic returned to the meeting.

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

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jurisevic

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.

Carried unanimously.

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 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. 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.

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.

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****Motion****Moved: Cr Stewart****Seconded: Cr Wegener**

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 defer consideration to a future Council Meeting to allow staff to hold further discussions with the applicant in relation to the hours of operation and noise.

Amendment No. 1**Moved: Cr Stockwell****Seconded: Cr Wilkie**

That the following words be added to the motion:

“noting that it is inappropriate that other stakeholders be it business groups or community groups to be involved in discussions.”

Carried unanimously.**Motion****Moved: Cr Stewart****Seconded: Cr Wegener**

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 defer consideration to a future Council Meeting to allow staff to hold further discussions with the applicant in relation to the hours of operation and noise, noting that it is inappropriate that other stakeholders be it business groups or community groups be involved in discussions.

For: Crs Stewart, Lorentson and Wegener**Against: Crs Stockwell, Jurisevic, Wilkie, Finzel****Lost.****Motion****Moved: Cr Wilkie****Seconded: Cr Jurisevic**

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*.

Amendment No. 1

Moved: Cr Lorentson

Seconded: Cr Stewart

That item C be amended to read:

- 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. Following this review, the applicant may make an application to Council to change the development approval conditions to be consistent with any planning scheme amendments made as part of this review.

For: Crs Lorentson, Wilkie, Stewart, Finzel, Wegener and Stockwell

Against: Crs Jurisevic

Carried.

Amendment No. 2**Moved: Cr Stockwell****Seconded: Cr Wegener**

That condition 18 be amended to read:

18. Any amplified noise, other than low level piped music not greater than 75dBC, 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.

Carried unanimously.**Council Resolution****Moved: Cr Wilkie****Seconded: Cr Jurisevic**

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. Any amplified noise, other than low level piped music not greater than 75dBC, 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. Following this review, the applicant may make an application to Council to change the development approval conditions to be consistent with any planning scheme amendments made as part of this review.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

Carried unanimously.

10 CONFIDENTIAL SESSION

Nil.

11 PUBLIC QUESTION TIME

1 MAXINE HITCHEN – GLOSSY TEAM SUNRISE

Question 1:

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?

Response by Mayor Clare Stewart:

Yes, Council would be willing to enter into discussion with the Uniting Church Australia about a land swap if the Church wishes to discuss such a proposal with Council. However, it is Council's understanding that the Church have a contract with Lend Lease to develop the individual retirement homes and intend to develop the aged care facility, with works to commence on upgrading the intersection shortly.

There is, however, limited land owned by Council that may be suitable for the development and free of environmental constraints, with other lands owned by Council also containing significant vegetation.

It should be noted through the 2006 Girraween Master Plan, 4.4ha of land was rezoned and dedicated as Open Space Conservation and this area was added to the Girraween Nature Refuge. This refuge is a protected area consisting of 14.3ha immediately adjacent to the site and connecting to the National Park, supporting the Glossy Black Cockatoos.

The rehabilitation of degraded bushland using the vegetative material from the site, as required by the development approval conditions, is expected to lead to a positive outcome for native fauna in the area, and includes the provision of glossy black food trees at a ratio of 8 for every 1 cleared. Whilst the science is not clear on the reasons why Glossies favour one tree over another, the provision of additional food trees through the area is seen as a positive step in ensuring potential food trees continue to exist in the locality. There is also evidence of glossies feeding on planted trees and they are known to use other species of she oaks, including forest she oak, horsetail she oak, as well as the river she oak.

Question 2:

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?

Response by Mayor Clare Stewart:

Blue Care have advised Council that community consultation is being undertaken to match each phase of the project. To date Blue Care have undertaken a number of key stakeholder engagements related to the development, including a virtual webinar held in December last year that was free for members of the public to attend, and one-on-one discussions that are in keeping with Blue Care's COVID-19 safe community consultation approach. A project information website, phone number and email address has been made available and is regularly monitored by Blue Care.

An outline of Blue Care's proposed further consultation with the community has been requested and will be shared with the community once received.

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

The meeting closed at 6.35pm.

Brett de Chastel,
CEO, Noosa Council
PO Box 141
Tewantin, QLD 4565
Dear Mr. de Chastel,

Re: Petition to save Glossy Black Cockatoo habitat at Grasstree Court, Sunrise Beach.

Your attention is drawn to the [attached petition of Spencer Hitchen](#) with over 41,000 signatories to save the site at Grasstree Court, Sunrise Beach from clearing and development by the Uniting Church Australia, Qld Synod/Uniting Care/Blue Care/Lendlease. The petition started on [Change.org](#) two months ago with a confirm click interface, but 1370 people have taken the time to post comments and many others have backed up their signatures with letters and phone calls to the Church, Councillors, the Mayor, Blue Care and Lendlease.

The 41,000 signatures are made up of approximately 2,000 local Noosa residents and many thousand more residents in south-east Queensland, Australia and internationally (see attached). Given the international status of Noosa and its listing as a Biosphere Reserve internationally, it is essential that as a community we look to both what our local residents consider and those further afield.

While the petition is directed at The Uniting Church, we ask for Noosa Council to formally acknowledge the huge support Spencer has received locally, nationally and internationally in his quest to save this habitat, and we therefore ask for this petition to be presented to the Council.

In doing so we request that the Council recognise that the site in question is likely to be a critical habitat of the Glossy Black Cockatoo and therefore critical to the species survival locally and nationally. Can the Noosa Council on behalf of the children and the community, formally approach the Uniting Church to discuss options for a land swap or other alternative to help the Uniting Church resolve our Communities' multiple concerns?

Further, we request for Noosa Council to **halt clearing of the site and request a new and independent Environmental Impact Statement** given that the Ecological Management Plan (2021), prepared by environmental consultant Gondwana Ecology Group engaged by the Developer in 2018, is defective in two respects. First, it **underestimates the ecological values present in Sunrise Beach**. Second, the report **does not frame appropriate solutions**.

First, (i) the report refers to 71 Favoured Feed Trees, where in reality 104 + are possibly present, (ii) the report was conducted during October 2018 which is low season and only counts 2 glossies where a range of none to 30 can be seen depending on the season. In the autumn /winter period this is when we see our winter flock/s. The high use of this area can be easily confirmed currently by attending the sites. Fresh orts are visible all over the sites, we are observing up to 22 Glossies flying in and out from the West. These Glossies know exactly where they are going. They are flying into their feeding grounds and feeding from the trees on both sites. They fly over large areas of trees including the proposed offset site not stopping until they reach their destination Grasstree Court, Sunrise Beach, Qld. (iii)The reports do not have any mention of where the Glossies that feed on this site are coming from and therefore can not possibly evaluate the true value of this site.

Favoured Feeding ground which the Fussy Vulnerable Glossy Black-Cockatoos are relying on to survive. These Glossies may have lost extensive habitat from the drought, storms, development and the 2019/20 fires. Losing this feeding ground may topple our already Fussy Vulnerable Glossy Black-Cockatoos into Extinction, like what has happened in the South Australian mainland due to habitat loss. We should be learning from others' mistakes not following them.

Second, the solutions proposed are inadequate as the report suggests

(i) offset planting at a ratio of 8:1 of these Favoured Feed Trees on an alternative site, which does not account for the 8 - 10 years before these trees will germinate any fruit,

(ii) does not take into account the progressive decline in the current available food sources following the Peregrian and Cooroibah Fires in 2019 and 2020, and progressive destruction of cockatoo habitat from the Noosa Civic, Noosa Junction Coles Development, Noosa Springs, Settlers Cove, The J, Cooloola Estate, the Tennis Club, the Nac, the Flexi Learning Centre, Sunshine Beach State Primary & High Schools, St Thomas More, Bicentennial Hall, to name a few. All of this has led to a Fussy Vulnerable Glossy Black-Cockatoo fragmented habitat. Our local Glossy Warriors have all seen what happens when Glossies lose their feeding habitat & human population increases at Pinaroo Park, a favoured watering hole the Glossies left never to return. Our Glossies have nowhere to run.

(iii) does not account for the close proximity of the current site to fresh water sources that are utilised daily by the Glossy Black Cockatoos and their young. This habitat is close to the breeding grounds which is indicated by the Glossy Black-Cockatoos bringing their newly fledged juveniles here using it like a nursery.

(iv) the Developer is non-compliant with the public consultation requirement in the Plan as the public webinar recording was not made publicly available, questions and answers were not supplied to any of the Glossy Team Sunrise members who asked, and Blue Care now ignores contact from the peak community organisation acting as a vehicle for these concerns. Community engagement for this program has been continually shifting as Blue Care / Lendlease and the various arms of the Uniting Church shifts responsibilities but never truly engages with the community.

We trust that Noosa Council will listen to the Sunrise Beach community and act appropriately by engaging with the Uniting Church / Blue Care to address these concerns.

Yours Sincerely,

[Redacted Signature]

(on behalf of [Redacted])

Contact details:

Email:

[Redacted Email Address]

Mobile:

[Redacted Mobile Number]

Other signatories to this letter include: (need 10 at least)

- [Redacted Signatory Name and Address]

change.org

Recipient: uniting church

Letter: Greetings,

Help Spencer to stop the church to save our Glossies

I, [REDACTED] of 5 [REDACTED] started this petition "Extend Consultation Time for Comment on the proposed Local Law for Short Stay Letting" (<http://chnng.it/2rCKwpxf>) to Noosa Council

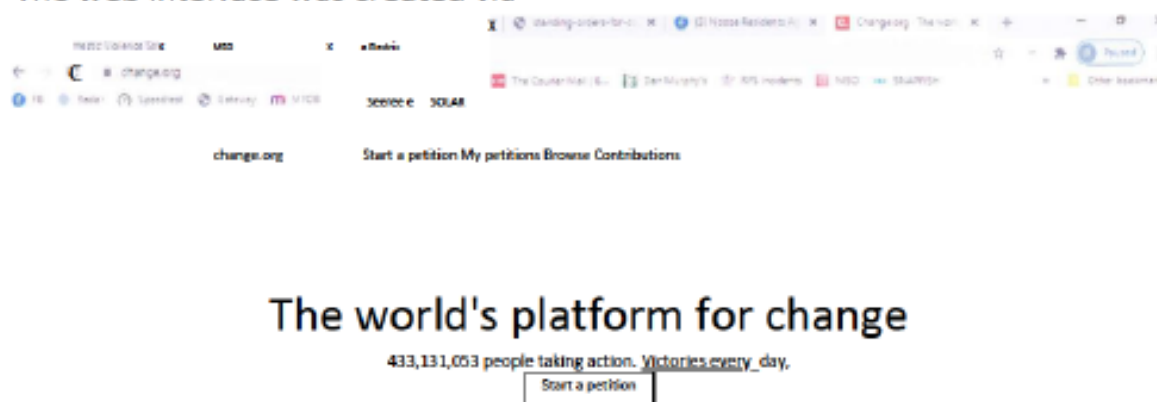
This petition required parties to the petition to click in a web interface.

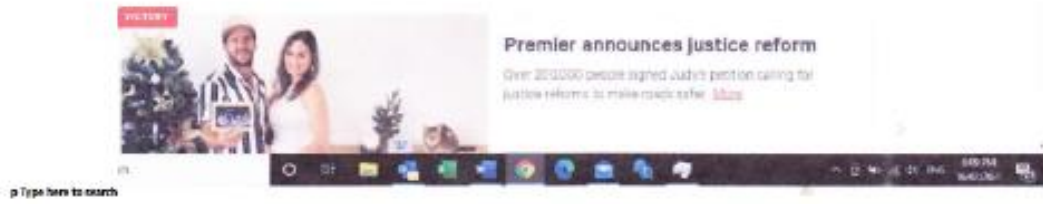
I request that this petition be presented to Noosa Council

Relevant grievance and action requested of Council;

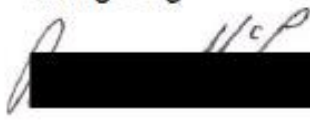
"We the undersigned seek an extension by one month of the time for public comment on the proposed Local Law for Short Stay Letting. This initiative has implications for most Noosa rate-payers yet we believe relatively few are aware there is the opportunity to submit their views on the Local Law's purpose and content by May 14. At the beginning of May, 121 submissions had been lodged. Some people may not have been able to lodge submissions as the published council material had an incorrect email address. To balance the council's communication with 5000 owners of Short Stay Let dwellings, we also seek a reinvigorated and impartial council campaign (with correct lodgement details) to ensure all residents, regardless of whether they operate a Short Stay Let, are aware of the proposal for this Local Law, including a summary of the background and framework councillors are considering for its implementation. Few ratepayers are aware of the details informing the Councillor's decision."

The web interface was created via





I, [REDACTED] (whose signature appears below), am the Principal Petitioner and confirm that 52 persons, as at 0836 hrs on 03/05/2021 have agreed to be party to the petition. The attached file contains their location according to Change.org


[REDACTED]
[REDACTED]

change.org

Recipient: Noosa Council

Letter: Greetings,

Extend Consultation Time for Comment on the proposed Local Law
for Short Stay Letting

Signatures

Name	Location	Date
██████████	Australia	2021-05-01
██████████	Australia	2021-05-01
██████████	Sunshine Beach, Australia	2021-05-01
██████████	Peregian beach, Australia	2021-05-01
██████████	Tewantin, Australia	2021-05-01
██████████	Boreen Point, Australia	2021-05-01
██████████	Sunrise Beach, Australia	2021-05-01
██████████	Noosa Heads, Australia	2021-05-01
██████████	Sunshine Beach, Australia	2021-05-01
██████████	Sunshine Beach, Australia	2021-05-01
██████████	Sunrise Beach, Australia	2021-05-01
██████████	Brisbane, Australia	2021-05-01
██████████	Noosa Heads, Australia	2021-05-01
██████████	Noosa, Australia	2021-05-01
██████████	Noosa Heads, Australia	2021-05-01
██████████	Australia	2021-05-01
██████████	Australia	2021-05-01
██████████	Brisbane, Australia	2021-05-01
██████████	Brisbane, Australia	2021-05-01
██████████	Mermaid Beach, Australia	2021-05-01



Attention:

Frank Wilkie
Deputy Mayor, Noosa Shire Council
9 Pelican Street, Tewantin 4565
0413 530 587
frank.wilkie@noosa.qld.gov.au

Principal Petitioner:



About the Petition:

We the undersigned hereby petition Noosa Shire Council to further reduce household waste by initiating an optional trial of 140l curb-side wheelie bins x3 (recycling, garden, landfill), for the residents of Petrel Street, Peregian Beach, and seek this petition to be presented to the whole of Noosa Shire Council.

Examples:



Moreton Bay



Wollongong



Sydney City

Petition to Noosa Shire Council

We the undersigned hereby petition Noosa Shire Council to further reduce household waste by initiating an optional trial of 140l curb-side wheelie bins x3 (recycling, garden, landfill), for the residents of Petrel Street, Peregian Beach.

Name	Address	Signature	Date			
[Redacted]	[Redacted]	[Redacted]	28.3.21			
			28/3/21			
			29/03/2021			
			28.3.21	X	X	X
			28.3.21	X	X	X
			29.3.21	X	X	X
			28.3.21	X	X	X
[Redacted]	[Redacted]	[Redacted]	28.3.21	X	X	X
			24/3/21			
			27/3/21	X		X
			20/4/21			
			28/3/21	X	X	X
			28/3/21			
			30/4/21			
[Redacted]	[Redacted]	[Redacted]	28/3/21	X	X	X
			28/3/21	X	X	X
			27.3.2021	X	X	X
			27.3.2021	X	X	X
			27.3.2021	X	X	X

Case Study: Moreland City Council



Changing size of your wheelie bin

General waste bin

- Moreland residents are able to upsize or downsize their general waste bin.
- An increase in general waste bin capacity results in an **increase** to your **annual waste charge**, which is included in your rates notice.
- General waste bins are available in three sizes: 80 litres, 120 litres and 240 litres.
- A combination of bin sizes is allowed with a **maximum limit of 240 litres** of general waste capacity per household.
- If you change your bin size more than once a year, there is a bin changeover fee.
- Before you consider upsize your bin, think about reducing your waste by **recycling**, **composting** or ordering a **organics bin** if you don't already have one.

Request for extra general waste bin for medical condition

- If you, or someone living with you has a medical condition that results in the need for extra general waste capacity, you may be eligible for a concession rate on an extra bin.

Request for extra bin for a large family

- If you have a large family of one or two parents and 6 immediate children living at home, you may be eligible for a concession rate on an extra bin.

Recycling bin

- If you find you have more recycling than will fit in your recycling bin each week, Council will consider providing a larger or additional recycling bin.
- Before you contact Council, look at what you are putting in your recycling bin:
 - Check that everything in your recycling bin is recyclable.
 - Flatten items, like cardboard boxes or cans, to take up less space.
 - Consider ways to avoid waste in the first place, by buying products in bulk, reusing or refilling containers, etc.

Organics bin

- Upsizing your 120 litre organics bin (formerly green waste bin) is only recommended if your household already creates enough garden organics to fill your bin each fortnight.
- Residents can have a maximum capacity of 240 litres for organics, however up-sizing is strongly discouraged.

Case Study: Noosa Council



Upsize not downsize wheelie bin

- Larger, 360 Litre recycling bins can be ordered online
- Apparently there is a 'trial' of 120 litre bins, but limited, and not promoted (no information on council website)
- Need for a policy that is:
 - Consistent with Noosa values & beliefs
 - Inclusive (different needs)
 - Environmentally ethical

Solution: 120 Litre wheelie bins

- Waste reduction in urban areas through **increased diversion of recyclables**
- Part of a multi-bin system approach
- Colour range to meet 'waste stream' standards



Complex recycling requirements

- Not environmentally friendly; too complicated; multiple drop-off points; multiple journeys
- Does not easily meet all of the recycling needs of residents, e.g.
 - Hazardous waste and electronic waste: drop off at resource recovery centre
 - Polystyrene: drop off at Council's resource recovery centre
 - Flares (from boats): contact Queensland Boat and Fisheries or Noosa Coastguard
 - Soft plastic (plastics bags, plastic wrapping) polystyrene (including coffee cups or lids); drop off to selected supermarkets; check redcycle.net.au
 - Beverage containers; collect & return for 10 cents to containersforchange.com.au

Solution: Introduce one-stop recycling

- Provide one-stop drop-off options at resource recovery centres for:
 - Soft plastic (plastics bags, plastic wrapping); with redcycle.net.au
 - Beverage containers; with containersforchange.com.au
 - Flares (from boats); with Queensland Boating and Fisheries or Noosa Coastguard

Petition to Noosa Council

Regarding Short Stay Letting (SSL) on Witta Circle, Noosa Heads.

There are 46 properties on Witta Circle, 18 of which are used as SSLs (more than a third of the Island). This disproportionately high number of SSLs is having a negative impact on the owners who live on the Island.

Our small Island cannot cope with the sheer numbers of people, traffic congestion, car parking and noise which is generated by so many SSLs.

An example is: 8 Witta Circle, which sleeps 16 people, plus 8 visitors, a weekly turnover of 24 people. And garaging for only one car.

We, the residents who live here, have had enough of the large crowds of strangers coming and going at all hours, the noise generated by so many people socialising in the alfresco areas from dawn until late at night, the parking and traffic congestion caused by the overcrowding of these homes, and being kept awake or woken up by inconsiderate loud tourists.

Because Witta Circle is walking distance to Hastings Street pubs and clubs, the noise never stops as groups of SSL guests come and go at all hours of the night, talking loudly and waking us up – completely oblivious that this is a residential street and they should keep their voices down at night.

We, the undersigned, request Council to consider the following:

- A) Limit the number of people in a SSL to no more than eight (8) per home - regardless of how many bedrooms. This will reduce the number to 144 tourists (18 homes x 8 guests).
- B) No extra visitors allowed on the property. When they leave late at night they wake us up with their loud talking on the road curb, yelling good bye to each other and slamming of car doors.

We trust Noosa Council will seriously consider our position and scale down the negative impacts of SSLs on our street by reducing the numbers of guests to eight (8).

Signed overleaf by the residents living on Witta Circle:

- 18 holiday let
- 21 properties signed petition
- 4 uncontactable
- 3 under construction (uncontactable)
- 46 properties.



Organised by:

██████████, Noosa Heads 4567, ██████████

27 April 2021

Box: R:

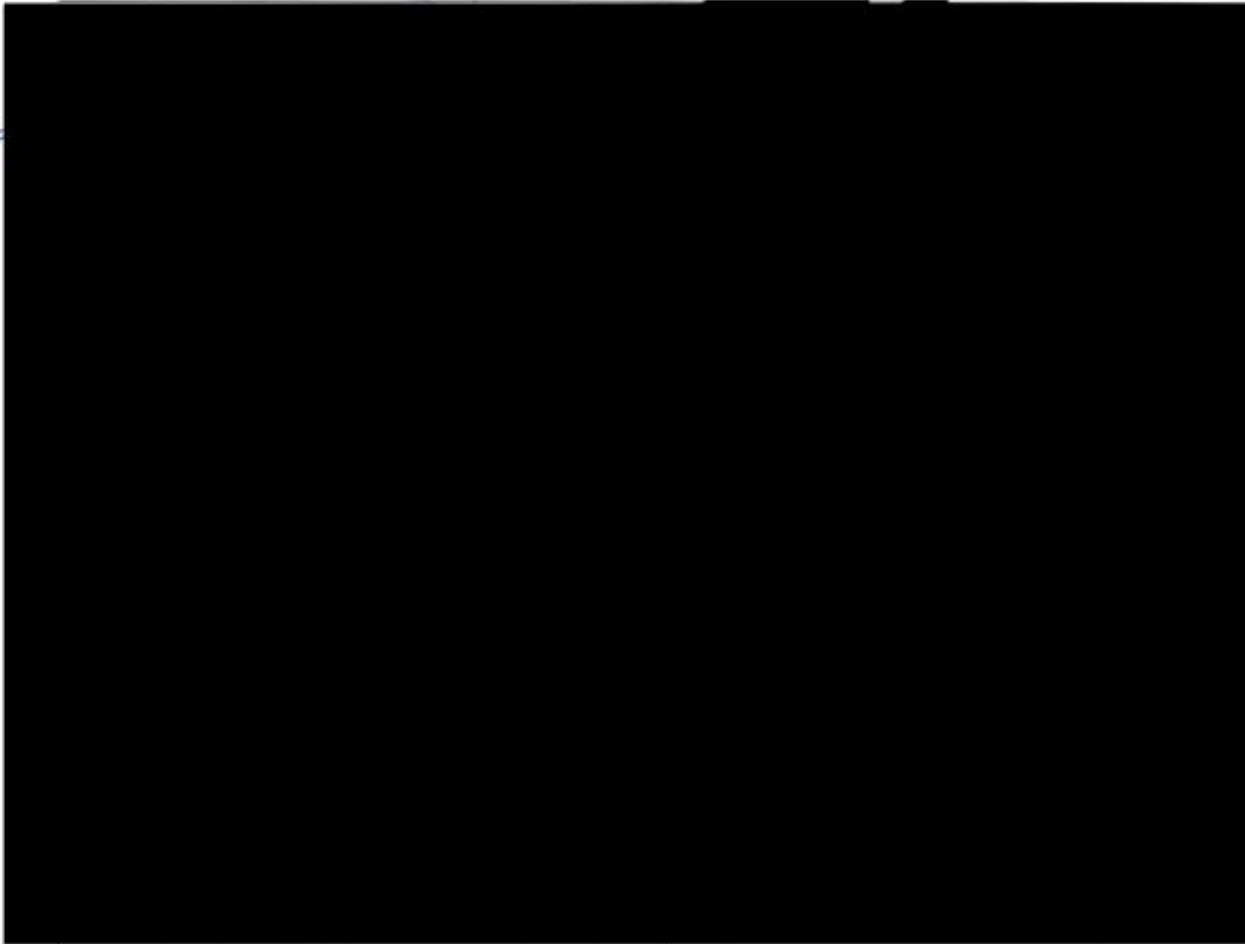
Petition to Noosa Council
Regarding Short Term Accommodation (STA) on Witta Circle Noosa Heads.

We, the undersigned, request Council to consider the following:

- A) Limit the number of people to no more than 8 per home - regardless of how many bedrooms. This will reduce the number to ~~120~~¹⁴⁴ people. (~~15~~ homes x 8 guests).
- B) No extra visitors allowed on the property, as when they leave late at night they wake us up with their loud talking on the road curb, yelling good bye to each other, and slamming of car doors.

Signed Name

Address



*18 holiday let
21 signed petition
7 uncontactable / under construction
46 owners.*