



# MINUTES

## Ordinary Meeting

**Thursday 21 October, 2021**

**5pm**

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

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

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*“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**

B.de Chastel, Chief Executive Officer  
K Contini, Director Community Services  
A Dow, Acting Director Environment & Sustainable Development  
D Iezzi, Director Executive Services  
L Sengstock, Director Infrastructure Services

**APOLOGIES**

T Grauf, Acting Director Corporate Services

The meeting commenced at 5.01pm.

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

**Moved:** Cr Wilkie

**Seconded:** Cr Finzel

The Minutes of the Ordinary Meeting held on 16 September 2021 be received and confirmed.  
**Carried unanimously.**

**Committee Resolution**

**Moved:** Cr Jurisevic

**Seconded:** Cr Finzel

The Minutes of the Special Meeting held on 8 October 2021 be received and confirmed.  
**Carried unanimously.**

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**3 MAYORAL MINUTES****MAYORAL MINUTE**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting on Thursday, 21 October 2021:

**1 RETIREMENT OF CHIEF EXECUTIVE OFFICER**

**Moved: Cr Stewart**

*That Council:*

- A. *Acknowledge the contribution made by outgoing Chief Executive Officer, Brett de Chastel through his dedicated service to local government for over 32 years;*
- B. *Recognise his leadership of Noosa Council as Chief Executive Officer since 2014; and*
- C. *Wish him all the very best as he embarks on his well-deserved retirement.*

**Carried unanimously.**

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**BACKGROUND**

On Tuesday 02 November 2021, Noosa Council Chief Executive Officer, Brett de Chastel, will retire: bringing to an end a distinguished 32-year career in local government.

Following an early career as a lawyer, Mr de Chastel commenced with Ipswich City Council as their in-house lawyer. He was appointed to Noosa Council in 2001 as the Director of Corporate Services and brought a strong focus on sustainable financial management and sound processes to deliver good decision making. He was the lead in Council's response to the Size, Shape and Sustainability process which sought to provide greater efficiencies in local government. He was able to demonstrate Noosa Council's long-term sustainability and close connection to community values. Following amalgamation he spent five years providing advice and support to Queensland local governments as a consultant. He then supported the de-amalgamation campaign to help demonstrate to the State government that a de-amalgamated Council could be successful.

In 2014 Mr de Chastel was appointed to the position of the first Chief Executive Officer of the new formed Noosa Council following Council's de-amalgamation from Sunshine Coast Regional Council.

In eight years in the CEO role, Mr de Chastel has overseen the creation of the new Noosa Council from its infancy in developing foundation systems and services to now a highly capable local government offering services and policies that are in keeping with community values and that they can be proud of.

Under his stewardship the Council has:

- strengthened its financial foundation and maintained a focus on good governance;
- developed a full suite of policies and plans most notably the new Noosa Plan 2020, Social Strategy, Environment Strategy and Local Economic Plan;
- planned and delivered a large annual capital works program with key infrastructure delivered including the award winning Peregian Digital Hub and Park Road Boardwalk;
- implemented strategic initiatives to respond to contemporary challenges such as the Go Noosa transport strategy and Zero Emissions Noosa;
- capably handled a range of community challenges including John's Landing, the 2019 bushfires and Covid-19; and
- championed legacy projects with a standout being the Yurol Ringtail Forest land transfer which will protect 2,400 hectares of forest.

Mr de Chastel has also put back into the local government sector through his membership of the board of the Local Government Managers Association, most recently as the current LGMA State President. He has a passion for mentoring up and coming leaders and in supporting indigenous councils.

Known for his calm manner and integrity, Mr de Chastel has capably guided three Mayors and groups of Councillors, the Executive and over 450 staff through the challenges and opportunities found in leading a local government. He has a great care for people and making a positive difference through public service. He has been committed to the importance of local government as the level of government closest to the community, to listening to the community and working hand-in-hand with them to deliver the best outcomes for now and into the future.

Following 20 years with Noosa Council, Mr de Chastel is now retiring to pursue his volunteer work and enjoy time with his family. We wish him all the very best.



21 October 2021

.....  
**Cr Clare Stewart**

.....  
**Date**

**4 PETITIONS****1 PETITION: REQUEST FOR TRAFFIC CALMING IN REEF STREET NOOSAVILLE**

*Refer to Attachment 1*

**Council Resolution**

**Moved:** Cr Lorentson

**Seconded:** Cr Jurisevic

That the petition signed by 56 people tabled by Cr Lorentson requesting traffic calming in Reef St Noosaville, 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 – 12 OCTOBER 2021

### 8 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY – AUGUST 2021

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

*I, Cr Stewart, inform the meeting that I have a declarable conflict of interest in this matter as I have a close personal relationship with Craig Anthony Tindale and Michelle Tindale listed in the report at Item 99, Application No. SPS21/0247; and Sean Patrick Hunt and Kirsten Renee Schacht listed in the report at Item 109, Application ID SPS21/0262. Although I have a declarable conflict of Interest. I do not believe a reasonable person could have a perception of bias because I believe Council's consideration of these applications are not to approve or reject them, they are only for noting that a decision has already been made by staff. 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.*

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

*I, Cr Stockwell, inform the meeting that I have a prescribed conflict of interest in this matter in regard to Item 1, Application ID 51986.3023.03 by Natani Design Pty Ltd. In April 2021 I engaged Natani Design Pty Ltd to design my private residence at Boreen Point for an amount of \$4,510. This arrangement is currently active. As a result of my conflict of interest, I will now leave the meeting room while the matter is considered and voted on.*

Cr Stockwell left the meeting.

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 James St Baker, listed in the report at Item 110, Application No. SPS21/0263. I am a surfboard manufacturer and Mr St Baker 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 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 of the Noosa Biosphere, the history of Noosa and the Bring Back the Fish campaign at his house, which is 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 and Council's consideration of this application is not to approve or reject it, only for noting that a decision has already been made by staff. 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.*

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 I have a close personal relationship with Andrew James St Baker and Cathryn Jeanne St Baker listed in the report at Item 110, Application No. SPS/21/0263. Although I have a declarable conflict of interest I do not believe a reasonable person could have a perception of bias because I believe Council's consideration of these applications are not to approve or reject them, they are only for noting that a decision has already been made by staff. 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.*

Cr Wilkie assumed the Chair for the purpose of considering the conflict of interest declarations.

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

That Council note the declarable conflict of interest by Cr Stewart and determine that it is in the public interest that Cr Stewart participates and votes on this matter because Council believes that although Cr Stewart has a personal relationship with Craig Anthony Tindale and Michelle Tindale and Sean Patrick Hunt and Kirsten Renee Schacht, Council's consideration of these applications is not to approve or reject them, but only for noting that a decision has already been made by staff therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Crs Stewart, Wegener and Lorentson did not vote on the above motion.

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

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 although Cr Wegener has a personal relationship *Andrew James St Baker*, Council's consideration of these applications is not to approve or reject them, but only for noting that a decision has already been made by staff therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Crs Stewart, Wegener and Lorentson did not vote on the above motion.

**Council Resolution****Moved:** Cr Wilkie**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 although Cr Lorentson has a personal relationship *Andrew James St Baker and Cathryn Jeanne St Baker*, Council's consideration of these applications is not to approve or reject them, but only for noting that a decision has already been made by staff therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Crs Stewart, Wegener and Lorentson did not vote on the above motion.

Cr Stewart resumed the chair.

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

That Council note the report by the Development Assessment Manger to the Planning & Environment Committee Meeting dated 12 October 2021 regarding planning applications that have been decided by delegated authority.

**Carried unanimously.**

Cr Stockwell returned to the meeting.

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

### **Council Resolution**

**Moved:** Cr Wilkie

**Seconded:** Cr Lorentson

That the report of the Planning & Environment Committee dated 12 October 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

**Carried unanimously.**

#### **1 CLIMATE CHANGE RESPONSE PLAN COMMUNITY REFERENCE GROUP – EXPRESSION OF INTEREST OUTCOME**

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

#### **2 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING AND HOME HOSTED ACCOMMODATION – PUBLIC CONSULTATION RESULTS AND ADOPTION**

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

#### **3 51983.3225.14 – OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE DWELLING UNITS X 25 & 8 SHOPS AT, 30 HASTINGS ST NOOSA HEADS**

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

#### **4 MCU18/0009.04 - MINOR CHANGE TO DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE - MULTIPLE HOUSING –TYPE 3 RETIREMENT & SPECIAL NEEDS AT 186 COOROY-NOOSA ROAD & 4 CARRAMAR ST, TEWANTIN**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU18/0009.04 for a Minor Change to a Development Permit for Material Change of Use - Residential Care Facility situated at 186 Cooroy Noosa Rd, Tewantin & 4 Carramar St, Tewantin and:

A. Approve the change.

B. Amend condition 1 to read as follows:

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
A101A		Existing Part Site Plan <i>by Middap Architecture</i>	Feb 2019
A102A		Proposed Site Works Plan <i>by Middap Architecture</i>	Feb 2019
A103B	B	Proposed Building Plan <i>by Middap Architecture</i>	Feb 2019
A104B	B	Site Plan with Section and Elevation References <i>by Middap Architecture</i>	18.03.2019



Plan No.	Rev.	Plan/Document Name	Date
A105B	B	Site Elevations <i>by Middap Architecture</i>	18.03.2019
A106B	B	Typical Villa Sections <i>by Middap Architecture</i>	18.03.2019
A201B	B	Villas and Service Core Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A202B	B	Proposed Villas and Service Core 3D Views <i>by Middap Architecture</i>	18.03.2019
A203A		Proposed Entry Building Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A204A		Proposed Entry Building Elevations and 3D Views <i>by Middap Architecture</i>	18.03.2019
A205B	B	Proposed Villa 1 and 2 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A206B	B	Proposed Villa 1 and 2 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019
A207A		Proposed Villa 3 and 4 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A208A		Proposed Villa 3 and 4 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019
1		PART SITE PLAN	Received by Council on 03.04.2020
2		BOUNDARY ELEVATION	Received by Council on 03.04.2020
1714-20	I	Design Features Plan 1 of 7 <i>by Callaghan &amp; Toth Civil, Environmental &amp; Hydraulic Engineers</i>	November 2020
1714-27	I	Design Setout Plan 1 of 6 <i>by Callaghan &amp; Toth Civil, Environmental &amp; Hydraulic Engineers</i>	November 2020
16519-C101	D	Proposed Permanent and Event Day Parking prepared <i>by TOD Engineers &amp; Project Managers as amended in red by Council</i>	08.09.20
CD01 P4		Site Plan, prepared by Middap Architecture	March 2019
CD 02 - P4		Floor Plan, prepared by Middap Architecture	July 2021

C. Include additional Conditions 55, 56 and 57 to read as follows:

**Sunset period for temporary staff accommodation.**

55. This development approval for 2 temporary accommodation units lapses on 21 October 2026, unless an application to extend the approval is approved by Council.
56. The 2 temporary accommodation units must be for the primary use of staff of the residential care facility.
57. The 2 temporary staff accommodation units must be connected to the approved stormwater water management system on site. An updated stormwater management plan incorporating the units must be submitted to Council prior to the issue of a Building approval.

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

- 5   MCU18/0006.03 & OPW18/0012.03 APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING - TYPE 2 DUPLEX AND OPERATIONAL WORKS, TO INCLUDE SHORT TERM ACCOMMODATION, SITUATED AT 1 & 2/10 HILL ST SUNSHINE BEACH INFORMATION**

That Planning & Environment Committee Agenda Item 5 be referred to the General Committee for further consideration.

- 6   MCU17/0046.03 – APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING TYPE 2 DUPLEX TO INCLUDE SHORT TERM ACCOMMODATION & OPERATIONAL WORKS AT 2/38 PARK CRES, SUNSHINE BEACH**

That Planning & Environment Committee Agenda Item 6 be referred to the General Committee for further consideration.

- 7   RAL20/0014 - APPLICATION TO RECONFIGURE A LOT (1 INTO 2 LOTS) AT 9A JIRRIMA CRES, COOROIBAH**

That Planning & Environment Committee Agenda Item 7 be referred to the General Committee due to the significance of the issue.

- 9   DEVELOPMENT ASSESSMENT FEES & CHARGES VARIATIONS FOR 1 JANUARY TO 30 JUNE 2021**

That Council note the report by the Manger Development Assessment to Planning & Environment Committee Meeting dated 12 October 2021 regarding waiver or partial waiver of development application fees for 1 January to 30 June 2021 as detailed in the Report

- 10  PEREGIAN DIGITAL HUB – FULL YEAR REPORT TO 30 JUNE 2021**

That Planning & Environment Committee Agenda Item 10 be referred to the General Committee due to the significance of the issue.

**2 SERVICES & ORGANISATION COMMITTEE MEETING REPORT – 12 OCTOBER 2021****3 CONTRACT NO. T000048 TRAFFIC CONTROL SERVICES - TENDER AWARD****Council Resolution****Moved: Cr Jurisevic****Seconded: Cr Stockwell**

That Council note the report by the Acting Civil Operations Manager to the Services & Organisation Committee Meeting dated 12 October 2021 regarding Contract No. T000048 for Traffic Control Service and defer a decision on the awarding of this tender on the basis that Council has been advised that the preferred tenderer has sold their business to a different entity and request the CEO to provide advice to a future Council meeting on how to finalise this tender process given that circumstance.

**Carried unanimously.**

**5 NOOSA SHIRE COUNCIL SOLE AND SPECIALISED SUPPLIER LISTS**

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 husband is the General Manager of Page Furnishers Pty Ltd listed as No. 20 on the Specialist Suppliers List. Although I have a declarable conflict of interest and I do not believe a reasonable person could have a perception of bias, I will leave the room for the meeting for the debate and discussion on this matter.*

Cr Lorentson left the meeting.

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

*I, Cr Stockwell, have a long-standing business relationship with Healthy Land and Water Ltd who are noted in the Specialised Supplier List at No. 43. I subcontract this organisation as part of my sole trader consultancy (trading as Watershed Australia). Healthy Land and Water provide me with Geographical Information Systems (GIS) support and mapping services. This business arrangement commenced in 2017 with invoiced work currently totalling a value of over \$67,000. I have no current contracts. As a result of my prescribed conflict of interest, I will leave the room while the matter is considered and voted on.*

Cr Stockwell left the meeting.

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

That Council note the report by the Procurement & Contracts Advisor to the Services & Organisation Committee Meeting dated 12 October 2021 and

- A. Adopt the Sole Supplier list provided at Attachment 1 to the report for the next twelve (12) months; and
- B. Adopt the Specialised Supplier list provided at 2 to the report for the next twelve (12) months.

**Carried unanimously.**

Crs Lorentson and Stockwell returned to the meeting.

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

**Council Resolution**

**Moved: Cr Wilkie**

**Seconded: Cr Jurisevic**

That the report of the Services & Organisation Committee dated 12 October 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

**Carried unanimously.**

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**1 NOOSA FM LEASE AT THE J**

That Council note the report by the Community Facilities Manager to the Services & Organisation Committee Meeting dated 12 October 2021 and:

- A. Authorise the Chief Executive Officer to extinguish the current Noosa FM lease at The J; and
- B. Authorise the Chief Executive Officer to enter into negotiations with Noosa FM for a new 3-year lease at The J with an option of two further 3-year lease terms (in accordance with the Community Purpose Land and Infrastructure Tenure Policy) at Council's sole discretion; and
- C. Apply the exception to the requirement for tendering of the lease under *Section 236 (1) (b) (ii) of the Local Government Regulation 2012*, as the lease is to a community organisation.

**2 CONTRACT NO. T000047 PAVEMENT MARKING SERVICES - TENDER AWARD**

That Council note the report by the Acting Civil Operations Manager to the Services & Organisation Committee Meeting dated 12 October 2021 and

- A. Award Contract No. T000047 for the provision of Pavement Marking Services to Cook Family Holdings Pty Ltd ATF The Cook Family Trust t/as Suncoast Roadmarking for a period of two (2) years commencing on 31 October 2021; and
- B. Subject to satisfactory performance by Cook Family Holdings Pty Ltd ATF The Cook Family Trust t/as Suncoast Roadmarking, authorise the CEO to approve the option to extend the contract at the expiry of the first two (2) year term for a further three (3) terms of up to 12 months each ending 31 October 2026.

**4 COUNCIL MEETING SCHEDULE 2022**

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 12 October 2021 and approve the Council meeting dates for 2022 as set out in Attachment 1 to the report.

**6 WASTE MANAGEMENT - 6 MONTHLY REPORT JANUARY-JUNE 2021**

That Council note the report by the Waste Manager to the Services and Organisation Committee meeting dated 12 October 2021, providing an update on the activities of the Waste section for January to June 2021.

### 3 GENERAL COMMITTEE MEETING REPORT – 18 OCTOBER 2021

#### 1 CLIMATE CHANGE RESPONSE PLAN COMMUNITY REFERENCE GROUP – EXPRESSION OF INTEREST OUTCOME

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 brother, Gabriel Cerasani is a member of the executive committee of the Eastern Beaches Protection Association Inc. During my election campaign my brother helped me with my campaign, handed out voting cards and two of my election signs were outside his property on David Low Way. The Eastern Beaches Protection Association have nominated a representative to be a member of the Climate Change Response Plan Community Reference Group. I believe I can consider this matter impartially and in the public interest. 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 without voting regarding this matter.*

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

*I, Cr Finzel, inform the meeting that I have a declarable conflict of interest in this matter as on 5 March 2020, Mr Peter Butt who is an Executive Member of the Eastern Beaches Protection Association donated \$1666.66 to my 2020 Election Campaign where I was one of three candidates that ran as a group known as 'Future Noosa' (which is no longer an entity). The Eastern Beaches Protection Association have nominated a representative to be a member of the Climate Change Response Plan Community Reference Group. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because I believe that I do not have a close personal relationship with Mr Butt and I believe I can consider this matter impartially and in the public interest. 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 Jurisevic

That it is in the public interest that Cr Lorentson participates and votes on this matter because Council believes that Cr Lorentson can make a fair and impartial decision and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Crs Lorentson and Finzel did not vote on the above motion.

#### Council Resolution

**Moved:** Cr Stewart

**Seconded:** Cr Wilkie

That Council note the declarable conflict of interest by Cr Finzel and determine that it is in the public interest that Cr Finzel participates and votes on this matter because Council believes that Cr Finzel can make a fair and impartial decision and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Crs Lorentson and Finzel did not vote on the above motion.

#### Council Resolution

**Moved:** Cr Wilkie

**Seconded:** Cr Wegener

That Council note the report by the Carbon Reduction Project Officer to the Planning & Environment Committee Meeting dated 12 October 2021 about the Expression of Interest

process for the Climate Change Response Plan Community Reference Group (CRG.); and

- A. Appoint Councillor Finzel and Councillor Wilkie as members of the CRG with those appointments to be reviewed after 6 months; and
- B. Appoint the following community representatives to the CRG.

Name	Sectors represented (as nominated by the candidate)	Organisation (where relevant)
Carina Anderson	Transport, health	ZEN Inc
Niki Brand	Rural/agriculture	
Sharon Campbell	Health , Community /households	
Madeleine Cleland	Young people, Natural environment	
Natalie Frost	Natural environment	Sunshine Coast Environment Council
Ann Gardiner	Transport, Community /households	Cooran Earth Rights
Brian Hoepper	Education, Community /households	Peregian Beach Community Association
Matt Harold	Business, Tourism	
Nick Hluszko	Community /households	Noosa North Shore Association Inc.
Aaron Jenkins	Business	EcoVantage
Anne Kennedy	Business	ZEN Inc
Pat Rogers	Community /households, Natural environment	Eastern Beaches Protection Association

**Carried unanimously.**

## 2 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING AND HOME HOSTED ACCOMMODATION – PUBLIC CONSULTATION RESULTS AND ADOPTION

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

- Cr Lorentson document - refer to Attachment 2

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 husband and I own a townhouse at 2/17 Noosa Parade that is being used as STA. Although I have a declarable conflict of interest in this item, I believe that the proposed STA Local Laws has significant Shire wide implications, including significant amenity impacts for residents of permanent housing and it is therefore in the community's best interest that I remain in the room. In Council's own Cost Benefit Assessment Report for proposed Local Law Amendment STA and Home hosted accommodation it states "potential beneficiaries within the Noosa Shire from the proposed local law include 10,610 residential properties consisting of an estimated 26,525 persons, and as such represent a significant portion of the local community. The benefits of the proposed local law on resident health and amenity are estimated at \$9.65m pa". Further, I am concerned that if I voluntarily remove myself from this process, it will mean a loss of representation for a range of ratepayers who deserve to have their voices heard via my representation. I believe that I can consider this matter impartially and in the public interest and 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 under whatever conditions my fellow Councillors may choose.*

**Council 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 can consider the matter impartially and a reasonable person would trust that the final decision is made in the public interest.

**For:** Cr Stewart, Wilkie, Finzel, Jurisevic and Stockwell  
**Against:** Cr Wegener

**Carried.**

Cr Lorentson did not vote on the above motion.

**Motion**

**Moved:** Cr Stewart  
**Seconded:** Cr Jurisevic

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 12 October 2021 and resolve to:

- A. Proceed with the making of, and make, Administration (Amendment) Local Law (No. 1) 2021 (see Attachment 3) as advertised, but amended as follows:
1. after section 1 —  
*insert—*  
‘1A. **Commencement**  
Part 2 commences on 1 February 2022.’
- B. Proceed with the making of, and make, Administration (Amendment) Subordinate Local Law (No. 1) 2021 (see Attachment 4), as advertised, but amended as follows:
1. after section 1—  
*insert—*  
‘1A. **Commencement**  
Part 2 commences on 1 February 2022.’
  2. amendments to Subordinate Local Law, section 5 (Insertion of new sch21A — Operation of short stay letting or home hosted accommodation) —
    - (a) section 2(b)(v) —  
*omit.*
    - (b) section 2(b)(vi) to (xii)—  
*renumber* as section 2(b)(v) to (xi).
    - (c) section 3(d)(i) —  
*omit, insert—*  
‘(i) a site plan showing the location of all buildings, including any outdoor entertainment area, swimming pool or spa, vehicle parking area and the location of each window and door opening of any adjoining residence; and’.
    - (d) section 3(g) —  
*omit, insert—*  
‘(g) written confirmation that, under the *Building Act 1975—*
      - (i) the premises are lawfully constructed; and
      - (ii) the use of the premises for the prescribed activity is authorised by the classification attributable to the premises; and’.

- (e) section 3(h) after 'inspector'—  
*insert*—  
'and that a current pool safety certificate will be maintained at all times'.
- (f) section 3(j)(iii), '20 minutes travel time (by vehicle)'—  
*omit, insert*—  
'a 20 kilometre radius'.
- (g) section 4(e)(ii), 'residents in the vicinity of the premises'—  
*omit, insert*—  
'residents adjoining, or in the vicinity of, the premises'.
- (h) section 4(f), after 'property manager'—  
*insert*—  
' , security firm'.
- (i) section 4(f)(ii), '20 minutes travel time (by vehicle)'—  
*omit, insert*—  
'a 20 kilometre radius'.
- (j) section 6(2)(a), after 'manager'—  
*insert*—  
' , security firm'.
- (k) section 6(2)(a)(ii), '20 minutes travel time (by vehicle)'—  
*omit, insert*—  
'a 20 kilometre radius'.
- (l) section 6(2)(b)(i), '**contact person**'—  
*omit, insert*—  
'**approval**'.
- (m) section 6(2)(b)(ii), 'contact person'—  
*omit, insert*—  
'approval'.
- (n) section 6(2)(b)(iii)—  
*omit, insert*—  
'(iii) the size of the approval notice must be a minimum and maximum size of 0.2m<sup>2</sup>; and'.
- (o) section 6(2)(b)(iv)—  
*omit, insert*—  
'(iv) the approval notice must specify, in letters and numbers not less than 50mm in height—  
(A) the current, and up to date, contact details for a complaint; and  
(B) the approval number allocated by the local government to the approval for the undertaking of the prescribed activity at the premises; and'.
- (p) section 6(2)(c), from 'make available' to 'scheme'—  
*omit, insert*—  
'display an approval notice which complies with the requirements specified in subsection (2)(b)(i) to (iv) inclusive'.
- (q) section 6(3)(a), 'residents in the vicinity of the premises'—  
*omit, insert*—  
'residents adjoining, or in the vicinity of, the premises'.



- (r) section 6(3)(d), 'vehicles on the premises'—  
*omit, insert*—  
'vehicles, including boats, trailers, jet skis and the like, on the premises'.
- (s) after section 6(3)(h)(ii)—  
*insert*—  
'(iii) if the premises are not provided with a kerb side frontage general waste collection service — ensure that general waste from the premises is removed from the premises and disposed of at a general waste facility; and'.
- (t) section 6(3)(j), after 'minimum,'—  
*insert*—  
'and for a period of not less than 2 years,'.
- (u) section 6(3)(k)—  
(i) after ', must'—  
*insert*—  
' , for a period of not less than 2 years,';
- (ii) 'premises for short stay letting'—  
*omit, insert*—  
'premises';
- (iii) 'for short stay letting on'—  
*omit, insert*—  
'on'.
- (v) section 6(3)(m)(i)(B), 'if parking facilities are provided at the premises'—  
*omit*.
- (w) section 6(3)(m)(ii), after 'outdoor'—  
*insert*—  
'entertainment area,'.
- (x) section 6(3)(m)(ii)(A), 'residents in the vicinity of the premises'—  
*omit, insert*—  
'residents adjoining, or in the vicinity of, the premises'.
- (y) section 7(1), '12 months from the date of the approval'—  
*omit, insert*—  
'on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval'.
- (z) section 9, definition **contact person**, 'section 4(g)'—  
*omit, insert*—  
'section 4(f)'.
- (aa) section 9, '**contact person**'—  
*omit, insert*—  
'**approval**'.

C. Note that each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021 contain anti-competitive provisions;

D. Having considered the content of the public interest test report in relation to anti-competitive provisions contained in each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021, in

Attachment 7, note the content of the report and implement the recommendations of the report;

- E. Adopt, pursuant to section 32 of the Local Government Act 2009:
- (a) a consolidated version of Noosa Shire Council Local Law No. 1 (Administration) 2015 in the form in Attachment 8; and
  - (b) a consolidated version of Subordinate Local Law No. 1 (Administration) 2015 in the form in Attachment 9;
- with a commencement date of 1 February 2022;
- F. Fund the additional costs for 2021/22 year for implementation, administration and resource requirements of the short stay letting and home hosted accommodation local law through budget review, including:
- (a) two additional (2) temporary full time local laws assessment and compliance officers for a term of 3 years (including one vehicle);
  - (b) establishment of an external 24/7 complaints hotline; and
  - (c) engagement of after-hours security services to observe and record activity at properties when required;
- G. Waive application fees for the 2021/2022 financial year and refer the review of funding options and fee structure to the 2022/23 budget process;
- H. Prepare a dedicated Council webpage including a local laws approval register and prepare a “good management of short stay letting” guide;
- I. Authorise the CEO to make minor amendments to the documents.
- J. That Council establish a multi-interest stakeholder group for ongoing consultation in regard to the management of short term accommodation in the Shire, including undertaking a review of the operation of the Short Stay Letting or Home hosted accommodation Local Law after 12 months to determine if any changes are needed to enhance its operations and that a report be provided to Council for consideration following that review.

### **Amendment**

**Moved:** Cr Lorentson

**Seconded:** Cr Finzel

That Item J be amended to read:

- J. That Council establish a multi-interest stakeholder group for ongoing consultation in regard to the management of short term accommodation in the Shire, including undertaking a review of the operation of the Short Stay Letting or Home hosted accommodation Local Law after 12 months to determine if any changes are needed to enhance its operations and that a report be provided to Council for consideration following that review and further, request the multi-interest stakeholder group to consider the alternative option presented in the submission phase by P & E Law as part of that process.

**For:** Cr Lorentson

**Against:** Crs Stockwell, Jurisevic, Wilkie, Stewart, Finzel and Wegener

**Lost.**

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

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 12 October 2021 and resolve to:

- A. Proceed with the making of, and make, Administration (Amendment) Local Law (No. 1) 2021 (see Attachment 3) as advertised, but amended as follows:
1. after section 1 —  
*insert—*  
**‘1A. Commencement**  
Part 2 commences on 1 February 2022.’
- B. Proceed with the making of, and make, Administration (Amendment) Subordinate Local Law (No. 1) 2021 (see Attachment 4), as advertised, but amended as follows:
1. after section 1—  
*insert—*  
**‘1A. Commencement**  
Part 2 commences on 1 February 2022.’
    2. amendments to Subordinate Local Law, section 5 (Insertion of new sch21A — Operation of short stay letting or home hosted accommodation) —
      - (a) section 2(b)(v) —  
*omit.*
      - (b) section 2(b)(vi) to (xii)—  
*renumber as section 2(b)(v) to (xi).*
      - (c) section 3(d)(i) —  
*omit, insert—*  
**‘(i) a site plan showing the location of all buildings, including any outdoor entertainment area, swimming pool or spa, vehicle parking area and the location of each window and door opening of any adjoining residence; and’.**
      - (d) section 3(g) —  
*omit, insert—*  
**‘(g) written confirmation that, under the *Building Act 1975*—**
        - (i) the premises are lawfully constructed; and
        - (ii) the use of the premises for the prescribed activity is authorised by the classification attributable to the premises; and’.
      - (e) section 3(h) after ‘inspector’—  
*insert—*  
**‘and that a current pool safety certificate will be maintained at all times’.**
      - (f) section 3(j)(iii), ‘20 minutes travel time (by vehicle)’—  
*omit, insert—*  
**‘a 20 kilometre radius’.**
      - (g) section 4(e)(ii), ‘residents in the vicinity of the premises’—  
*omit, insert—*  
**‘residents adjoining, or in the vicinity of, the premises’.**
      - (h) section 4(f), after ‘property manager’—

- insert*—  
, security firm’.
- (i) section 4(f)(ii), ‘20 minutes travel time (by vehicle)’—  
*omit, insert*—  
‘a 20 kilometre radius’.
- (j) section 6(2)(a), after ‘manager’—  
*insert*—  
, security firm’.
- (k) section 6(2)(a)(ii), ‘20 minutes travel time (by vehicle)’—  
*omit, insert*—  
‘a 20 kilometre radius’.
- (l) section 6(2)(b)(i), ‘**contact person**’—  
*omit, insert*—  
**‘approval’**.
- (m) section 6(2)(b)(ii), ‘contact person’—  
*omit, insert*—  
‘approval’.
- (n) section 6(2)(b)(iii)—  
*omit, insert*—  
‘(iii) the size of the approval notice must be a minimum and maximum size of 0.2m<sup>2</sup>; and’.
- (o) section 6(2)(b)(iv)—  
*omit, insert*—  
‘(iv) the approval notice must specify, in letters and numbers not less than 50mm in height—  
(A) the current, and up to date, contact details for a complaint; and  
(B) the approval number allocated by the local government to the approval for the undertaking of the prescribed activity at the premises; and’.
- (p) section 6(2)(c), from ‘make available’ to ‘scheme’—  
*omit, insert*—  
‘display an approval notice which complies with the requirements specified in subsection (2)(b)(i) to (iv) inclusive’.
- (q) section 6(3)(a), ‘residents in the vicinity of the premises’—  
*omit, insert*—  
‘residents adjoining, or in the vicinity of, the premises’.
- (r) section 6(3)(d), ‘vehicles on the premises’—  
*omit, insert*—  
‘vehicles, including boats, trailers, jet skis and the like, on the premises’.
- (s) after section 6(3)(h)(ii)—  
*insert*—  
‘(iii) if the premises are not provided with a kerb side frontage general waste collection service — ensure that general waste from the premises is removed from the premises and disposed of at a general waste facility; and’.
- (t) section 6(3)(j), after ‘minimum,’—

- insert*—  
‘and for a period of not less than 2 years,’.
- (u) section 6(3)(k)—  
(i) after ‘, must’—  
*insert*—  
‘, for a period of not less than 2 years,’;  
(ii) ‘premises for short stay letting’—  
*omit, insert*—  
‘premises’;  
(iii) ‘for short stay letting on’—  
*omit, insert*—  
‘on’.
- (v) section 6(3)(m)(i)(B), ‘if parking facilities are provided at the premises—’—  
*omit*.
- (w) section 6(3)(m)(ii), after ‘outdoor’—  
*insert*—  
‘entertainment area,’.
- (x) section 6(3)(m)(ii)(A), ‘residents in the vicinity of the premises’—  
*omit, insert*—  
‘residents adjoining, or in the vicinity of, the premises’.
- (y) section 7(1), ‘12 months from the date of the approval’—  
*omit, insert*—  
‘on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval’.
- (z) section 9, definition **contact person**, ‘section 4(g)’—  
*omit, insert*—  
‘section 4(f)’.
- (aa) section 9, ‘**contact person**’—  
*omit, insert*—  
**‘approval’.**
- C. Note that each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021 contain anti-competitive provisions;
- D. Having considered the content of the public interest test report in relation to anti-competitive provisions contained in each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021, in Attachment 7, note the content of the report and implement the recommendations of the report;
- E. Adopt, pursuant to section 32 of the Local Government Act 2009:
- (a) a consolidated version of Noosa Shire Council Local Law No. 1 (Administration) 2015 in the form in Attachment 8; and
- (b) a consolidated version of Subordinate Local Law No. 1 (Administration) 2015 in the form in Attachment 9;
- with a commencement date of 1 February 2022;
- F. Fund the additional costs for 2021/22 year for implementation, administration and resource requirements of the short stay letting and home hosted accommodation local law through budget review, including:

- (a) two additional (2) temporary full time local laws assessment and compliance officers for a term of 3 years (including one vehicle);
  - (b) establishment of an external 24/7 complaints hotline; and
  - (c) engagement of after-hours security services to observe and record activity at properties when required;
- G. Waive application fees for the 2021/2022 financial year and refer the review of funding options and fee structure to the 2022/23 budget process;
- H. Prepare a dedicated Council webpage including a local laws approval register and prepare a “good management of short stay letting” guide;
- I. Authorise the CEO to make minor amendments to the documents.
- J. That Council establish a multi-interest stakeholder group for ongoing consultation in regard to the management of short term accommodation in the Shire, including undertaking a review of the operation of the Short Stay Letting or Home hosted accommodation Local Law after 12 months to determine if any changes are needed to enhance its operations and that a report be provided to Council for consideration following that review.

**For: Crs Stewart, Wilkie, Stockwell, Finzel, Jurisevic and Wegener**

**Against: Cr Lorentson**

**Carried.**

**4 MCU18/0006.03 & OPW18/0012.03 APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING - TYPE 2 DUPLEX AND OPERATIONAL WORKS, TO INCLUDE SHORT TERM ACCOMMODATION, SITUATED AT 1 & 2/10 HILL ST SUNSHINE BEACH**

**Council Resolution**

**Moved: Cr Stewart**

**Seconded: Cr Wilkie**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU18/0006.03 & OPW18/0012.03 for an Other Change to a Development Permit for Material Change of Use Multiple Housing - Type 2 Duplex and Operational Works (Stormwater, earthworks, carparking, landscaping), to include Short Term Accommodation, situated at 1 & 2/10 Hill St, Sunshine Beach and note that the applicant has withdrawn their application pursuant to s52 of the Planning Act 2016.

**Carried unanimously.**

**6 RAL20/0014 - APPLICATION TO RECONFIGURE A LOT (1 INTO 2 LOTS) AT 9A JIRRIMA CRES, COOROIBAH**

**Council Resolution**

**Moved: Cr Stockwell**

**Seconded: Cr Jurisevic**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. RAL20/0014 for a Development Permit for Reconfiguring A Lot – 1 lot into 2 lots, situated at 9A Jirrима Cres Cooroibah and:

- A. Refuse the application for the following reasons:

1. The proposal is not consistent with the Overall Outcome 13.7.2 c), d) and e), Specific Outcomes O2, O5, O7 and O15 of the Noosa Plan 2006 Biodiversity Overlay Code as:
    - a. The proposal seeks to undertake development in the riparian buffer.
    - b. A 20m wide easement is required for firefighting purposes within the riparian buffer which requires clearing of vegetation.
    - c. Fill within the riparian buffer for the driveway and firefighting appliances has the potential to adversely impact on the ecological and hydrological values of the riparian buffer area.
    - d. The proposal is likely to result in the removal of koala habitat for a new lot boundary.
  2. The proposal is not consistent with 13.30.2 of the Natural Hazards Overlay Code for bushfire hazards as the proposed bushfire risk mitigation treatments impacts the riparian buffer and requires clear clearing of part of the riparian buffer.
  3. The proposal is not consistent with 14.181.2 a), c), g), and Specific Outcomes O1, O20 and O22 of the Reconfiguring a Lot Code as:
    - a. The development does not meet the minimum lot size, and provide for the retention of the site's natural environmental values and will result in clearing koala habitat and part of the riparian buffer.
  4. The proposal does not comply with the Noosa Plan 2020 as:
    - a. The applicant proposes development in the riparian buffer.
    - b. It is removing vegetation within the riparian buffer and not protecting an ecologically important area.
    - c. The proposal places people and property at risk as the driveway cannot be constructed to a suitable standard for firefighting without the clearing of vegetation in the riparian buffer.
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**Carried unanimously.**

***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 18 October 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

**Carried unanimously.**

### **3 51983.3225.14 – OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE DWELLING UNITS X 25 & 8 SHOPS AT, 30 HASTINGS ST NOOSA HEADS**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. 51983.3225.14 for an Other Change to an existing approval to Town Planning Consent 1632 for 25 x Multiple dwelling and 8 shops situated at The Hastings Lot 30/30 and Lots 7 & 11/30 Hastings St Noosa Heads and:

- A. Approve the application.
- B. Change condition 1 to read as follows:

#### **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.

Plan No.	Rev.	Plan, prepared by	Date
No.1		<i>Perspectives &amp; Notes</i> , prepared by Accolade Building Designs	22/07/2014
No.3		<i>Ground Floor &amp; 1st Level</i> , prepared by Accolade Building Designs	22/07/2014
No.4		<i>Elevations</i> , prepared by Accolade Building Designs	22/07/2014

#### **Approved Plans - October 2015**

Plan No.	Rev.	Plan, prepared by	Date
DA 3001	A	<i>Site Plan</i> , prepared by Peter Hull Architect	Sept 15
DA 3002	B	<i>Floor Plans</i> , prepared by Peter Hull Architect	Sept 15
DA 3004	A	<i>Ground Floor and Carport Plan</i> , prepared by Peter Hull Architect	Sept 15
DA 4001	B	<i>Sections</i> , prepared by Peter Hull Architect	Sept 15
DA 5001	B	<i>Elevations</i> , prepared by Peter Hull Architect	Sept 15

#### **Approved Plans – March 2016**



Plan No.	Rev.	Plan, prepared by	Date
		<i>GRND FLR – Proposed (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation (Unit 14) – East Facing (Street Frontage)</i> , prepared by LPID	14/10/2015
		<i>Elevation – North Facing (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation – South Facing (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation – West Facing (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>3D Views – Exterior (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>GRND FLR – Proposed (Unit 25)</i> , prepared by LPID	14/10/2015
		<i>Elevation (Unit 25) – South View</i> , prepared by LPID	14/10/2015
		<i>Elevation – East (Unit 25)</i> , prepared by LPID	14/10/2015
		<i>Elevation – West (Unit 25)</i> , prepared by LPID	14/10/2015
		<i>Elevation – North (Unit 25)</i> , prepared by LPID	14/10/2015
		<i>3D Views – Exterior (Unit 25)</i> , prepared by LPID	14/10/2015

**Approved plans – May 2016**

Plan No.	Rev.	Plan, prepared by	Date
DA.0 1	B	Location Plan prepared by Bark Design Architects	26/02/2016
DA.0 2	C	Site Plan prepared by Bark Design Architects	23/02/2016
DA.0 4	C	Ground Floor Plan prepared by Bark Design Architects	23/02/2016
DA.0 5	C	First Floor Plan prepared by Bark Design Architects	23/02/2016
DA.0 6	C	Second Floor Plan prepared by Bark Design Architects	23/02/2016
DA.0 7	C	Roof Terrace Plan prepared by Bark Design Architects	23/02/2016
DA.1 1	B	South Elevation prepared by Bark Design Architects	26/02/2016
DA.1 2	B	East Elevation prepared by Bark Design Architects	26/02/2016
DA.1 3	B	North Elevation prepared by Bark Design Architects	26/02/2016
DA.1 4	B	West Elevation prepared by Bark Design Architects	26/02/2016

**Approved plans – March 2017 Unit 20**

Plan No.	Plan, prepared by	Date
1016HMK Sheet 1	3D rendering, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 2	Floor Plans, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 3	Ground Floor plan, prepared by Accolade Building Designs	23 March 2017

1016HMK Sheet 4	Elevations, prepared by Accolade Building Designs	23 March 2017
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**Approved plans – April 2017 Unit 13**

Plan, prepared by	Date
Site plan, prepared by Mandy's Design and Drafting	March 2017
Proposed floor plan, prepared by Mandy's Design and Drafting	March 2017
Elevations, prepared by Mandy's Design and Drafting	March 2017

**Approved plans – August 2017 Unit 20**

Plan No.	Plan, prepared by	Date
1016HMK Sheet 1	3D rendering, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 2	Floor Plans, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 3	Ground Floor plan, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 4	Elevations, prepared by Accolade Building Designs	23 March 2017

**Approved plans – August 2017 Unit 5**

Plan No.	Rev.	Plan, prepared by
Sheet 1 of 4 Issue A	<i>Site Plan</i> , prepared by Mandy's Design and Drafting	July 2017
Sheet 2 of 4 Issue A	<i>Existing Floor Plans</i> , prepared by Mandy's Design and Drafting	July 2017
Sheet 3 of 4 Issue A	<i>Proposed floor plan</i> , prepared by Mandy's Design and Drafting	July 2017
Sheet 4 of 4 Issue A	<i>Elevations</i> , prepared by Mandy's Design and Drafting	July 2017

**Approved Plans – April 2018 Unit 21**

Plan No.	Rev.	Plan, prepared by
Sheet 1 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit</i> , prepared by Accolade Building Designs	26/04/2018
Sheet 2 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit</i> , prepared by Accolade Building Designs	26/04/2018
Sheet 3 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit (floor plans)</i> , prepared by Accolade Building Designs	26/04/2018
Sheet 4 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit (elevations)</i> , prepared by Accolade Building Designs	26/04/2018

**Approved Plans – 19 November 2020 Unit 17**

Plan No.	Rev.	Plan, prepared by
Sheet 01, Issue D	Site Location, Site Plan & Floor Plans, prepared by Innovate Architects	October 2020

Sheet 02, Issue D	Elevations, Section & External Finishes Schedule, prepared by Innovate Architects	October 2020
Sheet 07 Issue C	Perspectives, prepared by Innovate Architects	October 2020

**Approved Plans – March 2020 Unit 19**

Plan No.	Rev.	Plan, prepared by
A01	Site Location, Site Plan & Calculations, prepared by Lisa Page	22 January 2021
A02	Ground Floor Plan – with proposed alterations, prepared by Lisa Page	22 January 2021
A03	Level 1 Floor Plan, prepared by Lisa Page	22 January 2021
A04	Level 2 Floor Plan, prepared by Lisa Page	22 January 2021
A05	Level 3/Terrace, prepared by Lisa Page	22 January 2021
A06	Elevations Views: North & South facing, prepared by Lisa Page <i>(as annotated by Council)</i>	22 January 2021
A07	Elevations Views: East & West facing, prepared by Lisa Page <i>(as annotated by Council)</i>	22 January 2021
A08	Perspective view, Terrace level, prepared by Lisa Page	22 January 2021
A09	Perspective views: south, west, north facing, prepared by Lisa Page	22 January 2021
A10	Perspective views: south/east/north views, prepared by Lisa Page	22 January 2021
A11	Section view-east facing, prepared by Lisa Page	22 January 2021
A12	External Material Finishes Palette by Lisa Page	22 January 2021
-	Landscape Concept Design document including site plan and perspective, cross sections, look and feel and design, prepared by Louise Custance	-

**Approved Plans – 21 October 2021 Units 9-10 (Lot 30 SP307674)**

Plan No.	Rev.	Plan, prepared by
SD.102 Iss P2	Proposed Holyman Unit 3D perspectives, prepared by Gerard Smith Design	N/D
SD.104 Iss P10	Site / Roof Plan, prepared by Gerard Smith Design	Aug 2018
SD.201 Iss P9	Floor Plans, prepared by Gerard Smith Design	Aug 2018
SD.501 Iss P9	Elevations proposed, prepared by Gerard Smith Design	Aug 2018
SD.601 Iss P2	Cross Sections – Sheet 2, prepared by Gerard Smith Design	Aug 2018
SD.951 Iss P9	Overviewing Diagrams – Level 1, prepared by Gerard Smith Design	Aug 2018
SD.952 Iss P9	Overviewing Diagrams – Level 2, prepared by Gerard Smith Design	Aug 2018

C. Include the following additional conditions 37 - 44 to read as follows:

**Additional Conditions specific for Lot 30 (and the use of Lots 7 & 11 for**

**construction and access) – 21 October 2021****Performance Bond - Planning**

37. 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, specifically for Lot 30, prior to the issue of a Development Permit for Building 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.

**Performance Bond – Demolition**

38. Security to the value of **\$10,000** must be provided to Council's Building and Plumbing Services prior to the issue of the development approval for building works (demolition). The security must be in the form of a cash bond or bank guarantee, for security against satisfactory completion of works.

**Landscaping**

39. The development site must be landscaped generally in accordance with the approved plans and Planning Scheme Policy PSP2 – Landscaping, and the following requirements:
- a. A minimum of a 1m wide garden with dense landscaping must be provided to the north, south and western boundaries within Lot 30.
  - b. The 1m wide garden must consist of 45 litre pot size native trees planted at 1.5m centres. Include 1 x 100 litre pot size tree to be planted in each of the following locations:
    - i. south east corner; and
    - ii. half way along the southern boundary; and
    - iii. to the west of the visitor car space where the lot dog legs.
  - c. The plantings must grow to an average minimum height of 10m and be suitable native species for the urban surroundings such as Syzygium, Elaeocarpus, Acronychia.
  - d. 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.
  - e. Landscape works must be completed prior to the commencement of the use of Lot 30.
40. The Fig tree, Umbrella, Exotic and Palm trees as shown on Plan No. 18-4767AA prepared by Max Watterson & Associates may be removed within the lot as part of preparing the site for construction.
41. Any vegetation to be retained must be protected from clearing or construction activities by:
- a. clearly marking vegetation to be retained with flagging tape;
  - b. installing protective fencing around the drip line of the vegetation;
  - c. restricting stockpiling, storage and vehicle parking to those areas which are already cleared; and
  - d. using low impact construction techniques around vegetation.

**Privacy**

42. The level 1 and level 2 operable timber privacy screens when fully extended must not cover more than 50% of each of the balconies. The privacy screens on Level 3 must be a minimum height of 1.7m above the FFL.
43. The balcony located on Level 2 and the roof top terrace must include balustrading (set back as shown on the approved plans), and fixed external screens (where appropriate), positioned in such a way to obscure direct views into the habitable room windows or private open space areas of the adjoining units.

**Building Appearance**

44. The building must be constructed to be generally in accordance with the material and colour palette as shown on Plan no. SD.102, Issue P2 and prepared by Gerard Smith Design.

D. Amend existing Condition 25 to read:

**Demolition**

25. Security to the value of **\$5,000** must be provided to Council's Building and Plumbing Services prior to the issue of the Development Approval for Building Works – demolition of Unit 17 & 19. The security must be in the form of a cash bond or bank guarantee, for security against satisfactory completion of works.
- E. Include an administrative amendment to 'Privacy' heading above existing Conditions 12 & 13 to read 'Privacy - Unit 17'
- F. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**5 MCU17/0046.03 – APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING TYPE 2 DUPLEX TO INCLUDE SHORT TERM ACCOMMODATION & OPERATIONAL WORKS AT 2/38 PARK CRES, SUNSHINE BEACH**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU17/0046.03 for an Other Change to a Development Approval for Multiple Housing Type 2 – Duplex & Operational Works to include Short-term accommodation, situated at 2/38 Park Cres Sunshine Beach and:

- A. Refuse the application for the following reasons:
1. The proposal is not consistent with 3.2.4 Housing to meet diverse needs of the community and 3.3.3 Housing Choice (n) of the Strategic Framework, as it will further erode the dwelling units available for permanent housing in the area, impacting permanent resident amenity.
  2. The proposal is not consistent with 7.2.6.2 Purpose and Overall Outcome (2)(o) and Performance Outcomes PO1, PO2 and PO15 of the Coastal Communities Local Plan Code as:
    - a. The extent of visitor accommodation has eroded the available supply of permanent housing in the local plan area; and
    - b. Additional visitor accommodation in the area is likely to result in detrimental impacts on the residential neighbourhood and amenity of permanent residents.
  3. The proposal is not consistent with 3.2.4 Housing to meet diverse needs of the community and 3.3.3 Housing Choice (n) of the Strategic Framework, as it will further erode the dwelling units available for permanent housing in the area, impacting permanent resident amenity.

4. The proposal is not consistent with 6.3.2.2 Purpose and Overall Outcomes (2)(a) and (h) of the Medium Density Residential Zone Code as:
    - a. The proposal is located in medium density residential neighbourhood that is predominately used for short term accommodation uses. The introduction of additional short term accommodation within a duplex unit is not consistent with the purpose of the zone.
    - b. The proposal seeks to establish a new short-term visitor accommodation facility within a recently approved dual occupancy and is not located within a well-established resort or holiday units.
  5. There is no need for additional short term accommodation in the area.
  6. The proposal does not comply with Performance Outcome PO12 of the Visitor Accommodation Code and Performance Outcome PO6 of the Driveway and Parking Code as insufficient car parking is proposed on site to address the likely parking demands on site.
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

## **7 PEREGIAN DIGITAL HUB – FULL YEAR REPORT TO 30 JUNE 2021**

That Council note the report by the Acting Director Environment and Sustainable Development, to the Planning & Environment Committee meeting dated 12 October 2021 providing a full year report on the performance and activities of The Hub for the period 1 July 2020 to 30 June 2021 and a Social Return on Investment evaluation.

## **8 T000054 – TEWANTIN BYPASS STAGE 1 INTERSECTION UPGRADE – TENDER AWARD**

That Council note the report by the Designer Capital Works to the General Committee Meeting dated 18 October 2021 and:

- A. Award Contract T000054 for the construction of the Tewantin Bypass Stage 1 – Intersection Upgrade works to SGQ Pty Ltd for the sum under a schedule of rates contract for the amount of \$5,052,575 excluding GST;
- B. Approve expenditure under this Contract up to \$7,849,520 excluding GST, including contingency spend.

## **9 MCU20/0037 – PLANNING & ENVIRONMENT COURT APPEAL NO. BD1074 OF 2021 – REFUSAL OF AN APPLICATION FOR MULTIPLE HOUSING – TYPE 2 DUPLEX AT 11 MARGIT CRES, SUNRISE BEACH**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 18 October 2021 regarding Planning & Environment Court Appeal No. BD1074 of 2021 and agree to settle the appeal generally 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
	H	Development Application/Development summary, prepared by OH Architecture	03.09.2021
DA 001	H	Proposed Plan, prepared by OH Architecture	3 September 2021
DA 101	H	Proposed Basement Plan, prepared by OH Architecture	3 September 2021
DA 102	H	Proposed Lower Floor Plan, prepared by OH Architecture	3 September 2021
DA 103	H	Proposed Upper Floor Plan, prepared by OH Architecture	3 September 2021
DA 104	H	Proposed Roof Plan, prepared by OH Architecture	3 September 2021
DA 151	H	Proposed Elevations, prepared by OH Architecture	3 September 2021
DA 152	H	Proposed Elevations, prepared by OH Architecture	3 September 2021
DA 153	H	Proposed Elevations, prepared by OH Architecture	3 September 2021
DA 154	H	Proposed Elevations, prepared by OH Architecture	3 September 2021
DA 161	H	Proposed Sections, prepared by OH Architecture	3 September 2021
DA 162	H	Proposed Sections, prepared by OH Architecture	3 September 2021
DA 163	H	Proposed Sections, prepared by OH Architecture	3 September 2021
DA 301	H	Pergola materials, prepared by OH Architecture	September 2021

#### **Currency Period**

3. This development approval lapses if the use has not happened by 21 October 2027, unless an application to extend the currency period is approved by Council.

#### **Built Form and Development Appearance**

4. The maximum height of the development must not exceed 8 metres above the natural ground level and the finished surface level and 2 storeys.
5. Certification must be submitted to Council from a Licensed Surveyor which certifies that the buildings do not exceed the maximum height requirement of this Decision Notice.
6. All fencing and retaining walls within the northern and southern setbacks must be located and constructed in accordance with approved drawings DA 153 and DA 154, prepared by OH Architecture and dated 3 September 2021.
7. All air conditioning units or other mechanical equipment must be fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.
8. All deck and balcony areas must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.

#### **Performance Bond**

9. 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 pre-start meeting. 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.

#### **Protection of Privacy**

10. To ensure privacy is protected between adjoining properties to the west, south and north, the development must:

- a. provide screening devices to balconies; and/or
- b. have a minimum window sill height or 1.7 metres above floor level; and/or
- c. be fitted with translucent glazing; and/or
- d. be fitted with fixed external screens.

#### **Street Identification**

11. 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**

12. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
13. A Certificate of Completion from the Northern SEQ Distributor–Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage has been provided to the development site.

#### **Fencing and Walls**

14. Street fencing must be provided generally as shown on the approved plans.
15. The area of land between the street fence and the front property boundary must be densely landscaped to screen any fencing from the street. A mix of understorey and taller species must be included.

#### **Clothes Drying Areas**

16. Each dwelling unit must be provided with access to an outdoor clothes line which is screened from public view.

#### **Community Management Statement**

17. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.

#### **Landscaping**

18. The site must be landscape in accordance with Planning Scheme Policy PSP2 – Landscaping. The works must be undertaken in accordance with an operational works approval and the approved plans and must include in particular:
  - a. Dense screening vegetation within the gardens located to the perimeter of the site along the north, south and western boundaries and;
    - i. must be a minimum of 1m wide unless otherwise shown on the approved plans;
    - ii. Trees that grow to a minimum height of 8m planted at 1.5m centres. The trees must have a minimum pot size of 45 litres; and
    - iii. 1 x 100 litre pot size feature tree planted to each side of the driveway within the site and near the front boundary.
  - b. Retention of the existing street tree located near the south east corner of the site as shown on the approved plans.
  - c. Provide an arborist report with construction methods to retaining the street tree in good health during constructed.
  - d. Provide 1 x 45 litre pot size street tree located to the northern side of the driveway



crossover.

- e. Provide a planting and plant schedule including species and pot size.
19. 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.

#### **Noise**

20. Written certification is required from a suitably qualified person confirming that sound pressure levels from all mechanical plant and equipment comply with the following:
- a. Air-conditioning and Refrigeration
    - 7am to 10pm: Maximum level allowable = background + 5dB(A)
    - 10pm to 7am: Maximum level allowable = background + 3dB(A)
  - b. Pumps
    - 7am to 7pm: Maximum level allowable = background + 5dB(A)
    - 7pm to 10pm: Maximum level allowable = background + 3dB(A)
    - 10pm to 7am: No audible noise.
21. The certification must be submitted to Council, which certifies that operational noise from any fixed plant and equipment complies and with the requirements of this Decision Notice.

#### **HYDROLOGY**

##### **Stormwater Drainage**

22. 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 must include in particular:
- a. a Site Based Stormwater Management Plan which addresses the following:
    - i. existing overland flows and proposed overland flows;
    - ii. maintenance of overland flows within the subject site; and
    - iii. the drainage system for all roofed areas, hardstand, grassed areas and pool surrounds.

##### **Erosion and Sediment Control**

23. In conjunction with the application for Operational Works approval, provide an erosion and sediment control plan, prepared in accordance with Best Practice Erosion and Sediment Control (IECA, 2008) and which achieves the construction phase stormwater design objectives of the State Planning Policy 2017.

#### **WASTE DISPOSAL**

24. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy 9 - Waste Management. The facilities must include an impervious area, within the site, correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. A bin wash area is required with a cold-water tap, hose and drain outlet connected to sewer, via a bucket trap. The drain outlet must be designed to prevent storm water entry to the sewerage system.
25. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.

## ENGINEERING

### External Works

26. Margit Crescent must be upgraded for the length of its frontage to the subject site. The works, which must be undertaken in accordance with an Operational Works approval, are:
  - a. construction of a pedestrian footpath in accordance with the conditions of this Decision Notice
  - b. removal of all existing property access (driveway/crossovers) and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and turf where the existing verge is grassed.

### Site Access and Driveways

27. A sealed access driveway must be provided from Margit Crescent 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 in accordance with Council standard drawings RS-051 and addendums

### Car Parking

28. Car parking must be provided generally in accordance with the approved plans. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities
29. Pedestrian facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
  - a. a 2 metre wide concrete footpath within the road verge for the entire length of the site's frontage to Margit Crescent.

This condition is imposed pursuant to s128 of the *Planning Act 2016* being necessary trunk infrastructure identified by Council's LGIP to service the development.

### Easements

30. 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.
31. 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.
32. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

### Earthworks and Retaining Walls

33. All fill and associated batters 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.

### Damage to Services and Assets

34. 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

## **10 PROPOSED LEASE TENANCY FOR PEREGIAN DIGITAL HUB**

That Council note the report by the Acting Director Environment and Sustainable Development to the General Committee Meeting dated 18 October 2021 regarding the commercial lease of office space at the Peregian Digital Hub and:

- A. Agree to enter a commercial lease of the Unit 4 premises of 45m<sup>2</sup> to Anson McCade Pty Ltd. for a three year term, as generally outlined in the report;
- B. Agree to enter a commercial lease of the Unit 3a premises of 45m<sup>2</sup> to Saturate for a three year term, as generally outlined in the report;
- C. Note that a market process will continue in order to secure a tenant for Unit 3b;
- D. Authorise the CEO to award one subsequent lease extension of 3 years for each of these tenancies, subject to the lessee complying with the terms of the lease.

## **11 NOOSA HOLIDAY PARK FEES AND CHARGES**

That Council note the report by the Property Advisor – Commercial Property to the General Committee Meeting dated 18 October 2021 and:

- A. Set fees and charges for the Noosa Holiday Parks to align with the cessation of the end of the January 2023 Queensland school holidays; and
- B. Adopt the Proposed General Cost Recovery Fees and Commercial Charges schedule for Noosa Holiday Parks for the period ending Monday 23 January 2023 as detailed in the tables contained within the report.

## **12 FINANCIAL PERFORMANCE REPORT – SEPTEMBER 2021**

That Council note the report by the Acting Manager Financial Services to the General Committee Meeting dated 18 October 2021 outlining September 2021 year to date financial performance against budget, including changes to the financial performance report with the inclusion of key financial sustainability indicators.

**9 ORDINARY MEETING REPORTS**

Nil.

**10 CONFIDENTIAL SESSION**

Nil.

**11 PUBLIC QUESTION TIME**

Nil.

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 18 November 2021 at the Council Chambers, 9 Pelican Street, Tewanin commencing at 5pm.

**13 MEETING CLOSURE**

The meeting closed at 6.16pm.

## Attachment 1

**Petition for Reef Street Noosaville “Traffic Calming”**

We, the undersigned, are making this representation to the Noosa Shire Council with the hope improvement initiatives will be considered to address an ever-increasing vehicle speed and subsequent extreme noise which impacts the amenity of our residential area. By introducing improvement initiatives, the risk of serious and/or fatal accidents could be significantly reduced as the ability of speeding cars and motor bikes using Reef Street could be eliminated. The speeding traffic is of significant risk to the general Reef Street traffic and slow-moving traffic entering to and from the Noosa Waters Estate.

**Background**

Reef Street, Noosaville, commences at the roundabout at the intersection of Mary Street and Weyba Road and extends southwards to the roundabout on Eenie Creek Road. It has become a common practice for cars and motorbikes, at all hours of the day and night, to pass through the roundabout at Mary Street, in a southerly direction, and accelerate at dangerous rates exceeding the 60kph speed limit, even before reaching Bluefin Court and continuing to increase speed as they approach Bay Street. A similar pattern of car and motorbike behaviour is also occurring in the opposite direction.

What is adding to the noise generated by the excessive speed is the surprising number of cars and motorbikes that have gone out of their way to modify their vehicles to “enhance” the exhaust noise!

**Impact**

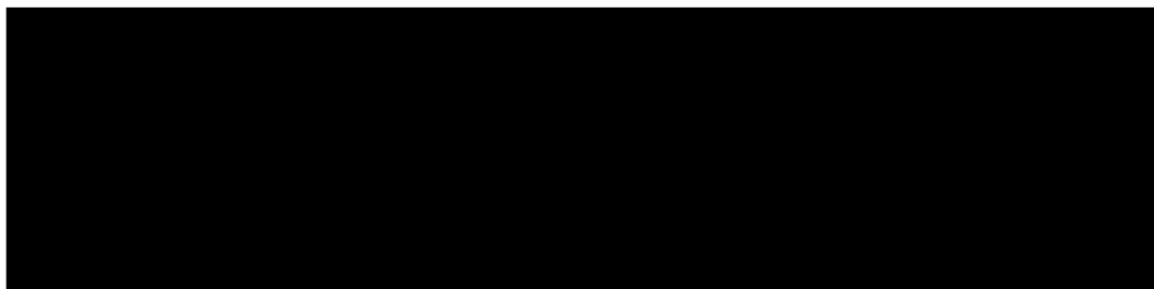
The residential areas that experience the worst impacts of the extreme noise, due to their close proximity to Reef Street, include parts of:

- Bluefin Court,
- Shorehaven Drive,
- Waterside Court,
- Nannygai Street
- Lake Weyba Drive, more particularly, the western boundaries of Laguna Estate Retirement Village and the Noosa Waters Retirement Estate

The extreme noise is so pervasive that other areas deeper into the Noosa Waters residential areas are more than likely experiencing negative impacts as well.

**Improvement Initiatives**

We, the undersigned, request that the current 60kph speed limit be reduced to 40kph. In conjunction with the speed reduction, we also request that the installation of road humps and/or slow points be investigated.



**Attachment 2 – Cr Lorentson for Item 2 Proposed Local Law Amendment****Proposed amendment to Local Law No.3 (Community and Environment) 2015**

Add new Part 7 and renumber balance.

**Part 7****Good neighbourhoods****Obligations of neighbours**

1. (1) The owner or occupant of a residential premises must not cause unacceptable residential amenity.

(2) Causing unacceptable residential amenity is an offence.

Maximum penalty 50 penalty units.

(3) A person is not guilty of an offence under subsection (2) if the person had a lawful excuse for knowingly allowing or suffering causing an unacceptable residential amenity to exist on, emanate from any premises owned or occupied by that person.

**Example:** Where a permit has issued for an event to occur that authorises a band to play in an outdoor setting.

**Authorised Officer Attendance**

2. (1) Where a person considers that an occupier of premises is causing unacceptable residential amenity the person may do either or both of:
  - i) write to Council and explain why the person considers that there is unacceptable residential amenity, what the cause of that unacceptable residential amenity is and ask for Council's assistance in addressing it; or
  - ii) contact the Council on the designated telephone number and request the urgent attendance of Council's authorised officer to address the cause of unacceptable residential amenity.

**Explanatory Note:** Where a series of events occur over time write to Council to allow the causes of the unacceptable residential amenity to be addressed in a more cooperative way. Where there is a loud party happening and the occupants have not responded reasonably then contact the Council on the designated telephone number.

(2) Where an authorised officer attends following a call for urgent assistance and reasonably forms an opinion that an occupier is causing unacceptable residential amenity the authorised officer may do either or both of:

- i) give a notice of unacceptable behaviour to the occupier requiring the unacceptable behaviour to stop; or
- ii) give a penalty infringement notice to the occupier.

(3) Where an authorised officer has given a notice to the occupier and the occupier is not the owner of the premises, the authorised officer must within 48 hours provide a copy of the notice of unacceptable behaviour to the owner.

(3) It is an offence to fail to comply with a notice of unacceptable behaviour.

Maximum penalty 50 penalty units.

(4) The cost of attendance of an authorised officer following a call for urgent assistance where the unacceptable behaviour is confirmed to have occurred may be recovered from the owner of the premises where the unacceptable behaviour existed on or emanated from.

**Explanatory note:** A party spilling out from a premises onto the street is caught.

(5) Where it is established that there was no unacceptable behaviour the cost of attendance of an authorised officer following a call for urgent assistance may be recovered from the person making the complaint or the owner of the premises from where the complainant complained.

(6) The Council must consider the number of complaints and the significance of the unacceptable behaviour in determining whether to recover the cost of attendance.

(7) To recover the cost of attendance of the authorised officer following a call for urgent assistance, the Council must give a notice to the owner stating:

- i) the unacceptable behaviour and the date on which it occurred;
- ii) payment of the total cost of attendance is required;
- iii) the date the cost is payable; and
- iv) an information notice.

**Explanatory note:** An information notice allows for an internal review of the decision. See LL1 s22 for giving and review following an information notice.

(8) The cost of attendance may be recovered as if it were a rate.

#### **Compliance Notice for Works**

(1) Where an authorised officer forms a reasonable opinion that an occupier of a premises has caused an unacceptable residential amenity on at least three separate occasions in any 12 month period, the authorised officer may issue a compliance notice requiring the owner to undertake works to assist in achieving an acceptable residential amenity.

#### **Examples:**

- i) construct an acoustic barrier;
- ii) install light control switches that turn lights off at a particular time;
- iii) remove a deck;
- iv) enclose a deck;
- v) plant and maintain screening vegetation.

(2) To determine whether to give a compliance notice to the owner, the authorised officer must consider:

- i) the frequency of the unacceptable behaviour;
- ii) the significance of the unacceptable behaviour;
- iii) the likely cost of the work;
- iv) whether any affected premise should also reasonably undertake works and whether there is a commitment to undertake those works; and
- v) whether the affected premises also causes unacceptable behaviour.

(3) The authorised person must inform any person required by the compliance notice to perform work and any person whose commitment to undertake works has been considered

under subsection (2)iv) of the intention to issue a compliance notice and provide them with a reasonable opportunity to respond to the requirement to undertake works prior to giving a compliance notice.

(4) The authorised person must only give a compliance notice where it is likely to assist in achieving an acceptable residential amenity.

**Explanatory note:** See LL1 s27 for giving a compliance notice.

#### **Duty of Council**

4. (1) Council has a duty to investigate any notice of unacceptable residential amenity.
- (2) Council has a duty to remedy as far as is reasonably practicable all unacceptable residential amenity.
- (3) If the Council is of the opinion that the unacceptable residential amenity is better settled privately, advise all relevant parties of any available methods for settling the matter privately.

**Example:** Where a dispute may be best resolved in a legal action Council would suggest the parties seek legal advice. Where a dispute may be best resolved in mediation Council would suggest the parties seek mediation.

#### **Definitions**

**The definitions should be in the local law not the subordinate local law.**

**Acceptable residential amenity means:**

Achieving a fair balance between a persons right to live in a premises and the rights of others in the neighbourhood to enjoy being there.

Acceptable residential amenity will involve a consideration of impacts from nuisance, noise, light intrusion, and overlooking.

**Unacceptable residential amenity means;**

Unacceptable residential amenity will involve a consideration of impacts from nuisance, noise, light intrusion, and overlooking.

Where noise levels exceed those set out in table XYZ they will be deemed to cause unacceptable residential amenity.

(Insert table: Noise levels should not exceed DBA (insert from reports differing daytime and night time levels))

Lighting exceeding (Lux at boundary) is deemed to cause unacceptable residential amenity.

A series of nuisance, noise, lighting or overlooking events that individually would not be unacceptable but because of their frequency or duration are unacceptable.

See Padley v Foley (1983) 32 SASR 122 at 129 for scope of the definitions set out above.



**Causing**, in relation to unacceptable behaviour, means:

- a) to cause; or
- b) knowingly allow or suffer unacceptable residential amenity to exist on, or emanate from, any land owned or occupied by that person.