



# **MINUTES**

## **Ordinary Meeting**

**Thursday 18 November, 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

**EXECUTIVE**

L Sengstock, Acting Chief Executive Officer & Director Infrastructure Services  
K Contini, Director Community Services  
L Jensen, Acting Director Environment & Sustainable Development  
D Iezzi, Director Executive Services  
T Grauf, Acting Director Corporate Services

**APOLOGIES**

Councillor F Wilkie

The meeting commenced at 5.01pm.

**2 CONFIRMATION OF MINUTES****Council Resolution**

**Moved:** Cr Finzel

**Seconded:** Cr Lorentson

The Minutes of the Ordinary Meeting held on 21 October 2021 be received and confirmed.

**Carried unanimously.**

**3 MAYORAL MINUTES**

Nil.

**4 PETITIONS****1 PETITION: REQUEST FOR THE ACCESSIBLE BIKE/WALKING PATH TO BE EXTENDED FROM LAKE COOROIBAH TO SILVERWOOD DRIVE COOROIBAH**

*Refer to Attachment 1*

**Council Resolution**

**Moved:** Cr Lorentson

**Seconded:** Cr Jurisevic

That the petition signed by 640 people tabled by Cr Lorentson requesting the accessible bike/walking path to be extended from lake Cooroibah to Silverwood drive Cooroibah, 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 AUDIT & RISK COMMITTEE MEETING REPORT – 20 OCTOBER 2021**

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

**Council Resolution**

**Moved:** Cr Stockwell

**Seconded:** Cr Jurisevic

That the report of the Audit & Risk Committee dated 20 October 2021 be received and the recommendations therein be adopted.

**Carried unanimously.**

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**1 QUEENSLAND AUDIT OFFICE REPORT**

That Council note the Queensland Audit Office Briefing Note provided by the Queensland Audit Office (QAO) to the Audit & Risk Committee meeting dated 20 October 2021.

**2 2020-21 ANNUAL FINANCIAL STATEMENTS**

That Council note the report by the Acting Manager Financial Services to the Audit and Risk Committee dated 20 October 2021 and approve the 2020/21 Annual Financial Statements for signature by the Mayor and Chief Executive Officer.

**3 GOVERNANCE UPDATE**

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 20 October 2021 providing an update on governance compliance matters.

**4 RISK MANAGEMENT UPDATE**

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 20 October 2021 providing an update on risk management and other matters.

**5 NOOSA COUNCIL ANNUAL REPORT 2020 - 21**

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 20 October 2021 and the draft Annual Report for the 2020-21 financial year.

**2 PLANNING & ENVIRONMENT COMMITTEE MEETING REPORT – 9 NOVEMBER 2021****4 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY – SEPTEMBER 2021****Council Resolution****Moved: Cr Lorentson****Seconded: Cr Wegener**

That Council note the report by the Development Assessment Manager to the Planning & Environment Committee Meeting dated 9 November 2021 regarding planning applications that have been decided by delegated authority.

**Carried unanimously.**

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

**Carried unanimously.**

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**1 51997.2283.03 - MINOR CHANGE TO AN EXISTING APPROVAL FOR (MULTIPLE DWELLINGS) AT 6/80-86 HILTON TCE NOOSAVILLE**

That Planning & Environment Committee Agenda Item 1 be referred to the General Committee for further consideration.

**2 132005.1133.15 – APPLICATION FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR 140 MULTIPLE DWELLING UNITS AND ASSOCIATED FACILITIES – SHOP, RESTAURANT, MULTI-FUNCTION ROOM AND GYM AT 75 RESORT DRIVE, NOOSA HEADS**

That Planning & Environment Committee Agenda Item 2 be referred to the General Committee for a further report.

**3 MCU20/0090 – PLANNING & ENVIRONMENT COURT APPEAL NO. D12 of 2021 – APPLICATION FOR AN EXTENSION TO HIRE & STORAGE BUILDING AT JETTY 256 GYMPIE TCE, NOOSAVILLE**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 November 2021 regarding Planning & Environment Court Appeal No. D12 of 2021 and agree to settle the appeal generally in accordance with the following conditions:

**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       |
|----------|------|---------------------------|------------|
| DW02     |      | Site Plan                 | 01/09/2020 |
| DW03     |      | Floor Plan                | 01/09/2020 |
| DW06     |      | Floor Plan Storage Layout | 01/09/2020 |
| DW11     |      | Hire Boat Placement Plan  | 21/09/2021 |
|          |      | Perspective 1             | 21/07/2021 |
|          |      | Perspective 2             | 21/07/2021 |
|          |      | Perspective 3             | 21/07/2021 |

3. The building and structure must be finished with colours and textures that blend with and complement the natural setting through low reflective surfaces and timbers that can fade to grey. The proposed finishes shall be in accordance with perspectives 1, 2 and 3 or as otherwise agreed in writing by Council.

#### **Operational Management Plan**

4. All vessels must be stored/docked within the lease area with all associated equipment (i.e. life jackets, paddles etc.) stored within the building.
5. The maximum number of vessels stored, available for hire/use must not exceed the following at any time:
  - 5.1. 16 Boats
  - 5.2. 9 Jet Skis
  - 5.3. 9 Kayaks
  - 5.4. 4 Stand up paddle boards
  - 5.5. 1 Paddle boat

The vessel types and sizes must be as identified on Drawing No. DW 11, titled Hire Boat Placement Plan prepared by Hayley Deans Designs, unless otherwise agreed in writing by Council.

6. All boats and jet skis must be embarked and disembarked from the landing or the foreshore within the lease area with all kayaks, stand up paddle boards and the paddle boat embarked and disembarked from the foreshore within the lease area.
7. All initial safety/instructional briefings must be conducted fully within the lease area. No briefings are permitted on the foreshore area outside the lease area.
8. All customers hiring/using vessels must be briefed prior to embarking on where to return and disembark their vessel from within the lease area.
9. Any vessel and associated equipment for vessels (i.e. life jackets, paddles etc) returned outside the lease area must be relocated to the designated storage area within the lease area promptly by staff. Staff must regularly conduct an inspection of the foreshore areas to ensure all vessels and associated equipment are stored in the designated storage areas within the lease area.
10. Boat repair activities other than minor repairs such as replacing a battery are not permitted within the lease area.
11. Wastewater and sullage must only be disposed of at approved pumpout facilities.
12. The building and associated landing must not be utilised for live-aboard purposes.

#### **Currency Period**

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

#### **Performance Bond**

14. Security in the form of a cash bond or trading bank guarantee to the sum of **\$15,000** must be submitted to Council, to secure performance of all conditions of this approval, 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. The bond shall be released after 12 months from the date the use commences. The applicant must notify Council in writing of the date the use commences.

**General Requirements**

15. 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.
16. 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.
17. Any construction and post construction activity must not impact on the condition of the waterway, and must be conducted so as not to breach the Environmental Protection Act EPA (1994) and the Environmental Protection (Water) Policy 2009.
18. After completion, the proposed works must be maintained in a sound state of repair in accordance with the approved plans.

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**3 SERVICES & ORGANISATION COMMITTEE MEETING REPORT – 9 NOVEMBER 2021**

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

**Council Resolution**

**Moved:** Cr Jurisevic

**Seconded:** Cr Finzel

That the report of the Services & Organisation Committee dated 9 November 2021 be received and the recommendations therein be adopted.

**Carried unanimously.**

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**1 CONTRACT NO. T000053 BUS SHELTER SUPPLY & INSTALLATION – TENDER AWARD**

That Council note the report by the Project Officer to the Services & Organisation Committee Meeting dated 9 November 2021, and:

- A. Award Contract No. T000053 for the supply and installation of bus shelters to Noosa Engineering & Crane Hire Pty Ltd for a period of two (2) years commencing on 30 November 2021; and
- B. Subject to satisfactory performance by Noosa Engineering & Crane Hire Pty Ltd, 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 29 November 2026.

**2 CONTRACT NO. T000058 - MAINTENANCE AND SERVICING OF HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS - TENDER AWARD**

That Council note the report by the Buildings and Facilities Coordinator to the Services & Organisation Committee Meeting dated 9 November 2021 and

- A. Award Contract No. T000058 for the provision of Maintenance and Servicing of Heating, Ventilation and Air Conditioning (HVAC) Systems to the Trustee for Gealy's Investment Trust t/as Gealy's Air-Conditioning & Refrigeration for a period of one (1) year commencing on 1 December 2021; and
- B. Subject to satisfactory performance by the Trustee for Gealy's Investment Trust t/as Gealy's Air-Conditioning & Refrigeration, authorise the CEO to approve the option to extend the contract at the expiry of the first term for a further four (4) terms of up to 12 months each ending on 30 November 2026.

**3 TOURISM FUNDING AGREEMENT REVIEW PROCESS**

That Services & Organisation Committee Agenda Item 3 be referred to the General Committee for a further report.

**4 JULY 2021 RATE LEVY OVERVIEW**

That Council note the report by the Manager Revenue Services to the Services & Organisation Committee Meeting dated 9 November 2021 providing an overview of the July 2021 Rate Levy.



**5 CAPITAL PROGRAM DELIVERY STATUS – 30 SEPTEMBER 2021**

That Council note the report by the Infrastructure Planning, Design & Delivery Manager to the Services & Organisation Committee Meeting 9 November 2021 providing an update on the delivery of the 2021/22 capital program as at 30 September 2021.

**6 OPERATIONAL PLAN PROGRESS REPORT – FIRST QUARTER 2021-22**

That Council note the report by the Chief Executive Officer to the Services and Organisation Committee Meeting dated 9 November 2021 regarding the 2021-22 Operational Plan and:

- A. Note the progress with the implementation of the 2021-22 Operational Plan to 30 September 2021 provided as Attachment 1 to the report; and
- B. Note Council's Key Performance Indicators provided as Attachment 2 to the report.

#### 4 GENERAL COMMITTEE MEETING REPORT – 15 NOVEMBER 2021

#### 4 FURTHER REPORT - 132005.1133.15 – APPLICATION FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR 140 MULTIPLE DWELLING UNITS AND ASSOCIATED FACILITIES – SHOP, RESTAURANT, MULTI-FUNCTION ROOM AND GYM AT 75 RESORT DRIVE, NOOSA HEADS

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

*I, Cr Stewart, inform the meeting that I have a declarable conflict of interest in this matter in relation to the application by Altum Constructions. I have a close personal friendship with Leigh and Rob McCready, who are associated with the applicant. As a result of my conflict of interest I will now leave the meeting room while the matter is considered and voted on.*

*Cr Stewart left the meeting.*

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 in relation to the application by Altum Constructions. Leigh McCready who is associated with the applicant was involved in a volunteer capacity with 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). As a result of my conflict of interest I will now leave the meeting room while the matter is considered and voted on.*

*Cr Finzel 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 **declarable** conflict of interest in this matter:

*I, Cr Stockwell, inform the meeting that I have a declarable conflict of interest in this matter in relation to the application by Altum Constructions. On 24 February 2020 I sought a review by the Independent Council Election Observer (ICEO) as to the public claims of the Future Noosa Team, of which Leigh McCready was publicly identified as a Campaign Manager. Leigh McCready is associated with the applicant. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because the ICEO review was an advisory service, not a statutory process, and my queries at that time were in the public interest and neither I nor Ms McCready stood to personally gain or lose from that advice. 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 Wegener

**Seconded:** Cr Lorentson

That Cr Jurisevic be appointed as Acting Chairperson of the meeting due to the conflict of interest declaration made by Cr Stewart.

**Carried unanimously.**

Cr Stockwell did not vote on the above motion.

#### Council Resolution

**Moved:** Cr Wegener

**Seconded:** Cr Lorentson

That Council note the declarable conflict of interest by Cr Stockwell and determine that it is in the public interest that Cr Stockwell participates and votes on this matter because Council believes that Cr Stockwell does not stand to receive a personal benefit or loss in relation to this matter and does not have a close personal relationship with Altum Constructions and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried unanimously.**

Cr Stockwell did not vote on the above motion.

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

That Council note the report by the Coordinator Planning to the Planning & Environment Committee meeting dated 9 November 2021 and the Further Report to the General Committee Meeting dated 15 November 2021 regarding application 132005.1133.15 to make a minor change to an existing approval for 140 Multiple Dwelling Units and Associated Facilities – Shop, Restaurant, Multi-Function Room and Gym situated at 75 Resort Drive Noosa Heads and:

- A. Agree to change Conditions 2 and 83 to read as follows:
2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed below and are as amended by the conditions herein.

| Plan No.  | Rev. | Plan/Document Name  | Date       |
|-----------|------|---|------------|
| 7038-DA01 | 25   | Masterplan Noosa Springs Resort prepared by Blackburne Jackson Design | 22-07-21   |
| 7038-DA03 | 14   | Carparking/Basement prepared by Blackburne Jackson Design             | 20-11-2018 |
| 7038-DA04 | 38   | Ground Floor prepared by Blackburne Jackson Design                    | 26-10-21   |
| 7038-DA05 | 19   | First Floor prepared by Blackburne Jackson Design                     | 26-10-21   |
| 7038-DA06 | 17   | Second Floor prepared by Blackburne Jackson Design                    | 26-10-21   |
| 7038-DA07 | 12   | Site Section prepared by Blackburne Jackson Design                    | 08-10-2018 |
| 7038-DA08 | 13   | Site Section prepared by Blackburne Jackson Design                    | 08-10-2018 |
| 7038-DA09 | 16   | Indicative Apartment Layouts prepared by Blackburne Jackson Design    | 10-08-2018 |
| 7038-DA10 | 14   | Indicative Apartment Layouts prepared by Blackburne Jackson Design    | 10-08-2018 |
| 7038-DA12 | 09   | Perspective sketches prepared by Blackburne Jackson Design            | 08-10-2018 |
| 7038-DA14 | 06   | Finishes Palette prepared by Blackburne Jackson Design                | 29-09-17   |
| 7038-DA17 | 05   | Indicative Apartment Layouts prepared by Blackburne Jackson Design    | 10-08-2018 |
| 7038-DA19 | 07   | Building 15 Elevations prepared by Blackburne Jackson Design          | 10-08-2018 |
| 7038-DA20 | 08   | Block 18 - Elevations prepared by Blackburne Jackson Design           | 08-10-2018 |
| 7038-DA21 | 08   | Building 3 Elevations prepared by Blackburne Jackson Design           | 01-11-2018 |
| 7038-DA23 | 11   | Block 2 - Elevations prepared by Blackburne Jackson Design            | 01-11-2018 |
| DD1.1     | F    | Location Plan prepared by Sparks Architects                           | 08-06-2017 |
| DD1.3     | H    | Unit Type 1 prepared by Sparks Architects                             | 08-06-2017 |
| DD1.4     | H    | Unit Type 2 prepared by Sparks Architects                             | 08-06-2017 |

| Plan No.      | Rev. | Plan/Document Name   | Date       |
|---------------|------|--|------------|
| DD1.6         | E    | First Floor Plan Block 7 prepared by Sparks Architects                     | 08-06-2017 |
| DD1.7         | D    | Roof Plan Block 7 prepared by Sparks Architects                            | 08-06-2017 |
| DD1.9         | E    | First Floor Plan Block 8 prepared by Sparks Architects                     | 08-06-2017 |
| DD1.10        | D    | Roof Plan Block 8 prepared by Sparks Architects                            | 08-06-2017 |
| DD1.12        | E    | First Floor Plan Block 9 prepared by Sparks Architects                     | 08-06-2017 |
| DD1.13        | D    | Roof Plan Block 9 prepared by Sparks Architects                            | 08-06-2017 |
| WD2.1         | B    | Elevations prepared by Sparks Architects                                   | 23-08-2017 |
| WD2.2         | B    | North Elevations Block 7 prepared by Sparks Architects                     | 23-08-2017 |
| WD2.3         | B    | East Elevations Block 7 prepared by Sparks Architects                      | 23-08-2017 |
| WD2.4         | B    | South Elevations Block 7 prepared by Sparks Architects                     | 23-08-2017 |
| WD2.5         | L    | West Elevations Block 7 prepared by Sparks Architects                      | 10-05-2019 |
| WD2.6         | B    | Elevations Block 8 prepared by Sparks Architects                           | 23-08-2017 |
| WD2.7         | B    | Elevations Block 9 prepared by Sparks Architects                           | 23-08-2017 |
| DD3.1         | D    | Sections Block 7 prepared by Sparks Architects                             | 08-06-2017 |
| DD3.2         | B    | Section Block 7 prepared by Sparks Architects                              | 08-06-2017 |
| DD3.3         | D    | Section Block 8 prepared by Sparks Architects                              | 08-06-2017 |
| DD3.4         | D    | Section Block 9 prepared by Sparks Architects                              | 08-06-2017 |
| DD4.1         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.2         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.3         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.4         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.5         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.6         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| DD4.7         | G    | 3D prepared by Sparks Architects   | 08-06-2017 |
| 5622_A01-10_E | E    | CTS 400 Site Plan – Level 1 prepared by Blackburne Jackson Design          | JANUARY    |
| 7088_A01-21_B | B    | CTS 100 Site Plan – Level 1 prepared by Blackburne Jackson Design          | 03-10-17   |
| 7088_A01-31_B | B    | CTS 300 Site Plan – Level 1 prepared by Blackburne Jackson Design          | 03-10-17   |
| 7088_A02-30_G | G    | Block 15 Basement Level – Floor Plan prepared by Blackburne Jackson Design | 31-08-2018 |
| 7088_A02-31_H | H    | Block 15 Level 1 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |

| Plan No.        | Rev. | Plan/Document Name   | Date       |
|-----------------|------|--|------------|
| 7088_A02-32_H   | H    | Block 15 Level 2 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |
| 7088_A02-33_H   | H    | Block 15 Level 3 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |
| 7098_A02-01_M   | M    | Block 3 Basement Level – Floor Plan prepared by Blackburne Jackson Design  | 05-09-2018 |
| 7098_A02-02_L   | L    | Block 3 Level 1 – Floor Plan prepared by Blackburne Jackson Design         | 05-09-2018 |
| 7098_A02-03_J   | J    | Block 3 Level 2 – Floor Plan prepared by Blackburne Jackson Design         | 05-09-2018 |
| 7098_A02-04_K   | K    | Block 3 Level 3 – Floor Plan prepared by Blackburne Jackson Design         | 05-09-2018 |
| 7088_A02-90_G   | G    | Block 16 Basement Level – Floor Plan prepared by Blackburne Jackson Design | 31-08-2018 |
| 7088_A02-91_H   | H    | Block 16 Level 1 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |
| 7088_A02-92_H   | H    | Block 16 Level 2 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |
| 7088_A02-93_H   | H    | Block 16 Level 3 – Floor Plan prepared by Blackburne Jackson Design        | 02-10-2018 |
| 7088_A04-10_D   | D    | Block 15 - Elevations prepared by Blackburne Jackson Design                | 04-09-17   |
| 7088_A04-11_D   | D    | Block 15 - Elevations prepared by Blackburne Jackson Design                | 04-09-17   |
| 7098_A04-01_D   | D    | Block 3 - Elevations prepared by Blackburne Jackson Design                 | 03-10-17   |
| 7098_A04-02_D   | D    | Block 3 - Elevations prepared by Blackburne Jackson Design                 | 03-10-17   |
| 7088_A04-30_D   | D    | Block 16 - Elevations prepared by Blackburne Jackson Design                | 04-09-17   |
| 7088_A04-31_D   | D    | Block 16 - Elevations prepared by Blackburne Jackson Design                | 04-09-17   |
| 7088_A05-10_C   | C    | Block 15 - Sections prepared by Blackburne Jackson Design                  | 04-09-17   |
| 7088_A05-15_C   | C    | Block 16 - Sections prepared by Blackburne Jackson Design                  | 04-09-17   |
| 7088_AO17-01_02 | 02   | Parkridge Building 2 & 14 prepared by Blackburne Jackson Design            | 09-10-2018 |
| 7088_AO17-03_03 | 03   | Parkside Buildings 18-21 prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7088_AO17-04_03 | 03   | Parkside Buildings 15 & 16 prepared by Blackburne Jackson Design           | 09-10-2018 |
| 7088_AO17-05_03 | 03   | Parkside Buildings 17 & 22 prepared by Blackburne Jackson Design           | 09-10-2018 |
| 7088_AO17-06_03 | 03   | Parkside Buildings 5 & 6 prepared by Blackburne Jackson Design             | 09-10-2018 |

| Plan No.  | Rev. | Plan/Document Name  | Date       |
|-----------|------|---|------------|
| 7038_DA30 | 03   | CTS 100, 700 & 800 Site Plan prepared by Blackburne Jackson Design    | 08-10-2018 |
| 7038_DA31 | 02   | CTS 300 & 500 Site Plan prepared by Blackburne Jackson Design         | 08-10-2018 |
| 7038_DA32 | 02   | CTS 900 Site Plan prepared by Blackburne Jackson Design               | 08-10-2018 |
| 7038_DA33 | 03   | Block 4 – Elevations prepared by Blackburne Jackson Design            | 01-11-2018 |
| 7038_DA34 | 03   | Block 4 – Elevations prepared by Blackburne Jackson Design            | 01-11-2018 |
| 7038_DA35 | 03   | Block 5 – Elevations prepared by Blackburne Jackson Design            | 01-11-2018 |
| 7038_DA36 | 03   | Block 5 – Elevations prepared by Blackburne Jackson Design            | 01-11-2018 |
| 7038_DA37 | 02   | Block 6 – Elevations prepared by Blackburne Jackson Design            | 08-10-2018 |
| 7038_DA38 | 02   | Block 6 – Elevations prepared by Blackburne Jackson Design            | 08-10-2018 |
| 7038_DA39 | 04   | Block 14 – Elevations prepared by Blackburne Jackson Design           | 05.02.2019 |
| 7038_DA40 | 04   | Block 14 – Elevations prepared by Blackburne Jackson Design           | 05.02.2019 |
| 7038_DA41 | 02   | Block 17 – Elevations prepared by Blackburne Jackson Design           | 09-08-2018 |
| 7038_DA42 | 02   | Block 17 – Elevations prepared by Blackburne Jackson Design           | 09-08-2018 |
| 7038_DA43 | 02   | Block 21 – Elevations prepared by Blackburne Jackson Design           | 09-10-2018 |
| 7038_DA44 | 02   | Block 21 – Elevations prepared by Blackburne Jackson Design           | 09-10-2018 |
| 7038_DA45 | 04   | Block 22 – Elevations prepared by Blackburne Jackson Design           | 01-11-2018 |
| 7038_DA46 | 04   | Block 22 – Elevations prepared by Blackburne Jackson Design           | 01-11-2018 |
| 7038_DA47 | 03   | Block 22 – Roof prepared by Blackburne Jackson Design                 | 09-10-2018 |
| 7038_DA61 | 02   | Block 2 – Basement prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7038_DA62 | 02   | Block 2 – Level 1 prepared by Blackburne Jackson Design               | 09-10-2018 |
| 7038_DA63 | 02   | Block 2 – Level 2 prepared by Blackburne Jackson Design               | 09-10-2018 |
| 7038_DA64 | 02   | Block 2 – Level 3 prepared by Blackburne Jackson Design               | 09-10-2018 |
| 7038_DA65 | 02   | Block 4 – Basement – Floor Plan prepared by Blackburne Jackson Design | 09-10-2018 |

| Plan No.      | Rev. | Plan/Document Name   | Date       |
|---------------|------|--|------------|
| 7038_DA66     | 02   | Block 4 – Level 1 – Floor Plan prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA67     | 02   | Block 4 – Level 2 – Floor Plan prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA68     | 02   | Block 4 – Level 3 – Floor Plan prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA69     | 02   | Block 5 – Basement prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA70     | 02   | Block 5 – Level 1 prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7038_DA71     | 02   | Block 5 – Level 2 prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7038_DA72     | 02   | Block 5 – Level 3 prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7038_DA73     | 02   | Block 6 – Basement prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA74     | 02   | Block 6 – Level 1 prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7038_DA75     | 02   | Block 6 – Level 2 – Floor Plan prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA76     | 02   | Block 6 – Level 3 prepared by Blackburne Jackson Design              | 09-10-2018 |
| 7105_A02-01_L | L    | Block 14 – Basement prepared by Blackburne Jackson Design            | 03-02-2020 |
| 7038_DA78     | 03   | Block 14 – Level 1 prepared by Blackburne Jackson Design             | 05.02.2019 |
| 7038_DA79     | 02   | Block 14 – Level 2 prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA80     | 02   | Block 17 – Basement prepared by Blackburne Jackson Design            | 09-08-2018 |
| 7038_DA81     | 02   | Block 17 – Level 1 prepared by Blackburne Jackson Design             | 09-08-2018 |
| 7038_DA82     | 02   | Block 17 – Level 2 prepared by Blackburne Jackson Design             | 09-08-2018 |
| 7038_DA83     | 02   | Block 17 – Level 3 prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA84     | 02   | Block 18 – Undercroft prepared by Blackburne Jackson Design          | 09-10-2018 |
| 7038_DA85     | 02   | Block 18 – Level 1 prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA86     | 02   | Block 18 – Level 2 prepared by Blackburne Jackson Design             | 09-10-2018 |
| 7038_DA87     | 02   | Block 19 – Undercroft prepared by Blackburne Jackson Design          | 09-10-2018 |
| 7038_DA88     | 02   | Block 19 – Level 1 prepared by Blackburne Jackson Design             | 09-10-2018 |

| Plan No.   | Rev. | Plan/Document Name  | Date       |
|------------|------|---|------------|
| 7038_DA89  | 02   | Block 19 – Level 2 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA90  | 02   | Block 20 – Undercroft prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA91  | 02   | Block 20 – Level 1 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA92  | 02   | Block 20 – Level 2 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA93  | 02   | Block 21 – Undercroft prepared by Blackburne Jackson Design | 09-10-2018 |
| 7038_DA94  | 02   | Block 21 – Level 1 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA95  | 02   | Block 21 – Level 2 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA96  | 02   | Block 22 – Basement prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA97  | 02   | Block 22 – Level 1 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA98  | 02   | Block 22 – Level 2 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA99  | 02   | Block 22 – Level 3 prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA100 | 04   | Block 2 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA101 | 04   | Block 2 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA102 | 03   | Block 3 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA103 | 03   | Block 3 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA104 | 03   | Block 4 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA105 | 03   | Block 4 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA106 | 03   | Block 5 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA107 | 03   | Block 5 – Sections prepared by Blackburne Jackson Design    | 01-11-2018 |
| 7038_DA108 | 02   | Block 6 – Sections prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA109 | 02   | Block 6 – Sections prepared by Blackburne Jackson Design    | 09-10-2018 |
| 7038_DA110 | 04   | Block 14 – Sections prepared by Blackburne Jackson Design   | 05.02.2019 |
| 7038_DA111 | 04   | Block 14 – Sections prepared by Blackburne Jackson Design   | 05.02.2019 |



| Plan No.    | Rev. | Plan/Document Name  | Date       |
|-------------|------|---|------------|
| 7038_DA112  | 02   | Block 16 – Sections prepared by Blackburne Jackson Design   | 09-08-2018 |
| 7038_DA113  | 01   | Block 16 – Sections prepared by Blackburne Jackson Design   | 09-08-2018 |
| 7038_DA114  | 03   | Block 17 – Sections prepared by Blackburne Jackson Design   | 09-08-2018 |
| 7038_DA115  | 03   | Block 17 – Sections prepared by Blackburne Jackson Design   | 09-08-2018 |
| 7038_DA116  | 02   | Block 19 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA117  | 02   | Block 19 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA118  | 02   | Block 20 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA119  | 02   | Block 20 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA120  | 02   | Block 21 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA121  | 02   | Block 21 – Sections prepared by Blackburne Jackson Design   | 09-10-2018 |
| 7038_DA122  | 03   | Block 22 – Sections prepared by Blackburne Jackson Design   | 01-11-2018 |
| 7038_DA123  | 03   | Block 22 – Sections prepared by Blackburne Jackson Design   | 01-11-2018 |
| 7088_A04-55 | A    | Block 18 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-56 | A    | Block 18 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-60 | A    | Block 19 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-61 | A    | Block 19 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-65 | A    | Block 20 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-66 | A    | Block 20 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-70 | A    | Block 21 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| 7088_A04-71 | A    | Block 21 – Elevations prepared by Blackburne Jackson Design | 29.06.2018 |
| WD1.3       | I    | Site Plan prepared by Sparks Architects                     | 16-05-2018 |
| WD1.8       | I    | Ground Floor Plan Block 7 prepared by Sparks Architects     | 16-05-2018 |
| WD1.11      | H    | Ground Floor Plan Block 8 prepared by Sparks Architects     | 16-05-2018 |

| Plan No.      | Rev. | Plan/Document Name   | Date       |
|---------------|------|--|------------|
| WD1.14        | H    | Ground Floor Plan Block 9 prepared by Sparks Architects        | 16-05-2018 |
| 5737_DA-02-01 | 06   | Level 1 Floor Plan prepared by Blackburne Jackson Design       | 05-08-21   |
| 5737_DA-02-02 | 04   | Upper Level 1 Floor Plan prepared by Blackburne Jackson Design | 22-07-21   |
| 5737_DA-02-03 | 01   | Roof Floor Plan prepared by Blackburne Jackson Design          | 22-07-21   |
| 5737_DA-04-01 | 04   | Elevations prepared by Blackburne Jackson Design               | 22-07-21   |
| 5737_DA-05-01 | 01   | Sections prepared by Blackburne Jackson Design                 | 22-07-21   |
| 5737_DA-17-01 | 05   | Perspective Views prepared by Blackburne Jackson Design        | 05-08-21   |

83. The development shall comply with the Noise Management Plan (Report No: R21055/D3295/Rev.0/25.08.21) prepared by David Moore & Associates and dated 25 August 2021 to the reasonable satisfaction of Council, including:
- a. The necessary and appropriate noise control measures incorporated into the façade of the apartments and within the restaurant/café in the Resort Facilities Building. These measures shall include:
    - i. Upgraded glazing and air-conditioning to the potentially affected apartments;
    - ii. Strategically placed wing walls on balconies to screen the apartment and balconies from outdoor dining areas;
    - iii. Deleted
    - iv. The restaurant/café use is to operate between the hours of 6am and 12 am only;
    - v. After 10pm all doors/windows must be fully closed;
    - vi. The underside of all roof elements over outdoor dining areas associated with the café use are to be lined with acoustic absorptive lining minimum NRC 0.7;
    - vii. No dining is permitted outside the building.
    - viii. All amplified noise at the premises must be conducted through a sound limiting device at all times to ensure that noise does not exceed the following: during the daytime and evening (0600 to 2200) must not exceed 92 dB(A) LWA, 90dB(A) LAeq, adj, T at 3 metres from the speakers.
    - ix. Any live performer must be required to play through the in-house system. No speakers (in addition to the in-house system) are permitted on site.
  - b. Within 20 business days of the commencement of trading of the restaurant/café use, Council must be provided with a Noise Management Plan which is specific to the use and prepared on the basis of physical and technical assessment of noise from the restaurant/café use, including both internal and external use areas. The noise management plan must suitably detail physical and management noise control measures.

- c. The applicant must advise prospective purchasers that a Noise Management Plan has been prepared to manage noise emissions related to the development.
- d. The Noise Management Plan referred to in Condition 83(b) shall be incorporated in perpetuity in the By-Laws of the Body Corp for the whole development.
- e. The Noise Management Plan shall include a process for dealing with complaints and specify that the Restaurant/Café Management and Body Corp Manager be responsible for dealing with any noise complaints.

B. Add additional Condition 98 to read as follows:

98. On completion of the works associated with enclosing the restaurant outdoor dining area certification from an appropriately qualified acoustic consultant must be provided. The certification must confirm that the as-constructed built form achieves the minimum 25 dB(A) noise reduction identified in the noise management plan (Report No: R21055/D3295/Rev.0/25.08.21 prepared by David Moore & Associates and dated 25 August 2021) and that all plant and equipment including the new air-conditioning plant achieves compliance with the development approval noise limits.

C. Add additional Advisory Note 12

**Additional ADVISORY NOTE – 21 October 2021**

12. This Development Permit for a “Minor Change to an Existing Approval” reference 132005.1133.15 will trigger an “Infrastructure Charge Notice” to be issued in accordance with Council’s “Charges Resolution” made pursuant to the Sustainable Planning Act 2009 and in conjunction with the State Planning Regulatory Provision (adopted charges).

The infrastructure charge relates to the Minor Change to Stage CTS 400 (Resort Facilities) as follows:

| Stage No.                            | Use  | Existing Quantity                                       | Approved Quantity                                       |
|--------------------------------------|--|---|---|
| Stage CTS 400<br>(Resort Facilities) | Commercial Business – Type 1 – Office  | 103 m2  | 103 m2  |
|                                      | Entertainment & Dining Business – Type 1 – Food & Beverage                                     | 289 m2  | 312 m2  |
|                                      | Entertainment & Dining Business – Type 2 – Recreation, amusement and fitness (Resort facility) | 246 m2<br>(Non-court area = 38 m2 & Court area = 208m2) | 246 m2<br>(Non-court area = 38 m2 & Court area = 208m2) |
|                                      | Retail Business – Type 2 – Shop  | 21 m2   | 16 m2   |

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

Crs Stewart and Finzel returned to the meeting.

Cr Stewart resumed the Chair.

**7 COASTAL HAZARDS ADAPTATION PLAN & SECOND ROUND COMMUNITY CONSULTATION SUBMISSIONS**

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, owns a property at Beaches Estate, Sunrise Beach which is one of the properties identified as 'at risk' under the draft CHAP. My brother owns a beachfront property at Sunrise Beach. The Property is directly affected by the draft CHAP and directly covered by mapping looking at future erosion risk based on future models. My brother has also made a submission on the CHAP and is also 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 2 of my election signs were outside his property on David Low Way. At a recent meeting, I declared my COI and asked to leave the room as I have in the past because although I believe I could consider the matter impartially and in the public interest, I believe that some members of the public may still have a perception of bias. Because of the significance of the CHAP and its Shire-wide implications, and because I have received legal advice from Council's lawyers to state that I have a declarable and not prescribed COI, I would like to exercise my right to due process under s150 ES(3) of the Local Government Act 2009, and ask that the Councillors present at this meeting room, be my judge and decide whether I must leave the room or if I can stay and participate in the meeting, including voting on the matter. The legal advice received a few days ago, states that my personal interest in matters concerning the CHAP in fact form the basis of a declarable conflict of interest and not a prescribed interest: "when matters being considered by Council is not an application, rather the draft CHAP, we consider that the personal interest is not caught by s150EI and is not capable of forming the basis of a prescribed COI in matters concerning the CHAP." It is on record that on a number of occasions I have indicated to the CEO that I would strongly prefer to be engaged in the CHAP process on the basis that this issue is a significant one for the whole community and the whole shire deserves the representation of all its elected representatives. In fact the CHAP has political, legal and financial implications for the whole SHIRE of Council not just Sunrise Beach, and the narrow area that affects my brother. Many of these implications are unrelated to the perceived interest of one property on the Eastern Beaches. Everyone in this room and every ratepayer will be impacted by the CHAP and not just my brother. Council assets, our beaches, the environment and all ratepayers. This is evident on page 3 of the Draft CHAP, where the CHAP's core objectives are listed to include:

- identifying what actions are required to avoid, reduce or adapt to these risks to people, property, assets and environment;
- providing mapping and visual products and deliverables that are useful for a range of purposes across Council departments and functions and within the community (e.g. planning scheme, asset management, community awareness, disaster management and financial planning; and
- to provide direction for a coordinated approach for Council and the community to adapt to climate change and coastal hazards.

The CHAP covers open Coast areas - Peregian Beach to Sunshine Beach, Noosa Heads, and Noosa North Shore. It includes areas along the Lower Noosa River (Noosa Heads, Tewantin, and in particular Noosaville and Noosa North Shore) that will be increasingly at risk of inundation associated with rising sea levels. Inundation and rising sea levels will pose the greatest risk to Council infrastructure such as stormwater networks, open space and roads and some private property, as well as indirect consequences on adjacent retail and commercial activities. In open coast areas, impacts will be experienced not just to private properties, but also to Council Infrastructure, such as roads and recreational areas, including our beaches. It is understood that the CHAP in its final form, together with the Climate Change Adaptation Plan, the Zero Emissions Strategy and the Climate Change Policy, will form Council's response to climate change. Further, the CHAP is intended to guide decision-making across key areas of Council, including:

- a. Corporate and operational planning and financial planning;
- b. Land use planning and development assessment;
- c. Infrastructure planning, design and management including roads, stormwater and foreshores;
- d. Management of non-infrastructure assets including conservation and recreational areas;
- e. Community resilience planning; and
- f. Emergency management.

These are significant Shire wide implications that will impact more than just the one property that my brother owns at Sunrise Beach. It is my opinion that is not democratic nor reasonable to exclude me from a significant or important shire wide issue which is, in my opinion, a policy and not a planning instrument. Although I have a declarable conflict of interest and I believe I could consider the matter impartially and in the public interest. 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. I also inform the meeting that I have a further declarable conflict of interest in this matter as I have a close personal relationship with Mark Bain and the Bain family, owner of 1 Noosa River Road which is an at risk property under the draft CHAP, they are family friends that have attended social events together and whose children both attended school together and surfed together as part of the Noosa Board Riders Club.

*During the election I had an election sign at Gympie Tce Petrol Station with the approval of the business owner and Mark Bain was the landlord of the property. Mr Bain also appeared in one of my videos circulated during the election campaign. 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 the Eastern Beaches and Noosa North Shore.*

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). 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 Council note the declarable conflict of interest by Cr Lorentson and determine that it is in the public interest that Cr Lorentson remain in the meeting room for this item, on the condition that she does not participate in the debate nor vote on issues regarding the private estate along the Eastern Beaches and Noosa North Shore, because Council believes that Cr Lorentson could provide valuable input into the discussion on such a significant Shire-wide matter, 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 Jurisevic

That Council note the declarable conflict of interest by Cr Finzel and determine that it is in the public interest that Cr Finzel remain in the meeting room for this item, on the condition that she does not participate in the debate nor vote on issues regarding the private estate along the Eastern Beaches, because Council believes that Cr Finzel could provide valuable input into the discussion on such a significant Shire-wide matter, 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 Stockwell

**Seconded:** Cr Jurisevic

That Council note the report by the Principal Strategic Planner to the General Committee Meeting dated 15 November 2021 and

- A. Note the submissions received during the second round of community consultation on the draft Coastal Hazards Adaptation Plan;
- B. Amend the description of Figures 4 and 8 of the CHAP (as shown in Attachment 2 tracked changes copy) to correctly reference the 'design event' rather than simply the 100 Average Recurrence Interval and amend the related footnote that appears on pages 22 and 39 to describe the various components of the design event upon which the erosion and stormtide mapping were prepared.

- C. Approve the revised Coastal Hazards Adaptation Plan and forward to the State Government for final endorsement with the following change:

1. The 2<sup>nd</sup> last paragraph on page 83 in Attachment 2 - tracked changes copy, be amended to read:

*“Adapting to coastal hazards is a shared responsibility for all stakeholders within the Noosa community. Success requires the community, Council, and other key agencies to work together to respond to, and overcome, the current challenges posed by rising sea levels to reduce their impact into the future.”*

**Carried unanimously.**

## **8 CONTRACT NO T000048 TRAFFIC CONTROL SERVICES - TENDER AWARD**

### **Council Resolution**

**Moved: Cr Stockwell**

**Seconded: Cr Jurisevic**

That Council note the report by the Acting Civil Operations Manager to the General Committee Meeting dated 15 November 2021, and

- A. Award Contract No. T000048 for the provision of Traffic Control Services to Verifact Traffic Pty Ltd for a period of two (2) years commencing on 22 November 2021; and
- B. Subject to satisfactory performance by Verifact Traffic Pty Ltd, authorise the CEO to approve the options 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 21 November 2026. The options to extend will be at Council’s own discretion and subject to the contractor’s ability to meet the requirements under the contract.
- C. Request staff advise the successful applicants that future decisions regarding exercising the option to extend will be reliant on contractors being able to demonstrate alignment with Council’s policy of achieving zero net emissions by 2026.

**Carried unanimously.**

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

### **Council Resolution**

**Moved: Cr Jurisevic**

**Seconded: Cr Finzel**

That the report of the General Committee dated 15 November 2021 be received and the recommendations therein be adopted except where dealt with by separate resolution.

**Carried unanimously.**

## **1 51997.2283.03 - MINOR CHANGE TO AN EXISTING APPROVAL FOR (MULTIPLE DWELLINGS) AT 6/80-86 HILTON TCE NOOSAVILLE**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 November 2021 regarding Application No. 51997.2283.03 to make a minor change to an existing approval for Multiple Dwellings at 6/80-86 Hilton Tce Noosaville and request staff to prepare a further report for the Ordinary Meeting dated 18 November 2021 including conditions for approval of the application.

**2 132005.1133.15 – APPLICATION FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR 140 MULTIPLE DWELLING UNITS AND ASSOCIATED FACILITIES – SHOP, RESTAURANT, MULTI-FUNCTION ROOM AND GYM AT 75 RESORT DRIVE, NOOSA HEADS**

Refer to Further Report at Report 4.

**3 TOURISM FUNDING AGREEMENT REVIEW PROCESS**

Refer to Further Report at Report 5.

**5 FURTHER REPORT - TOURISM FUNDING AGREEMENT REVIEW PROCESS**

That Council note the report by the Chief Executive Officer to the Services and Organisation Committee Meeting dated 9 November 2021 and the Further Report by the Acting Chief Executive Officer to the General Committee dated 15 November 2021 regarding the Tourism Noosa Funding Agreement Review Process and

- A. Agree to extend the existing funding agreement between Council and Tourism Noosa for a further term of 12 months on and from 1 July 2022 on the same terms and conditions as contained in the existing funding agreement. Noting that Council's funding is aligned to the delivery of:
  - i. Guiding Principles 1 & 2 "Champion the Brand, influencing improved protection and development of our visitor experience" and "Deliver marketing and promotion which drives propensity for high-value visitation, regional and seasonal dispersal" in the Destination Noosa Strategy 2020-2023; and
  - ii. The collaborative involvement of Tourism Noosa as one of the stakeholders in the development of a Destination Management framework, including analysis of options for Sustainable Destination Accreditation along the lines of that envisaged in Priority 4 'Elevate Sustainability' of the Tourism Noosa Strategy 2017-2022 .
- B. Request the Chief Executive Officer to undertake negotiations for a new funding agreement with Tourism Noosa in the second half of 2022;
- C. Note that any new long term funding agreement will not commence until 1 July 2023; and
- D. Request the CEO to ensure the agreement is in line with the "Proposed Process" outlined in the Tourism Funding Agreement Review Process Report to the General Committee dated 12 July 2021.

**6 RAL20/0019 – PLANNING & ENVIRONMENT COURT APPEAL NO. D116 of 2021 – REFUSAL OF AN APPLICATION FOR RECONFIGURING A LOT – 1 LOT INTO 2 LOTS AT 23 JIRRIMA CRESCENT, COOROIBAH**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 15 November 2021 regarding Planning & Environment Court Appeal No. D116 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 works required by the conditions of this Decision must be completed prior to submission of the subdivision plan to Council.

### Approved Plans

2. Development undertaken in accordance with this approval must generally comply with the approved plans of development, with each lot to maintain a minimum area of 1.5ha. The approved plans are listed in the following table unless otherwise amended by these conditions.

| Plan No.  | Rev. | Plan/Document Name   | Date       |
|-----------|------|--|------------|
| 20-5200AE | -    | <i>Plan of proposed reconfiguration of Lot 47 on RP136461, prepared by Max Waterson and Associates</i> | 29-10-2021 |

3. All lot numbering on the subdivision plan to be submitted to Council for compliance assessment must remain as shown on the Approved Plans.

### Currency Period

4. This development approval lapses if the requirements of the conditions have not been completed and an application for plan seal is not lodged with Council by **18 November 2025** unless an application to extend the currency period is approved by Council.

### Plan of Development

5. Any future dwelling, associated buildings and effluent disposal area on Lot 11 must be contained wholly within the approved building envelope shown on the approved Plans of Development. A copy of the approved Plan of Development and Revegetation Concept Plan must be included in the contract of sale for either lot, together with clauses which
- requires any future dwelling, associated buildings and effluent disposal area on Lot 11 must be constructed within the building envelope.
  - Access permission to the proposed covenant area for the purposes of fulfilling the requirements of the Revegetation Concept Plan and development approval conditions.

### Effluent Disposal

6. Lot 11 must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use and contained within the building envelope.
7. All effluent disposal areas in Lots 10 and 11 are to be wholly located within the lot in which they serve and comply with the boundary setback requirements of the Plumbing and Drainage Act 2002 and associated codes and requirements.

## ENGINEERING

### Property Access and Driveways

8. A residential driveway must be constructed to proposed Lot 11. The works must be undertaken as part of any subsequent building approval on the Lot and be generally in accordance with Council's standard drawings at the time of construction.

To advise prospective purchasers and private certifiers the following property notation or similar will be added to Council's rates records for proposed Lot 11:

*Private Certifiers, owners and prospective purchasers are notified that special access requirements apply to this parcel of land. Contact Council's Planning Department for Details.*

### Internal Fencing

9. The boundary between lots 10 & 11 must be located clear of the existing driveway and



the fencing relocated where appropriate.

10. No fencing is to be constructed in the covenant area, including on the boundary.

#### **Stormwater Drainage**

11. Stormwater runoff from the development must be disposed of on-site within the relevant lot without causing scour or damage to the subject site or any adjoining property.

#### **Services**

12. Reticulated electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
13. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
14. Certification must be submitted to Council from all relevant service providers (Energex and NBN) which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

#### **Easements**

15. An easement for access purposes must be registered against the title of proposed Lot 11 in favour of proposed Lot 10. The easement must be:
  - a. located generally in accordance with the approved plan
  - b. a minimum width of 4.5m and/or of sufficient width to fully encompass the path of a maintenance vehicle across the existing culvert and including the approaches on either side of the culvert.

The terms of the easement must ensure that suitable access for proposed Lot 10 is provided in the long term and place all maintenance responsibilities of the culvert crossing, vehicle approaches and dam wall on the owner of Lot 11

16. 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.
17. 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.
18. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

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

19. 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.

## ENVIRONMENTAL MANAGEMENT

### Land Rehabilitation

20. A vegetation protection covenant must be registered against the titles of both properties over the proposed covenant area identified on the approved plans of development pursuant to Section 97A of the Land Title Act 1994. The covenant document and a survey plan must be submitted to Council for endorsement prior to lodgement with the relevant titles authority for registration of title. The covenant document must:
  - a. Incorporate the requirements of this Decision Notice;
  - b. Include Noosa Council as Covenantee; and
  - c. Reference Queensland Land Title Registry Standard Terms Document No. 715597513.

### Works within Protected Land

21. The following works must be undertaken within the covenant area in accordance with the Revegetation Concept Plan, prepared by 28 South Environment and dated 2 November 2021 prior to the submission of the sealing of the survey plan:
  - a. Control of pest plants as listed in Planning Scheme Policy 2 *Landscaping* and Council's Biosecurity Plan 2020 pest plants listed in Schedule 1 part 3, Schedule 2 and Non-scheduled invasive species; and
  - b. Removal of any structures, debris or materials foreign to a natural environment.
  - c. Rehabilitation and restoration, to achieve the equivalent floristic composition of a similar undisturbed regional ecosystem.
  - d. The planting of canopy species with local provenance in Regional Ecosystem 12.3.14a, including threatened *Eucalyptus conglomerata*. The trees must be planted at a ratio of 1 tree per every 10m<sup>2</sup>.

### Fencing to Protected Land

22. A permanent fence must be constructed along the entire length of the eastern alignment of the covenant area to restrict access by stock in to the covenant area.
23. The fence must include A5 sized signage with the wording "Vegetation Protection Area – No domestic animals" every 15m, durable, weather resistant and be visually complementary to the natural environment.

## 9 FREE WEEKEND BUS TRIAL

That Council note the report by the Special Projects Coordinator to the General Committee Meeting dated 15 November 2021, and

- A. Subject to TransLink agreement, approve the use of Free Weekend Bus travel on TransLink services 626,627,628,629 and 632 between 24 January 2022 and 30 June 2023;
- B. Delegate CEO to negotiate with TransLink on the trial specifics and include the inequity of current delivery of free buses to the remainder of the shire – 630, 631 and 620;
- C. Note that an evaluation report will be presented to Council prior to conclusion of the 18-month trial period for consideration of continuing the trial;
- D. Fund the cost of the free weekend bus trial for the period January 2021 to June 2022 from the Sustainable Transport Levy reserves and include the funding at Budget Review 2 (BR2); and

- E. Undertake a review of the Transport Levy pricing structure to accommodate the service as part of the 2022/2023 budget development process; and
- F. That the CEO be requested to review options for funding 'free' bus services that more equitably shares the cost across user groups and between visitors and residents with a view of identifying cost neutral models for expansion of free weekend and holiday bus services across all services within the shire including options for demand-oriented solutions for hinterland areas outside the current public transport network. That council engage the community on a place-by-place basis as part of the identification and prioritisation of these options. Further that the results of these investigations be considered as part of the 2022 – 2023 budget deliberations.

## **10 FINANCIAL PERFORMANCE REPORT – OCTOBER 2021**

That Council note the report by the Acting Manager Financial Services to the General Committee Meeting dated 15 November 2021 outlining October 2021 year to date financial performance against budget, including changes to the financial performance report with the inclusion of key financial sustainability indicators.

## **11 NOOSA SHIRE COUNCIL 2020-21 ANNUAL REPORT**

That Council note the report by the Governance Advisor to the General Committee Meeting dated 15 November 2021 and:

- A. Adopt the *Noosa Council 2020-21 Annual Report* incorporating the 2020/21 Audited Financial Statements.
- B. Authorise the Chief Executive Officer (CEO) to make any required minor amendments to the document prior to publication.

## 9 ORDINARY MEETING REPORTS

## 1 FURTHER REPORT – 51997.2283.03 – MINOR CHANGE TO AN EXISTING APPROVAL FOR MULTIPLE DWELLINGS AT 6/80 – 86 HILTON TCE NOOSAVILLE

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

That Council note the report by the Development Planner to the Planning & Environment Committee meeting dated 9 November 2021 and the Further Report to the Ordinary Meeting dated 19 November 2021 regarding application 51997.2283.03 to make a minor change to an existing approval for multiple dwellings at 6/80 – 86 Hilton Terrace Noosaville and:

A. Approve the change with the following additional condition:

**Additional condition 18 November 2021 (Change to Unit 6)**

30. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed below and are as amended by the conditions herein.

| Plan No. | Rev. | Plan/Document Name   | Date       |
|----------|------|--|------------|
| A102     | A14  | Site Plan prepared by Collins Building Designs                                       | 08.10.2020 |
| A103     | A14  | Existing and Demolition Floor Plan prepared by Collins Building Designs              | 08.10.2020 |
| A104     | A14  | Proposed Floor Plan prepared by Collins Building Designs                             | 08.10.2020 |
| A801     | A14  | Existing and Proposed Exterior Elevations 1 – 4 prepared by Collins Building Designs | 08.10.2020 |

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

Amendment**Moved:** Cr Jurisevic**Seconded:** Cr Lorentson

That Item C be added to read:

C. That the reason for Council approving against the staff recommendation is that the modifications are minor in nature and that the development generally meets the intent of the planning scheme.

**For:** Crs Stockwell, Cr Jurisevic, Cr Lorentson and Stewart**Against:** Crs Finzel and Wegener**Carried.**Council Resolution**Moved:** Cr Stockwell**Seconded:** Cr Stewart

That Council note the report by the Development Planner to the Planning & Environment Committee meeting dated 9 November 2021 and the Further Report to the Ordinary Meeting dated 19 November 2021 regarding application 51997.2283.03 to make a minor change to an existing approval for multiple dwellings at 6/80 – 86 Hilton Terrace Noosaville and:

A. Approve the change with the following additional condition:

**Additional condition 18 November 2021 (Change to Unit 6)**

30. Development undertaken in accordance with this approval must generally comply

with the approved plans of development. The approved plans are listed below and are as amended by the conditions herein.

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| A801     | A14  | Existing and Proposed Exterior Elevations 1 – 4 prepared by Collins Building Designs | 08.10.2020 |

- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
- C. That the reason for Council approving against the staff recommendation is that the modifications are minor in nature and that the development generally meets the intent of the planning scheme.

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

**Against: Crs Finzel and Wegener**

**Carried.**

## 10 CONFIDENTIAL SESSION

Nil.

## 11 PUBLIC QUESTION TIME

### 1. BRIAN O'CONNOR – HERITAGE LEVY

#### Question 1:

Can the council confirm whether the wages, superannuation and staff costs of the Noosa Council Heritage Coordinator position are paid from the annual ratepayer Heritage Levy and not from general rates, as is the case with the vast bulk of council employees and, if so, whether there are other instances of staff wages being met from other levies, such as the Environmental Levy and the Sustainable Transport Levy?

#### Response by Trent Grauf, Acting Director, Corporate Services:

Yes, a portion of the Heritage Coordinator's salary directly related to delivery of heritage projects and activities is funded through the Heritage Levy. This is only part of the full time position's salary, and estimated at a 26% share for the 2021/22 budget.

This approach aligns consistently to all other Council levies and separate charges, where the share of officer hours directly related to the delivery of levy activities are funded through the levies.

#### Question 2

Would Noosa Council consider paying the staff costs of the Heritage Coordinator position from general revenue, thereby allowing that person's wages, employer superannuation contributions etc to be re-directed to heritage preservation tasks, including (but not exclusively) those performed by the Noosa Shire Museum, which is not guaranteed regular annual hypothecated funding from the Heritage Levy for the work it does?

**Response by Trent Grauf, Acting Director, Corporate Services:**

Changing approach for the Heritage Levy would be inconsistent to Council's approach for all other levies. Any change in funding approach from Levy to general revenue in turn requires an increase to the General Rate and still impacts the total rates and charges paid by ratepayers. The Heritage Levy Policy & Guideline does not currently contain provision to support the payment of ongoing annual operating contributions to community organisations. As part of the annual budget process (commencing shortly for 2022/23), Council reviews the activities and priorities for funding within all levies. This will include the Heritage Levy. Council's community grant program provides for equitable competitive funding to community organisations through its Community Grants Programs. The museum receives a three year Community Alliance Grant and has also been previously successful with Project Grants.

**2. BREE JOHNSON / SUNSHINE BUTTERFLIES – PATHWAY AT COOROIBAH****Question 1:**

Cr Lorenston has provided a response to our initial questions and we are respectful of Council's position. However we believe that letters of support as well as the 640 signatures via change.org (215 of those signatures are in the Noosa Shire Council Area) and multiple signatures collected by Bree Johnson from Noosa residents, shows a strong case for need to have the bike/walking path extended from Lake Cooroibah to Silverwood Drive. Our question is, what more do we need to provide to further substantiate our case?

**Response by Larry Sengstock, Director, Infrastructure Services:**

Firstly we note the petition that has been presented tonight for consideration by Council. The proposed shared path from Lake Cooroibah to Silverwood Drive was identified within the Noosa Cycling and Walking Strategy and Implementation Plan under Project ID 193B. The project was assessed against a criteria aimed at "getting more people riding a bike or walking" and "achieving value for money". The criteria and scoring system was developed in consultation with the Project Reference Group (PRG) and later reviewed by the broader community through Council's Yoursay Community Feedback. The proposed shared path from Lake Cooroibah to Silverwood Drive scored well however was in the slightly lower range when compared to other projects and as the length of pathway required for this project is 1,673m long it would come at a significant cost. Council would need to reallocate resources and funding from other projects which have scored higher in the prioritisation process, or increase Capital spend from general rates. As more funds or grants become available in the future, Council will be able to reassess priorities to be able to deliver this project to the benefit of community.

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 16 December 2021 at the Council Chambers, 9 Pelican Street, Tewantin commencing at 5pm.

**13 MEETING CLOSURE**

The meeting closed at 6.00pm.

Attachment 1

**PLEASE HELP BY SIGNING OUR PETITION**

|                                  |  |
|----------------------------------|--|
| Petition Summary and Background: | For the accessible bike/walking path to be extended from Lake Cooroibah to Silverwood Drive Cooroibah  |
| Action petition for:             | To presented to the whole of Noosa Council and discussed in regard to the current 2020-2040 Noosa cycling and Walking Strategy and Implementation Plan |
| Principal petitioners:           | ██████████, Member of Sunshine Butterflies<br>██████████ Community Development Sunshine Butterflies<br>Please call ██████████ for further information  |

| NAME                       | SIGNATURE | SUBURB | COMMENT | DATE |
|----------------------------|-----------|--------|---------|------|
| [Redacted Signature Table] |           |        |         |      |