



# **AGENDA**

## **Ordinary Meeting**

**Thursday, 20 April 2017**

**commencing at 6pm**

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

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**Crs Tony Wellington (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic,  
Frank Pardon, Brian Stockwell, Frank Wilkie**

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*"Noosa Shire – different by nature"*

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**1 ATTENDANCE & APOLOGIES**

**2 CONFIRMATION OF MINUTES**

The Minutes of the Ordinary Meeting held on 16 March 2017 be received and confirmed.

**3 MAYORAL MINUTES**

**4 PETITIONS**

**5 NOTIFIED MOTIONS**

Nil.

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**6 CONSIDERATION OF COMMITTEE RECOMMENDATIONS****PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS**

**11 APRIL 2017 - Crs Joe Jurisevic (Chair), Ingrid Jackson, Brian Stockwell and Tony Wellington.**

*Other Councillors in attendance: Crs Frank Wilkie, Frank Pardon and Jess Glasgow*

**1 HOUSING NEEDS ASSESSMENT**

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 11 April 2017 and endorse the Housing Needs Assessment prepared by Briggs & Mortar for the purpose of informing the drafting of the new planning scheme.

**2 SUBMISSION TO PROPOSAL BY ECO CAMP PTY LTD TO RECLASSIFY FISH HABITAT AREA AT ELANDA POINT**

***Item not dealt with by Planning & Environment Committee. Referred to General Committee for consideration.***

**Reason for referral** – Requested by Cr Jackson due to significance of issue.

**3 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (STORMWATER - DSS)**

That Council note the report by the Infrastructure Assessment Coordinator to the Planning & Environment Committee Meeting dated 11 April 2017 and approve the Desired Standards of Service (DSS) for the stormwater network provided in Attachment 1 for proceeding with the new Local Government Infrastructure Plan (LGIP) under The Noosa Plan 2006.

**4 LGIP SUBMISSION ON MINISTER'S GUIDELINES AND RULES**

That Council note the report by the Infrastructure Assessment Coordinator to the Planning & Environment Committee Meeting dated 11 April 2017 and authorise the Chief Executive Officer to lodge a Council submission on the Minister's Guidelines and Rules for the new Planning Act requesting to amend, simplify and remove unnecessary cost, resource and time burdens for preparing and amending Local Government Infrastructure Plans. The submission should:

- A. Align with Council's motion that was presented and carried at the 2016 LGAQ Annual Conference as provided at Attachment 1 to the report; and
- B. Request the Department of Infrastructure, Local Government and Planning to liaise directly with the Local Government Association of Queensland (LGAQ) in undertaking these amendments.

**5 DEVELOPMENT OF THE CLIMATE CHANGE ADAPTATION PLAN**

That Council note the report by the Program Coordinator Climate Change Adaptation to the Planning & Environment Committee Meeting dated 11 April 2017 and

- A. Approve the Community & Stakeholder Engagement and Communication Plan for the project;
- B. Note the draft Climate Change Adaptation Plan (CCAP) Project Control Group charter; and
- C. Appoint Councillors Jackson and Stockwell as members of the CCAP Project Control Group.

**6 OPW16/0189 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS PRESCRIBED TIDAL WORKS - EXTENSION TO AN EXISTING DECK 290 GYMPIE TERRACE NOOSAVILLE**

*Item not dealt with by Planning & Environment Committee. Referred to General Committee for consideration.*

**Reason for referral** – Requested by Cr Jackson due to significance of issue.

**7 MCU16/0099 & OPW16/0218 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A SERVICE AND UTILITY TYPE 3 (TOWER) AND OPERATIONAL WORKS FOR ACCESS AT 23 JIRRIMA CRESCENT, COOROIBAH**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 11 April 2017 regarding Application No. MCU16/0099 and OPW16/0218 for a Development Permit for a Development Permit for Material Change of Use for Service & Utility Type 3 (Tower) and associated Operational Works for Access situated at 23 Jirrima Crescent, Cooroibah and approve the application in accordance with the following conditions:

- A. Approve the application in accordance with the following conditions:

**PLANNING****When Conditions must be Complied With**

- 1 Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.
- 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.

**Approved Plans**

Plan No.	Re v.	Plan/Document Name	Date
4GYM-51-36-C000-C2	03	Overall Site Plan drawn by <i>Aurecon</i>	14/12/2016
4GYM-51-36-C000-C3	02	Site Setout Plan drawn by <i>Aurecon</i>	14/12/2016
4GYM-51-36-C000-C4	02	Site Elevation and Details drawn by <i>Aurecon</i>	14/12/2016
4GYM-51-36-C000-A1	02	Antenna Setout Plan drawn by <i>Aurecon</i>	14/12/2016

**Building Height**

- 3 The maximum height of the structure must not exceed 46 metres above the finished ground level and the natural ground surface.
- 4 Certification must be submitted to Council from a Licensed Surveyor which certifies that the monopole structure does not exceed the maximum height requirement of this Decision Notice.
- 5 No lights are permitted to be attached to the telecommunications facility, except where required for aircraft hazard lighting purposes or similar.

**Noise**

- 6 Equipment, motors, electrical generators, compressors, etc must be suitably provided with noise reduction measures and located so as to prevent a noise nuisance beyond the boundary of the site and not exceed the levels specified in Table 1.

**TABLE 1**

<b>NOISE LIMITS AT A SENSITIVE RECEPTOR</b>	
<b>PERIOD</b>	<b>Noise level at noise sensitive place measured as the adjusted maximum sound pressure level (L<sub>Amax, adj,T</sub>)</b>
7am – 6pm	Background noise level (L <sub>Abg,T</sub> ) plus 5 dB(A)
6pm – 10pm	Background noise level plus 5 dB(A)
10pm – 7am	Inaudible
<b>NOISE LIMITS AT A COMMERCIAL PLACE</b>	
<b>PERIOD</b>	<b>Noise level at a commercial place measured as the adjusted maximum sound pressure level (L<sub>Amax, adj,T</sub>)</b>
7am – 6pm	Background noise level (L <sub>Abg,T</sub> ) plus 10 dB(A)
6pm – 10pm	Background noise level plus 10 dB(A)
10pm – 7am	Background noise level plus 8 dB(A)

- 7 When requested by Noosa Council, a *Noise Impact Assessment Report* (NIAR) showing monitoring and recording of noise levels must be undertaken to investigate any non-vexatious complaint caused by noise emissions from operations of the facility. Such monitoring must be undertaken and completed within a reasonable and practicable timeframe as nominated by Council and be performed by a suitably qualified and experienced person.
- 8 The NIAR is to be submitted to Council detailing the results of such monitoring and recommendations for any measures to achieve compliance with limits outlined in Table 1 of this Decision Notice.
- 9 Rectification works will be required within a reasonable timeframe as set by Council where equipment, air conditioning units, motors, electrical generators, compressors, etc exceed the Noise Limits of Table 1.
- 10 Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with *Australian Standard AS1055.1 “Acoustics – Description and measurement of environmental noise – General procedures”*.
- 11 For the purpose of measuring and certifying relevant noise conditions and reporting (eg. equipment, air conditioning units, motors, electrical generators, compressors, etc), a suitably qualified person is either:
  - i. a Registered Professional Engineer of Queensland, or
  - ii. an environmental consultant with a minimum of 3 years current experience in the field of acoustics.

**Health and Safety**

- 12 The development must not, at any time during the life of the development, result in human exposure to environmental electromagnetic emissions exceeding the current regulations, standards and/or recommendations of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The carrier of the infrastructure must provide, at any time upon request by Council, written certification to demonstrate compliance with this condition. The written certification must assume:
  - 12.1. a maximum number of users over the lifetime of any pole or other supporting structure
  - 12.2. full power usage
  - 12.3. a maximum down tilt of antennae
- 13 Warning information signs and security fencing must be provided on the site to prevent unauthorised entry. Fencing must be camouflaged through the use of colours, materials and screening vegetation to blend the fence into the visual landscape.

**Colours and Finishes**

- 14 The monopole and associated panels must be finished in colours that blend in visually into the landscape.

**Cessation of Use**

- 15 The telecommunications facility must be removed from the site upon cessation of the use.

**Landscaping Plan**

- 16 Dense screening vegetation shall be established around the enclosure in accordance with an Operational Works approval, Council's Policy on Landscaping Guidelines and a properly prepared landscape plan. Such landscaping is to be completed prior to the commencement of the use and maintained at all times thereafter. The Landscape Plan shall include at a minimum:
  - 16.1. The identification and retention of the existing trees within a 50m distance around the fenced compound area of the tower.
  - 16.2. Appropriately selected tree species and understorey plantings to achieve dense visual screening of the tower and having regard to the soil conditions. Trees included shall be able to achieve up to 20m in mature height, though inclusion of fast growing species is also desirable to achieve early visual screening.
  - 16.3. The planting areas should maximise the screening opportunities surrounding the tower and include appropriate planting for a distance up to 20m beyond the perimeter of the lease area, whilst maintaining access and electricity supply.

- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
  1. The telecommunications facility will provide coverage for the NBN fixed wireless network, allowing for the delivery of higher speed data to rural residential households in the Cooran area; and
  2. The proposal will not significantly impact on the visual or residential amenity of the locality as appropriate separation distances are retained to existing nearby residents and the tower will be partly screened by existing vegetation.

**8 MCU16/0075 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES - DETACHED HOUSE (19) AT 90 BEACH ROAD, NOOSA NORTH SHORE**

*Item not dealt with by Planning & Environment Committee. Referred to General Committee for consideration.*

**Reason for referral** – Requested by Cr Jackson due to significance of issue.

**9 MCU16/0012 - PLANNING & ENVIRONMENT COURT APPEAL 5023 OF 2016 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR RETAIL BUSINESS TYPE 2 SUPERMARKET AT 5 GARNET STREET, COOROY**

That Council note the report by the Manager, Planning & Environment to the Planning & Environment Committee Meeting dated 11 April 2017 and authorise the Chief Executive Officer to finalise Appeal 5023/2016 by agreeing to delete conditions 35(c) and 35(d).

**Recommendation**

The Planning & Environment Committee recommendations dated 11 April 2017 be adopted except where dealt with or held over by separate resolution.



**SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS****11 APRIL 2017 – Crs Frank Pardon (Chair), Jess Glasgow, Tony Wellington & Frank Wilkie***Other Councillors in Attendance: Crs. Jackson, Jurisevic and Stockwell***1 PROPOSED GARDEN WASTE SERVICE AND POLICY**

That Council note the report by the Manager Waste and Environmental Health to the Services & Organisation Committee Meeting dated 11 April 2017 and Council:

- A. Approve the Garden Waste Recycling Service Policy including the maps of areas where a 3 bin waste collection service will be provided to single dwellings and duplexes, as provided at Attachment 1 to the report subject to an amendment to page 13, item 7 to read as follows;

**7 SERVICE EXEMPTIONS**

*The owner of premises within the defined garden waste service area may apply for an exemption from the garden waste recycling service where they meet the following criteria:*

- *the owner engages a service provider to perform a gardening service at premises to either mulch or remove all garden waste to the resource recovery facility or to another location for an approved reuse of the resource; and the service provider supplies a written undertaking that achieves compliance with the exemption criteria mentioned in this section; or-*
  - *the parcel of land on which a single dwelling or duplex is located is 400m<sup>2</sup> or less in area.*
- B. Specify the minimum service level for single dwellings and duplexes within the 3 bin service areas as 1 x 240 litre general waste bin collected weekly, 1 x 240 litre yellow lidded recycling bin collected fortnightly and 1 x 240 litre lime lidded garden waste recycling bin collected fortnightly; ~~and~~
- C. Designate the area where an optional garden waste collection service will be provided as any premises which are not a single domestic residence or duplex located within the designated 3 bin garden waste service area, or any premises within 5 kilometres of the 3 bin garden waste service areas; ~~and-~~
- D. Provide an exemption from the garden waste recycling service to single dwellings or duplexes which are located on parcels of land which are 400m<sup>2</sup> or less in area, upon receipt of a written application for exemption.

**2 PROPOSED TENDER - TIP SHOP AT EUMUNDI ROAD RESOURCE RECOVERY FACILITY**

That Council note the report by the Manager Waste and Environmental Health to the Services & Organisation Committee Meeting dated 11 April 2017 and:

- A. Agree to call tenders for a licence to occupy land at the Resource Recovery Centre, Eumundi Road, Doonan for the purpose of 'diversion and sale of reusable items';
- B. Limit tenders to be invited from Not for Profit organisations or Social Enterprises only;
- C. Agree to the conditions outlined in the report to be included in the licence; and
- D. Authorise the Manager Waste and Environmental Health to extend the agreement with Noosa Community Training Inc. on a month to month basis to provide sufficient time to implement the new arrangement.

**3 COMMUNITY ENGAGEMENT POLICY REVIEW**

That Council note the report by the Community Engagement Manager to the Services & Organisation Committee Meeting dated 11 April, 2017 and:

- A. Adopt the revised Community Engagement Policy provided at Attachment 1 to the report; and
- B. Authorise the Chief Executive Officer to revise the organisational guidelines and community engagement tools that support the implementation of the Policy.

**4 NOOSA WATERFRONT RESTAURANT REQUEST FOR APPROVAL OF EVENTS IN ADJACENT RECREATION PARK RESERVE**

*Item not dealt with by Services & Organisation Committee. Referred to General Committee for consideration.*

**Reason for referral – Requested by Cr Jackson due to the significance of the issue.**

**5 NOOSA RIVER HOLIDAY PARK MANAGEMENT SERVICES CONTRACT - TENDER 1516T078**

That Council note the report by the Property Officer to the Services & Organisation Committee Meeting dated 11 April 2017 and:

- A. Award contract 1516T078 to Anvera Pty Ltd trading as Dineen Tourism Management for the Noosa River Holiday Park Management Services for an initial three (3) year period commencing 1 June 2017; and
- B. Authorise the Chief Executive Officer to exercise future options to extend the contract for a further one (1) year period subject to satisfactory performance.

**6 NOOSA NORTH SHORE BEACHFRONT CAMPGROUND - FEES AND CHARGES AND PROPOSED INTERIM MANAGEMENT AGREEMENT**

That Council note the report by the Property Officer to the Services & Organisation Committee Meeting dated 11 April 2017 and:

- A. Set fees and charges for the North Shore Beachfront Campground to align with the cessation of the July 2018 Queensland school holidays;
- B. Adopt the Proposed Commercial Charges Schedule for the Noosa North Shore Beachfront Campground for the period ending 16 July 2018 as detailed in the tables contained within the report; and
- C. Authorise the Chief Executive Officer to enter into an extension to the current management agreement with Beachfront Caravan Park Pty Ltd for 10 months commencing 1 August 2017.

**7 KIN KIN SCHOOL OF ARTS HALL - PROPOSED NEW LEASE**

That Council note the report by the Property Manager to the Services & Organisation Committee Meeting dated 11 April 2017 and

- A. Authorise the CEO to enter into negotiations for a 10 year lease to the Kin Kin Community Group Inc. over Lot A on SP221085 being part of Lot 214 SP143420;
- B. 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.

**8 CHANGE OF VENUE FOR COUNCIL MEETINGS - 2017**

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 11 April 2017 and:

- A. Pursuant to Section 257(3)(b) of the Local Government Regulation 2012, resolve to hold the Ordinary Meetings on 18 May 2017 and 16 November 2017 at the following locations:
  - 1. Thursday, 18 May 2017 – Lake Cootharaba Sailing Club, Boreen Point commencing at 6pm; and
  - 2. Thursday, 16 November 2017 – Sunshine Beach State School, Sunshine Beach commencing at 6pm.
- B. Request the Chief Executive Officer to ensure that suitable advertising is undertaken to promote these community based Council Meetings.

**9 NOOSA TRAFFIC ADVISORY AND SPEED MANAGEMENT COMMITTEE, MARCH 2017**

That Council note the report by the Senior Officer, Transport and Traffic to the Services & Organisation Committee Meeting dated 11 April 2017 detailing the key outcomes of the Noosa Traffic Advisory and Speed Management Committee meeting held on 16 March 2017.

**Recommendation**

The Services & Organisation Committee recommendations dated 11 April 2017 be adopted except where dealt with or held over by separate resolution.

**GENERAL COMMITTEE RECOMMENDATIONS**

**18 APRIL 2017 – Crs. Frank Wilkie (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic, Frank Pardon, Brian Stockwell and Tony Wellington**

**1 SUBMISSION TO PROPOSAL BY ECO CAMP PTY LTD TO RECLASSIFY FISH HABITAT AREA AT ELANDA POINT**

*Cr Pardon declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) as he had made initial inquiries about purchasing the site adjoining the proposed jetty but did not proceed any further with that approach. Cr Pardon advised that he has no current or future personal interests in the site however he has made a personal submission to the State opposing the proposal to reclassify the fish habitat area. Cr Pardon left the room for the debate and decision on this matter.*

That Council note the report by the Environment Officer (Rivers and Coast) to the Planning and Environment Committee Meeting dated 11 April 2017 and request the Chief Executive Officer make a submission, as outlined in Attachment 3 of the Report, to the Marine Resource Management section of the Department of National Parks, Sport and Racing on the proposal by Eco Camp Pty Ltd to request a downgrade of approximately 2.6 ha of declared Fish Habitat Area at Elanda Point from a management A area to a management B area with the inclusion of additional arguments as follows:

**A. Great Sandy Management Plan**

The proposal aims to facilitate infrastructure and commercial uses which are inconsistent with the objectives and future management vision of the Great Sandy Management Plan (esp. Strategy 3) and are inconsistent with the 'Natural' Recreation Opportunity Setting (ROS) for the Location.

Specifically, the envisaged infrastructure and use proposed by the applicant:

1. is more suited to an 'Intensive Recreation' or 'Urban' ROS class;
2. will introduce conflict between participants in different activities or pursuits currently supported by the 'Natural' ROS setting; and
3. will disrupt the recreational experience of lake users and their enjoyment of the closeness to nature and tranquillity envisaged in a 'Natural' setting.

**B. Declared Fish Habitat Strategy**

The proposal fails to provide any meaningful form of compensation for the downgrading as is expected (see p11 of strategy).

**2 OPW16/0189 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS PRESCRIBED TIDAL WORKS - EXTENSION TO AN EXISTING DECK 290 GYMPIE TERRACE NOOSAVILLE**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 11 April 2017 regarding Application No. OPW16/0189 for a Development Permit for Operational Works for Prescribed Tidal Works – Extension to an Existing Deck situated at 290 Gympie Terrace Noosaville and: request a reviewed report to the Ordinary Meeting with an alternative motion to approve the application, which would include the following conditions:

- A. That the Prescribed Tidal Works are to be used for the purpose of providing access to vessels and the ancillary lawful marine purposes conducted within the subject lease;
- B. That the approval makes it clear that operational works approval in no way sanctions the use of the decks for a Type 1 Food and Beverage Business (i.e. café with dining facilities for 10 or more people) or other uses requiring prior approval under the planning scheme; and
- C. That the approval be issued on the grounds that the existing minor works constructed are consistent with:
  - 1. the Overall Outcomes of the Watercourse Works Code (14.161), and
  - 2. the relevant specific outcomes listed in the Watercourse Works Code with respect to:
    - a) Siting (14.163)
    - b) Character and Amenity (14.164)
    - c) Design Construction & Safety (14.165 & .168)

- ~~A. Refuse the application for the following reasons:~~
  - ~~1. The proposed works are contrary to the Noosaville Locality Code as the works are for non-marine commercial purposes that will result in an increase in the overall scale and intensity of commercial operations on and adjacent to the Noosa River;~~
  - ~~2. The proposed works are contrary to the Watercourses Works Code as the works are not for the sole purpose of providing access to vessels and the applicant has not demonstrated clear public benefit and support for the works; and~~
  - ~~3. The proposed works are contrary to the IDAS Code for Prescribed Tidal Works as the proposal does not make any provision towards car parking facilities.~~
- ~~B. Advise the applicant that a Material Change of Use is required for the cafe to operate from the premises and that Council will give further consideration to the decks at the time the Material Change of Use application is lodged and once community consultation is undertaken for the Noosaville Foreshore Land Use Master Plan.~~

### 3 **MCU16/0075 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES - DETACHED HOUSE (19) AT 90 BEACH ROAD, NOOSA NORTH SHORE**

*Cr Wellington declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to his business dealings with Petrac in 2008 and Solingen in 2011 (both prior to his election to Council) to provide display material to the North Shore Eco Centre (also known as Great Sandy Eco Centre). Cr Wellington believed he could consider this item impartially and in the public interest and therefore remained in the meeting room for the debate and decision on this matter.*

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 11 April 2017 and refuse Application No. MCU16/0075 for a Development Permit for 19 Detached houses, situated at 90 Beach Road, Noosa North Shore for the following reasons:

1. The proposed use, defined as a Detached House under The Noosa Plan is ~~an~~ inconsistent with the long term strategic planning and is an inconsistent use in a Visitor Mixed Use zone and is contrary to the Overall Outcomes of the Noosa North Shore Locality Code and the strategic intent of The Noosa Plan, which seeks to protect substantial key sites for visitor accommodation, with the subject site identified as one of the key sites;
2. The non-protection of substantial key sites for visitor accommodation will adversely impact upon a viable tourism economy for Noosa;
3. ~~The proposal is likely to result in poor amenity for permanent residents and may create negative experiences for visitors to the resort, given the potential conflicts between permanent residents and visitors;~~
34. The proposal has the potential to increase pressure to provide additional infrastructure and services on the Noosa North Shore, contrary to The Noosa Plan and Local Government Infrastructure Plan; and
45. The applicant does not provide sufficient grounds to justify the conflict with the Planning Scheme and the proposal will not result in any significant benefits to the community.

### 4 **NOOSA WATERFRONT RESTAURANT REQUEST FOR APPROVAL OF EVENTS IN ADJACENT RECREATION PARK RESERVE**

That Council note the report by the Property Advisor to the Services & Organisation Committee meeting dated 11 April 2017 and:

- A. Agree to issue Temporary Event Permits to the Noosa Waterfront Restaurant for existing event bookings to ~~21 July~~ 30 November 2017.
- B. Advise Noosa Waterfront Restaurant that, should it seek ongoing access to the reserve land for commercial purposes, it should make a submission to the upcoming Noosaville Foreshore Land Use Master Plan project.
- C. Further consider longer-term tenure associated with the Noosa Waterfront Restaurant's use of the reserve land where it is recommended in the final adopted Noosaville Foreshore Land Use Master Plan.

**5. FUTURE USES AND MANAGEMENT ARRANGEMENTS FOR THE COOROY MEMORIAL HALL**

*Cr Stockwell declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to his signing of a petition regarding the future of the Cooroy Memorial Hall. Cr Stockwell left the meeting room for debate and decision on this matter.*

That Council note the report by the Director Community Services to the General Committee Meeting dated 18 April 2017 and agree to:

- A. Enter into an agreement to lease the Cooroy Memorial Hall to the Cooroy Memorial Hall Association Inc (the CMHA) for the purpose of the Association undertaking the schedule of maintenance and upgrade works as per Attachment 1;
- B. Enter into a five year lease (with the terms and conditions of the lease being similar to other community hall lease arrangements) for the CMHA to manage and operate the Cooroy Memorial Hall, subject to the CMHA satisfactorily completing the schedule of maintenance and upgrade works as per Attachment 1 and producing a final business plan; and
- C. Allocate up to \$192,000 from Heritage Levy funds towards the Cooroy Hall maintenance and upgrade works on the proviso that the CMHA match these funds dollar for dollar either in cash or via grants, donations of goods or the provision of in kind services.

**6 FEBRUARY BUDGET REVIEW 2016/17**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 18 April 2017 and approve the requested changes to the budget for the 2016/17 financial year, as outlined in the attached Revised Budget Financial Statements.

**7 FINANCIAL PERFORMANCE REPORT - MARCH 2017**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 18 April 2017 providing the March YTD monthly financial performance report for the 2016/17 financial year.

**8. OPERATIONAL PLAN PROGRESS REPORT - 3RD QUARTER 2016-17**

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 18 April 2017 providing an update on progress with the implementation of the Operational Plan to 31 March 2017 and details of Council's Key Performance Indicators.

**Recommendation**

The General Committee recommendations dated 18 April 2017 be adopted except where dealt with or held over by separate resolution.

**7 ORDINARY MEETING REPORTS**

**1. FURTHER REPORT – OPW16/0189 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS PRESCRIBED TIDAL WORKS - EXTENSION TO AN EXISTING DECK 290 GYMPIE TERRACE NOOSAVILLE**

**Author**                      **Coordinator Planning, Patrick Murphy  
Planning & Infrastructure Department**

**Index**                        **ECM / Application / OPW16/0189**

**Attachments**    **1.    Submitted Plan**

<b>APPLICATION DETAILS</b>	
Applicant	Pile-It Pty Ltd
Proposal	Development Permit for Operational Works Prescribed Tidal Works - Jetty

**ALTERNATE MOTION**

That Council notes the reports by the Coordinator Planning to the Planning & Environment Committee Meeting dated 11 April 2017 and the General Committee Meeting dated 18 April 2017 regarding Application No. OPW16/0189 for a Development Permit for Operational Works for Prescribed Tidal Works – Extension to an Existing Deck situated at 290 Gympie Terrace Noosaville and:

- A. Approve the application for the following reasons:
  - 1. The existing works constructed are consistent with the Overall Outcomes of the Watercourses Works Code; and
  - 2. The existing works constructed are consistent with the relevant Specific Outcomes in the Watercourses Works Code with respect to:
    - a. Siting;
    - b. Character and Amenity; and
    - c. Design Construction and Safety
  - 3. The existing works constructed are consistent with the IDAS Code for Prescribed Tidal Works.

B. Approve the application subject to the following conditions:

**Approved Plans**

- 1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
26159-S1	A	Jetty Plan and Details	June 2016

- 2. All structures associated with the development must be constructed wholly within the approved area



3. Structures must be designed and constructed such that they are free standing within the waterway and are not connected to or behind the revetment wall or rock wall. Upon completion of works, a certification by RPEQ must be provided to Council in this regard.
  4. All structures must have no detrimental effects on stormwater drains and/or easements.
  5. The jetty and deck areas must be constructed in a manner to render the underside area vermin proof
  6. 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.
  7. 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.
  8. Wastewater and sullage must only be disposed of at approved pumpout facilities.
  9. The mooring facility must not be utilised for live-aboard purposes.
  10. Any construction and post construction activity is not to impact on the condition of the waterway, and is to be conducted so as not to breach the Environmental Protection Act EPA (1994) and the Environmental Protection (Water) Policy 2009.
  11. Certification by a Registered Professional Engineer of Queensland that states that the works have been constructed in accordance with best practice methods and are structurally sound must be submitted to Council. This certification must be submitted to Council within three (3) months of the date of this approval. A final inspection and approval of the structure by Council's Inspector is also required. Please contact Council's Planning Assessment Section (Development Audit & Response Officer 0428738563) to arrange the inspection.
  12. After completion, the proposed works must be maintained in a sound state of repair in accordance with the approved plans
  13. All necessary State government approvals relating to this development must be obtained.
- C. Include the following Advisory Notes:

**ADVISORY NOTES:****General Advisory Notes**

1. That the Prescribed Tidal Works are to be used for the purpose of providing access to vessels and the ancillary lawful marine purposes conducted within the subject lease;
2. That the approval makes it clear that operational works approval in no way sanctions the use of the decks for a Type 1 Food and Beverage Business (i.e. café with dining facilities for 10 or more people) or other uses requiring prior approval under the planning scheme
3. Council has undertaken an audit check of the Operational Works drawings in relations to the proposed works. A detailed check of the calculations and drawings has not been undertaken, as they have been certified by a RPEQ. The RPEQ bears full responsibility for all aspects of the engineering design. Council reserves the right to require further amendments and/or additions at a later date should design errors become apparent.

4. The approval or conditions do not absolve the owner of the land from complying with all the conditions of this approval and/or relevant Council By-Laws and Policies and/or relevant statues and/or statutory regulations in the execution and/or performance of said works.
5. Council reserves the right to call up any performance bond held or levy charges against the property, should emergency works be required to be undertaken by Council to make the site safe due to inactivity on the development site for extended periods of time.
6. Should any changes or modifications to the approved plans be required as a result of construction constraints, a "Request to change an existing approval" under the Sustainable Planning Act 2009 must be made. Amended plans clearly indicating the changes must be lodged with this application along with the appropriate fees.

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## REPORT

A report on this application was included on the Planning and Environment Committee Agenda dated 11 April 2017 (Item 6, Page 2), with consideration of the report referred to the General Committee Meeting on 18 April 2017.

The officer's recommendation for refusal was not supported at the General Committee Meeting with the Committee requesting an alternate motion for approval of the application with relevant conditions. The basis for this decision included the following matters:

- The jetty was in need of repair and improvement for disabled access;
- The extensions are compliant with the marine facilities offered at the site, including passengers occupying deck space until boarding time; and
- Advice conditions can distinguish this works approval from the use of the decking for café purposes.

Council staff continue to support the recommendation made to the General Committee Meeting on 18 April 2017.

### Previous Staff Recommendation

*That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 11 April 2017 regarding Application No. OPW16/0189 for a Development Permit for Operational Works for Prescribed Tidal Works – Extension to an Existing Deck situated at 290 Gympie Terrace Noosaville and:*

- A. *Refuse the application for the following reasons:*
  1. *The proposed works are contrary to the Noosaville Locality Code as the works are for non-marine commercial purposes that will result in an increase in the overall scale and intensity of commercial operations on and adjacent to the Noosa River;*
  2. *The proposed works are contrary to the Watercourses Works Code as the works are not for the sole purpose of providing access to vessels and the applicant has not demonstrated clear public benefit and support for the works; and*
  3. *The proposed works are contrary to the IDAS Code for Prescribed Tidal Works as the proposal does not make any provision towards car parking facilities.*
- B. *Advise the applicant that a Material Change of Use is required for the cafe to operate from the premises and that Council will give further consideration to the decks at the time the Material Change of Use application is lodged and once community consultation is undertaken for the Noosaville Foreshore Land Use Master Plan.*

Departments/Sections Consulted:

**Chief Executive Officer**  
Executive Officer to the Mayor & CEO  
Executive Support

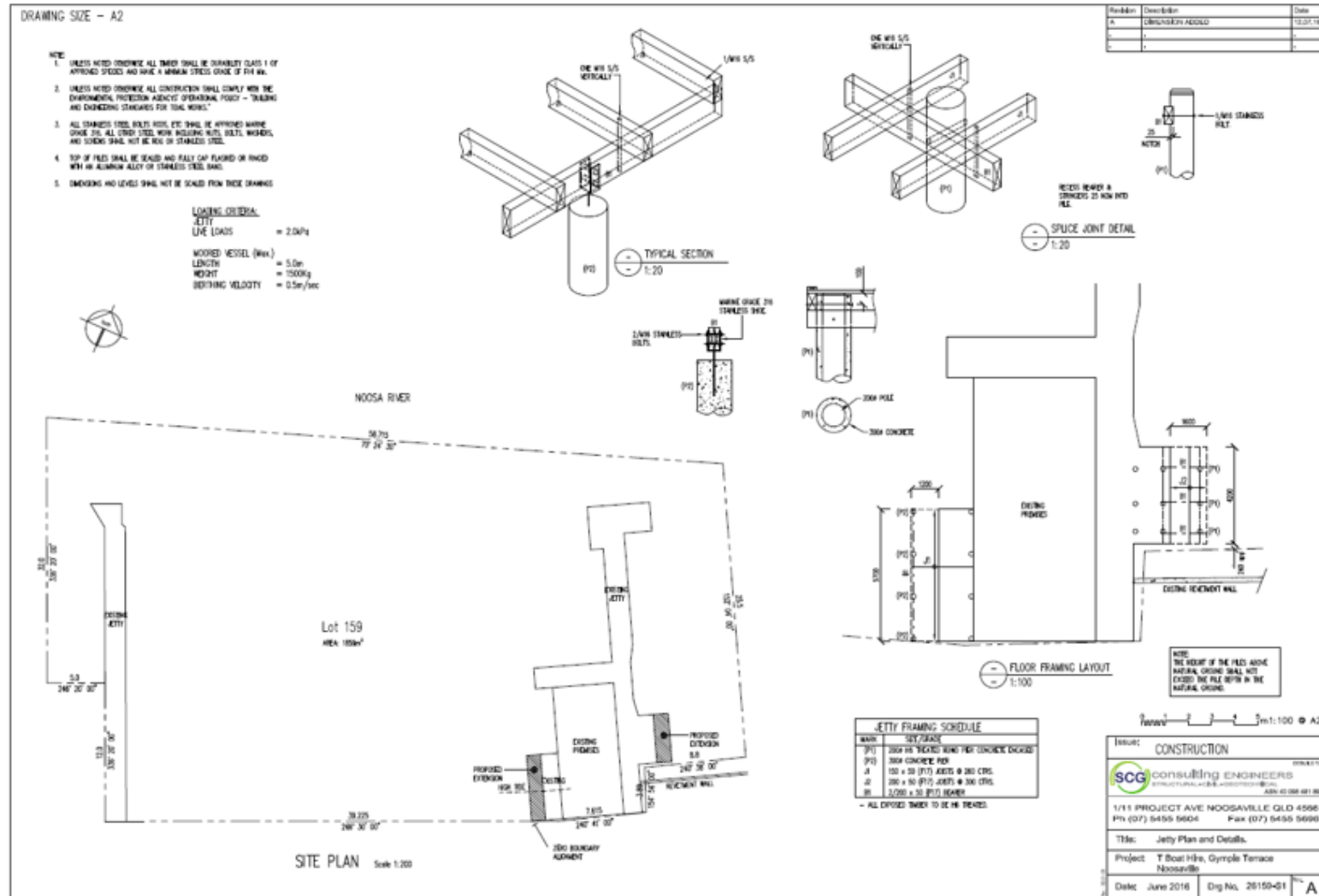
**Community Services**  
Community Facilities  
Community Development  
Libraries & Galleries  
Local Laws  
Waste & Environmental Health

**Corporate Services**  
Financial Services  
ICT  
Procurement & Fleet  
Property & Facilities  
Revenue Services

**Executive Office**  
Community Engagement  
Customer Service  
Economic Development  
Governance  
Human Resources  
Sustainability

**Planning & Infrastructure**  
Building & Plumbing Services  
Civil Operations  
Infrastructure Planning & Design  
X Planning & Environment  
Strategic Land Use Planning

ATTACHMENT 1



**8 CONFIDENTIAL SESSION**

**9 NEXT MEETING**

The next Ordinary Meeting will be held on 18 May 2017 at Lake Cootharaba Sailing Club, 24 Boreen Parade, Boreen Point QLD 4565 commencing at 6pm.

**10 MEETING CLOSURE**