



# **MINUTES**

## **Ordinary Meeting**

**Thursday, 18 July 2019**

**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”*

**1 ATTENDANCE & APOLOGIES****COUNCILLORS**

Councillor T Wellington, Mayor  
Councillor F Wilkie, Deputy Mayor  
Councillor J Glasgow  
Councillor I Jackson (via teleconference)  
Councillor J Jurisevic  
Councillor F Pardon  
Councillor B Stockwell

**EXECUTIVE**

B de Chastel, Chief Executive Officer  
K Contini, Director Community Services  
K Rawlings, Director Environment & Sustainable Development  
J Pratt, Acting Director Executive Services  
C Billingham, Director Infrastructure Services

**APOLOGIES**

Nil

The meeting commenced at 6.00pm.

**Council Resolution**

**Moved: Cr Wellington**

**Seconded: Cr Glasgow**

That the operation of the Standing Orders or any relevant provision thereof be suspended to allow Council to change the order of proceedings to deal with Item 6 from the Services & Organisation Committee dated 9 July 2019.

**Carried.**

**6 COUNCILLOR MEETING ATTENDANCE BY TELECONFERENCE AND LEAVE OF ABSENCE**

*Cr Jackson declared a real conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to the matter being discussed directly involving Cr Jackson. Cr Jackson who attended the meeting via teleconference, was put on hold for the debate and decision on this matter.*

**Council Resolution**

**Moved: Cr Pardon**

**Seconded: Cr Jurisevic**

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 9 July 2019 and:

- A. In accordance with Section 276 of the Local Government Regulation 2012, Council provide approval for Cr Jackson to attend Council's Ordinary meetings of 18 July 2019 and 15 August 2019 by teleconference; and
- B. In the event of any technological complications preventing Cr Jackson from attending the meetings by teleconference as outlined in Item A, in accordance with Section 162 of the Local Government Act 2009, Council provide Cr Jackson with a leave of absence for the Ordinary meetings of 18 July 2019 and 15 August 2019.

**Carried.**

*Cr Jackson re-joined to the meeting via teleconference.*

**Council Resolution**

**Moved:** Cr Wilkie

**Seconded:** Cr Jurisevic

That Standing Orders be resumed.

**Carried.**

**2 CONFIRMATION OF MINUTES**

**Council Resolution**

**Moved:** Cr Pardon

**Seconded:** Cr Wilkie

The Minutes of the Ordinary Meeting held on 20 June 2019 be received and confirmed.

**Carried.**

**Council Resolution**

**Moved:** Cr Jurisevic

**Seconded:** Cr Wilkie

The Minutes of the Special Meeting held on 28 June 2019 be received and confirmed.

**Carried.**

**3 MAYORAL MINUTES**

Nil.

**4 PETITIONS****1 PETITION: REGARDING USE OF THE UPSTAIRS SECTION OF PEREGIAN BEACH SURF LIFE SAVING CLUB HOUSE****Council Resolution****Moved: Cr Jackson****Seconded: Cr Jurisevic**

That the petition tabled by Cr Jackson requesting that Council reject the EOI process for non-surf lifesaving use of the upstairs of the Peregian Beach clubhouse and supporting its use for family dining, bar and entertainment to contribute funds to local community organisations and lifesaving activities be received and referred to the Chief Executive Officer to determine appropriate action.

**Carried.****2 PETITION: REQUEST FOR COUNCIL TO IMPROVE TRAFFIC AND ROAD SAFETY AT LITTLE COVE****Council Resolution****Moved: Cr Wilkie****Seconded: Cr Pardon**

That the petition tabled by Cr Wilkie requesting that Council: 1) paint yellow lines across residential access driveways in Little Cove; 2) mark parking bays in Pandanus St, Mitti St and Kareela Ave; 3) extend existing yellow lines in Kareela Ave and Pandanus St; and 4) reduce car parking spaces in Alderley Tce, be received and referred to the Chief Executive Officer to determine appropriate action.

**Carried.****3 PETITION: REQUEST FOR COUNCIL TO INVESTIGATE TRAFFIC CALMING MEASURES AND REDUCE THE SPEED LIMIT IN DOONAN****Council Resolution****Moved: Cr Wellington****Seconded: Cr Jurisevic**

That the petition tabled by Cr Wellington requesting that Council investigate traffic calming measures and reduce the speed limit to 60km on Eumundi-Noosa Rd, Duke Rd, Sunrise Rd, Beddington Rd and Lenehans Lane, Doonan, be received and referred to the Chief Executive Officer to determine appropriate action.

**Carried.****5 NOTIFIED MOTIONS**

Nil.

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**6 CONSIDERATION OF COMMITTEE RECOMMENDATIONS****PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS****9 JULY 2019 - Crs Brian Stockwell (Chair), Jess Glasgow, Ingrid Jackson and Tony Wellington***Other Councillors in attendance: Cr Frank Wilkie, Cr Frank Pardon (for items 3-11)***8 HEALTHY LAND AND WATER 3 YEAR AGREEMENT**

*Cr Stockwell declared a real conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to a current subcontracting arrangement where HLW provide services to Cr Stockwell's consultancy business, Watershed Australia. Cr Stockwell left the meeting room for the debate and decision on this matter.*

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

That Council note the report by the Environment Officer (Rivers and Coast) to the Planning & Environment Committee Meeting dated 9 July 2019 and authorise the CEO to enter into a 3 year Network Member Agreement with Healthy Land and Water as provided in Attachments 1, 2 and 3.

**Carried.**

*Cr Stockwell returned to the meeting.*

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

**Council Resolution****Moved: Cr Glasgow****Seconded: Cr Jackson**

The Planning & Environment Committee recommendations dated 9 July 2019 be adopted except where dealt with or held over by separate resolution.

**Carried.**

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**1 OPW19/0132 DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS (SIGNAGE) AT 143 EUMUNDI NOOSA ROAD, NOOSAVILLE**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 July 2019 regarding application No.OPW19/0132 for a Development Permit for Operational Works (Signage), situated at 143 Eumundi Noosa Road, Noosaville and:

A. Refuse the application for the following reasons:

1. The application proposes an Advertising Device in the form of a Moving sign which is inconsistent with:
  - i. The Overall Outcomes of the Advertising Devices Code of The Noosa Plan, being that:
    - a. The proposed Advertising Device is not designed and integrated into the built form so as to minimise visual clutter;
    - b. The proposed Advertising Device has the potential to adversely impact on the visual amenity of the major road network;

- c. The proposed Advertising Device has the potential to pose a hazard for pedestrians, cyclists or drivers of motor vehicles;
- d. The proposed Advertising Device does not accommodate the legitimate need to provide directions and business identification in a manner that is consistent with achieving the overall outcomes of the code; and
- e. Moving signs are not located in Noosa Shire.
- ii. The Specific Outcomes of the Advertising Devices Code of The Noosa Plan, being that:
  - a. Moving signs are inconsistent Advertising Devices and are not located in Noosa Shire;
  - b. The proposed Advertising Device has the potential to cause an environmental distraction; create glare, reflection or flaring colours; and create a potential safety hazard, including a traffic safety hazard; and
  - c. An advertising device does not move or incorporate elements that give the impression of movement.
- iii. The Probable Solutions of the Advertising Devices Code of The Noosa Plan, being that:
  - a. Illuminated Advertising Devices are limited to 1 sign per tenancy.
- B. Advise the applicant that Advertising Devices associated with the subject tenancy must not exceed a single sign face area of 4m<sup>2</sup> and a maximum total sign face area of 10m<sup>2</sup>. In this regard, the applicant may wish to erect a non-illuminated and non-moving Wall sign as an alternative to the proposed Advertising Device, in accordance with the Advertising Devices Code of The Noosa Plan.
- C. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**2 132007.12.8 OTHER CHANGES TO EXISTING APPROVAL TO INCREASE USE AREA OF COMMUNITY USE - EDUCATION - TYPE 3 ADULT AND BUSINESS USE - OFFICE TYPE 3 - VETERINARY, SITUATED AT 88A GOODCHAP STREET, NOOSAVILLE**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 July 2019 regarding Application No. 132007.12.8 for an Other Change to Existing approval for Material Change of Use for Commercial Business Type 1 Office, Type 2 Medical, Retail Business Type 1 Local & Type 2 Shop, Education Type 3 Adult & Entertainment and Dining Business Type 1 Food and Beverage, to increase the use area for a Community Use - Education – Type 3 Adult (administration only) and include a new Business Use - Office Type 3 – Veterinary - situated at 88A Goodchap St Noosaville and:

- A. Approve the requested changes and agree to change Conditions 1, 12 & 36 and make consequential amendments to Conditions 7, 8, 10, 44, 45, 46, 66, 67, and delete Condition 65 (as per the conditions contained in the Planning & Environment Committee Agenda dated 9 July 2019).
- B. Include the following new conditions:
  - 68. Staging of the development is to be in accordance with Site Plan DA 01F (as annotated by Council).

**Access for Stage D**

- 69. Vehicular access arrangements must be varied to allow for an alternative access arrangement for northern vehicle access to the site from Goodchap Street. The alternative access arrangement shall be generally in accordance with Drawing No. 17548-C003 Rev B prepared by TOD Noosa dated 14 September 2018. The works shall include but not be limited to:-

- i. The linemarking necessary to provide the right turn lane and associated medians,
- ii. The direction linemarking within the existing access,
- iii. The widening of the current vehicle crossover, and
- iv. Any works associated with the existing Telstra pit to the satisfaction of Telstra. Suitable certification from Telstra shall be submitted to Council prior to the commencement of any works and at the completion of the works.

Further, a schedule of works, specifications and plans detailing this work shall be prepared and submitted to Council for approval as part of an application for Operational Works

#### **Pedestrian Access – Stage D**

70. The pedestrian bridge (as annotated on the approved plans) cannot be constructed until a road closure approval has been obtained from the Department of Natural Resources and Mines. Council's consent is to be obtained prior to the application being lodged with the Department.

#### **Stormwater Management – Stages C & D (Lot 3 RP264909)**

71. The stormwater management design must be submitted with an Operational Works application and must demonstrate that the bioretention basin will only receive stormwater flows from catchments the bioretention basin is modelled to treat for water quality improvement purposes (i.e. Sub 2 as detailed on Figure 4 in the Stormwater Management Plan for Lot 4 Good Chap Street Noosaville by Aquaintel dated 25 June 2017). Any detention area required for catchments that are not modelled to be treated by the bioretention basin, must be redirected around or under the bioretention basin.
72. Prior to commencement of use of any stage serviced by a stormwater quality treatment device, such as a bioretention basin, the Community Management Statement must be updated to identify and schedule the maintenance requirements for the stormwater quality treatment device asset for that relevant stage.
73. Vegetated stormwater quality treatment infrastructure must be maintained in accordance with the manufacturer's specifications or for vegetated stormwater quality improvement assets, the Water by Design Guideline for Maintaining Vegetated Stormwater Assets

#### **Construction Management Plan – Stages C & D**

74. A Construction Management Plan must be submitted to Council prior to a pre-start meeting and must specifically address the following:
  - a. Traffic Management during all aspects of the construction phase including:
    - i. A Traffic Management Control Plan in accordance with Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
    - ii. Adequate parking arrangements for patrons utilising the site and construction workers
    - iii. Proposed fencing to the site during the construction phase of the development
    - iv. No queuing of trucks is permitted on Goodchap St or Eumundi Noosa Road, especially prior to 7.00am. Further parked trucks must have engines turned off

- b. Maintenance and protection of the adjoining Lake Doonella Bush Reserve
- c. Maintenance and protection of water quality and existing drainage lines through the construction site through the implementation of appropriate erosion and sediment control measures
- d. Works programme identifying key components of the works and their respective durations
- e. Establishment of a communication protocol with the general public, adjoining owners (especially residential), emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues
- f. Identification of complaint management procedures including:
  - i. contact details for the on-site manager
  - ii. dispute resolution procedures

For haulage operations involving significant volumes of fill material or excavated material being transported onto or off the site: details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. Any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense.

#### **Landscaping**

75. The area between Stage D and the extent of the northern boundary must be densely landscaped at a minimum width of 2 metres in accordance with an Operational Works approval. Screening vegetation must be planted in accordance with Council's Planning Scheme Policy PSP3 Landscaping Plants and Guidelines. The planted vegetation must consist of native, endemic species.

#### **Nature and Extent of Approved Use - Veterinary**

76. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 7pm. The requirements of this condition must be included in the Community Management Statement for anybody corporate for the subject site

#### **Sunset Clause**

77. Pursuant to s88(1) of the *Planning Act 2016*, the uncompleted aspects of the approval for Stage D lapses if the whole of the approved use has not happened 18 July 2025.

- C. Advise the applicant that the construction of the bus stop and at grade car park required by conditions 1, 36, 37, 39, 40 & 66 are outstanding and must be completed by 18 January 2020.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

### **3 MCU18 0009 01 - MINOR CHANGE TO DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE - MULTIPLE HOUSING - TYPE 3 RETIREMENT & SPECIAL NEEDS AT 186 COOROY-NOOSA ROAD TEWANTIN**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 9 July 2019 regarding Application No. MCU18/0009.01 to make a minor change to an existing approval for Material Change of Use - Multiple Housing –Type 3 Retirement & Special Needs situated at 186 Cooroy Noosa Rd Tewantin and:

- A. Approve the change and amend conditions 1, 6, 26 and 36 to read as follows:



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

Plan No.	Rev.	Plan/Document Name	Date
A101A		Existing Part Site Plan <i>by Middap Architecture</i>	Feb 2019
A102A		Proposed Site Works Plan <i>by Middap Architecture</i>	Feb 2019
A103B	B	Proposed Building Plan <i>by Middap Architecture</i>	Feb 2019
A104B	B	Site Plan with Section and Elevation References <i>by Middap Architecture</i>	18.03.2019
A105B	B	Site Elevations <i>by Middap Architecture</i>	18.03.2019
A106B	B	Typical Villa Sections <i>by Middap Architecture</i>	18.03.2019
A201B	B	Villas and Service Core Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A202B	B	Proposed Villas and Service Core 3D Views <i>by Middap Architecture</i>	18.03.2019
A203A		Proposed Entry Building Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A204A		Proposed Entry Building Elevations and 3D Views <i>by Middap Architecture</i>	18.03.2019
A205B	B	Proposed Villa 1 and 2 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A206B	B	Proposed Villa 1 and 2 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019
A207A		Proposed Villa 3 and 4 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A208A		Proposed Villa 3 and 4 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019

6. A maximum building height of 2 storeys and 9.30 metres for Villas 1 and 2 and 9.75 metres for Villas 3 and 4 in accordance with the approved plans. The Entry Building must not exceed 2 storeys and 8.0 metres.
26. All works must be constructed and work procedures undertaken in accordance with:
- The approved plans, the approved amended plans and the conditions detailed in this Decision Notice.
  - The document 'Proposed Cartwright Village Extension – Carramar, Noosa Care Integrated Water Management Plan Version 4 by Callaghan & Toth dated June 2019.
  - The document 'Noosa Care Inc Cartwright Village Extension Carramar, Cooroy Noosa Road, Tewantin Preliminary Design of Stormwater Detention Volume' by BSM dated 21 December 2017.
  - The document 'Flood Study Noosa Care – Carramar' by Cardno dated 24 July 2017.
  - The Addendum Letter by Cardno (document number WE17064) dated 23 March 2018.
  - The Technical Memorandum by Cardno (ref WE17064\_Carramar\_TM01) dated 27 September 2018.
  - A minimum Finished Floor Level (FFL) of the Aged Care Facility and any associated facilities at 8.80m AHD.

- h. A minimum Finished Floor Level (FFL) of the Independent Living Units of 8.80m AHD.
  - i. All relevant Noosa Council Planning Scheme Policies, standard drawings, standard specifications and guidelines are to be adhered to.
36. Prior to obtaining a Development Permit for Operational Works the land area identified as being to the east of the proposed wetland fence on Middap Architecture Pty Ltd - Plan A102A (Proposed Site Works Plan February 2019) be dedicated to Council in fee simple on trust for the purpose of an Environmental Park.

The land to be dedicated is “non-trunk infrastructure” for the purposes of the Planning Act 2016.

- B. Rectify item 9 within the Decision Notice to reflect that a further Development Permit for Material Change of Use is not required.
- C. Include the following additional conditions:
  - 46. Privacy screening to the northern elevation as detailed on the approved plans must be designed and maintained to ensure that there is no overlooking into the adjoining residential properties.
  - 47. All elements of the approved Integrated Stormwater Management Plan system must be maintained in accordance with the Water by Design, *Maintaining Vegetated Stormwater Quality Treatment Assets* or manufacturer’s maintenance protocol where appropriate.
  - 48. Stormwater management measures must be maintained in accordance with this approval and a contract by an appropriate company to undertake maintenance in accordance with this approval for a minimum 10 years must be signed and provided to Council prior to the commencement of use.
- D. Delegate the powers of Council under the Planning Act 2016 for minor change applications for this development to the Chief Executive Officer.
- E. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**4 152006.1999.3 MINOR CHANGE TO DEVELOPMENT APPROVAL TO RECONFIGURE A LOT (52 LOTS & PARK) AT 191 HOLLETT ROAD, NOOSAVILLE**

That Planning & Environment Committee Agenda Item 4 be referred to the General Committee due to the significance of the issue.

**5 OPW19/0046 - PLANNING & ENVIRONMENT COURT APPEAL NO 1802 OF 2019 - REFUSAL OF APPLICATION FOR OPERATIONAL WORKS FOR SIGNAGE AT 1/100 RENE ST, NOOSAVILLE**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 July 2019 regarding Planning & Environment Court Appeal No. 1802 of 2019 and agree to defend the appeal.

**6 PLANNING & ENVIRONMENT COURT APPEAL NO 1781 OF 2019, ENFORCEMENT NOTICE FOR VEGETATION CLEARING AT 105 ILLOURA PLACE, COOROIBAH**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 July 2019 regarding Planning & Environment Court Appeal No 1781 of 2019 and agree to continue enforcement against the owners of 105 Illoura Place, Cooroibah to address the current breach of the Noosa Plan.

**7 DEVELOPMENT ASSESSMENT FEES & CHARGES VARIATIONS FOR 1 APRIL 2018 TO 31 MARCH 2019**

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 July 2019 regarding the waiver or partial waiver of development application charges for 1 April 2018 to 31 March 2019 as detailed in the Report.

**9 CHANGES TO PLUMBING AND DRAINAGE ACT & PLUMBING AND DRAINAGE REGULATION**

That Council note the report by the Coordinator Plumbing Services to the Planning & Environment Committee Meeting dated 9 July 2019 and:

- A. Implement the *Plumbing and Drainage Regulation 2019* in particular Section 39 – Fast-track work for Class 1a (Domestic house) & 10a (Shed) in a sewer reticulated area being a 2 day approval process under a conditioned permit; and
- B. Adopt a new fee for service of \$69.00 (excluding GST) being for an inspection certificate if requested, for plumbing work subject to a permit, as required under the new *Plumbing and Drainage Regulation 2019 Section 83(1)(a)*.

**10 COASTAL HAZARDS MAPPING REFINEMENT**

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

**11 CLIMATE EMERGENCY DECLARATION**

That Planning & Environment Committee Agenda Item 11 be referred to the General Committee due to the significance of the issue.

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**SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS****9 JULY 2019 – Crs Joe Jurisevic (Chair), Frank Pardon, Tony Wellington & Frank Wilkie**

Other Councillors in attendance: Crs Ingrid Jackson (items 1 – 4) and Brian Stockwell

***The following Recommendations from the Services & Organisation Committee were adopted without discussion or further amendment.*****Council Resolution****Moved: Cr Jurisevic****Seconded: Cr Pardon**

The Services &amp; Organisation Committee recommendations dated 9 July 2019 be adopted except where dealt with or held over by separate resolution.

**Carried.**

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**1 EVENTS POLICY - PUBLIC CONSULTATION OUTCOMES AND AMENDED POLICY FOR ADOPTION**

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

**2 PROPOSED TENURE RENEWALS AND TENURE RENEWAL STATUS UPDATE - COMMUNITY ORGANISATIONS**

That Council note the report by the Property Officer to the Services &amp; Organisation Committee Meeting dated 9 July 2019 and:

- A. Note the *Expired Community Tenure Agreements and Renewal Status* provided at Attachment 1 to the report.
- B. Authorise the CEO to enter into tenure renewal negotiations with all community organisations noted in Attachment 2 *Expiring Community Tenure Agreements* to the report in accordance with the Community Purpose Land and Infrastructure Tenure Policy; and
- C. Apply the exception to the requirement under *Section 236 (1) (b) (ii) of the Local Government Regulation 2012* for disposal of a valuable non-current asset other than by tender or auction if the valuable non-current asset is disposed of to a community organisation.

**3 EXPRESSIONS OF INTEREST FOR COMMUNITY ACTIVATION LEVEL 1 OF PEREGIAN BEACH SURF CLUB**

That Services &amp; Organisation Committee Agenda Item 3 be referred to the General Committee due to the significance of the issue.

**4 WASTE DISPOSAL FEES AND CHARGES FOR CONCRETE**

That Council note the report by the Manager Waste and Environmental Health to the Services &amp; Organisation Committee Meeting dated 9 July 2019 and include in the Schedule of Fees and Charges for 2019/20 the following additional waste disposal charges:

- A. Clean concrete and brick for recycling less than 500Kg – not mixed with other waste types - \$15 (including GST); and
- B. Disposal of residual concrete and wash water from concrete trucks - \$10 (including GST).

**5 ADOPTION OF BUILDINGS AND FACILITIES ASSET MANAGEMENT PLAN**

That Council note the report by the Asset Planning Manager to the Services & Organisation Committee Meeting dated 9 July 2019 and approve the Buildings and Facilities Asset Management Plan (provided as Attachment 1 to the report) as a document that specifies the activities, resources and asset classes to achieve Noosa Council's asset management objectives.

**7 APPOINTMENT OF 2020 SHOW HOLIDAY**

That Council note the report by the Executive Assistant to the CEO to the Services & Organisation Committee Meeting dated 9 July 2019 and request the Chief Executive Officer to write to the Office of Industrial Relations requesting the appointment of Friday, 11 September 2020 as a Show Holiday for the Noosa Shire.

**8 OUTCOME OF QUEENSLAND TREASURY CORPORATION CREDIT REVIEW**

That Council note the report by the Director Corporate Services to the Services & Organisation Committee Meeting dated 9 July 2019 detailing the outcomes of the Queensland Treasury Corporation (QTC) Noosa Council credit review.

**GENERAL COMMITTEE RECOMMENDATIONS**

**15 JULY 2019 - Crs. Frank Wilkie (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic, Frank Pardon, Brian Stockwell and Tony Wellington**

**5 EXPRESSIONS OF INTEREST FOR COMMUNITY ACTIVATION LEVEL 1 OF PEREGIAN BEACH SURF CLUB**

*Cr Wellington declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to local resident and former Committee member of Ocean Life Saving Association Inc and current Committee member of Peregian Beach Community Association, Barry Cotterell providing a \$200 donation to his 2016 election campaign on 17/03/2016. Cr Wellington further advised that Mr Cotterell does not appear to be a current Committee member of Ocean Life Saving Association Inc (one of the EOI submitters) but he may have once held a position on that committee. Further, he advised that Mr Cotterell is not a submitter on the EOI process but he is president of the Peregian Beach Community Association which has some affiliation with Ocean Life Saving Association Inc. Cr Wellington also advised that as far as he is aware, there is no direct or indirect pecuniary benefit to Mr Cotterell arising from the Council decision in regard to the EOI. Cr Wellington also advised that he has not nor has ever been a member of Ocean Life Saving Association Inc, Peregian Beach Community Association or Surf Life Saving Queensland. Cr Wellington believed that he could consider this item impartially and in the public interest and requested to remain in the meeting room to participate in the debate and vote on this matter.*

*Cr Wilkie declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to local resident and former Committee member of Ocean Life Saving Association Inc and current Committee member of Peregian Beach Community Association, Barry Cotterell providing a \$200 donation to his 2016 election campaign on 12/02/2016. Cr Wilkie further advised that Mr Cotterell is the president of the Peregian Beach Community Association but that organisation did not provide any donation to his electoral campaign. He advised further that the Peregian Beach Community Association is not an applicant in the EOI process. Cr Wilkie advised that Ocean Life Saving Association Inc is an applicant in the current EOI process and Mr Cotterell is not an executive member of that organisation. Further, Cr Wilkie advised that Ocean Life Saving Association Inc did not make a contribution to his electoral campaign and that the Peregian Beach Community Association is noted on the Ocean Life Saving Association website as being a member of the Ocean Life Saving Association Alliance. Cr Wilkie also advised that he is not a member of the Peregian Beach Community Association, Ocean Life Saving Association Inc or Surf Life Saving Queensland. Cr Wilkie believed that he could consider this item impartially and in the public interest and requested to remain in the meeting room to participate in the debate and vote on this matter.*

*Pursuant to section 175E(4) of the Local Government Act 2009, the remaining Councillors gave consideration to whether the conflicts were a real conflict or perceived conflicts and whether Cr Wellington and Cr Wilkie may participate in the meeting for the debate and vote on this matter or whether they must leave the meeting for the debate and vote on this matter.*

**Council Resolution**

**Moved:** Cr Jurisevic

**Seconded:** Cr Pardon

*That Cr Stockwell be appointed as Acting Chairperson of the meeting for this item for the purpose of considering the conflict of interest declarations by Crs Wellington and Wilkie.*

**Carried.**

*Crs Wellington and Wilkie did not vote on the above motion.*

**Council Resolution**

**Moved:** Cr Pardon

**Seconded:** Cr Glasgow

*That Councillors note the perceived conflict of interest declaration of Cr Wellington and resolve that this represents a perceived conflict of interest in this matter and Cr Wellington may remain in the meeting room to participate in the debate and vote on this matter.*

**Carried.**

*Crs Wellington and Wilkie did not vote on the above motion.*

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

*That Councillors note the perceived conflict of interest declaration of Cr Wilkie and resolve that this represents a perceived conflict of interest in this matter and Cr Wilkie may remain in the meeting room to participate in the debate and vote on this matter.*

**Carried.**

*Crs Wellington and Wilkie did not vote on the above motion.*

*Cr Jackson voted against the motion.*

*Cr Wellington resumed the Chair.*

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

That Council note the report by the Property Advisor to the Services & Organisation Committee Meeting dated 9 July 2019 regarding the recent Expression of Interest process undertaken for Level 1 of the Peregian Beach Surf Club and:

- A. Agree not to offer a Trustee Permit for Level 1 of the building, as outlined in the Expression of Interest process;
- B. Offer a 3-year Trustee Permit to Surf Lifesaving Queensland Sunshine Coast Branch over Lot 165 MCH5180 (the whole building and surrounds) for surf lifesaving purposes at Peregian Beach, subject to the Permittee:
  - Providing annual reporting of key performance indicators and progress toward establishment of a new Peregian Beach Surf Club entity, as outlined in the submitted Strategic Plan;
  - Facilitating community access and use of the Level 1 building space where such usage does not compromise surf lifesaving activities, as outlined in the submitted Strategic Plan;
  - Agreeing that opportunities for ratepayer financial support are by application through its community grants program or through other normal Council processes and no commitment is provided by Council within the terms of the offered permit for direct ratepayer capital investment identified in the submitted Strategic Plan; and
  - Agreeing that building maintenance by Council is at Council's discretion subject to its independent assessment and asset maintenance planning;
- C. Authorise the CEO to enter into a 3-year Trustee Permit, as generally outlined above; and
- D. Agree to negotiate a long-term Trustee Lease over Lot 165 MCH5180 for the new Peregian Beach Surf Club entity, subject to satisfactory performance and progress under the Trustee Permit with any future long-term Trustee Lease to explicitly prohibit the installation and operation of gambling machines or gambling facility.

**Carried.**

*Crs Wellington and Wilkie vote for the motion.*

**6 LGAQ ANNUAL CONFERENCE PROPOSED MOTION – UTILITY RELOCATION COSTS****Council Resolution****Moved: Cr Jurisevic****Seconded: Cr Stockwell**

That Council note the report by the Project Manager to the General Committee Meeting dated 15 July 2019 and approve the submission of the following motion to the Local Government Association Queensland 2019 Annual Conference for consideration and debate:

*That the Local Government Association of Queensland lobby the State Government and public utility infrastructure owners for the development of a protocol that:*

- A. *ensures equity and efficacy in the relocation or replacement of utility infrastructure arising from local government works; and*
- B. *establishes a framework to achieve:*
  - 1. *arrangements for mutually agreed delivery time frames;*
  - 2. *appropriate and equitable apportioning of costs based on the remaining life of the asset; and*
  - 3. *any capacity upgrade costs to be borne by the relevant utility not the local government.*

**Carried.**

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

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

The General Committee recommendations dated 15 July 2019 be adopted except where dealt with or held over by separate resolution.

**Carried.****1 152006.1999.3 MINOR CHANGE TO DEVELOPMENT APPROVAL TO RECONFIGURE A LOT (52 LOTS & PARK) AT 191 HOLLETT ROAD, NOOSAVILLE**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 9 July 2019 regarding Application No. 152006.1999.3 to make a minor change to an existing approval for Reconfiguring a Lot (Subdivision 1 Lot into 52 Lots plus Park) situated at 191 Hollett Rd, Noosaville and note that the applicant has lodged an appeal with the Planning & Environment Court given the application has not been decided within the period allowed under the Planning Act 2016.



## 2 COASTAL HAZARDS MAPPING REFINEMENT

That Council note the report by the Program Coordinator Climate Change Adaptation to the Planning & Environment Committee Meeting dated 9 July 2019 and:

- A. Endorse the Coastal Hazards Mapping Refinement report provided in Attachment 1, including the methodologies contained therein, for the purposes of completing the coastal hazards adaptation plan, informing land use planning, and capital works planning, design and delivery; and
- B. Note that any associated mapping outputs developed using these methodologies will be reviewed and updated periodically as required in response to new relevant information, legislative requirements or climate change projections in accordance with Council's Climate Change Response Policy 2017.

## 3 CLIMATE EMERGENCY DECLARATION

That Council note the report by the Director Environment and Sustainable Development, Carbon Reduction officer and Climate Change Adaptation Program Coordinator to the Planning & Environment Committee Meeting dated 9 July 2019, and

- A. Endorse the following statement:

*"Council accepts the latest science on climate change provided in the October 2018 report of the Intergovernmental Panel on Climate Change, and acknowledges that the Noosa Shire is vulnerable to the impacts of climate change including heat waves, more intense storms and sea level rise all of which is likely to adversely affect the Noosa natural and human environment. Council therefore declares that we are in a 'Climate Emergency' which requires urgent action by all levels of government"; and*

- B. Write to the Prime Minister, the State Premier, State and Federal Opposition Leaders, and State and Federal Members of Parliament representing the Noosa Shire region, advising of Council's declaration and requesting they also act with urgency to address climate change through legislated programs and policy positions, to drive action to reduce greenhouse gas emissions and to keep global temperatures to a maximum increase of 1.5 degrees Celsius.

## 4 EVENTS POLICY - PUBLIC CONSULTATION OUTCOMES AND AMENDED POLICY FOR ADOPTION

That Council note the report by the Property Advisor to the Services & Organisation Committee Meeting dated 9 July 2019 and:

- A. Adopt the final Events Policy included as Attachment 2, subject to it being amended to exclude wedding ceremonies;
- B. Authorise the CEO to make any required minor amendments to the Policy prior to publication;
- C. Note staff will now proceed to finalise event guidelines to support the policy;
- D. Request the CEO to investigate options for Council's website to inform residents of all upcoming road closures;
- E. Request the CEO to investigate options to undertake detailed community land management planning for the Hastings Street Precinct in accordance with the *Land Act 1994* for future Council consideration;

- F. Request the CEO to investigate options for and feasibility of an environmental management charge to apply to attendees of tourism events, corporate events and events run by for-profit organisations as foreshadowed in section j) of the policy; and
- G. Note the table of events shown on page 6 of the Services and Organisation Committee Agenda dated 9 July 2019 is incorrect and should read as follows:

<u>Event Type</u>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Tourism (e.g. Noosa Tri, Noosa Food & Wine and Festival of Surfing)	6	7	7
Community (e.g. nippers carnivals, surf contests, ocean swims and charity events)	27	29	26 <ul style="list-style-type: none"> <li>• 4 – Main Beach</li> <li>• 17– Main Beach West</li> <li>• 4 – Noosa Woods</li> <li>• 1 – Lions Park</li> </ul>
Corporate (e.g. corporate dinners, team building and conference events)	20	16	18 <ul style="list-style-type: none"> <li>• 5 – Main Beach West</li> <li>• 12 – Noosa Woods</li> <li>• 1 – Hastings St (Cup Day)</li> </ul>
<b>Total:</b>	<b>53</b>	<b>52</b>	<b>51</b>

## **7 LGAQ ANNUAL CONFERENCE PROPOSED CO-SPONSORED MOTION – SUPPORT FOR THE “ULURU STATEMENT FROM THE HEART”**

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 15 July 2019 and co-sponsor, with Cherbourg Aboriginal Shire Council, the following motion to the Local Government Association Queensland annual conference for consideration and debate:

*“That the Local Government Association of Queensland recognises the Uluru Statement from the Heart and:*

1. *Hears and supports the Aboriginal and Torres Strait Islander peoples’ call for the establishment of a First Nation’s Voice to be enshrined in the Constitution and for a referendum on this matter;*
2. *Looks forward to working with our constituents, other levels of governments and all Australians to take this next step towards reconciliation; and*
3. *Requests that the Australian Local Government Association consider expressing similar support for the Uluru Statement from the Heart.”*

## **8 ALLIANCE AND FUNDING AGREEMENT BETWEEN NOOSA COUNCIL AND THE NATURE CONSERVANCY**

That Council note the report by the Director, Environment & Sustainable Development Department to the General Committee Meeting dated 15 July 2019 and:

- A. Approve the Alliance and Funding Agreement with The Nature Conservancy provided as Attachment 1 to the report; and
- B. Authorise the CEO to make minor amendments to finalise the document and to sign and execute the Alliance and Funding Agreement with The Nature Conservancy.

**9 APPOINTMENT OF EXTERNAL MEMBER TO COUNCIL'S AUDIT AND RISK COMMITTEE**

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 15 July 2019 in relation to the upcoming vacancy for an external member on Council's Audit and Risk Committee and:

- A. Thank Cameron Jagers for his outstanding contribution to the Audit and Risk Committee in his capacity as an external member of that committee for the past five years; and
- B. Appoint Tim Cronin as an external member of the Audit Committee for a term of two years.

**10 FINANCIAL PERFORMANCE REPORT – JUNE 2019 INTERIM POSITION**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 15 July 2019 providing results of the interim 2018/19 full year financial performance against budget.

**11 CONFIDENTIAL: NOT FOR PUBLIC RELEASE - REC17/0011 PLANNING & ENVIRONMENT COURT APPEAL NO. D30 OF 2018 - NEGOTIATED DECISION NOTICE & INFRASTRUCTURE CHARGES NOTICE FOR RECONFIGURING A LOT AT 29 & 35A TAIT ST & 30 EAGLE DVE, TEWANTIN**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 15 July 2019 regarding Planning & Environment Court Appeal D30 of 2018 and agree to settle the appeal generally in accordance with the following:

- A. Delete conditions 7 & 22
- B. Amend conditions 13 & 20 as follows:
  13. An arborist's report is to be submitted for approval as part of the operational works application. The purpose of the arborist's report is to identify the native vegetation to be retained on site, whilst recognising the need for vegetation clearing to occur in order to carry out the development. The vegetation to be retained must be clear of proposed services, not present a nuisance to neighbouring properties and be generally suitable for the proposed location.
  20. A residential driveway must be constructed for lots 7, 8, 17, 20 and 21. The works must be undertaken in accordance with an Operational Works approval.
- C. Amend the Infrastructure Charges Notice issued for the approved development providing an offset of \$150,000 against the infrastructure charges payable.

**7 ORDINARY MEETING REPORTS****1 NOOSA FISHING FUTURES****Council Resolution****Moved: Cr Glasgow****Seconded: Cr Pardon**

That Council note the report by the Environment Services Manager to the Ordinary Meeting dated 18 July 2018 and;

- A. Note the *Noosa Fishing Futures* paper (Attachment 1) as a key input into the next draft of the Noosa River Plan and as the basis for Council's input into the current State reform process of fisheries management; and
- B. Provide a submission to the Queensland Government on their *Discussion Paper: Proposed amendments to the Fisheries Regulation 2008* as provided at Attachment 3.

**Carried.****8 CONFIDENTIAL SESSION**

Nil.

**9 NEXT MEETING**

The next Ordinary Meeting will be held on 15 August 2019 at the Council Chambers, 9 Pelican Street, Tewantin commencing at 6pm.

**10 MEETING CLOSURE**

The meeting closed at 6.56pm.