



MINUTES

Ordinary Meeting

Thursday, 20 October 2016

6pm

Cooroy Sports Hub, 6 Opal Street, Cooroy

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

“Engagement with our community to protect and enhance our lifestyle”

1 ATTENDANCE & APOLOGIES

COUNCILLORS

Councillor T Wellington, Mayor
Councillor J Glasgow
Councillor I Jackson
Councillor J Jurisevic
Councillor F Pardon
Councillor B Stockwell
Councillor F Wilkie

EXECUTIVE

B de Chastel, Chief Executive Officer
A Rogers, Director Community Services
D Iezzi, Executive Manager

APOLOGIES

Nil.

The meeting commenced at 6pm.

2 CONFIRMATION OF MINUTES

Council Resolution

Moved: Cr Jackson
Seconded: Cr Glasgow

The Minutes of the Ordinary Meeting held on 15 September 2016 be received and confirmed.

Carried.

3 MAYORAL MINUTES

Nil.

4 NOTIFIED MOTIONS

Nil.

5 CONSIDERATION OF COMMITTEE RECOMMENDATIONS**AUDIT & RISK COMMITTEE MEETING RECOMMENDATIONS****14 OCTOBER 2016 – Cr Wellington, Cr Jackson, Scott Williams, Cameron Jagers***External attendees:* Debra Stolz & Lawrence Liao (Queensland Audit Office via teleconference)***The following Recommendations from the Audit & Risk Committee were adopted without discussion or further amendment.*****Council Resolution****Moved: Cr Jackson****Seconded: Cr Wilkie**

The Audit & Risk Committee recommendations dated 14 October 2016 be adopted

Carried.

1 QUEENSLAND AUDIT OFFICE CLOSING REPORT

That Council note the draft Audit Closing Report provided by the Queensland Audit Office (QAO) to the Audit & Risk Committee meeting dated 14 October 2016.

2 REVIEW OF AUDIT POLICIES, INTERNAL AUDIT UPDATE, IMPLEMENTATION OF AUDIT RECOMMENDATIONS

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 14 October 2016 and:

- A. Note the updated changes to the Audit and Risk Committee Charter provided at Attachment 2 to the report and additional suggested amendments made by the Committee;
- B. Note the updated changes to the Internal Audit Policy and Terms of Reference provided at Attachment 1 to the report and additional suggested amendments made by the Committee;
- C. Note that both the revised Audit and Risk Committee Charter and Internal Audit Policy and Terms of Reference will be reported to Council in November 2016 for adoption;
- D. Note the progress made by the organisation in respect of previous Internal and External Audit recommendations as outlined in the Register of Audit Action Items provided at Attachment 3 to the report;
- E. Note the proposed scope for the Internal Audit of Council's Procure to Pay Systems and Processes provided at Attachment 4 to the report.

3 RISK MANAGEMENT UPDATE

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 14 October 2016 providing an update of Council's Risk Management Program.

4 GOVERNANCE UPDATE

That Council note the report by the Governance Advisor to the Audit & Risk Committee Meeting dated 14 October 2016 providing an update on the development of Noosa Council's Annual Report 2015/16, the Noosa Council Policy Register, Council's compliance with the Local Government Act and Regulation and Council's annual delegations review.

PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS

11 OCTOBER 2016 - Crs Joe Jurisevic (Chair), Ingrid Jackson, Brian Stockwell and Tony Wellington

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

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

Council Resolution

Moved: Cr Jurisevic
Seconded: Cr Stockwell

The Planning & Environment Committee recommendations dated 11 October 2016 be adopted

Carried.

1 ZERO EMISSIONS NOOSA (TM) - ORGANISATIONAL STRATEGY

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

Reason for referral: Significance of the issue.

2 DISCUSSION PAPER - NOOSA PLAN

That Council note the report by the Planning Scheme Project Manager to the Planning & Environment Committee Meeting dated 11 October 2016 and:

- A. Endorse the document The New Noosa Plan Discussion Paper for the purpose of engaging with the community; and
- B. Endorse the community engagement activities proposed in the Community Engagement Summary.

3 132003.221194.01 - CHANGE AN EXISTING APPROVAL FOR A MULTIPLE DWELLING OF 4 DWELLING UNITS SITUATED AT 215 GYMPIE TERRACE NOOSAVILLE

That Council note the report by the Manager Planning & Environment to the Planning & Environment Committee Meeting dated 11 October 2016 regarding a request to change a development approval, Application No. 132003.221194.1, situated at "Wai Cocos" 215 Gympie Terrace Noosaville and agree to delete condition 45.

4 MCU16/0088 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR AN ENTERTAINMENT AND DINING BUSINESS TYPE 1 FOOD AND BEVERAGES (RESTAURANT) AT 3/287 GYMPIE TERRACE, NOOSAVILLE

Item not dealt with by the Planning & Environment Committee. Referred to a future meeting for consideration.

Reason for referral: Staff received further information regarding acoustic measures and requested to assess this in a further report to a future Council Meeting.

5 MCU16/0047 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LIFESTYLE & GARDEN CENTRE AT 37 GIBSON ROAD NOOSAVILLE

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

Reason for referral: Cr Jurisevic requested the report be referred for further consideration of the hours of operation for the development.

6 PBA16/0016 PLANNING & ENVIRONMENT COURT APPEAL 111/2016 FOR A DEVELOPMENT APPLICATION FOR BUILDING WORKS WITHIN COASTAL PROTECTION AREA SITUATED AT 26 LORIKEET DRIVE, PEREGIAN BEACH

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 11 October 2016 regarding Planning & Environment Court Appeal 111/2016 and agree to defend the appeal.

7 IMPACTS OF RECENT COURT OF APPEAL DECISIONS BRISBANE CITY COUNCIL V GERHARDT & GERHARDT V QUEENSLAND BUILDING & CONSTRUCTION COMMISSION

That Council note the report by the Manager, Planning & Environment to the Planning & Environment Committee Meeting dated 11 October 2016 and amend the existing Council decision in relation to this matter (reference – Council meeting dated 18 August 2016, Planning & Environment Committee recommendation 3 on page 5 of the Council meeting minutes) by replacing the current Table 1 with the following new Table 1:-

Table 1 – Declared building form for amenity and aesthetic referral agency assessment in Noosa Shire

Column 1	Column 2	Column 3
Code	Concurrence Agency Assessment Required	Probable Solutions/Specific Outcomes
Building Works Code	Where carrying out building work not associated with a material change of use and not complying with the Probable Solutions identified in column 3 of this table. Applies to all localities if a locality or zone is not identified.	Table 14-44 S1.1, S2.3, S10.1, S11.1-S11.3 S12.1, S13.1, S14.1, S15.1, S16.1, S16.2, S17.1, S181-S18.4, S20.1, S21.1, S21.2, S22.1, Table 14-45 S23.1-S23.3, Table 14-45 S24.1-S24.7, S25.1-S25.6
Biodiversity Overlay Code	Where involving interference with vegetation on premises identified as Environmental Protection Area, Environmental Enhancement Area or Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1; or Where on premises identified as Riparian Buffer Area of Biodiversity Overlay Maps OM1.1 to OM9.1, except for demolition works.	Table 13.2 S9.1, S10.1
Heritage Overlay Code	Where involving a heritage site or within a character area as defined by the Division 5, 13.11 General Provisions for the Heritage Overlay	Table 13.5 O1, S2.1, O3, S4.1, S5.1-S5.3, O6, S7.1, O12
Natural Hazard Overlay Code	Where on land identified as Flood Hazard Area on Overlay Maps OM1.3-9.3	Table 13.10 S20.1, S20.2
Natural Resources Overlay Code	Where within a Coastal Protection Area identified on Overlay Map OM4.5	Table 13.17 S17.1, O18,O19, S20.1, S20.2

8 CONFIDENTIAL - NOT FOR PUBLIC RELEASE: P&E COURT APPEAL D171/2015 FOR A MATERIAL CHANGE OF USE FOR CULTIVATION TYPE 2 - INTENSIVE (GREENHOUSE) & RECONFIGURING A LOT (ACCESS EASEMENT) SITUATED AT 271 & 305 LAKE MACDONALD DR, LAKE MACDONALD

That Council note the report by the Manager, Planning & Environment to the Planning & Environment Committee Meeting dated 11 October 2016 and authorise the Chief Executive Officer to finalise Appeal D171/2015 generally in accordance with the conditions as noted in the report.

SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS

11 OCTOBER 2016 – Crs Frank Pardon (Chair), Jess Glasgow, Tony Wellington & Frank Wilkie

Other Councillors in Attendance: Crs Jackson & Stockwell

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

Council Resolution

Moved: Cr Pardon

Seconded: Cr Jurisevic

The Services & Organisation Committee recommendations dated 11 October 2016 be adopted

Carried.

1 ASSET PLANNING TEAM RESOURCING ARRANGEMENTS

That Council note the report by the Asset Planning Coordinator to the Services & Organisation Committee Meeting dated 11 October 2016 and endorse changes to Council's organisation structure that includes an increase of two fulltime equivalent (2 FTE) two year fixed term positions in the Asset Planning Team.

2 LBNA04 STREET SWEEPING SERVICES

That Council note the report by the Civil Operations Manager to the Services & Organisation Committee Meeting dated 11 October 2016 and:

- A. Endorse the appointment of Environmental Wastewater Catchment Services Pty Ltd trading as Enviro Sweep as sole provider of street sweeping services by Localbuy under arrangement LBNA04, and
- B. Adopt the recommended Level of Service for Street Sweeping as detailed in *Table 2: Proposed Sweeping Frequencies* provided in the report.

3 ANNUAL DISASTER MANAGEMENT REPORT 2016

That Council note the report by the Director Planning & Infrastructure and Local Disaster Coordinator, and Disaster Management & Special Projects Officer to the Services & Organisation Committee Meeting dated 11 October 2016 and:

- A. Thank the members of, and advisors to, the Noosa Local Disaster Management Group for their participation; and
- B. Note the improvement in the Local Disaster Management Plan assessment against the Inspector-General Emergency Management's Emergency Management Assurance Framework.

4 PROPOSED TRANSFER OF SHOP 8 LEASE SUNRISE BEACH NEIGHBOURHOOD SHOPPING CENTRE, 2 GRASSTREE CRT, SUNRISE BEACH

That Council note the report by the Property Manager to the Services & Organisation Committee Meeting dated 11 October 2016 and approve the proposed transfer of the lease for Sunrise Neighbourhood Shopping Centre, Shop 8 – Supermarket, located at 2 Grasstree Court, Sunrise Beach from Yenbazaar Pty Ltd to Sunrise JEM Pty Ltd.

5 SCOPE OF THE NOOSA ARTS, CULTURE AND HERITAGE PLAN

That Council note the report by the Director Community Services to the Services & Organisation Committee Meeting dated 11 October 2016 and;

- A. Approve the Arts, Culture and Heritage Plan Scope as provided at Attachment 1 to the report subject to minor amendments approved by the CEO including the inclusion of an indigenous community representative on the reference group;
- B. Appoint Cr Wilkie to the reference group; and
- C. Delegate the appointment of the proposed community membership of the reference group to the CEO in consultation with the Mayor.

6 NOOSA AQUATIC CENTRE AND NOOSA LEISURE CENTRE FEES AND CHARGES REVISIONS

That Council note the report by the Community Facilities Manager, to the Services & Organisation Committee meeting dated 11 October 2016 and endorse the revised fees and charges schedule and membership structure for the Noosa Aquatic Centre and the Noosa Leisure Centre as provided in the report.

7 COUNCIL MEETING SCHEDULE 2017

That Council note the report by the Personal Assistant to the CEO to the Services & Organisation Committee Meeting dated 11 October 2016 and approve the Council meeting dates for 2017 as set out in Attachment 1 to the report.

8 ANNUAL REVIEW OF DELEGATIONS OF AUTHORITY

That Council note the report by the Governance Advisor to the Services & Organisation Committee Meeting dated 11 October 2016 and:

- A. Pursuant to section 257 of the *Local Government Act 2009* (LGA), agree to delegate the powers of the Local Government outlined in Table 1 and Table 2 of the report (and provided at Attachment 1), to the Chief Executive Officer;
- B. Repeal Council's current Land Protection Delegation 2015-24; and
- C. Note that the current delegations of authority outlined in the report have been reviewed and require no changes.

GENERAL COMMITTEE RECOMMENDATIONS

17 OCTOBER 2016 - Crs Frank Wilkie (Chair), Jess Glasgow, Cr Jackson, Frank Pardon, Brian Stockwell and Tony Wellington.

Apology: Cr Joe Jurisevic.

6 COOROY MEMORIAL HALL - UPDATE REPORT

Cr Pardon declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to his life membership of Tewantin Noosa RSL sub branch. Cr Pardon believed he could consider this item impartially and in the public interest and therefore remained in the meeting for debate and decision on this matter.

Council Resolution

Moved: Cr Pardon
Seconded: Cr Stockwell

That Council note the report by the Director Community Services to the General Committee Meeting dated 17 October 2016 and:

- A. Agree to accept trusteeship of the Deed of Grant in Trust (DOGIT) for Lot 1 on Crown Plan C56038 on which sits the Cooroy Memorial Hall (the Hall) and the Cooroy RSL Services and Citizens Memorial Club;
- B. Request the CEO to undertake consultation with the Cooroy community and the Department of Mines and Natural Resources about possible future uses and management of the Cooroy Memorial Hall and then report back to Council;
- C. Have this consultation identify:
 1. a clear use or purpose for the land on which the Hall is located;
 2. the local community's ability to contribute to the repair, maintenance and management of the Hall;
 3. potential adaptive re-uses for the Hall;
 4. the possibility of replacing the Hall with a memorial or recreational park;
 5. the financial implications and risks of each of these options;
 6. potential funding options for the chosen course of action.
- D. Authorise the CEO to enter into negotiations for a thirty year lease to the Cooroy RSL Services and Citizens Memorial Club Inc. over part of Lot 1 on Crown Plan C56038 to enable the Cooroy RSL to continue its current operations.

Carried.

Cr Pardon voted for the motion.

7 ELECTRIC BUS TRIAL EXECUTION OF LEASE AGREEMENT

Moved: Cr Pardon
Seconded: Cr Jurisevic

That Council note the report by the Project Officer and Project Manager to the General Committee Meeting dated 17 October 2016 and award Contract 1516T067 Electric Bus Trial to AHG International Pty Ltd (AHGI) trading as Higer Bus & Coach for the lump sum amount of \$131,200 (including GST).

Carried.

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

Council Resolution

Moved: Cr Wilkie
Seconded: Cr Glasgow

The General Committee recommendations dated 11 October 2016 be adopted except where dealt with or held over by separate resolution.

Carried.

1 ZERO EMISSIONS NOOSA™ - ORGANISATIONAL STRATEGY

That Council note the report by the Executive Manager to the Planning & Environment Committee Meeting dated 11 October 2016 on the outcomes of the organisation's baseline greenhouse emissions assessment and

- A Adopt the Zero Emissions Noosa™ Organisational Strategy 2016-2026 provided at Attachment 1 to the Report with the following changes:
1. Page 2, paragraph 3, of the Strategy to read:
It is in the Council's and community's interest to contribute to global mitigation of those impacts by reducing Council's GHG emissions; and
 2. Page 6, the last sentence of Item 6.1 of the Strategy, to read:
It is in the Council's and community's interest to contribute to global mitigation of those impacts by reducing Council's GHG emissions.
- B. Note that work is proceeding on the development of a detailed Action Plan to implement the Strategy.

2. MCU16/0088 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR AN ENTERTAINMENT AND DINING BUSINESS TYPE 1 FOOD AND BEVERAGES (RESTAURANT) AT 3/287 GYMPIE TERRACE, NOOSAVILLE

(refer further report provided at Item 4)

3 MCU16/0047 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LIFESTYLE & GARDEN CENTRE AT 37 GIBSON ROAD NOOSAVILLE

That Council note the report by the Coordinator Planning to the Planning & Organisation Committee Meeting dated 11 October 2016 regarding Application No. MCU16/00 for a Development Permit for a Material Change of Use for an Undefined Use – Lifestyle and Garden Centre situated at 37 Gibson Road, Noosaville and:

- 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.

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
05.0516.1.1	-	Plan of Development prepared by Andrew McKellar Design	April 2016
30.0813.1.2	-	First Floor Plan / roof plan prepared by Andrew McKellar Design	August 2013
30.0813.1.2	-	Elevations prepared by Andrew McKellar Design	August 2013

Nature and Extent of Approved Use

3. Approved sub-uses within individual tenancies on the site shall be generally in accordance with the following table of uses:

Pavilion	Scheme Definition	Specific Use	Area
Pavilion 1	Retail Business Type 4 Showroom	Limited to the display and sale of garden and lifestyle related goods primarily of a bulky nature including external shade systems, home products and furniture. Examples include: <ul style="list-style-type: none"> Furniture and furnishings- indoor/outdoor/alfresco Design and display of furniture and furnishings Outdoor related homewares Outdoor/alfresco cooking equipment/BBQ Spa and pools Garden items 	265m ²
	Retail business Type 2 Shop & Salon	Limited to the display and sale of goods of a garden and lifestyle nature including home products, giftware, clothing, and health and wellbeing products and may include: <ul style="list-style-type: none"> Artisan pantry - specialty food items, fresh food products, herbs, etc. not exceeding 50m² 	
	Retail Business Type 7 Garden & Lifestyle Centre	The use of premises for the retail sale of landscape and garden products and supplies and products made by local artisans. The term includes the sale of plants, seeds, pots, gardening tools, bagged landscaping products (such as fertilisers, potting mix, mulch and stones) outdoor furniture and lighting, letterboxes, garden ornamentation, art, and literature on gardening. The premises may also be used as the sales office for swimming pools or spas. The use includes an ancillary coffee shop.	
	Entertainment and dining business – Type 1 food & beverages	Café (17m ² of storage and kitchen) with a maximum seating area of 82m ²	17m ² 82m ²
Pavilion 2	Commercial Business Type 1 office	Limited to home/interior and landscaping design and wellbeing services. Examples include: <ul style="list-style-type: none"> Interior/ exterior/landscape design office Relaxation tanks/Spa 	106m ²
	Commercial Business Type 2 Medical	Limited to natural therapies. Examples include <ul style="list-style-type: none"> Health and Wellbeing products and services Alternative therapy clinic Naturopath/ Osteopath/ massage 	

Pavilion	Scheme Definition	Specific Use	Area
	Retail Business Type 7 Garden & Lifestyle Centre		
Pavilion 3 205m ²	Ground level - Retail Business Type 4 showroom	Limited to the display and sale of garden and lifestyle related goods primarily of a bulky nature including external shade systems, home products and furniture. Examples include: <ul style="list-style-type: none"> • Furniture and furnishings- indoor/outdoor/alfresco • Outdoor/alfresco cooking equipment/BBQ • Spa and pools • Garden items 	205m ²
	Retail Business Type 2 Shop & Salon	Limited to the display and sale of goods of a garden and lifestyle nature including home products, giftware, clothing, and health and wellbeing product. Examples include: <ul style="list-style-type: none"> • Homewares and outdoor related products • Outdoor cooking/BBQ products • Clothes shop (26m²) including garden related items 	
Pavilion 3 Upper Level	Education Type 3 Adult	Examples include: <ul style="list-style-type: none"> • Cooking classes • Design classes • Lifestyle /wellbeing education 	110m ²
	Commercial Business Type 2 Medical	Limited to natural therapies. Examples include: <ul style="list-style-type: none"> • Alternative therapy clinic • Naturopath/ Osteopath/ massage 	
	Entertainment and dining business – Type 2 Recreation, amusement & fitness	Yoga/ Pilates studio (maximum of 17 persons)	
Nursery	Retail Business – Type 7 Garden and Lifestyle Centre – minimum 1000m ²	Nursery and lifestyle centre (minimum area of 1000m ²)	1,000m ²

4. The nursery use must be retained as the principal use on the site at all times and have a minimum use area of 1,000m².
5. The total dining area for the café must not exceed 82m², being the shaded area indicated on the approved plan of development.
6. Retail food sales (such as the artisan pantry) within Pavilion 1 must not exceed an area of 50m².
7. Medical uses on the site must not exceed 110m² and no more than 3 medical practitioners must operate from the site at any time.
8. Yoga/Pilates classes must not be conducted between 11am-2pm.
9. The development must not operate outside the hours of 7am to 7pm Sunday to Thursday and 7am-8pm Friday and Saturday.
10. Any advertising signage shall have a maximum 4m² sign face area, and a combined sign face area projecting to the street of no more than 10m².
11. All plants and goods are to be displayed on site within the property boundaries. There is to be no display plants and goods on the streets about the site.

Amenity

12. There is to be no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.

Noise

13. External speakers or amplified music are not permitted.
14. Internal amplified music must not be audible at the property boundaries.
15. Refuse disposal, particularly glass bottles and the like, must be considerate of noise at all times.
16. An acoustic fence must be constructed along the southern property boundary within 3 months of this approval taking effect. The fence is to be constructed to a height of 3 metres along the full length of the common boundary with Lot 2 SP120996 and a minimum of 10m length of the eastern portion of the common boundary with Lot 1 SP120996. Fence materials shall be timber (ship-lapped palings), fibre-cement, aerated concrete (Hebel) or other material with a minimum density of 12.5kg/m² with no gaps.
17. Noise emissions from any new mechanical equipment associated with the development shall comply with the following requirements:
 - 17.1. Air-conditioning and Refrigeration:
 - 7am to 10pm: Background + 5dB(A)
 - 10pm to 7am: Background + 3dB(A)
18. On installation of any new mechanical equipment OR if requested by Council, written certification must be submitted from a suitably qualified person confirming noise levels from any mechanical equipment comply when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment.
19. Service vehicle movements associated with the development (including loading and unloading) and noise generating activities (such as leaf blowers, gurneys, waste removal, disposal of bottles, and the like) must not occur outside the hours of 7am to 6pm.

Spill Light

20. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
21. Certification must be submitted to Council from a suitably qualified person* within 6 months of this approval taking effect which certifies that all outdoor lighting devices comply with *AS4282-1997* and the requirements of this Decision Notice. * See advisory note.

Landscaping

22. The site shall be landscaped in accordance with the provisions of The Noosa Plan.

Carparking

23. A minimum of 39 off street carparking spaces, 4 scooter parking bays and 8 bicycle parking bays as indicated on the approved plan of development. All vehicles must enter and exit the site in a forward direction.
24. Linemarking must be completed to both the development's carparks in accordance with the approved plans.

Refuse

25. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.
 26. An imperviously paved area must be provided to accommodate all refuse and recycling containers to the reasonable satisfaction of Council's Environmental Health Officer. This area is to be aesthetically screened from any road frontage or adjoining property boundary and is to be set back a distance of two (2) metres from any road frontage. A suitable hosecock, hoses and approved drainage outlet to Council's sewer, are to be located in the vicinity of the refuse container area for washing containers.
- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. The site has an existing development permit for a retail garden centre and café.
 2. The development's mix of uses is consistent with contemporary garden and lifestyle centres and is appropriate for the site's location, being on a collector road and adjacent Noosaville's Business Centre zone.
 3. The development will not introduce significant negative impacts on adjoining residents, or the visual and residential amenity of the surrounding area.

4 **FURTHER REPORT - MCU16/0088 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR AN ENTERTAINMENT AND DINING BUSINESS TYPE 1 FOOD AND BEVERAGES (RESTAURANT) AT 3/287 GYMPIE TERRACE, NOOSAVILLE**

That Council notes the reports by the Development Planner to the Planning and Environment Committee Meeting dated 11 October 2016 and the General Committee Meeting dated 17 October 2016 regarding Application No. MCU16/0088 for a Development Permit for Material Change of Use for Entertainment & Dining Business Type 1 – Food & Beverages (restaurant) situated at 3/287 Gympie Terrace, Noosaville, and approve the application 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
WD.20	E	Proposed Floor plan, prepared by Cab Roto	04/07/16
WD.03		Area Plan, prepared by Cab Roto	11/07/16

Noise

3. The development must be undertaken in accordance with the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information for the Acoustic Assessment dated 10 October 2016 prepared by RoadPro Acoustic. In this regard, the acoustic wing walls and acoustic roof panel (if required) must be designed to complement the existing building and streetscape to the reasonable satisfaction of the chief executive officer. Prior to the installation of these works the plans must be submitted to Council demonstrating compliance with this condition. Certification must

be provided by a suitably qualified person on completion of the works, certifying the works meet the relevant noise criteria.

4. External speakers or amplified music are not permitted.
5. Internal amplified music must be directed internally to the tenancy.
6. Refuse disposal, particularly glass bottles and the like, must be considerate of noise at all times.
7. The Noise Management Plan submitted with the application must be amended to include site specific operational measures to minimise potential noise nuisance for surrounding residents and a complaints management process. The Noise Management Plan must incorporate the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information for the Acoustic Assessment dated 10 October 2016 prepared by RoadPro Acoustic. The amended Noise Management Plan must be submitted to Council prior to the commencement of the use.
8. Noise emissions from any new mechanical equipment associated with the development must comply with the following requirements:
 - a. Air-conditioning and Refrigeration
 - 7am to 10pm: Background + 5dB(A)
 - 10pm to 7am: Background + 3dB(A)
9. Written certification must be submitted from a suitably qualified person confirming noise levels from any new mechanical equipment comply when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment.

The assessment and certification is required immediately after installation of the equipment and in a format approved by Council. All equipment should be operating at the same time to test the overall noise level created.

Advice: It is highly recommended the person you engage to certify the installation is involved prior to installation of any equipment so they can recommend where equipment is best located. They can also advise about noise enclosures and make other suggestions to avoid noise problems. It is a lot more costly to try and deal with noise problems after installation.

Nature and Extent of Approved Use

10. The approved use must not operate outside the hours of:
 - a. 6.30am to 9.30pm Sunday to Thursday
 - b. 6.30am to 10.30pm Friday, Saturday and public holidays
 - c. The outdoor dining area must not be used after 8pm until the acoustic wing walls are installed pursuant to the recommendations of the Acoustic Assessment dated 3 August 2016 and Additional Information dated 10 October 2016 prepared by RoadPro Acoustic.
4. Service vehicle movements associated with the approved use (including loading and unloading) must not occur outside the hours of 7am to 6pm Monday to Saturday and not at all on Sundays or public holidays.
5. The use area including outdoor seating must not exceed 67m² as indicated on the approved plan.

Protection of Privacy

6. To ensure privacy is protected between adjoining properties, the western acoustical designed wing wall must be designed to maintain privacy of the neighbouring unit. In this regard, the wall must be either translucent glazing or a solid portion to obscure direct views to the western unit.

Outdoor Lighting Devices

7. Light spillage from the development including advertising, security and flood lighting etc is designed, sited, installed, shaded and appropriately directed so as to prevent a nuisance to residential areas and vehicular traffic.

Kitchen Exhaust

8. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 *"The use of ventilation and air-conditioning in buildings"* (specifically Section 5.10 – Air Discharges).
9. Certification must be submitted to council from a qualified person* prior to commissioning the operation of the mechanical exhaust ventilation system for the kitchen which certifies that the system complies with AS1668.2-2002 and the requirements of this Decision Notice.

Refuse

10. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.

5 ADOPTION OF NOOSA PLAN AMENDMENTS

That Council note the report by the Principal Strategic Planner to the General Committee dated 17 October 2016 and:

- A. Proceed to adopt the Planning Scheme Amendments, as provided at Attachment 1 to the report, in accordance with the Ministerial conditions; and
- B. Authorise changes to Table 10.3 of Council's Charges Resolution for secondary dwellings, community residences and intensive cultivation uses, as provided at Attachment 2 (Amended) to the report.

8 FINANCIAL PERFORMANCE REPORT - SEPTEMBER 2016

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

9 OPERATIONAL PLAN PROGRESS REPORT - 1ST QUARTER 2016-17

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 17 October 2016 providing an update on progress with the implementation of the Operational Plan to 30 September 2016 and details of Council's Key Performance Indicators.

6 ORDINARY MEETING REPORTS

Nil.

7 PETITIONS

Nil.

8 CONFIDENTIAL SESSION

Nil.

9 NEXT MEETING

The next Ordinary Meeting will be held on 17 November at Council Chambers, 9 Pelican Street Tewartin, commencing at 6pm.

10 MEETING CLOSURE

The meeting closed at 6.47pm