



# **AGENDA**

## **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”*

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**1 ATTENDANCE & APOLOGIES**

**2 CONFIRMATION OF MINUTES**

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

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

**3 MAYORAL MINUTES**

**4 PETITIONS**

**5 NOTIFIED MOTIONS**

**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)***1 OPW19/0132 DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS (SIGNAGE) AT 143 EUMUNDI NOOSA ROAD, NOOSAVILLE****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Glasgow**

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*.

**Carried.**

**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**

**Committee Recommendation**

**Moved: Cr Glasgow**

**Seconded: Cr Jackson**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 10 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:

**Land Use**

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.

<b>Plan No</b>	<b>Plan/Document Name</b>	<b>Date</b>
CP2 .02C-1	Overall Parking Layout, drawn by Middap Architecture Pty Ltd	May 2016
0427-DA02E	Site Plan - Overall Podium Level drawn by Middap Ditchfield Pty Ltd	13/12/2007
	<i>Amended in Red</i>	
9427 - DA03E	Site Plan - Overall Upper Plan, drawn by Middap Ditchfield Pty Ltd	13/12/2007
	<i>Amended in Red</i>	
0427- DA05E	Stage 2 Podium Plan, drawn by Middap Ditchfield Pty Ltd	13/12/2007
0427 - DA06E	Stage 2 Upper Floor Plan, drawn by Middap Ditchfield Pty Ltd	13/12/2007
0427 - DA07D	Stage 2 Roof Plan, drawn by Middap Ditchfield Pty Ltd	13/12/2007
0427- DA08D	Existing Approved Elevations & Sections, drawn by Middap Ditchfield Pty Ltd	13/12/2007
0427- DA09D	Proposed Elevations & Sections, drawn by Middap Ditchfield Pty Ltd Plan of Lots 4, 5 & Emt D (Restricted) in Lot 4 SP 196846, drawn by Jones Flint & Pike	13/12/2007
DA 01F	Site Plan, drawn by Middap Architecture Pt (as annotated by Council)	March 2017
DA 02F	Level 1 Plan, drawn by Middap Architecture	March 2017
DA 03F	Level 2 Plan, drawn by Middap Architecture	March 2017
DA 04F	Level 3 Plan, drawn by Middap Architecture (as annotated by Council)	March 2017
DA 05F	Elevations (North-east & South-East), drawn by Middap Architecture (as annotated by Council)	March 2017
DA 06F	Elevs (South West & North West) and Section	March 2017

2. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.
3. The open space and setback areas are to be landscaped in accordance with Council's Policy on Landscaping Guidelines and a properly prepared landscape

plan prepared by a suitably qualified Landscape Architect or Horticulturalist. Such landscaping is to be completed prior to the premises being occupied and maintained at all times thereafter. The Landscape Plans required to be submitted are to demonstrate dense vegetation comprising native trees and shrubs and include some mature plantings within the setback areas of the proposed car park structure, to assist providing a visual screen and buffer to adjoining residential premises.

4. Existing trees on the site and within road reserves are to be retained, except where required to be removed due to building operations or the conduct of the approved use.
5. Any advertising sign or device is to comply with Council's policies on advertising.
6. All goods are to be displayed on site within the property boundaries and/or on the premises approved for the use.
7. Secure bicycle racks shall be provided on site to accommodate a minimum of 48 bicycles. The proposed bicycle racks shall be identified on the plans submitted for Operational Works approval and shall be located to the reasonable satisfaction of the Council.
8. End of trip facilities shall be provided within the approved buildings at a minimum rate of 24 lockers and 4 showers.
9. Deleted.
10. The proposed development shall not exceed a maximum height of 2 storeys and 10 metres above natural ground level with the exception of;
  - a. building B, which may be 3 storeys in height; and
  - b. stage D building (refer Site Plan DA 01F) which must not exceed a height of 9.8 metres above natural and finished ground level, with the lift overrun not exceeding 10.5 metres.
11. A verification survey of the building is to be carried out by a Licensed Surveyor and a certificate lodged with Council at completion of work confirming compliance with the maximum allowable building height as required by the condition 10 of the approval.
12. The development is permitted a total maximum use area of 6,729m<sup>2</sup> with each individual use having the following maximum use areas:
  - a. Education - Type 3 Adult, 3,398m<sup>2</sup> comprising a maximum of 1,400m<sup>2</sup> student contact area and 1,998m<sup>2</sup> of non-student contact area;
  - b. Retail Business - Type 1 – Local, 100m<sup>2</sup>;
  - c. Retail Business Type 2 - Shop and Salon and or Entertainment and Dining Business Type 1 - Food and Beverages, 236m<sup>2</sup> (includes 16m<sup>2</sup> of outdoor dining);
  - d. The remaining use area being available for:
    - i. Commercial Business Type 1 – Office;
    - ii. Commercial Business Type 2 – Medical; and
    - iii. Commercial Business Type 3 – Veterinary.Student contact area comprises all areas used for student lectures, tutorials or the like.
13. Any new hot water systems installed shall be either solar systems; electric heat pump systems; or gas systems (LPG or natural).

14. Any new kitchen, laundry and bathroom fittings are to comply with the AAA Water Conservation Rating System as defined by the AS/NZS 6400 (Water Efficient Products - Rating and Labelling 2003) and AS/NZS 3500 (National Plumbing and Drainage Standard Part 1.2), with toilets to comply with the AAAA Water Conservation Rating System. All tap ware and shower roses shall not exceed a maximum flow of 9 litres per min. Dishwashers and washing machines are excluded from this requirement.
15. Deleted.
16. The development shall be undertaken in accordance with the recommendations of the Acoustic Report prepared by TTM Consulting (SC) Pty Ltd.
17. Security in the form of a cash bond or trading bank guarantee to the sum of \$25,000 must be submitted, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit.
18. The requirements of this development approval are to be effected, prior to the use of the premises. Council reserves the right to call upon the bond or guaranteed sum referred to in this approval to effect compliance with conditions.
19. The Development Permit for a Material Change of Use and Reconfiguring a Lot lapses if the use has not happened by **17 February 2014**, unless an application to extend the currency is approved by Council.
20. The developer must obtain all of the other Development Permits referred to in the Decision Notice, prior to obtaining a Development Permit for Building Works.

#### Land Development

##### **Reconfiguring a Lot**

21. The lot reconfiguration shall be in accordance with plan SP196846 as submitted by Jones Flint & Pike Pty Ltd except as modified herein.
22. In conjunction with the lodgement of the Plan of Survey for Council endorsement, legal documentation shall be presented to Council and shall be submitted in the correct form with the fees prescribed in Council's adopted fee schedule.
23. Pursuant to Section 3.7.3(3)(c) of the Integrated Planning Act, all outstanding rates and charges due and payable to Noosa Council in respect of the lots being reconfigured shall be paid prior to endorsement of the Plan of Survey.
24. The applicant shall provide a 2m by 2m truncation on each corner of Lot 4 adjacent to Lot 1 on RP802360 on either side of Council's pathway to assist service vehicle access. An underground electricity service shall be provided to service all parts of Lot 4 if not already provided. The service shall be provided before the use commences.
25. All parts of lot 4 shall be serviced by water supply appropriate for necessary requirements, such as firefighting. The service shall be provided before the use commences.

##### **Vehicle Access**

26. The eastern site access intersection shall be modified to increase the length of the parallel right turn storage lane to at least 20 metres.

27. The existing primary vehicular access driveway off Goodchap Street (eastern access) shall be modified by the construction of a splitter island at the entrance should be extended to preclude right turns in or out of the car parking aisle along the front of the eastern building.
28. All driveways shall be designed and constructed to Council's design standards and to grades that prevent vehicles from scraping and/or bottoming whilst also allowing pedestrians movements along the footpath without any step or level difference. Should any driveways be constructed to grades that do not comply with AS2890.1-2004, Council will require that the driveway be removed and reconstructed to levels that do comply.
29. To ensure pedestrian safety between vehicles exiting the site and pedestrians/cyclists on the footpath, the driveway and any associated fencing or vegetation near the driveway shall comply with the minimum sight line requirements as defined in AS2890.1, section 3.2.4. The applicant shall demonstrate compliance by illustrating these sight lines on the plans submitted for both Operational Works approval and Building Works approval.
30. In regard to the existing pathway between the two parts of Lot 4, buildings shall be modified as necessary to achieve these sight distances and this compliance demonstrated in the plans submitted as part of the operational works approval. The crossing shall also be a raised type, be appropriately lit and give priority to pedestrians and cyclists.
31. The access to and from Traders Lane will only be permitted for use by service and emergency vehicles. A sign indicating this shall be installed at the exit.
32. In any operational works application, the developer shall demonstrate by the way of a turning template, that service and emergency vehicles can access the site via Traders Lane. If this cannot be achieved the building shall be set back or modified to allow entry of these vehicles.
33. All vehicles shall enter and leave the site in a forward direction.

#### **Loading Areas**

34. Two combined loading zone/carpark spaces shall be included on site and operate as a Loading Zone between the hours of 8 am to 11 am weekdays and shall be sign posted to indicate this.
35. The combined loading zone / carpark space shall be sized to accommodate a small rigid vehicle in accordance with AS 2890.2 - 1989. These spaces will be indicated on the operational works application for car parking.

#### **Car Parking**

##### *Off Street*

36. The development shall provide car parking spaces on the site at a minimum rate of 369 car parking spaces (including 40 parking spaces for the childcare centre) for Stages A, B & C, with a total of 403 car parking spaces at the completion of Stage D (refer Site Plan DA 01F). Provision for 8 motorcycle or scooter park spaces must be included in the total number of car spaces.
37. All public parking spaces should be a minimum of 5.4m by 2.6m with 6.2m wide aisles, although staff parking spaces may be reduced to 5.4m by 2.4m with 6.2m aisles. In all other respects, the designs should comply with AS2890.1 - 2004.
38. Vehicular access to the site shall be primarily from Goodchap Street and car parking shall be generally in accordance with the approved plans.



39. All carparking shall be kept, maintained and line-marked in a condition fit for use.
40. All staff carpark spaces shall be clearly defined by line marking each space with the words "Staff Parking Only" and by sign posting each space with a similar wording.

#### **Pathway Lighting**

41. The existing pathway between the two existing lots shall have lighting installed from Goodchap Street to the rear boundary of Lot 4. This lighting shall have a high energy efficient rating to the reasonable satisfaction of Council and be designed to meet appropriate safety standards and not to adversely impact residences in the area.

#### **Vegetation Protection & Preservation**

42. Vehicular pavements within the drip zone of any of the existing trees on site to be retained shall be designed as a pervious pavement (such as grass paving cells or similar), as this will allow water that falls on this surface to penetrate to the trees root system. The pavement shall be constructed so as not to damage the tree or their root system and in this regard temporary fencing shall be provided around the trees during construction to help protect them.

Plans shall be submitted to the Council for approval that clearly show the type and extent of the pervious pavement and the temporary fencing prior to obtaining a Development Permit for Operational Works.

#### **Frontage Works**

43. Tree planting is required to the Goodchap Street frontage of Proposed Lot 5 in accordance with Planning Scheme Policy PSP03 *Landscaping Plants & Guidelines*.

#### **Roof Water & Stormwater Drainage**

44. Stage A - Roof runoff from any new building shall be directed to a rainwater storage system or tank (minimum storage the greater of 5000 litres or 15 litres/m<sup>2</sup> of roof area) that is installed to ensure water from the tank is used for external uses (such as watering gardens, irrigation, ornamental ponds, water features, outdoor cleaning, etc) and for use in flushing of toilets internal to the building. All rainwater tanks are to be designed and installed in accordance with the Queensland Development Code (QDC), Part 25 - *Rainwater Tanks*, and shall be part of the plumbing application in conjunction with the building approval. The location and capacity of the tanks shall be clearly shown on the plans submitted for Building Works / Operational Works approval and any overflow shall be directed to an approved discharge point.

#### All stages:

45. All stormwater drainage (including roof water overflow from the rainwater storage system) must be collected and discharged so there is no net increase in stormwater runoff from the site.
46. A Stormwater Management Plan must be submitted to Council in conjunction with an operational works application to demonstrate how water quality and quantity objectives are to be met as follows:
  - No increase in peak flow runoff from the site up to and including a one in 100 year ARI.
  - 80% reduction in total suspended solids;
  - 60% reduction in total Phosphorus
  - 45% reduction in total Nitrogen compared to an unmitigated development scenario.

This Management Plan must set the objectives and include a plan indicating location and sizing of the devices proposed. The operational works application shall be in accordance with this plan and buildings must be modified if required to accommodate the treatment infrastructure wholly within the allotment.

A maintenance plan for the treatment devices must be complied with for the duration of the approved uses.

A Development Permit for Building Works must not be granted until a Development Permit for Operational Works has been issued in regard to the drainage scheme.

47. All site stormwater drainage shall be by means of a gravity system.

#### **Sewer Mains**

48. All parts of the site shall be connected to Council's existing sewerage reticulation systems and be constructed in accordance with Council's standards and requirements at no cost to Council.

#### **Town Water Supply**

49. All parts of the site shall be connected to Council's existing town water supply and be constructed in accordance with Council's standards and requirements at no cost to Council.
50. For Multiple Uses (including Building Format Plans, Group Title Plans, etc) the development shall be served by:
- 50.1 A single Body Corporate water meter to measure the total water consumption (including fire hose reels, but excluding fire hydrants and fire sprinkler systems), and
  - 50.2 Individual water meters to each tenement capable of being separately rated, and
  - 50.3 A fire service (fully testable single detector check with metered bypass), where applicable, for flows to fire hydrants and fire sprinkler systems (excluding fire hose reels).

#### **Earthworks**

51. Filling works required on site shall be carried out in accordance with Section 3.8 of Council's Engineering Design Standards Manual and so as not to cause the additional ponding of water on any adjoining lands or the blockage of, or interference with, any existing overland flowpaths. Detailed site surveys indicating natural surface levels and contours of the adjoining properties must be provided with the application for a Development Permit for Operational Works for Filling and Drainage.

This may require the design and construction of drainage pipes and/or an overland flow-path within the development site that caters for drainage from the adjoining sites for a design storm with an Average Recurrence Interval of 1 in 100 years. A private easement for the Drainage of Water encompassing the drainage pipes or overland flow-path will also be required. In this regard a Development Permit for Operational Works shall be obtained.

Should evidence be provided to Council indicating that no additional ponding of stormwater will occur on the adjoining properties the requirement for the drainage pipes, overland flow-path and easement shall not apply.

52. Earthworks carried out on site shall not affect the structural integrity of any of the existing fences or structures that border the development site. Fences that are affected shall be replaced prior to the Building Certifier issuing the Certificate of Classification. In this regard any fences to be replaced shall be clearly shown on the plans submitted for Operational Works approval.

### Acid Sulfate Soils

53. As the site is located below the 5m AHO, any excavation works consisting of 100m<sup>3</sup> or greater and/or any filling works consisting of 500m<sup>3</sup> or greater and with an average depth of 0.5m or greater will need to be carried out in accordance with State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils*. In this regard appropriate testing and supporting documentation prepared by a suitably qualified specialist shall be submitted to Council for approval prior to obtaining a Development Permit for Operational Works.

### Erosion and Sediment Control

54. Any person acting on this permit shall prevent erosion and sediment export from leaving the site. Site control measures such as silt fencing, controlled gravel access to the site and controlled disposal of waste, will be necessary.

In this regard plans detailing the methods of controlling erosion and sediment are required to be submitted to the Council for approval prior to obtaining a Development Permit for Operational Works.

55. Monetary contributions shall be paid to Noosa Council towards the cost of providing and/or upgrading various infrastructure at the rates applicable at the time of payment. An estimate only of the contribution amounts under the current Council policies and requirements is outlined in the table below:

Contribution Required For:	STAGE A	STAGE B (in addition to Stage A)	TOTAL Stage A+ Stage B
PSP12 - Public Open Space Contributions (Park)	\$3,233	\$0	<b>\$ 3,233</b>
PSP16 - Sewerage Headworks	\$ 34,617	\$ 14,785	<b>\$49,402</b>
PSP17 -Water Supply Headworks Contributions	\$29,629	\$25,727	<b>\$55,356</b>
PSP20 - Pathway Trunk Network Contributions	\$ 3,266	\$0	<b>\$3,266</b>
<b>TOTAL Contribution Amount =</b>	<b>\$ 70,745</b>	<b>\$40,512</b>	<b>\$111,257</b>

Please note that these amounts are all subject to variations in the Consumer Price Index, All Groups Brisbane from **SEPTEMBER 2008** until the date of payment.

All contributions must be paid prior to the issue of a Development Permit for Operational Works for the relevant stage.

Alternatively a trading bank guarantee shall be submitted to Council plus 20%. Should not be paid at the due time, Council shall call upon the trading bank guarantee in full.

Processing of bonds for security where specific Council approval has been given for the bonding of contributions will incur an administration fee in accordance with Council's Land Development Commercial & Regulatory Fees at the time of lodgement.

In the event that the Development Permit for Material Change of Use of Premises lapses or is cancelled, the paid contributions and/or the trading bank guarantee will be returned.

### General

56. A suitably qualified Registered Professional Engineer shall prepare engineering drawings and specifications for all engineering works that will

become Council infrastructure, which shall be submitted in conjunction with an application for a Development Permit for Operational Works. To avoid conflict with underground pipes or services, all existing and proposed services required by the development shall be shown on the plans.

57. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
58. The transportation of all materials to and from the site shall be undertaken in a manner such that no particle matter escapes onto a public road. All vehicles carrying materials either to or from the site shall be covered to prevent materials including dust being windblown from the vehicle.

#### Environmental Health

59. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises", including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
60. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulations 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.
61. All refrigeration plant including motors, shall be situated within the building or suitably provided with noise reduction measures and located as to prevent a noise nuisance beyond the subject land in accordance with the nuisance provisions of the Environmental Protection Regulation 1998. On the spot fines apply for such offences.
62. Noise emission from air conditioning equipment shall comply with the following requirements:
  - 62.1 The equipment shall be installed and located in a manner which prevents noise nuisance beyond the subject land in accordance with the nuisance provisions of the Environmental Protection Regulation 1998 and Council's Local Law No. 12 - Control of Nuisances. Infringement Notices (on-the-spot fines) may apply for offences.
  - 62.2 Submission of written certification from a suitably qualified person confirming that the noise levels comply when measured at the nearest residential boundary. This is required immediately after installation of the equipment and prior to any occupation of the building, and in a format approved by Council.
  - 62.3 A person must not use equipment on any day if it makes or causes noise to be made
    - 62.3.1 Before 7am or after 10pm: More than the lower of either -
      - 40 d(B)A
      - 3 d(B)A above the background noise level
    - 62.3.2 From 7am to 7pm: More than the lower of either -
      - 50 d(B)A
      - 5 d(B)A above the background noise level
    - 62.3.3 From 7pm to 10pm: More than 3 d(B)A above the background noise level.

Additional Conditions (7/3/08)

63. The applicant shall enter into an infrastructure agreement with Council with regard to the provision of private services within the 5m wide road reserve that divides the two separate parts of Lot 4 prior to the use commencing on the northern part of Lot 4. The conditions of the infrastructure agreement shall:
- a) Provide for the installation, maintenance and preservation of the private water and electrical services that supply the separate parts of Lot 4,
  - b) Provide for the maintenance of the road reserve in those parts affected by the private services,
  - c) State that the applicant is responsible for obtaining approval for the design and construction of the various services from the relevant authority,
  - d) State that the design and construction of the services shall be wholly at the applicant's expense and shall not entail a financial encumbrance on future purchasers of the proposed lot, and
  - e) Be to the satisfaction of the Department of Natural Resources and Water (DNR&W). If DNR&W does not consent to the private services crossing their land the applicant shall find an alternative means of providing services to the balance of Lot 4 prior to the use commencing.
64. The required contributions shall be paid to Council and the associated car parking constructed.

Additional Conditions (16/3/10)

65. Deleted
66. Where vehicular access arrangements are varied in accordance with the alternative access arrangements identified by Condition 69, the applicant shall design and construct an indented bus bay in Goodchap Street to replace the existing kerb side bus stop located in the frontages of No 135-137 Goodchap Street. The works for the bus bay shall include but not be limited to the following:-
- i. Be located generally in accordance with Drawing No. P1OC, Job No. 06679 prepared by TOD Noosa dated 29 May 2009,
  - ii. Be designed and constructed generally in accordance with Translink's "Regular Stop" as shown on Translink Drawing No. TL-R02 with the following modifications:
    - a. The kerb type in the tapers must provide unimpeded access to the two affected residential properties,
    - b. The minimum taper on the approach should be approximately 20m,
    - c. The new taper should be 1 in 7, and
    - d. The minimum length of the bus stop itself is 20m.
  - iii. The pad, seat, bin, signage and tactile indicators as shown on Translink's "Regular Stop" as shown on Translink Drawing No. TL-R02.
  - iv. Any modifications to and realignment of the existing residential access driveways,
  - v. A 2m wide concrete footpath connecting the bus stop to the existing footpath in Goodchap Street.

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

67. Prior to the issue of any Building Approval and commencement of the construction of Stage D (refer Site Plan DA 01F) in the northwest corner of the site, an Operational Works approval shall be obtained to address necessary vehicle access arrangements and additional vehicle movements to, and within the site.

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 Aquintel 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*.  
**Carried.**

**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**

**Committee Recommendation**

**Moved:** Cr Wellington

**Seconded:** Cr Jackson

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:
- a. The approved plans, the approved amended plans and the conditions detailed in this Decision Notice.
  - b. The document 'Proposed Cartwright Village Extension – Carramar, Noosa Care Integrated Water Management Plan Version 4 by Callaghan & Toth dated June 2019.
  - c. 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.
  - d. The document 'Flood Study Noosa Care – Carramar' by Cardno dated 24 July 2017.
  - e. The Addendum Letter by Cardno (document number WE17064) dated 23 March 2018.
  - f. The Technical Memorandum by Cardno (ref WE17064\_Carramar\_TM01) dated 27 September 2018.
  - g. 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*.

**Carried.**

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

**Committee Recommendation**

**Moved:** Cr Stockwell

**Seconded:** Cr Wellington

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

**Carried.**

- 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

**Committee Recommendation**

**Moved:** Cr Wellington

**Seconded:** Cr Stockwell

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.

**Carried.**

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

**Committee Recommendation**

**Moved:** Cr Wellington

**Seconded:** Cr Glasgow

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.

**Carried.**

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

**Committee Recommendation**

**Moved:** Cr Jackson

**Seconded:** Cr Glasgow

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.

**Carried.**

**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.*

**Committee Recommendation**

**Moved:** Cr Wellington

**Seconded:** Cr Jackson

*That Cr Glasgow be appointed as Acting Chair of the meeting for consideration of this item.*

**Carried.**

**Committee Recommendation**

**Moved:** Cr Wellington

**Seconded:** Cr Jackson

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.*

*Cr Stockwell resumed the Chair.*

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

**Moved:** Cr Jackson

**Seconded:** Cr Stockwell

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)*.

**Carried.**

**10 COASTAL HAZARDS MAPPING REFINEMENT****Committee Recommendation**

**Moved:** Cr Jackson

**Seconded:** C Glasgow

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

**Carried.**

11 CLIMATE EMERGENCY DECLARATION

Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Jackson

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

**Carried.**

Recommendation

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

**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

**1 EVENTS POLICY - PUBLIC CONSULTATION OUTCOMES AND AMENDED POLICY FOR ADOPTION****Committee Recommendation****Moved: Cr Pardon****Seconded: Cr Wilkie**

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

**Carried.****2 PROPOSED TENURE RENEWALS AND TENURE RENEWAL STATUS UPDATE - COMMUNITY ORGANISATIONS****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Council note the report by the Property Officer to the Services & 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.

**Carried.****3 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 Peregrine 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 Peregrine Beach Community Association but that organisation did not provide any donation to his electoral campaign. He advised further that the Peregrine 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 Peregrine 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 Peregrine 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.*

**Committee Recommendation**

**Moved:** Cr Pardon  
**Seconded:** Cr Jurisevic

*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.*

**Committee Recommendation**

**Moved:** Cr Pardon  
**Seconded:** Cr Jurisevic

*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.*

**Committee Recommendation**

**Moved:** Cr Wilkie  
**Seconded:** Cr Pardon

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

**Carried.**

**4 WASTE DISPOSAL FEES AND CHARGES FOR CONCRETE****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Pardon**

That Council note the report by the Manager Waste and Environmental Health to the Services & 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).

**Carried.****5 ADOPTION OF BUILDINGS AND FACILITIES ASSET MANAGEMENT PLAN****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Pardon**

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.

**Carried.****6 COUNCILLOR MEETING ATTENDANCE BY TELECONFERENCE AND LEAVE OF ABSENCE****Committee Recommendation****Moved: Cr Pardon****Seconded: Cr Wilkie**

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.**

**7 APPOINTMENT OF 2020 SHOW HOLIDAY****Committee Recommendation****Moved: Cr Pardon****Seconded: Cr Jurisevic**

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.

**Carried.****8 OUTCOME OF QUEENSLAND TREASURY CORPORATION CREDIT REVIEW****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

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.

**Carried.****Recommendation**

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



**GENERAL COMMITTEE RECOMMENDATIONS**

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

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

**Committee Recommendation**

**Moved: Cr Glasgow**

**Seconded: Cr Pardon**

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.:

~~A. Refuse the change for the reasons outlined in the Planning & Environment Committee Agenda dated 9 July 2019.~~

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

**Carried.**

**2 COASTAL HAZARDS MAPPING REFINEMENT**

**Committee Recommendation**

**Moved: Cr Stockwell**

**Seconded: Cr Wellington**

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.

**Carried.**

### 3 CLIMATE EMERGENCY DECLARATION

#### Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Glasgow

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.

**Carried.**

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

#### Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Glasgow

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; ~~and~~

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; ~~;~~

E.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

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

Carried.

## 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.*

**Committee Recommendation****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 Cr Wilkie and Wellington.

**Carried.**

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

**Committee Recommendation****Moved:** Cr Jurisevic**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.

**Committee Recommendation****Moved:** Cr Glasgow**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.**

Cr Jackson voted against the motion.

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

Cr Wilkie resumed the Chair.

**Committee Recommendation****Moved:** Cr Stockwell**Seconded:** Cr Pardon

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 Peregrine 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.

## 6 LGAQ ANNUAL CONFERENCE PROPOSED MOTION – UTILITY RELOCATION COSTS

### Committee Recommendation

Moved: Cr Jurisevic

Seconded: Cr Glasgow

That item 6 be deferred to the Ordinary Meeting dated 18 July 2019 to allow staff to provide further information.

~~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 more equitable cost sharing protocol for the relocation or replacement of their infrastructure arising from local government works related to the remaining life of the asset and any capacity upgrade generated by the relocation or replacement works.~~

Carried.

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

### Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Wilkie

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.”*

Carried.

**8 ALLIANCE AND FUNDING AGREEMENT BETWEEN NOOSA COUNCIL AND THE NATURE CONSERVANCY****Committee Recommendation****Moved: Cr Glasgow****Seconded: Cr Pardon**

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.

**Carried.****9 APPOINTMENT OF EXTERNAL MEMBER TO COUNCIL'S AUDIT AND RISK COMMITTEE****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Jurisevic**

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.

**Carried.****10 FINANCIAL PERFORMANCE REPORT – JUNE 2019 INTERIM POSITION****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Jurisevic**

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.

**Carried.**

**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**

**Committee Recommendation**

**Moved: Cr Pardon**

**Seconded: Cr Jurisevic**

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.

**Carried.**

**Recommendation**

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

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## 7 ORDINARY MEETING REPORTS

### 1 NOOSA FISHING FUTURES

**Author** Craig Doolan, Environment Services Manager  
Environmental & Sustainable Development Department

**Index** ECM/ Subject / 63.03 Waterways Management - Noosa River

- Attachments**
1. ***Noosa Fishing Futures – report on options for sustainable fisheries management of the Noosa River, estuary and beaches (44 page attachment provided separately to this agenda)***
  2. ***Queensland Department of Agriculture & Fisheries, Discussion paper: Proposed amendments to the Fisheries Regulation 2008 (27 page attachment provided separately to this agenda)***
  3. ***Noosa Council submission to the Queensland Government Discussion Paper: Proposed amendments to the Fisheries Regulation 2008 (8 page attachment provided separately to this agenda)***

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### EXECUTIVE SUMMARY

This report provides Council with the findings and final report undertaken as part of the development of the Noosa River Plan on commercial fishing in the Noosa River and surrounds, entitled *Noosa Fishing Futures* options paper. The *Noosa Fishing Futures* options paper is intended to both inform the next version of the Noosa River Plan, for further consultation with the community, and as the basis for Council submission into the current State Government fishing reform process. It specifically forms the basis of Council's proposed submission to the Queensland Department of Agriculture & Fisheries, *Discussion paper: Proposed amendments to the Fisheries Regulation 2008*.

### RECOMMENDATION

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.

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### REPORT

#### Background

Feedback to the Draft Noosa River Plan, released for public comment in August 2018, and other local feedback over a long period, has raised concerns over declines in biodiversity in the Noosa River, estuaries and coastal areas. In 2015, Council funded a research paper by Dr Ruth Thurstan of the University of Queensland. Entitled *Historical ecology of the Noosa Estuary fisheries*, it used historical, scientific and anecdotal evidence to confirm a decline in biodiversity in the river across the twentieth century.

The paper did not attribute causes, and it is likely multiple factors have been at play in these long-term declines. In February 2019 a Milestone Report by Dr Greg Skilleter was released, the interim results of a study of benthic invertebrates in the Noosa River. Following on from a baseline 20 years earlier, *Assessment of the status and options for recovery of prawns & estuarine biodiversity in the*



*Noosa River* identified serious declines in abundance and diversity of benthic invertebrates in the Noosa River, often in the range of 80-90%. While only an interim report, it raised alarm bells over the state of the river.

It is clear from this information that the Noosa River is under significant pressure and if it is to maintain its status as one of the healthiest waterways in south-east Queensland, and as a key tourism driver for the Noosa area, action needs to be taken.

Some significant actions are already being taken to address some of these concerns. The Keeping it in Kin project, which identified massive loss of sediment from the upper Kin Kin catchment into the Noosa River, has been operating for several years, working with landholders to rehabilitate upper stream reaches to retain the valuable soil in the catchment.

Following on from initial studies by The Nature Conservancy and the University of the Sunshine Coast, Noosa Council has committed to a three-year partnership with The Nature Conservancy to restore oyster reefs to sections of the lower Noosa River. These reefs, which once formed the foundation of the river's ecology, disappeared decades earlier and their return will assist in the cleaning and filtering of water, as well improving the biodiversity in the river.

The Draft Noosa River Plan, released for public comment in late 2018, and to be released for further comment in the next couple of months, also outlines further actions to improve the health of the Noosa River and relieve some of the pressures it faces.

As part of the first Draft of the Noosa River Plan it became apparent that further information was required with regard to commercial fishing in the Noosa River system and surrounds to better understand potential impacts and opportunities for sustainable management of the local fisheries.

### **Noosa Fishing Futures**

In order to provide an evidence-based platform for future decision-making and inform the next version of the Noosa River Plan, Council, in December 2018, endorsed the preparation of a *Noosa Fishing Futures* paper with the objective of:

- Researching and analysing all available fisheries data for the Noosa River.
- Identifying and engaging with stakeholders to verify and complement data with local information.
- Exploring different management opportunities available to Council, including a cost-benefit analysis of these, and pathways to implementation.
- Provide a basis for Council to have input into ongoing State fisheries reform process.
- Provide future fisheries management options and recommendations for Council's consideration.

The report was produced by Winston Harris, a Senior Consultant with Fresh Advisory. Mr Harris has significant experience working for a peak non-government organisation in the commercial fisheries sector as Project Officer and CEO in Queensland, as well as being appointed to numerous State government advisory bodies and working closely with the Queensland and Australian governments on the development of fisheries policy.

The *Noosa Fishing Futures* paper, Attachment 1 to this report, brings together all available data, as well as significant new information through one-on-one engagement with many commercial fishers, charter fishers, local restaurants, and community environment groups.

The report outlines a range of different short, medium and long term management opportunities available for Council consideration with the aim of ensuring an ecologically and economically sustainable local fishing industry. Opportunities identified in the report include:

- Various responses to localised fishing issues highlighted during community engagement. This includes;
  - a reduction in the length of nets used in the Noosa River and lakes (currently 1500m nets are used in the lakes, this is the longest allowable net anywhere in Queensland N1 fishery)

- extension of the current weekend closure to the fishery that occurs in the Noosa River and lakes to also include introduction of weekend closures for the beach mullet fishing on the north shore
- moving the closure line in the Noosa River further upstream
- the development of a code of practice for the mullet beach fishery
- Investigation of removing beam trawling in the Noosa River and lakes
- The exploration of net-free zones in the Noosa River and lakes
- Working with the State government on a regional management model for the Noosa area
- The establishment of a multi-use marine protected area for the coastal and estuarine waters of Noosa, complementing the Great Sandy Marine Park

All of the above options require consultation with key stakeholders, working with the State government, and direct engagement with any directly affected parties should Council wish to proceed with these recommendations.

In developing the Fishing Futures Discussion paper Council had the draft report peer-reviewed by four independent experts and that review was fed back into the final report, noting that the two reviewers from The Nature Conservancy provided a joint response. This peer review was undertaken by;

- Dr Daryl McPhee, Associate Professor of Environmental Management at Bond University.
  - Dr McPhee has published over eighty reports and publications include the book *Fisheries Management in Australia*, the only book dedicated to fisheries management throughout Australia. In 2017 Dr McPhee published *Environmental History and Ecology of Moreton Bay*, and the book was nominated for the 2018 Queensland Literary Awards. Dr McPhee. He is a member of the Queensland Government's Sustainable Fisheries Expert Panel.
- Dr Jim Higgs, Senior Manager Marine Sustainable Development at WWF
  - Dr Higgs is a marine scientist with an extensive background in science, marine environments, commercial and recreational fishing. His expertise is in sustainable fishing management and he has held senior roles in fisheries and across government including as Chief Scientist. Jim is a well published scientist and is regularly called on to advise on fisheries and fisheries reform.
- Dr Peter Waldie, Coastal Fisheries Scientist, The Nature Conservancy
  - In his role as Coastal Fisheries Scientist, Dr Waldie supports TNC's community partners to sustainably manage their fisheries for simultaneous ecological and economic gains. Peter has assisted the Mwanus Endras Tribal Network in Papua New Guinea with establishing a sustainable sea cucumber fishery and exporting their sustainable products to premium markets in Hong Kong. Pete also conducts research investigating patterns of spatial distribution and larval dispersal of fisheries-targeted species.
- Dr Chris Gillies, Marine Manager, The Nature Conservancy
  - Dr Gillies was formerly the Director of Science at Earthwatch Australia, where he managed the scientific program across their expedition and citizen science portfolio. He has served as an invertebrate ecologist for both State and Federal government environmental agencies and several consultancies. As TNC's Marine Manager, he leads the Great Southern Seascapes program helping to protect and restore healthy marine ecosystems from Western Australia to New South Wales.

### **Fisheries reform**

The State Government has been undertaking reforms of the Queensland fishing industry for some years, which resulted in the release of the *Sustainable Fisheries Strategy in 2017-2027*. Council has been involved in several stages of this consultation, providing a detailed submission to Queensland Fisheries Management Review in 2014 and the subsequent Green Paper in 2016, as outlined in the Previous Council Consideration section of this report.

The opportunities identified within the *Noosa Fishing Futures* paper have informed Council's submission to the next stage of the State's reform process, which is the release of the State's *Discussion Paper: Proposed amendments to the Fisheries Regulation 2008*. Importantly, this is the final round of public consultation on proposed changes to implement the fisheries reforms in Queensland legislation.



#### *Queensland Government fisheries reform process to date*

The release of the State's *Discussion Paper: Proposed amendments to the Fisheries Regulation 2008*, provides a framework for a response to dealing with some of these pressures influencing the Noosa river system. Submissions on the States Discussion Paper are due on 19 July 2019, The consultation period on this paper has been from 20 June 2019 – 19 July 2019.

Council's submission to the Discussion Paper (Attachment 3) provides detailed responses through:

- active support of proposals in the discussion paper that will benefit the Noosa area
- proposing changes to proposals that could be improved, or do not quite meet the needs of Noosa's particular circumstance
- suggesting several other opportunities, based on the *Noosa Fishing Futures* research paper, that were not included in the Discussion Paper.

There are several further opportunities in the *Noosa Fishing Futures* paper that are outside of the scope of the current State Discussion Paper. These will be included in the draft Noosa River Plan, and Council will seek community feedback through this process, prior to finalising the Noosa River Plan.

#### **Previous Council Consideration**

##### ***Ordinary Meeting Minutes, 20 December 2018, Item 3, Page 16***

*That Council note the report by the Environmental Services Manager to the Planning & Environment Committee Meeting dated 11 December 2018, and:*

- A. *Agree to the preparation of a Noosa Fishing Futures research-based directions paper, with the primary objective of long term sustainable fisheries management of the Noosa River, estuaries and beaches;*
- B. *Refer the funding of the Noosa Fishing Futures research-based directions paper to Budget Review 3; and*
- C. *Request the Chief Executive Officer to seek quotations from suitably qualified consultants in accordance with Council's procurement policy and appoint a consultant following the assessment of those quotations and further, request the Chief Executive Officer to report the outcome of that procurement process to a future Council meeting.*

##### ***Ordinary Meeting Minutes, 15 September 2016, Item 1, Page 13***

*That Council note the report by the Environment Officer (Rivers and Coast) to the Planning & Environment Committee Meeting dated 6 September 2016 and the further report to the Ordinary Meeting dated 15 September 2016 regarding the release of the Green Paper on Fisheries Management Reform in Queensland and agree to make a submission to the Green Paper as follows:*

- A. *Note that Noosa Council is not opposed to commercial or recreational fishing per se, but rather, wants to ensure that such activities can be carried out in a genuinely sustainable fashion for the benefit of future generations; and*
- B. *Council supports overall ecosystem based management and locality-based fisheries councils; and*

- C. Council supports the target of a minimum 60% unfished populations; and
- D. Council requests that ecological risk assessments be prioritised both on fisheries at highest risk and ecosystems of conservation value; and
- E. Council supports the encouragement of indigenous input into decision making processes; and
- F. Council believes that more resources need to be applied to fishing management across Queensland and that consideration may be given to a user pays model; and
- G. With consideration of historical fisheries research by Dr Ruth H Thurston, ongoing empirical research by the University of the Sunshine Coast, and anecdotal evidence, Noosa Council has concerns regarding the impact of current and historical fishing activities on the marine biodiversity and abundance in the Noosa estuary and river system as well as the surrounding ocean beaches; and
- H. Considering the current research projects in the Noosa River system and nearshore environment, Noosa Council aims to be a pilot program for ecosystem based management as a demonstration of best practice; and
- I. Council has particular concerns regarding the impact of the licensed mullet fishing activities on Teewah Beach (Noosa North Shore) with regards to by-catch, wastage and also mullet being targeted whilst gravid specifically for their roe; and
- J. Council requests that the Department of Agriculture & Fisheries give consideration to reducing commercial netting on Teewah Beach between the Noosa River mouth and Double Island Point by way of declaring a net free zone and/or a buy-back of commercial fishery licenses and/or not re-issuing any licenses due for expiry and Council would commit to working in partnership with the State Government on a process to achieve this outcome including community and industry engagement and consideration of resource commitments; and
- K. Council requests that the Department of Agriculture & Fisheries give consideration to the overall sustainability of fishing and prawning in the Noosa estuary and river system, on the understanding that current research and projects such as Noosa Biosphere Reserve Foundation's Bring Fish Life Back are attempting to both reinstate marine biodiversity and also monitor that biodiversity; and
- L. That Council has particular concerns for the potential environmental impact of prawn beam trawling in the Noosa River system and therefore requests that the Department of Agriculture & Fisheries give consideration to whether prawn beam trawling is having an adverse impact on the marine environment in the Noosa River, particularly the river floor and seagrass beds, thus adversely impacting on overall biodiversity, and further consider whether appropriate licenses should be bought back or at least not renewed; and
- M. Council requests that the Department of Agriculture & Fisheries give consideration to one or more total fishing exclusion zones at specific sites to allow replenishment of overall biodiversity and Council would commit to working in partnership with the State Government on a process to achieve this outcome including community and industry engagement plus consultation with appropriate researchers; and
- N. Council requests the Department of Agriculture & Fisheries give consideration to the reduction in bag limits for recreational fishing.

**Ordinary Meeting Minutes, 24 September 2015, Item 10, Page 9**

That Council note the report by the Environment Officer (Rivers and Coast) to the Planning & Organisation Committee Meeting dated 15 September 2015 regarding the Queensland Fisheries Management Review and request the CEO to arrange a meeting between the Minister for Agriculture and Fisheries, the Mayor and Cr Pardon to discuss the content of Council's submission and the recommendations made within that submission.

The report provided an overview of the MRAG review and the recommendations within their 'Taking Stock ... modernising fisheries management in Queensland' report; and seeking Council's preferred way forward regarding the level of future involvement in fisheries management locally.

Key recommendations of the 'Taking Stock ...' report include:

- Separating the Qld fisheries decision making process;
- Establishment of Fishery Councils;
- Categorisation of fish stocks into three 'tiers';
- Harvest strategies for all fisheries; and
- Monitoring information collection & assessment.

**Ordinary Meeting Minutes, 23 October 2014, Item 5, Page 9**

*That Council note the report by the Director Planning & Infrastructure to the General Committee Meeting dated 20 October 2014 with regard to the Queensland Fisheries Management Review and resolve to:*

- A. Make a submission to the Department of Agriculture, Fisheries and Forestry in accordance with Attachment 1 to the report; and*
- B. Request the Department of Agriculture, Fisheries and Forestry to close the Noosa North Shore to commercial fisheries operations to allow the fishery resources to renew.*

Council's submission highlighted concerns about commercial and recreational fishery on the Noosa North Shore and requested the State to:

- Review the compatibility of commercial fishing uses and other recreational uses on the Noosa North Shore;
- Close the Noosa North Shore to commercial fishing by establishing a 'Recreational Fishing Haven' to exclude commercial fishing but allow recreational fishing;
- Consider introducing Recreational Fishing Permits;
- Consider buying back those Commercial Fishery Licenses operating from the Noosa North Shore and not re-issuing any existing licences due for expiry; and
- Consider how Council could partner with the State to ensure smooth implementation of these recommendations.

### **Finance**

There are no immediate financial implications for Council in the development of the *Noosa Fishing Futures* paper and the submission to the State's *Discussion Paper: Proposed amendments to the Fisheries Regulation 2008*.

Some of the opportunities in the submission could have financial implications. If adopted, the State may decide to trigger the Fisheries Reallocation Policy, to estimate if there are any potential commercial losses as a result of any of these changes. If this occurs, Council will need to consider the costs and benefits of these actions, however it is not possible to estimate costs at this time. Advocating for these changes at this time does not commit Council to future expenditure.

Opportunities being incorporated into the draft Noosa River Plan for community feedback, such as the potential removal of beam trawling from the Noosa River, the exploration of net-free zones, and local/regional management models, could have future cost implications for Council if implemented.

### **Risks & Opportunities**

Council has long had concerns over the decline of biodiversity in the Noosa River and has highlighted these in previous responses to the Queensland Government as part of the fisheries reform process. The current reforms being undertaken by the State provide a great opportunity to provide those

concerns through a clear process, with a view to getting real change that can benefit the ecological and economic sustainability of the local fishing industry and improve biodiversity in the Noosa River.

The development of the *Noosa Fishing Futures* report also provides an opportunity to put forward a case with a strong evidence-base that we have not had access to in the past. By incorporating some of the opportunities into the next draft of the Noosa River Plan, it will also provide the opportunity for the community to provide feedback on substantive proposals.

## Consultation

### External Consultation - Community & Stakeholder

Significant targeted external consultation was undertaken as part of the development of the *Noosa Fishing Futures* report as outlined in Attachment 1.

### Internal Consultation

Councillors have been kept up to date at each step of the development of the Noosa Fishing Futures Paper.

Departments/Sections Consulted:

<input checked="" type="checkbox"/> <b>Chief Executive Officer</b> Executive Officer Executive Support	<input type="checkbox"/> <b>Community Services</b> Director Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input type="checkbox"/> <b>Corporate Services</b> Director Financial Services ICT Procurement & Fleet Property Revenue Services
<input type="checkbox"/> <b>Executive Services</b> Director Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b> x Director Building & Plumbing Services Development Assessment Economic Development x Environmental Services Strategic Land Use Planning	<input type="checkbox"/> <b>Infrastructure Services</b> Director Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

**8 CONFIDENTIAL SESSION**

**9 NEXT MEETING**

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

**10 MEETING CLOSURE**