



AGENDA

Ordinary Meeting

Thursday, 17 October 2019

commencing at 6pm

**Federal Memorial Hall & Community Centre,
2 Skyring Creek Rd, Federal**

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

“Noosa Shire – different by nature”

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1 ATTENDANCE & APOLOGIES

2 CONFIRMATION OF MINUTES

The Minutes of the Ordinary Meeting held on 19 September 2019 be received and confirmed.

The Minutes of the Special Meeting held on 30 September 2019 be received and confirmed.

3 MAYORAL MINUTES

4 PETITIONS

5 NOTIFIED MOTIONS

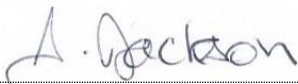
1 NOTIFIED MOTION – CR INGRID JACKSON

NOTICE OF MOTION**SUBMITTED BY COUNCILLOR:** Cr Ingrid Jackson**COUNCIL MEETING:** Ordinary Meeting, 17 October 2019

I hereby notify of my intention to move the following motion at the Ordinary Meeting to take place on Thursday, 17 October 2019.

That, in line the Noosa Transport Strategy 2017-2027 adopted 15 June 2017, the Noosa Transport Strategy 12 Month Progress Report noted on 19 July 2018, and the e-Noosa Integrated Long Term Transport Proposal noted on 19 July 2018, Council request the CEO to provide a report and recommendations at the December 2019 round of Council meetings on:

- A. *The cost and the method of commissioning a pre-feasibility study into constructing purpose-built park and ride parking stations at strategic locations on key Noosa Shire transport corridors; and*
- B. *A preliminary non-binding indication of where these stations might be located, taking into consideration the suggestions in the July 2017 Transport Strategy Update and the e-Noosa proposal; and*
- C. *The pros and cons of different models for constructing, maintaining and managing these park and ride parking stations, such as by council alone, through joint public/private partnerships, and/or via private funding, and also opportunities for funding from other levels of government.*

**Councillor**

10 October 2019

Date**To all Councillors and Directors**

I hereby notify that Cr Jackson intends to move the motion as shown above at the Ordinary Meeting to be held **17 October 2019**.

**Chief Executive Officer**

10 October 2019

Date

6 PRESENTATIONS

Nil.

7 DEPUTATIONS

Nil.

8 CONSIDERATION OF COMMITTEE RECOMMENDATIONS**PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS****8 OCTOBER 2019 - Crs Brian Stockwell (Chair), Jess Glasgow and Ingrid Jackson****Apology: Cr Tony Wellington***Other Councillors in attendance: Cr Frank Pardon (for Items 1 & 3)***1 MCU19/0017 & RAL19/0004 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR COMMERCIAL BUSINESS - TYPE 1 OFFICE, TYPE 2 MEDICAL, ANCILLARY DWELLING UNIT AND RECONFIGURATION OF A LOT - ACCESS EASEMENT, SITUATED AT 36 & 40 HOFMANN DRIVE, NOOSAVILLE****Committee Recommendation****Moved: Cr Jackson****Seconded: Cr Glasgow**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 8 October 2019 regarding Application No. MCU19/0017 for a Material Change of Use - Commercial Business - Type 1 Office, Commercial Business - Type 2 Medical, Ancillary Dwelling Unit, and RAL19/0004 for a Reconfiguration of a Lot – Access Easement (alteration of existing) situated at 36 & 40 Hofmann Dr, Noosaville and:

- A. Approve the application in accordance with the ~~following~~ conditions contained in the Planning & Environment Committee Agenda dated 10 October 2019.:
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

Carried unanimously.**2 MCU16/0079.04 - REQUEST TO CHANGE A DEVELOPMENT APPROVAL FOR EXTENSIONS TO RSL CLUB AT 5 MEMORIAL DRIVE, TEWANTIN****Committee Recommendation****Moved: Cr Stockwell****Seconded: Cr Jackson**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 8 October 2019 regarding Application No. MCU16/0079.04 for a minor change to Development Permit for Material Change of Use for extensions to RSL Club situated at 5 Memorial Avenue, Tewantin, described as Lot 10 on SP 273411 and defer consideration of the matter to the Ordinary Meeting dated 17 October 2019.:

~~A. Agree to amend condition 3 to read as follows:~~

- ~~3. The proposed development provides for an extension to the Gaming Area (providing for a maximum of 210 gaming machines and limited to a maximum floor area of 565m²), Smokers Terrace, Store, Children's Lounge, basement carpark area and other internal modifications as shown on the approved plans.~~

~~B. Refuse to delete condition 3 for the following reason:~~

- ~~1. Maintaining the condition allows Council to regulate the area in which gaming can occur and ensure that the gaming area remains ancillary and subordinate to the primary use.~~

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

For: Crs. Stockwell and Jackson

Against: Cr Glasgow

Carried.

3 PROPOSED LOCAL LAW AMENDMENTS - ADVERTISING DEVICES - POST PUBLIC CONSULTATION PROPOSED CHANGES

Committee Recommendation

Moved: Cr Jackson

Seconded: Cr Glasgow

That Planning & Environment Committee Agenda Item 3 be referred to the General Committee due to the significance of the issue.

Carried unanimously.

Recommendation

The Planning & Environment Committee recommendations dated 8 October 2019 be adopted except where dealt with or held over by separate resolution.

SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS**8 OCTOBER 2019 – Crs Joe Jurisevic (Chair), Frank Pardon, Tony Wellington & Frank Wilkie***Other Councillors in attendance: Cr Ingrid Jackson, Cr Brian Stockwell***1 PUBLIC PASSENGER TRANSPORT - TRANSPORT LEGISLATION****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Council note the report by the Project Manager Transport Innovation to the Services & Organisation Committee Meeting dated 8 October 2019 regarding the legislative framework that regulates public transport in Queensland.

Carried unanimously.**2 PUBLIC PASSENGER (URBAN BUS) TRANSPORT NETWORK REVIEW****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Wellington**

That Council note the report by the Project Manager Transport Innovation to the Services & Organisation Committee Meeting dated 8 October 2019 regarding the Public Passenger (Urban Bus) Transport Network Review, and:

- A. Note the findings of the public passenger (urban bus) transport network review; and
- B. Request the Chief Executive Officer to negotiate a Memorandum of Understanding with the Department of Transport and Main Roads to facilitate public transport initiatives and to provide Council with a future report on the proposed MOU including detailed costings and funding models for any proposed initiatives in the MOU.

Carried unanimously.**3 PEAK PERIOD TRAFFIC MANAGEMENT PLAN 2019-20****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Pardon**

That Council note the report by the Project Manager and Project Officer – Transport Innovation to the Services & Organisation Committee Meeting dated 8 October 2019 regarding the Peak Period Traffic Management Plan 2019/2020 and:

- A. Approve the use of free holiday buses for TransLink Routes 626, 627, 628, 629 and 632 from the 14 December 2019 to the 27 January 2020 and the 4 April 2020 to the 19 April 2020;
- B. Approve the use of a bus service 064 between Peregrine Beach and Noosa Heads from the 14 December 2019 to the 27 January 2020 and the 4 April 2020 to the 19 April 2020;
- C. Approve the trial of a Noosa branded Park & Ride shuttle bus loop servicing Weyba Road, Noosa Parade, Hastings Street and Noosa Drive from the 14 December 2019 to the 27 January 2020;

- D. Approve the trial of temporary bus queue jumps east bound on Noosa Parade, and north bound on Noosa Drive from the 26 December 2019 to the 5 January 2020;
- E. Approve the use of free services on the Boreen Point - Tewantin Flexilink and Council Cabs from the 26 December 2019 to the 5 January 2020;
- F. Approve the use of an Information Management System at key entry points to Noosa from the 14 December 2019 to the 27 January 2020 and the 4 April 2020 to the 19 April 2020 for the purpose of informing motorists of car parking availability;
- G. Approve the use of traffic control in the Hastings Street precinct and surrounding areas to prioritise bus and pedestrian movements from the 14 December 2019 to the 27 January 2020 and the 4 April 2020 to the 19 April 2020;
- H. Approve the use of wayfinding in the Hastings Street and Noosa Junction precincts from the 14 December 2019 to the 27 January 2020 and the 4 April 2020 to the 19 April 2020; and
- I. Approve the temporary conversion of 8 parallel car parks on the southern side of Hastings Street from the Hastings Street roundabout to 28 Hastings St for other uses including, loading bays and increased footpath, from 14 December 2019 to 27 January 2020 and from 4 April 2020 to 19 April 2020.

Carried unanimously.

4 1819T084 RUFOUS STREET STAGE 3 CONTRACT AWARD

Committee Recommendation

Moved: Cr Jurisevic

Seconded: Cr Wellington

That Council note the report by the Director Community Services to the Services & Organisation Committee Meeting dated 8 October 2019 and award the tender 1819T084 – for the Design and Construction of Rufous Street Community House (Stage 3) and Car Park to Ri-con Contractors Pty Ltd.

Carried unanimously.

5 PROPOSED EXPRESSION OF INTEREST FOR THE NOOSA NAVY CADET FACILITY - NOOSA DISTRICT SPORTS COMPLEX

Committee Recommendation

Moved: Cr Jurisevic

Seconded: Cr Wilke

That Council note the report by the Community Development Manager to the Services & Organisation Committee Meeting dated 8 October 2019 regarding the facility at the Noosa District Sports Complex and agree to proceed to an Expression of Interest process regarding the Noosa Navy Cadet facility to identify a suitable community group to offer a Trustee Lease for the site, as detailed in the report.

Carried unanimously.

6 COMMERCIAL PROPERTY MANAGEMENT SERVICES - SUNRISE BEACH NEIGHBOURHOOD SHOPPING CENTRE AND PEREGIAN DIGITAL HUB (TENDER 1920T016)

Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Pardon

That Council note the report by the Property Officer to the Services & Organisation Committee Meeting dated 8 October 2019 regarding Commercial Property Management Services for Sunrise Beach Neighbourhood Shopping Centre and the Peregrine Digital Hub and

- A. Award contract 1920T016 to Colliers International (SC) Pty Ltd CISC REM Pty Ltd for the Property Management Services Contract for an initial Five (5) year period commencing 1 November 2019; and
- B. Authorise the Chief Executive Officer to extend the contract for a further One (1) x Five (5) year period, subject to satisfactory performance, at Council's sole discretion.

Carried unanimously.

7 TEMPORARY EVENT BONDS NOOSA HEADS LIONS PARK - PROPOSED FEES 2019 20 SCHEDULE OF FEES AND CHARGES

Committee Recommendation

Moved: Cr Jurisevic

Seconded: Cr Wilkie

That Council note the report by the Property Manager to the Services & Organisation Committee Meeting dated 8 October 2019 and agree to include the following additional temporary event bond fees in Council's 2019/20 Schedule of Fees and Charges for events held in Noosa Heads Lions Park:

Temporary Event Bond Category - Noosa Heads Lions Park	Amount
Temporary Event Bond Noosa Heads Lions Park – High Impact	\$50,000
Temporary Event Bond Noosa Heads Lions Park – Moderate Impact	\$20,000
Temporary Event Bond Noosa Heads Lions Park – Low Impact	\$5,000

Carried unanimously.

Recommendation

The Services & Organisation Committee recommendations dated 8 October 2019 be adopted except where dealt with or held over by separate resolution.

GENERAL COMMITTEE RECOMMENDATIONS

14 OCTOBER 2019 - Crs. Joe Jurisevic (Acting Chair), Jess Glasgow, Ingrid Jackson, Frank Pardon and Brian Stockwell

Apology: Crs Frank Wilkie and Tony Wellington

APPOINTMENT OF CHAIRPERSON

Moved: Cr Jackson

Seconded: Cr Pardon

That the Committee appoint Cr Jurisevic as the Acting Chairperson for the meeting.

Carried unanimously.

1 PROPOSED LOCAL LAW AMENDMENTS - ADVERTISING DEVICES - POST PUBLIC CONSULTATION PROPOSED CHANGES

Committee Recommendation

Moved: Cr Pardon

Seconded: Cr Glasgow

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 8 October 2019 and resolve:

A. To make the following changes to *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019*:

- i. reduce the number of new signs requiring approval to now only include pole, pylon, freestanding and all illuminated signs with a one off application fee;
- ii. remove any requirement for an annual approval licence or ongoing annual renewal fees for signage;
- iii. allow window and wall signs as self-assessable against the relevant criteria;
- iv. allow one (1) A-frame sandwich board as self-assessable per tenancy ~~only on private land, with criteria relating to sign placement, size, safety and stability~~ placed on the property to which it refers, or where this is not practically possible, immediately adjacent to the property, with criteria relating to sign placement, size, safety and stability;
- v. allow ~~one four (14)~~ real estate directional signs per auction / open for inspection ~~to be placed on or out the front of the property to which it refers to, with criteria relating to size, location and illumination restrictions~~ with the following criteria:
 - (i) signs may only be placed on the day of the auction/open for inspection and removed immediately after the auction/open for inspection; and
 - (ii) a sign must not exceed 750mm x 400mm or 0.3m² in area per side; and
 - (iii) only (4) four, directional signs per event are permitted including the auction/open for inspection sign erected at the property; and
 - (iv) signs may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
 - (v) only (1) sign may be placed at each intersection; and
 - (vi) signs shall not be illuminated or animated.

- vi. amend the definition of “tenancy” to clarify signage allowances apply to the principal tenancy holder and not separate sub-let businesses;
 - vii. amend the definition of “sign face area” to clarify that architectural features or paint trim of a building, fuel safety signs, warnings and way finding are not included as part of the sign face area calculation;
 - viii. amend the measurement of sign face area to only include the area around the perimeter of the advertising devices, rather than drawing a square or rectangle around it;
 - ix. amend the definition of “motor vehicle sign” to clarify that it does not include business signage on business vehicles or car wrapping;
 - x. amend the criteria for garage sale sign to ensure it is not attached to any road infrastructure, not just local government road infrastructure;
 - xi. amend reference to “nailed” to a tree or vegetation to “attached” throughout the draft local law;
 - xii. make other minor changes for clarification purposes where necessary.
 - xiii. increase the maximum individual sign allowance in the Cooroy and Noosaville industrial zone to 6sqm on a sliding scale of .75sqm per linear metre of street facing building, (excluding Eumundi Noosa Road and Walter Hay Drive as the gateways to Noosa) in recognition of larger buildings and industrial nature of the area.
 - xv. Increase the number of community service organisation signs for sporting club sign on days from 6 to 10, with 6 permitted within 5km of the club and 4 permitted outside a 5km radius of the club.
- B. To delegate authority to the Chief Executive Officer to make changes to *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019* and *Administration (Amendment) Local Law (No.1) 2019* as a result of changes proposed in A above and to make minor amendments prior to public notification if required;
- C. To fund ongoing signage compliance through Council’s general revenue and not an annual licence renewal fee and refer to next budget 2020/2021;
- D. To maintain the prohibition of tear drop flags proposed by the draft local law;
- E. To consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage.
- F. In accordance with Council’s Local Law Making Process Policy:
- i. consult with the public about the proposed changes to *Administration (Amendment) Local Law (No.1) 2019* and *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019* for a period of 21 days;
 - ii. amend the Public Interest Test Plan to reflect the changes to the List of likely anti-competitive provisions contained in Attachment 1;
 - iii. continue to consult with stakeholders on the proposed changes to the draft local law.
- G. To undertake a further review of advertising devices when the signage audit is completed.

For: Crs. Pardon, Jackson, Glasgow and Jurisevic

Against: Cr Stockwell

Carried.

2 PUBLIC QUESTION TIME GUIDELINE**Committee Recommendation****Moved:** Cr Glasgow**Seconded:** Cr Stockwell

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 14 October 2019 and adopt the Public Question Time Guideline provided as Attachment 1 to the report.

Carried unanimously.

3 FINANCIAL PERFORMANCE REPORT - SEPTEMBER 2019**Committee Recommendation****Moved:** Cr Jackson**Seconded:** Cr Glasgow

That Council note the report by the Director Corporate Services to the General Committee Meeting dated 14 October 2019 outlining September 2019 year to date financial performance against budget, including key financial sustainability indicators.

Carried unanimously.

Recommendation

The General Committee recommendations dated 14 October 2019 be adopted except where dealt with or held over by separate resolution.

9 ORDINARY MEETING REPORTS**1 FURTHER REPORT - PROPOSED LOCAL LAW AMENDMENTS – ADVERTISING DEVICES – POST PUBLIC CONSULTATION PROPOSED CHANGES**

Author	Principal Strategic Planner, Anita Lakeland Environment and Sustainable Development Department
Index	ECM/ 37.14 – Local Law No. 1 – Administration Amendment Advertising Devices
Attachments	Nil.

EXECUTIVE SUMMARY

At the General Committee meeting on 14 October 2019, Councillors considered a report referred from the Planning and Environment Committee on 8 October 2019 on proposed changes to the draft local law for advertising devices following public consultation.

Councillors requested further information for consideration at Council's Ordinary Meeting on 17 October 2019, the subject of this report. The original staff recommendation is set out below.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner to the Planning and Environment Committee dated 8 October 2019 and the further report to the Ordinary Meeting dated 17 October 2019 and resolve:

- A. To make the following changes to *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019*:
- reduce the number of new signs requiring approval to now only include pole, pylon, freestanding and all illuminated signs with a one off application fee;
 - remove any requirement for an annual approval licence or ongoing annual renewal fees for signage;
 - allow window and wall signs as self-assessable against the relevant criteria;
 - allow one (1) A-frame sandwich board as self-assessable per tenancy only on private land, with criteria relating to sign placement, size, safety and stability;
 - allow one (1) real estate directional sign per auction / open for inspection to be placed on or out the front of the property to which it refers to, with criteria relating to size, location and illumination restrictions;
 - amend the definition of "tenancy" to clarify signage allowances apply to the principal tenancy holder and not separate sub-let businesses;
 - amend the definition of "sign face area" to clarify that architectural features or paint trim of a building, fuel safety signs, warnings and way finding are not included as part of the sign face area calculation;
 - amend the measurement of sign face area to only include the area around the perimeter of the advertising devices, rather than drawing a square or rectangle around it;
 - amend the definition of "motor vehicle sign" to clarify that it does not include business signage on business vehicles or car wrapping;

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- x. amend the criteria for garage sale sign to ensure it is not attached to any road infrastructure, not just local government road infrastructure;
 - xi. amend reference to “nailed” to a tree or vegetation to “attached” throughout the draft local law;
 - xii. make other minor changes for clarification purposes where necessary.
- B. To delegate authority to the Chief Executive Officer to make changes to *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019* and *Administration (Amendment) Local Law (No.1) 2019* as a result of changes proposed in A above and to make minor amendments prior to public notification if required;
- C. To fund ongoing signage compliance through Council's general revenue and not an annual licence renewal fee and refer to next budget 2020/2021;
- D. To maintain the prohibition of tear drop flags proposed by the draft local law;
- E. To consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage;
- F. In accordance with Council's Local Law Making Process Policy:
- i. consult with the public about the proposed changes to *Administration (Amendment) Local Law (No.1) 2019* and *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019* for a period of 21 days;
 - ii. amend the Public Interest Test Plan to reflect the changes to the List of likely anticompetitive provisions contained in Attachment 1;
 - iii. continue to consult with stakeholders on the proposed changes to the draft local law.
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REPORT

The purpose of this report is to provide further information on a number of issues considered in the revised local law and provide possible options for advertising device provisions as requested by Council at the General Committee meeting on 14 October 2019.

BACKGROUND

A report was submitted to the Planning and Environment Committee on 8 October 2019 recommending changes to the proposed draft local law for advertising devices in response to public submissions. The report was referred to the General Committee Meeting on 14 October 2019 because of its significance.

The General Committee requested a supplementary report be provided with further information regarding options for advertising device provisions. The General Committee recommendation is as follows:

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 8 October 2019 and resolve:

- A. *To make the following changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019:*
- i. *reduce the number of new signs requiring approval to now only include pole, pylon, freestanding and all illuminated signs with a one off application fee;*
 - ii. *remove any requirement for an annual approval licence or ongoing annual renewal fees for signage;*
 - iii. *allow window and wall signs as self-assessable against the relevant criteria;*

- iv. allow one (1) A-frame sandwich board as self-assessable per tenancy ~~only on private land, with criteria relating to sign placement, size, safety and stability placed on the property to which it refers, or where this is not practically possible, immediately adjacent to the property, with criteria relating to sign placement, size, safety and stability;~~
 - v. allow ~~one-four~~ (14) real estate directional signs per auction / open for inspection ~~to be placed on or out the front of the property to which it refers to, with criteria relating to size, location and illumination restrictions with the following criteria;~~
 - (i) signs may only be placed on the day of the auction/open for inspection and removed immediately after the auction/open for inspection; and
 - (ii) a sign must not exceed 750mm x 400mm or 0.3m² in area per side; and
 - (iii) only (4) four, directional signs per event are permitted including the auction/open for inspection sign erected at the property; and
 - (iv) signs may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
 - (v) only (1) sign may be placed at each intersection; and
 - (vi) signs shall not be illuminated or animated.
 - vi. amend the definition of “tenancy” to clarify signage allowances apply to the principal tenancy holder and not separate sub-let businesses;
 - vii. amend the definition of “sign face area” to clarify that architectural features or paint trim of a building, fuel safety signs, warnings and way finding are not included as part of the sign face area calculation;
 - viii. amend the measurement of sign face area to only include the area around the perimeter of the advertising devices, rather than drawing a square or rectangle around it;
 - ix. amend the definition of “motor vehicle sign” to clarify that it does not include business signage on business vehicles or car wrapping;
 - x. amend the criteria for garage sale sign to ensure it is not attached to any road infrastructure, not just local government road infrastructure;
 - xi. amend reference to “nailed” to a tree or vegetation to “attached” throughout the draft local law;
 - xii. make other minor changes for clarification purposes where necessary.
 - xiii. increase the maximum individual sign allowance in the Cooroy and Noosaville industrial zone to 6sqm on a sliding scale of .75sqm per linear metre of street facing building, (excluding Eumundi Noosa Road and Walter Hay Drive as the gateways to Noosa) in recognition of larger buildings and industrial nature of the area.
 - xv. Increase the number of community service organisation signs for sporting club sign on days from 6 to 10, with 6 permitted within 5km of the club and 4 permitted outside a 5km radius of the club.
- B. To delegate authority to the Chief Executive Officer to make changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019 and Administration (Amendment) Local Law (No.1) 2019 as a result of changes proposed in A above and to make minor amendments prior to public notification if required;
- C. To fund ongoing signage compliance through Council’s general revenue and not an annual licence renewal fee and refer to next budget 2020/2021;
- D. To maintain the prohibition of tear drop flags proposed by the draft local law;
- E. To consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage.

F. In accordance with Council's Local Law Making Process Policy:

- i. consult with the public about the proposed changes to Administration (Amendment) Local Law (No.1) 2019 and Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019 for a period of 21 days;*
- ii. amend the Public Interest Test Plan to reflect the changes to the List of likely anti-competitive provisions contained in Attachment 1;*
- iii. continue to consult with stakeholders on the proposed changes to the draft local law.*

G. To undertake a further review of advertising devices when the signage audit is completed.

ADDITIONAL INFORMATION REQUESTED

Definition of Tenancy

The report to Planning and Environment Committee Meeting on 8 October 2019 recommended a change to the definition of tenancy to clarify that signage allowances in the draft local law apply to the principal tenancy holder and not separate sub-let businesses operating from the same tenancy/building.

The proposed change aims to ensure that each separate business operating within the one tenancy/building is not entitled to the 10sqm signage allowance or additional signage allowances such as more than one A-frame sign. This clarification of the definition meets the intent of the provisions and is to ensure misinterpretation of the definition does not result in excessive signage on a building.

An example of this, is where multiple businesses operate within one tenancy / building which may include a café, butcher, grocer and baker, such as the Belmondos model. Another example is where there is a building within a single lease area, such as the jetties on Noosa River, but multiple businesses operate from the same building such as a café, boat hire, tour company, ferry etc.

In these instances, the allocation of the signage allowance of a maximum of 10sqm and one (1) A-frame allowance applies to the whole tenancy/building regardless of the number of businesses operating from tenancy.

However, where there is one lot with multiple clearly defined separately operating tenancies / buildings the maximum 10sqm allowance and other signage allowances such as one A-frame per tenancy is intended to apply to each.

Minor clarification changes to the Tenancy definition and any subsequent changes to the draft local law for the allocation of total signage allowances for the circumstances outlined above are proposed prior to re-notification.

Sandwich boards / A frame signs

Under the current local law for advertising devices, each tenancy can have a single A-frame sign or alternatively, a tear drop flag, but not both.

Under the proposed new local law A-frame signs and tear drop flag signs were proposed to be prohibited. After significant community feedback via submissions on the draft local law, changes are proposed as outlined in the report to Planning and Environment Committee to allow one (1) A-Frame sign per tenancy only on private land (inclusive of lease areas along Noosa River) and continue to prohibit tear drop signs.

The recommendation in the report to Committee aimed to find a balance between allowing A-frames on private land, while still reducing some signage clutter and importantly reducing the public liability risk Council is exposed to when A-frames are placed on footpaths and public land.

As outlined above, the clarification of the tenancy definition would confirm that one (1) A-frame sign would only be permitted for each tenancy/building, regardless of the number of businesses operating from the tenancy.

Should Council wish to permit one (1) A frame sign per business, and continue to allow the A-frame to be located on public land, the following alternative wording would be suitable:

“Allow one (1) sandwich board / A –Frame sign with the following criteria:

- (i) a maximum of (1) advertising device per business may be displayed; and*
- (ii) the advertising device must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and*
- (v) the sign face area of the advertising device must not exceed 900mm x 600mm or 0.54m² on each side of the advertising device; and*
- (vi) the advertising device must be structurally sound, stable and not pose a hazard or safety risk to the public; and*
- (vii) a public liability certificate to the value of \$20,000,000 must be current.”*

It should be noted under this scenario that as A-frames signs would be self-assessable, Council would be essentially consenting to the placement of A-frame signs on public land and potentially exposing Council to future liability.

Introducing a permit system as per outdoor dining, whereby the location and placement of the sign on public land is assessed and specified and public liability insurance is required, may minimise Council's exposure however is unlikely to fully eliminate this risk and would create considerable red tape for businesses. Further legal advice would be required on this matter should Council wish to implement a permit system and require public liability be provided for A frames.

Tear drop flags

Under the current local law each tenancy may have one (1) tear drop flag, as an alternative to an A-frame sign, but not both.

Under the draft local law, tear drop signs were proposed to be prohibited. Tear drop flags have proliferated in Noosa Shire, particularly in the industrial zones resulting in an increase in visual clutter. The report to the Planning and Environment Committee meeting on 8 October 2019 recommended maintaining the proposed prohibition of tear drop flags.

Should Council wish to permit one (1) tear drop flag per business as an alternative to A-frame signs (but not both) then the criteria in the proposed local law for tear drop flags is required to be included to revert to existing the situation under the current local law as below;

“Allow tear drop flags with the following criteria:

- (i) the sign may only be used when the business is open; and*
- (ii) a maximum of (1) one sign per tenancy; and*
- (iii) the sign must be placed only on the primary street frontage and must not be placed at the rear of the property on a secondary road frontage; and*

- (iv) *the sign must be placed on the property to which it refers or where this is not practically possible immediately adjacent to the property; and*
- (v) *the maximum height permitted is 2.0 metres; and*
- (vi) *may only be displayed instead of using an A Frame sign.”*

At the General Committee meeting Council requested alternative wording to also consider allowing more than one tear drop on lots with a frontage greater than 20m in length, at a rate of 1 per 20m, limited to the primary street frontage, and not along rear or secondary road frontages. The following alternative wording would be suitable:

“Allow tear drop flags with the following criteria:

- (i) *the sign may only be used when the business is open; and*
- (ii) *a maximum of (1) one sign per tenancy is permitted where the primary street frontage is less than 20m in length or where the primary street frontage is greater than 20m, one (1) every 20m; and*
- (iii) *the sign must be placed only on the primary street frontage and must not be placed at the rear of the property on a secondary road frontage; and*
- (iv) *the sign must be placed on the property to which it refers or where this is not practically possible immediately adjacent to the property; and*
- (v) *the maximum height permitted is 2.0 metres; and*
- (vi) *may only be displayed instead of using an A Frame sign.”*

The above provision would enable a far greater number of tear drop flags than currently allowed, the existing provision being 1 tear drop or A-frame per tenancy not both. Although it is difficult to accurately calculate, it could be assumed that a significant number of properties both in the coastal area (tourist accommodation sites that many have longer than 20 m frontages) and many of the industrial sites would have frontages longer than 20sq m.

Should Council wish to limit the location to which tear drop flags are permitted, such as industrial zones, this may be done by way of a map which designates the areas to which this could occur. This map would need to be prepared prior to re-notification of the proposed local law.

Window / glazed area

Currently, The Noosa Plan and the proposed new Noosa Plan requires the ground floor of a premises to provide at least 50% transparent glazing to shop fronts to create active building fronts and interesting vibrant streetscapes. The draft local law is consistent with this requirement allowing for no more than 50% of the glazed part of the building to be covered by signage.

Images attached to windows showing products sold on the premises are currently regarded as an advertising device and included in the sign face area calculation. The extent of window coverage is limited to 50% of the glazed part of the building.

Should Council wish to exclude these images from being defined as an advertising device, an amendment would be required to the definition of sign face area. The following wording would be suitable:

“amend the definition of “sign face area” to clarify that product images representing the goods sold on the premises attached to the glazed area of a building are not included as part of the sign face area calculation;”

Council also requested consideration of increasing the allowable glazed area from 50 % to 100%.

Options are provided below for alternate wording to enable this.

Option 1

“Amend the window sign requirements to increase the allowable coverage of the glazed area of the building to which the advertising device is attached to 100 %, excluding doors and entry ways which must remain transparent.

Amend the new Noosa Plan building design and streetscape provisions regarding extent of glazed area of a building to effect the change above.

Allow LCD digital screens as part of the window coverage allowance, together with other window signage.”

Option 2

“Amend the window sign requirements to enable the allowable coverage of the glazed area of the building to exceed 50%, allowing for up to 100% of the glazed area where the protection of goods from sun damage or privacy is required, excluding doors and entry ways which must remain transparent.

Amend the new Noosa Plan building design and streetscape provisions regarding extent of glazed area of a building to effect the change.

Allow LCD digital screens as part of the window coverage allowance, together with other window signage.”

It should be noted that any change to the allowable 50% coverage of the glazed part of the building under the draft local law would also require a change to the new Noosa Plan resulting in a significant departure from a long standing provision which has maintained an active street frontage in town centres, high level of amenity and interesting streetscape. Transparent windows and viewing product displays are vital for a dynamic and active streetscape. Any increase to window coverage would result in a poor outcome for activity centres and villages

Previous Council Consideration

A report was submitted to the Planning and Environment Committee on 8 October 2019 and referred to the General Committee meeting on 14 October 2019. Further information contained in this report was requested for consideration at the Ordinary Meeting on 17 October 2019.

Finance

There are no financial implications resulting from this report.

Risks & Opportunities

Because the new Planning Scheme does not contain provisions for advertising devices, the draft local law must be in place at the time of its commencement to ensure adequate regulation and management of advertising devices. It is anticipated the new Planning Scheme will be in place in early 2020 at which time the local law will need to commence.

Consultation

External Consultation - Community & Stakeholder

No external consultation was undertaken in preparing this supplementary report.

Internal Consultation

Internal consultation was under within the Environment and Sustainable Development Department in preparing this supplementary report.

Departments/Sections Consulted:

☐ Chief Executive Officer Executive Officer Executive Support	☐ Community Services Director Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	☐ Corporate Services Director Financial Services ICT Procurement & Fleet Property Revenue Services
☐ Executive Services Director Community Engagement Customer Service Governance People and Culture	☒ Environment & Sustainable Development X Director Building & Plumbing Services Development Assessment Economic Development Environmental Services X Strategic Land Use Planning	☐ Infrastructure Services Director Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

10 CONFIDENTIAL SESSION

Nil.

11 PUBLIC QUESTION TIME

(Not yet commenced)

12 NEXT MEETING

The next Ordinary Meeting will be held on 21 November 2019 at the Council Chambers, 9 Pelican Street, Tewanin commencing at 6pm.

13 MEETING CLOSURE