



# **MINUTES**

## **Ordinary Meeting**

**Thursday, 16 July 2020**

**commencing at 5pm**

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

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**Crs Clare Stewart (Chair), Karen Finzel, Joe Jurisevic, Amelia Lorentson,  
Brian Stockwell, Tom Wegener, Frank Wilkie**

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*“Noosa Shire – different by nature”*

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

Councillor C Stewart, Mayor  
Councillor K Finzel  
Councillor J Jurisevic  
Councillor A Lorentson  
Councillor B Stockwell  
Councillor T Wegener  
Councillor F Wilkie

**EXECUTIVE**

B de Chastel, Chief Executive Officer  
M Shave, Director Corporate Services  
K Contini, Director Community Services  
K Rawlings, Director Environment & Sustainable Development  
D Iezzi, Director Executive Services  
A Hull, Acting Director Infrastructure Services

**APOLOGIES**

Nil.

The meeting commenced at 5.00pm.

**2 CONFIRMATION OF MINUTES****Council Resolution**

**Moved:** Cr Wilkie  
**Seconded:** Cr Jurisevic

The Minutes of the Ordinary Meeting held on 18 June 2020 be received and confirmed.

**Carried unanimously.**

**Council Resolution**

**Moved:** Cr Finzel  
**Seconded:** Cr Wegener

The Minutes of the Special Meeting held on 10 July 2020 be received and confirmed.

**Carried unanimously.**

**3 MAYORAL MINUTES****1 PURCHASE OF 24 COOROY NOOSA ROAD, TEWANTIN – LOT 375 SP151415 (FORMER TEWANTIN TAFE SITE)****Council Resolution****Moved: Cr Stewart**

That Council note the Mayoral Minute provided to the Ordinary Meeting dated 16 July 2020, and:

- A. Instruct the CEO to discontinue negotiations with the Queensland Government regarding the purchase of the former Tewantin TAFE site located at 24 Cooroy Noosa Road, Tewantin;
- B. Agree to instead adopt an advocacy role for potential suitable end users (e.g. lessees or purchasers), with these likely to be from the education or training sectors; and
- C. Request the Chief Executive Officer to write to the Department of Employment, Small Business and Training and the State Member for Noosa, Sandy Bolton, thanking them for their assistance in this matter to date and:
  - Advise of Council's decision not to proceed with purchase negotiations but to instead advocate for a suitable user to be found to activate the site;
  - Reaffirm Council's desire to see the site activated at the earliest opportunity;
  - Provide details of approaches to Council from potential end uses to date; and
  - Offer Council's ongoing assistance to facilitate the activation of the site.

**Carried unanimously.****4 PETITIONS****1 PETITION: REQUEST TO MAKE CARRUTHERS COURT PARK, COOROY A LEASH FREE DOG EXERCISE AREA****Council Resolution****Moved: Cr Lorentson****Seconded: Cr Wilkie**

That the petition tabled by Cr Lorentson requesting that Council make Carruthers Court Park, Cooroy a leash free dog exercise area be received and referred to the Chief Executive Officer to determine appropriate action.

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

Nil.

**6 PRESENTATIONS**

Nil.

**7 DEPUTATIONS**

Nil.

## 8 CONSIDERATION OF COMMITTEE RECOMMENDATIONS

### PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS

7 JULY 2020 - Crs Brian Stockwell (Chair), Karen Finzel, Clare Stewart and Tom Wegener

Other Councillors in attendance: Crs Amelia Lorentson, Frank Wilkie and Joe Jurisevic

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

#### Council Resolution

Moved: Cr Stockwell

Seconded: Cr Jurisevic

The Planning & Environment Committee recommendations dated 7 July 2020 be adopted.

**Carried unanimously.**

## 1 COUNCILLOR REPRESENTATION ON CLIMATE EMERGENCY AUSTRALIA STRATEGIC ADVISORY GROUP

That Planning & Environment Committee Agenda Item 1 be referred to the General Committee for further consideration.

## 2 MCU19/0017.01 & RAL19/0004.01 – MINOR CHANGE TO DEVELOPMENT APPROVAL FOR COMMERCIAL BUSINESS - TYPE 1 OFFICE, COMMERCIAL BUSINESS - TYPE 2 MEDICAL & ANCILLARY DWELLING UNIT & RECONFIGURATION OF A LOT – ACCESS EASEMENT AT 36 & 40 HOFMANN DRIVE, NOOSAVILLE

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 7 July 2020 regarding Application No. MCU19/0017.01 & RAL19/0004.01 to make a minor change to a development approval for Material Change of Use - Ancillary Dwelling Unit, Commercial Business - Type 1 Office, Commercial Business - Type 2 Medical and Reconfiguration of a Lot – Access Easement situated at 36 & 40 Hofmann Dr, Noosaville and:

A. Approve a change to Condition 2 to read as follows:

#### **Approved Plans**

2. Development undertaken in accordance with this approval must generally comply with the approved plans listed within this Decision Notice. The approved plans are listed in the following table unless otherwise amended by these conditions.

| Plan No. | Rev. | Plan/Document Name   | Date       |
|----------|------|--|------------|
| DA-00.00 | 19   | Cover Sheet, prepared by <i>thomson adsett</i> , prepared by <i>thomson adsett</i> | 08.06.2020 |
| DA-10.12 | 3    | Site Context Plan – Adjusted Boundary, prepared by <i>thomson adsett</i>           | 12.03.2020 |
| DA-21.10 | 27   | Basement Floor Plan, prepared by <i>thomson adsett</i>                             | 12.03.2020 |

|              |    |   |            |
|--------------|----|---|------------|
| DA-21.20A    | 40 | Ground Floor Plan, prepared by <i>thomson adsett</i>                            | 08.06.2020 |
| DA-21.21     | 27 | Level 1 Plan, prepared by <i>thomson adsett</i>                                 | 08.06.2020 |
| DA-21.22     | 21 | Level 2 Plan, prepared by <i>thomson adsett</i>                                 | 08.06.2020 |
| DA-21.30     | 16 | Roof Plan, prepared by <i>thomson adsett</i>                                    | 12.03.2020 |
| DA-30.10     | 19 | Elevations, prepared by <i>thomson adsett</i>                                   | 08.06.2020 |
| DA-31.10     | 17 | Sections, prepared by <i>thomson adsett</i>                                     | 08.06.2020 |
| DA-31.11     | 11 | Sections, prepared by <i>thomson adsett</i>                                     | 08.06.2020 |
| DA41.01      | 9  | Perspective Renders, prepared by <i>thomson adsett</i>                          | 12.03.2020 |
| DA-41.02     | 10 | Perspective Renders, prepared by <i>thomson adsett</i>                          | 12.03.2020 |
| D-02391.01-C |    | Change to Carparking & Proposed Easements, prepared by <i>Martoo Consulting</i> | 12.09.2019 |

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

### 3 NOOSA RIVER OYSTER ECOSYSTEM RESTORATION PROJECT – PROJECT MANAGEMENT PLAN

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

### 4 YUROL RINGTAIL ENVIRONMENTAL PROJECT

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

**SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS****7 JULY 2020 - Crs Joe Jurisevic (Chair), Amelia Lorentson, Frank Wilkie and Clare Stewart***Other Councillors in attendance: Crs Karen Finzel, Tom Wegener and Brian Stockwell.*

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

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

The Services &amp; Organisation Committee recommendations dated 7 July 2020 be adopted.

**Carried unanimously.**

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**1 GO NOOSA – CHRISTMAS 2019/20 PEAK PERIOD TRAFFIC MANAGEMENT EVALUATION**

That Council note the report by the Project Manager and Project Officer Transport Innovation to the Services and Organisation Committee Meeting dated 7 July 2020 regarding Go Noosa – Christmas 2019-2020 and note that a further report will be brought to Council on recommendations for managing peak period traffic for the remainder of 2020 and the 2020/21 Christmas Holidays.

**2 COMMUNITY DISASTER RESPONSE AND RECOVERY GRANTS – COVID-19**

That Council note the report by the Community Development Manager to the Services & Organisation Committee Meeting dated 7 July 2020 providing an update on the allocations of funding under the Community Disaster Response and Recovery Grants for COVID-19.

**3 NOOSA CULTURAL PLAN 2019 – 2023 – IMPLEMENTATION UPDATE**

That Council note the report by the Acting Libraries and Galleries Manager to the Services & Organisation Committee Meeting dated 7 July 2020 and endorse the Noosa Cultural Plan 2019-2023 - 2020/21 Action Plan included at Attachment 3, subject to budgetary capacity.

**GENERAL COMMITTEE RECOMMENDATIONS**

**13 JULY 2020 - Crs Frank Wilkie (Chair), Karen Finzel, Joe Jurisevic, Amelia Lorentson, Clare Stewart, Brian Stockwell and Tom Wegener**

**2 NOOSA RIVER OYSTER ECOSYSTEM RESTORATION PROJECT – PROJECT MANAGEMENT PLAN**

*Cr Stewart declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to another Councillor foreshadowing that they may move an amendment during debate on this matter that mentions the Massoud family. Cr Stewart advised that Michael Massoud provided a \$500 donation to her election campaign on 21 February 2020. Cr Stewart believed that she 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 assumed the Chair for the purpose of considering the conflict of interest declaration.*

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

**Council Resolution**

**Moved: Cr Wilkie**

**Seconded: Cr Stockwell**

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

**Carried unanimously.**

*Cr Stewart did not vote on the above motion.*

*Cr Stewart resumed the Chair.*

**Motion**

**Moved: Cr Stewart**

**Seconded: Cr Wilkie**

That Council note the report by the Environmental Services Manager to the Planning & Environment Committee meeting dated 7 July 2020 and:

- A. Approve the Project Management Plan (provided as Attachment 1 to the report) as meeting the requirements of the Project Implementation Plan outlined in the Alliance & Funding Agreement subject to Council appointing an independent scientific expert to provide a review of the project's Monitoring Evaluation and Reporting Plan. The review is to include an assessment of the effectiveness of the methodology, project's goals, measures, outputs and outcomes within the context of ecological restoration and the terms of the three year contract, and recommendations (if any) for improvement to be included in the Monitoring and Evaluation Plan; and
- B. Note the Terms of Reference of the Noosa River Oyster Restoration Project Technical Advisory Group (provided as Attachment 2 to the report); and
- C. Establish a Noosa River Stakeholder Reference Group to provide strategic input, local knowledge and expertise into River Management initiatives, initially providing input into this Shellfish Restoration project and more broadly into finalisation and implementation of the Noosa River Plan, and
- D. Delegate to the CEO to determine the Terms of Reference and undertake a process to establish the Noosa River Stakeholder Reference Group together with the appropriate role for Councillor representation on that Group.

**Amendment****Moved:** Cr Lorentson**Seconded:** Cr Finzel

That Item B of the motion be amended to read as follows:

- B. Note the Terms of Reference of the Noosa River Oyster Restoration Project Technical Advisory Group (TAG) (provided as Attachment 2 to the report) and request The Nature Conservancy to agree to amend the membership of the TAG to include a member of one of the historic commercial fishing families (Massoud, Burton, Cleary, Clarks, Harpers) to add independent, valuable, local input into the project; and

**For:** Crs. Lorentson, Stewart and Finzel**Against:** Crs. Wegener, Jurisevic, Stockwell and Wilkie**Lost.****Council Resolution****Moved:** Cr Stewart**Seconded:** Cr Wilkie

That Council note the report by the Environmental Services Manager to the Planning &amp; Environment Committee meeting dated 7 July 2020 and:

- A. Approve the Project Management Plan (provided as Attachment 1 to the report) as meeting the requirements of the Project Implementation Plan outlined in the Alliance & Funding Agreement subject to Council appointing an independent scientific expert to provide a review of the project's Monitoring Evaluation and Reporting Plan. The review is to include an assessment of the effectiveness of the methodology, project's goals, measures, outputs and outcomes within the context of ecological restoration and the terms of the three year contract, and recommendations (if any) for improvement to be included in the Monitoring and Evaluation Plan; and
- B. Note the Terms of Reference of the Noosa River Oyster Restoration Project Technical Advisory Group (provided as Attachment 2 to the report); and
- C. Establish a Noosa River Stakeholder Reference Group to provide strategic input, local knowledge and expertise into River Management initiatives, initially providing input into this Shellfish Restoration project and more broadly into finalisation and implementation of the Noosa River Plan, and
- D. Delegate to the CEO to determine the Terms of Reference and undertake a process to establish the Noosa River Stakeholder Reference Group together with the appropriate role for Councillor representation on that Group.

**For:** Crs. Wegener, Jurisevic, Stockwell and Wilkie**Against:** Crs. Lorentson, Stewart and Finzel**Carried.**



### 3 YUROL RINGTAIL ENVIRONMENTAL PROJECT

*Cr Stockwell declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to the fact as a Sole Trader in his business Watershed Australia, he has both been contracted by, and had subcontracted officers of, Noosa and District Landcare prior to becoming a Councillor. This included undertaking a paid 2 day consultancy facilitating a meeting of Landcare members in 2015 and also subcontracting Landcare for a project. Cr Stockwell advised that there was no nexus between the work he had undertaken for Landcare prior to him becoming a Councillor and the matter before Council. Cr Stockwell is also an ordinary member of the group with long standing association including as a Council representative that assisted in its foundation in 1989. Cr Stockwell advised of his collegial relationships dating back to the 1980s with members of Landcare, his professional roles as a State Government public servant liaising with Landcare through those roles and his relationship with members of the current Landcare Committee. Cr Stockwell 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 conflict was a real conflict or perceived conflict and whether Cr Stockwell may participate in the meeting for the debate and vote on this matter or whether he must leave the meeting for the debate and vote on this matter.*

#### **Council Resolution**

**Moved:** Cr Jurisevic

**Seconded:** Cr Wilkie

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

**Carried unanimously.**

*Cr Stockwell did not vote on the above motion.*

#### **Council Resolution**

**Moved:** Cr Wilkie

**Seconded:** Cr Jurisevic

That Council note the report by the Chief Executive Officer to the Planning & Environment Committee Meeting dated 7 July 2020 regarding the Yurol Ringtail Environmental Project and:

- A. Note that the project remains on track with all milestones to date being met;
- B. Authorise the CEO to continue negotiations between the existing project partners and Greenfleet as outlined in the report and further, advise the State government that Council supports "in principle" the proposal by Greenfleet to undertake environmental remediation work in the Yurol Ringtail project area; and
- C. Note that the CEO will provide a further report to Council once those negotiations are further advanced outlining details of any changes required to existing contracts.

**Carried unanimously.**

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**6 152006.1999.4 – PLANNING & ENVIRONMENT COURT APPEAL NO. BD1605 OF 2020 REGARDING REFUSAL OF APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT APPROVAL TO RECONFIGURE A LOT (52 LOTS & PARK) AT 191 HOLLETT RD, NOOSAVILLE**

**Council Resolution**

**Moved: Cr Stockwell**

**Seconded: Cr Stewart**

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 13 July 2020 regarding Planning & Environment Court Appeal No. BD1605 of 2020 and:

- A. Agree to allow the appeal as the proposed changes to the subdivision plan are considered minor and would be an improved outcome for the site in comparison with the approved subdivision plan given the changes reduce the development's footprint and number of lots from 52 to 40.
- B. Note that allowing this appeal does not in any way alter the Council's legal position in relation to the four other current Planning & Environment appeals over the site concerning the extension of the original development approval, or diminish its strong opposition to subdivision of the land which it considers would be in fundamental conflict with the planning requirements for the site under the Noosa Plan and South East Queensland Regional Plan.

**Carried unanimously.**

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

**Council Resolution**

**Moved: Cr Wilkie**

**Seconded: Cr Jurisevic**

The General Committee recommendations dated 13 July 2020 be adopted except where dealt with or held over by separate resolution.

**Carried unanimously.**

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**1 COUNCILLOR REPRESENTATION ON CLIMATE EMERGENCY AUSTRALIA STRATEGIC ADVISORY GROUP**

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 7 July 2020 and support the nomination of Councillor Stockwell to represent Queensland on the Climate Emergency Australia Strategic Advisory Group.

**4 UPDATE ON COUNCIL GRANT FUNDING ALLOCATIONS**

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 13 July 2020 and endorse the various projects submitted to the State and Commonwealth governments for funding as set out in the report.

**5 FINANCIAL PERFORMANCE REPORT – JUNE 2020 INTERIM POSITION**

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 13 July 2020 outlining interim 2019/20 full year financial performance against budget, including key financial sustainability indicators.

**9 ORDINARY MEETING REPORTS**

Nil.

**10 CONFIDENTIAL SESSION**

Nil.

**11 PUBLIC QUESTION TIME**

Nil.

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 20 August 2020 at the Council Chambers, 9 Pelican Street, Tewantin commencing at 5pm.

**13 MEETING CLOSURE**

The meeting closed at 6.03pm.