



MINUTES

Ordinary Meeting

Thursday, 21 January 2021

5pm

Council Chambers, 9 Pelican Street, Tewantin

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

“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
K Contini, Director Community Services
M Shave, Director Corporate Services
A Dow, Acting Director Environment & Sustainable Development
B O'Connor, Acting Director Infrastructure Services

APOLOGIES

Nil.

The meeting commenced at 5.00pm.

2 CONFIRMATION OF MINUTES**Council Resolution**

Moved: Cr Finzel

Seconded: Cr Wilkie

The Minutes of the Ordinary Meeting held on 17 December 2020 be received and confirmed.
Carried unanimously.

3 MAYORAL MINUTES

Nil.

4 PETITIONS

Nil.

5 NOTIFIED MOTIONS

Nil.

6 PRESENTATIONS

Nil.

7 DEPUTATIONS

Nil.

8 CONSIDERATION OF COMMITTEE REPORTS**1 GENERAL COMMITTEE MEETING REPORT – 18 JANUARY 2021****2 NOOSA RIVER PLAN CONSULTATION & NOOSA RIVER STAKEHOLDER ADVISORY GROUP****Motion****Moved: Cr Stewart****Seconded: Cr Wegener**

That Council note the report by the Environment Services Manager and Environment Officer (Rivers and Coast) to the General Committee Meeting dated 18 January 2021 and:

- A. Note the consultation reports for the two periods of public consultation on the Noosa River Plan, from 20 July to 26 August 2018 and 02 December to 10 January 2020;
- B. Note the Draft Terms of Reference for the joint Noosa Shire Council and Maritime Safety Queensland Noosa River Stakeholder Advisory Committee and further note the Draft Terms of Reference will be reviewed by the Noosa River Stakeholder Advisory Committee at its first meeting;
- C. Authorise the Chief Executive Officer to make amendments to the Terms of Reference for the *Noosa River Stakeholder Advisory Committee* in consultation with Maritime Safety Queensland following any feedback from the Noosa River Stakeholder Advisory Committee.
- D. Request the CEO to report back to Council in March 2021 on the proposed membership of the Noosa River Stakeholder Advisory Committee and further, request Maritime Safety Queensland to work with Council to ensure that the first meeting of the committee occurs within one month of the finalisation of the committee membership.
- E. Appoint Councillor Stewart to be an observer at meetings of the Noosa River Stakeholder Advisory Committee.
- F. Acknowledge and welcome the permanent presence of Maritime Safety Queensland in Noosa and resolve that, while MSQ maintains an active presence, Noosa Shire Council no longer seeks to take over management of anchoring, mooring and living on board on the Noosa River.

Amendment No.1**Moved: Cr Lorentson****Seconded: Cr Wilkie**

That item B be amended as follows:

- B. Note the Draft Terms of Reference for the joint Noosa Shire Council and Maritime Safety Queensland Noosa River Stakeholder Advisory Committee and
 1. Request Maritime Safety Queensland to agree to amend the draft terms of reference to increase the number of committee members up to 12; and
 2. Further note that the Draft Terms of Reference will be reviewed by the Noosa River Stakeholder Advisory Committee at its first meeting;

Carried unanimously.

Amendment No.2**Moved: Cr Stockwell****Seconded: Cr Jurisevic**

That Items B to E be deleted and replaced with new Items B to N as follows:

- B. Agree to the establishment of a joint Noosa River Advisory Group with Maritime Safety Queensland and
1. Acknowledge the initial focus of this group will be on issues of joint interest to both it and MSQ including:
 - Boating – Speed Limits and Safety
 - Anchoring and Mooring
 - Living on the River
 - Commerce and Infrastructure on the River
 - Marine Pollution and Prevention; and
 2. Adopt this arrangement as a template for negotiations to achieve similar bilateral arrangements with other relevant government agencies that have river and catchment management responsibilities.
- C. Adopt the following purpose, aims and objectives to guide the operation of the Advisory Group.

Purpose

The purpose of the Noosa River Stakeholder Advisory Committee (NRSAC) is to engage key community stakeholders with demonstrated local knowledge and expertise, to provide strategic input, objective advice and recommendations regarding the sustainable use, conservation and management of the Noosa River and its catchment. This advice is to inform the decisions and priorities of both Noosa Council and the Queensland Government

NRSAC is not a decision-making body. Advice and recommendations provided by NRSAC made to relevant management agencies are therefore non-binding”.

Aims and Objectives

- *To facilitate an equitable forum to discuss matters relevant to the management of the Noosa River that considers the ecological, social and economically sustainable use of the river and its catchment.*
 - *To prioritise key issues in the Noosa River and catchment and recommend potential solutions to address them.*
 - *To provide timely and considered advice on the sustainable use, management, and conservation of the Noosa River System.*
 - *To establish clear lines of communication between management agencies and river user groups, and both understand the basis and breadth of each other's views.*
 - *To effectively engage local Kabi Kabi (Gubbi Gubbi) people and bring a First Nations perspective to ongoing management of the Noosa River and its catchment.*
- D. Amend the draft Terms of Reference to more fully identify Council's mandate and therefore, the scope of issues and advice upon which it seeks input from the committee to include the following description:
- Noosa Shire Council has responsibilities to plan and manage catchment-related issues that potentially impact the Noosa River. This includes management of diffuse land-based sources of contamination e.g. those related to impact of poor*

land, wetland and riparian management as well as degradation from inappropriate land use and vegetation management. Council also has an increasing investment in the rehabilitation of aquatic and estuarine habitats. The Environment and Sustainable Living Policy, Noosa Environment Strategy, Social Strategy, Local Economic Plan and Draft Noosa River Management Plan set out the principles, goals, strategies, targets and outcomes that guide Council and community action to enhance the health of the river and the management decisions regarding its sustainable use.

- E. Adopt the following, more comprehensive list as the desired stakeholder groups to be represented on the Advisory Committee, noting that a person may have interests in more than one sector and the Draft Terms of Reference be amended accordingly.

Commercial Interests	Community Interests	Land & Water Owners
Commercial Fishers	Recreational Fishers	Kabi Kabi First Nation People
Commercial Boating	Recreational Boating	Riparian Landholders
Commercial River Operators	Recreational River Users	
Tourism Industry	Resident Associations	
	Catchment & NRM Groups	
	Conservation Groups	

- F. Amend the Draft Terms of Reference to require that community interests and land and water owner sectors must represent the majority of the advisory group members.
- G. Adopt the following selection criteria for the purposes of choosing nominees for membership of the advisory group and amend the Draft Terms of Reference accordingly:
- a. Individual knowledge and experience in management issues associated with the Noosa River and its catchment.
 - b. Ability to represent community interests and communicate to as many members as possible in their identified sector/s.
 - c. A demonstrated track record, and commitment to, upholding the values and principles of sustainable river and catchment management and use.
- H. Amend the Draft Terms of Reference to identify that a Noosa Shire Councillor will be appointed as an observer to the Advisory Committee and in this role is able to contribute to discussion but not vote on any matter.
- I. Request MSQ to agree to the proposed changes to the Terms of Reference and authorise the Chief Executive Officer to make minor amendments to the Terms of Reference for the Noosa River Stakeholder Advisory Committee in consultation with Maritime Safety Queensland. Further Council acknowledges that the CEO in conjunction with MSQ may agree to amend the Terms of Reference from time to time.
- J. Request that upon their formation the Advisory Committee provide their recommendations as to any amendments required to the Terms of Reference in relation to the structure, governance and operations of the group including, but not limited to:
- a. The formation of two or more standing sub-committees to deal with river health, biodiversity and/or fishing priorities as well as those associated with river use.
 - b. The preferred model for the appointment or selection of chairs to the Advisory Group and any sub-committees.

- c. The frequency of meetings and the method of gaining consensus.
 - d. The relevant sectors or expertise desirable on the committee or sub-committee.
- K. Appoint Councillor Stewart as an observer at meetings of the Noosa River Stakeholder Advisory Committee.
- L. Acknowledge and welcome the permanent presence of Maritime Safety Queensland in Noosa and resolve that, while MSQ maintains an active presence, Noosa Shire Council no longer seeks to take over management of anchoring, mooring and living on board on the Noosa River.
- M. Advise MSQ that Council reserves the right to form subcommittees or other committees to deal with river related matters outside their remit; and to appoint stakeholders to any such body unilaterally if so required; and
- N. Request Maritime Safety Queensland to agree to amend the Draft Terms of Reference to increase the number of committee members up to 12.

For: Crs Stockwell and Jurisevic

Against: Crs Wilkie, Lorentson, Stewart, Wegener and Finzel

Lost.

Amendment No. 3

Moved: Cr Finzel

Seconded: Cr Wilkie

Amend Item B to read:

- B. Note the Draft Terms of Reference for the joint Noosa Shire Council and Maritime Safety Queensland Noosa River Stakeholder Advisory Committee and
1. Request Maritime Safety Queensland to agree to amend the draft terms of reference to increase the number of committee members up to 12; and
 2. Request MSQ to agree to amend the Draft Terms of Reference to make provision for a review of the Noosa River Stakeholder Advisory Committee after 12 months to ensure it is meeting the stated objectives.
 3. Further note that the Draft Terms of Reference will be reviewed by the Noosa River Stakeholder Advisory Committee at its first meeting.

Unanimously Lost.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Wegener

That Council note the report by the Environment Services Manager and Environment Officer (Rivers and Coast) to the General Committee Meeting dated 18 January 2021 and:

- A. Note the consultation reports for the two periods of public consultation on the Noosa River Plan, from 20 July to 26 August 2018 and 02 December to 10 January 2020.
- B. Note the Draft Terms of Reference for the joint Noosa Shire Council and Maritime Safety Queensland Noosa River Stakeholder Advisory Committee and
1. Request Maritime Safety Queensland to agree to amend the draft terms of reference to increase the number of committee members up to 12; and

2. Further note that the Draft Terms of Reference will be reviewed by the Noosa River Stakeholder Advisory Committee at its first meeting.
- C. Authorise the Chief Executive Officer to make amendments to the Terms of Reference for the Noosa River Stakeholder Advisory Committee in consultation with Maritime Safety Queensland following any feedback from the Noosa River Stakeholder Advisory Committee.
- D. Request the CEO to report back to Council in March 2021 on the proposed membership of the Noosa River Stakeholder Advisory Committee and further, request Maritime Safety Queensland to work with Council to ensure that the first meeting of the committee occurs within one month of the finalisation of the committee membership.
- E. Appoint Councillor Stewart to be an observer at meetings of the Noosa River Stakeholder Advisory Committee.
- F. Acknowledge and welcome the permanent presence of Maritime Safety Queensland in Noosa and resolve that, while MSQ maintains an active presence, Noosa Shire Council no longer seeks to take over management of anchoring, mooring and living on board on the Noosa River.

For: Crs Stewart, Jurisevic, Wilkie, Lorentson, Wegener and Finzel

Against: Crs Stockwell

Carried.

3 DRAFT COASTAL HAZARDS ADAPTATION PLAN (CHAP) FOR COMMUNITY CONSULTATION

In accordance with Chapter 5B of the Local Government Act 2009, Cr Lorentson provided the following declaration to the meeting of a **prescribed** conflict of interest in this matter:

I, Cr Lorentson, inform the meeting that I have a prescribed conflict of interest in this matter as my brother, Gabriel Cerasani, owns a property at Beaches Estate, Sunrise Beach which is one of the properties identified as 'at risk' under the CHAP. As a result of my conflict of interest, I will now leave the meeting room while the matter is considered and voted on.

In accordance with Chapter 5B of the Local Government Act 2009, Cr Stockwell provided the following declaration to the meeting of a **prescribed** conflict of interest in this matter:

I, Cr Stockwell, inform the meeting that I have a prescribed conflict of interest in this matter as I am the owner of Lot 45 Noosa Lakes Resort at 3 Hilton Terrace, Tewantin. The draft Coastal Hazards Adaptation Plan identifies that, "riverine areas including Noosaville and Tewantin will be most affected by periodic storm tide inundation and permanent sea level rise." p.7 and further the property is mapped in Figure 5 which relates to the potential inundation resulting from sea levels rise. In particular the plan suggests, "low lying areas will be exposed to more frequent inundation under everyday conditions and also with storm tides" p.15. At best this means that access to the property will be more frequently inundated and actions and investigations are envisaged to adapt to this increased risk from climate change. As such I stand to benefit more from the recommendations in the draft plan than the majority of residents in the Shire. As a result of my conflict of interest, I will now leave the meeting room while the matter is considered and voted on.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Jurisevic

That Council note the report by the Principal Strategic Planner and Program Coordinator Climate Change Adaptation to the General Committee Meeting dated 18 January 2021 and

- A. Approve the draft Coastal Hazards Adaptation Plan and supporting information for the purpose of community consultation, as provided in Attachments 1 - 4;

- B. Approve the Community Engagement and Communications Plan, as provided in Attachment 5; and
- C. Note that updates have been made to the coastal hazard mapping of erosion for beachfront areas between Peregian Beach and Sunshine Beach and that this updated mapping has been made available to the public through Council's online mapping via Council's website.

Carried unanimously.

Crs Lorentson and Stockwell returned to the meeting.

4 MCU20/0097 APPLICATION FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION AT 1/27 HILL STREET, SUNSHINE BEACH

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Stockwell

That Council note the report by the Coordinator Planning to the General Committee Meeting dated 18 January 2021 regarding Application No. MCU20/0097 for a Development Permit for Material Change of Use - Short-term accommodation situated at 1/27 Hill St, Sunshine Beach and:

- A. Approve the application in accordance with the following conditions:

PLANNING

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

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

Plan No.	Rev.	Plan/Document Name	Date
18-076 - 04	4	Proposed Ground Floor Plan <i>prepared by ICON Building Design as annotated by Council</i>	03.05.2019
18-076 - 05	4	Proposed First Floor Plan <i>prepared by ICON Building Design as annotated by Council</i>	03.05.2019
18-076 - 06	4	Elevations <i>prepared by ICON Building Design as annotated by Council</i>	03.05.2019
18-076 - 07	4	Elevations <i>prepared by ICON Building Design as annotated by Council</i>	03.05.2019

Currency

3. This development approval lapses if the use has not happened by 21 January 2027, unless an application to extend the currency period is approved by Council.

Nature and Extent of Approved Use

4. The total number of bedrooms on the site must not exceed 2.
5. No more than 4 guests may occupy the premises at any time.

6. All outdoor areas, including balconies, decks, pool and the like, must not be used after 9pm each night.
7. The premises must not be used as a party house, with no events, functions or parties (e.g. bucks parties, hen's parties, raves, or wedding receptions for example) permitted on site.

Amenity

8. The operation of the approved use must not detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by surrounding residents or cause a nuisance, including a noise nuisance.

Car Parking

9. Existing car parking on site, as detailed on the approved plans, must be maintained and kept available for users of the short term accommodation.
10. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Waste Management

11. Waste storage and disposal facilities must be provided in accordance with *Planning Scheme Policy 9, Waste Management*, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
12. Waste containers must:
 - a. At all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
 - b. Be placed on the kerb side frontage of the premises, for the collection of general waste from the container; and
 - c. Not be placed on the kerb side frontage for longer than 24 hours before or after the scheduled collection day for the collection of waste in the container.

Contact Person

13. Prior to the commencement of the use written confirmation must be provided to Council confirming:
 - a. the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
 - b. that the contact person is available 24 hours a day, 7 days a week; and
 - c. that the contact person resides within 20 minutes travel time (by vehicle) of the premises; and
 - d. that the contact person is to be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.
14. A sign must prominently and permanently display in letters and numbers not less than 50mm in height, a current up to date written notice detailing the contact person's phone number, and a statement that the contact person is responsible for the supervision and maintenance of the premises. The sign

must not exceed 0.2m², be displayed at the front of the premises and be visible to members of the public at all times.

Code of Conduct

15. A code of conduct must be developed and provided to all users and occupants of the short term accommodation, including any website or social media used to promote the use of the premises for short term accommodation.
16. The code of conduct must advise all users of the premises:
 - a. That the use of the premises must not:
 - i. detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by residents in the vicinity of the premises; or
 - ii. cause a nuisance (including a noise nuisance);
 - iii. display unacceptable behavior including:
 - a. loud aggressive behaviour;
 - b. yelling, screaming, arguing; or
 - c. excessively loud cheering, clapping and singing.
 - iv. create a level of noise above the acceptable levels described by Queensland Government legislation for environmental protection (noise).
 - b. That a user of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility.
 - c. That each vehicle used by an user of the premises must:
 - i. be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
 - ii. be parked within the parking facilities at the premises where provided.
 - d. That each user of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container.
 - e. That each user of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.
 - f. That pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance).
 - g. The nature and extent of the approved use as detailed in conditions numbers 4 to 7 of this development approval.
17. The Code of Conduct must be displayed in a prominent location at the premises so that it can be viewed by guests.

Complaints Management

18. The contact person must maintain a record of all complaints received, identifying how each complaint has been resolved or addressed within a reasonable time.
19. The contact person must respond to all complaints within 30 minutes of notification of a complaint.
20. The contact person, must keep and maintain a register of the use of the premises for short stay letting or home hosted accommodation, and record

in the register, each of the following:

- a. on each occasion on which the premises are used, or occupied, for short stay letting or home hosted accommodation on a commercial basis:
 - i. the number of adults who are users of the premises; and
 - ii. the number of minors, an individual who is under 18, who are users of the premises.
 - b. the dates when each person's use, or occupation, of the premises for short stay letting or home hosted accommodation began and ended.
21. The contact person, must make available, for inspection by Council, within 5 business days of receipt of a written request given at any time, each of:
- i. the written record of complaints referred to in condition 18; and
 - ii. the register referred to in condition 20
- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
- C. Include the following advisory note on the Decision Notice:
1. It is the responsibility of the owner and the identified contact person to operate the short term accommodation in compliance with the development approval conditions at all times. Should the development approval conditions not be met Council may issue an Infringement and/or take action under the *Planning Act 2016* to enforce compliance.

For: Crs Lorentson, Wilkie, Stewart, Stockwell and Finzel

Against: Crs Wegener and Jurisevic

Carried.

8 REGIONAL ARTS DEVELOPMENT FUND (RADF) - GRANT RECOMMENDATIONS 2020-21

In accordance with Chapter 5B of the Local Government Act 2009, Cr Wilkie provided the following declaration to the meeting of a **declarable** conflict of interest in this matter:

I, Cr Wilkie inform the meeting that I have a declarable conflict of interest in this matter as grant applicant Tania Nash is a personal friend. As a result of my conflict of interest I will now leave the meeting room while the matter is considered and voted on.

In accordance with Chapter 5B of the Local Government Act 2009, Cr Jurisevic provided the following declaration to the meeting of a **declarable** conflict of interest in this matter:

I, Cr Jurisevic inform the meeting that I have a declarable conflict of interest in this matter as I have performed as an amateur in theatre productions in the region produced by Jally Productions who are a grant applicant. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because I believe I do not stand to receive a personal benefit or loss in relation to this matter. Therefore, I will choose to remain in the meeting room. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.

Council Resolution

Moved: Cr Stewart

Seconded: Cr Wegener

That Council note the declarable conflict of interest by Cr Jurisevic and determine that it is in the public interest that Cr Jurisevic participates and votes on this matter because Council believes that he does not stand to receive a personal benefit or loss in relation to this matter and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried unanimously.

Cr Jurisevic did not vote on the above motion.

Council Resolution**Moved: Cr Lorentson****Seconded: Cr Finzel**

That Council note the report by the Community Development Manager to the General Committee Meeting dated 18 January 2021 and approve the Regional Arts Development Fund recommendations for 2020/21 as outlined in Attachment 1 to the report.

Carried unanimously.

Cr Wilkie returned to the meeting

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

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

That the report of the General Committee dated 18 January 2020 be received and the recommendations therein be adopted except where dealt with by separate resolution.

Carried unanimously.**1 NOOSA BIOSPHERE RESERVE FOUNDATION 2019/20 ANNUAL REPORT**

That Council note the report by the Environmental Services Manager to the General Committee Meeting dated 18 January 2021 and note the 2019/20 Annual Report and audited Financial Statement received from the Noosa Biosphere Reserve Foundation as provided at Attachments 1 and 2.

5 MCU20/0111 DEVELOPMENT APPLICATION FOR EXTENSION TO FOOD & DRINK OUTLET & SHOP AT 2 PARKYN CT, TEWANTIN

That Council note the report by the Manager Development Assessment to the General Committee Meeting dated 18 January 2021 regarding Application No. MCU20/0111 for a Development Permit for Material Change of Use – Extension to Food & Drink Outlet and Shop situated at 2 Parkyn Ct Tewantin and:

A. Approve the application in accordance with the following conditions:

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

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

Plan No.	Rev.	Plan/Document Name	Date
2260-A01	B	Existing and Proposed Site Layouts	3/06/20
2260-A02	B	Floor & Roof Demolition Layouts	3/06/20
2260-A03	B	Proposed Floor & Roof Layouts	3/06/20
2260-A04	B	Elevations	3/06/20
2260-A05	B	Sections A-A & B-B	3/06/20

Plan No.	Rev.	Plan/Document Name	Date
2260-A01	B	Existing and Proposed Site Layouts	3/06/20
2260-A01	A	Existing and Proposed Site Layouts	29/10/20
2260-A02	A	Demolition Plan & Proposed Roof Plan	29/10/20
2260-A03	A	Sections A-A & Roof Detail	29/10/20

3. The existing car parking spaces must be maintained on site and made available and accessible at all times.
4. All landscaping works must be maintained in accordance with an approved design for the life of the development, and in a manner that ensures, healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished its life expectancy is reached.

Currency Period

5. This development approval lapses if the use has not happened by 21 January 2027, unless an application to extend the currency period is approved by Council.
- B. Find the following matters relevant to the assessment and sufficient reason to approve the application:
1. The proposal will not result in any increase in scale and intensity of commercial operations on the Noosa River.
 2. The proposal remains consistent with the intent for the site to operate as a marina with ancillary type business uses and food and drink outlets.
- C. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

6 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY

That Council note the report by the Development Assessment Manager to the General Committee Meeting dated 18 January 2021 regarding planning applications that have been decided by delegated authority.

7 PATHWAYS AND BOARDWALKS ASSET MANAGEMENT PLAN

That Council note the report by the Acting Director Infrastructure Services to the General Committee Meeting dated 18 January 2021 and approve the Pathways and Boardwalks 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.

9 FINANCIAL PERFORMANCE REPORT - DECEMBER 2020

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 18 January 2021 outlining December 2020 year to date financial performance against budget, including performance against key financial sustainability indicators.

10 APPOINTMENT OF EXTERNAL MEMBER TO COUNCILS AUDIT AND RISK COMMITTEE

That Council note the report by the Chief Executive Officer to the General Committee Meeting dated 18 January 2021 in relation to the vacancy for an external member on Council's Audit and Risk Committee and:

- A. Thank Scott Williams for his outstanding contribution to the Audit and Risk Committee in his capacity as the Chairperson of that committee for the past 6 ½ years;
- B. Appoint Tim Cronin as the external Chairperson of the Audit and Risk Committee for a term of 3 years; and
- C. Appoint Kerry Phillips as an external member of the Audit and Risk Committee for a term of 2 years.

11 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ENVIRONMENT LEVY PROPOSED LAND PURCHASE

That Council note the report by the Principal Environment Officer to the General Committee Meeting dated 18 January 2021 and:

- A. Authorise the CEO to enter into a contract of sale with the owner of the two lots detailed in the report for a price not exceeding the amount set out in the valuation report with the funding for that purchase to be funded from the Environment Levy; and
- B. Remove the confidentiality in relation to this report upon the signing of a contract to purchase.

9 ORDINARY MEETING REPORTS**1. T000018 PEREGIAN BEACH COMMUNITY HOUSE AND GREENSPACE CONTRACT AWARD**

In accordance with Chapter 5B of the Local Government Act 2009, Cr Stockwell provided the following declaration to the meeting of a **declarable** conflict of interest in this matter:

I, Cr Stockwell inform the meeting that I have a declarable conflict of interest in this matter as the recommended tenderer Kane Constructions has previously been contracted to undertake major works at the Noosa Lakes Resort where I own a unit and am the current chair of the Body Corporate. I was not on the Body Corporate Committee at the time of the appointment of Kane for these works. Due to the scale of the works I as an ordinary member of the Body Corporate and was required to vote on an approval of the committee recommendation at a General Meeting. My recollection is the works were completed prior to my election as Chairman in March 2018. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because I believe I had no significant part in the selection of Kane Constructions at Noosa Lakes Resort and received no greater benefit than any other as an ordinary member of the Body Corporate. Therefore, I will choose to remain in the meeting room. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.

Council Resolution

Moved: Cr Wilkie

Seconded: Cr Stewart

That Council note the declarable conflict of interest by Cr Stockwell and determine that it is in the public interest that Cr Stockwell participates and votes on this matter because Council believes that he does not stand to receive a personal benefit or loss and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried unanimously.

Cr Stockwell did not vote on the above motion.

Council Resolution

Moved: Cr Lorentson

Seconded: Cr Jurisevic

That Council note the report by the Director Community Services to the Ordinary Meeting dated 21 January 2021 and award tender T000018 – for the construction of the Peregian Beach Community House and Greenspace to Kane Constructions (Qld) Pty Ltd.

Carried unanimously.

10 CONFIDENTIAL SESSION

Nil.

11 PUBLIC QUESTION TIME**1 IAN HODGETTS****Question 1:**

The Council effectively advised the State by letter dated 29 July 2020 from the Acting CEO to the Executive Director DSDMIP, that the planning scheme amendments to address coastal erosion would reduce the value of a limited number of properties along the coast". Are these "to be" devalued properties, as identified by Council on 29 July 2020, in the following streets and if there are properties "to be" devalued in other streets, please list those other streets: Seaview Tce, Arakoon Tce, The Esplanade, Stevens St, Belmore Crs, Park Crs, Ross Crs, Tingira Crs, David Low Way (at Sunrise), Lorikeet Drive, Pitta St?

Response by Anthony Dow, Acting Director Environment & Sustainable Development:

Council staff are currently in discussions with the State Government regarding a proposed amendment to the Noosa Plan 2020 in response to the findings of the Coastal Hazards Adaptation Plan (CHAP). The wording referred to by Mr Hodgetts relates to the proposed Community Engagement and Communications Plan for this amendment which details a process for ensuring that the community is fully informed of proposed changes. The Community Engagement and Communications Plan specifically refers to the need to consult with any property owners that may be materially affected. It does not make any reference to devaluing properties. There are no specific streets identified as part of the correspondence to the State. The CHAP does however identify areas that are likely to be at high risk to coastal erosion along the Eastern Beaches over time. Recommendations are made in the CHAP for responding to these erosion risks for the different localities affected. The CHAP is the subject of a report to Council as part of this meeting round.

Question 2:

What criteria did the Council use in identifying this limited number of properties? Was it the Coastal Hazard line as at 2100; or 2070; or 2040 or at present?

Response by Anthony Dow, Acting Director Environment & Sustainable Development:

All hazard events for years 2040, 2070 and 2100 are being considered as part of developing a planning scheme response for coastal erosion risks, in particular 2070 and 2100. The methodology for determining coastal erosion risks are included in BMT Consulting's Coastal Hazards Assessment available on the Coastal Hazards Adaptation project page under Your Say Noosa on Council's website.

12 NEXT MEETING

The next Ordinary Meeting will be held on 18 February 2021 at the Council Chambers, 9 Pelican Street, Tewantin commencing at 5pm.

13 MEETING CLOSURE

The meeting closed at 7.01pm.