

MINUTES

Special Meeting

Monday 30 September 2019

1.00pm

Council Chambers, 9 Pelican Street, Tewantin

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

“Noosa Shire – different by nature”

PURPOSE OF MEETING

The purpose of the Special Meeting was to consider:

1. Planning and Environment Court Appeal No. 3387 of 2019 to Change Development Approval Conditions at 215 David Low Way Peregrine Beach MCU16/0153.
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1 ATTENDANCE & APOLOGIES

COUNCILLORS

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

EXECUTIVE

B de Chastel, Chief Executive Officer

APOLOGIES

Nil.

The meeting commenced at 1.00pm.

2 REPORTS

1 PLANNING AND ENVIRONMENT COURT APPEAL NO. 3387 OF 2019 TO CHANGE DEVELOPMENT APPROVAL CONDITIONS AT 215 DAVID LOW WAY PEREGIAN BEACH MCU16/0153

Cr Wilkie declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to the current President of Peregian Beach Community Association, Barry Cotterell providing a \$200 donation to his 2016 election campaign on 12/02/2016. Cr Wilkie advised that The Peregian Beach Community Association did not provide a donation to his electoral campaign. He is aware that the Peregian Beach Community Association is a co-respondent in this court case. Cr Wilkie advised that he is neither a committee member nor a general member of the Peregian Beach Community Association. Cr Wilkie believed that he could consider this item impartially and in the public interest.

Cr Wellington declared a perceived conflict of interest in this matter (as defined in section 175D of the Local Government Act 2009) due to Mr Barry Cotterell providing a \$200 donation to his 2016 election campaign on 17/03/2016. He is aware that Mr Cotterell is the President of the Peregian Beach Community Association (PBCA). The PBCA was a co-respondent with Council in the appeal case which resulted in the agreed conditions of development that are being considered today. As the report to Council notes, there is no formal role for the co-respondent in the decision to be made by Council today, as there is no requirement under the Planning Act for them to be notified of the proposed change to the court-issued development approval. However, staff have chosen to inform the co-respondent, and have attached the PBCA's response to the report to Council. Cr Wellington is aware that Mr Cotterell also made the position of the PBCA known to Councillors via email. Cr Wellington confirmed that he is not and has never been a member of Peregian Beach Community Association. Cr Wellington believed that he could consider this item impartially and in the public interest.

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 Wellington and Cr Wilkie may participate in the meeting for the debate and vote on this matter or whether they must leave the meeting for the debate and vote on this matter.

Council Resolution

Moved: Cr Jackson

Seconded: Cr Pardon

That Cr Glasgow be appointed as Acting Chairperson of the meeting for the purpose of considering the conflict of interest declarations by Crs Wellington and Wilkie.

Carried unanimously.

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

Council Resolution

Moved: Cr Stockwell

Seconded: Cr Jurisevic

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

Carried unanimously

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

Council Resolution

Moved: Cr Jurisevic

Seconded: Cr Pardon

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

Carried unanimously.

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

Cr Wellington resumed the Chair.

Council Resolution

Moved: Cr Stockwell

Seconded: Cr Glasgow

That Council note the report by the Coordinator Planning to the Special Meeting dated 30 September 2019 regarding an Originating Application to the Planning and Environment Court (Appeal No 3387 of 2019) to Change Conditions of the Development Approval MCU16/0153 at 215 David Low Way, Peregrine Beach and advise the Planning and Environment Court that Council does not support the proposed changes to Condition 6 as:

1. The proposed change does not constitute a minor change under the *Planning Act 2016* as the changes would result in a substantially different development, as it would:
 - (i) change the ability of the proposed development to operate as intended;
 - (ii) delay and/or potentially remove a component that is integral to the development and outcomes sought for the site by The Noosa Plan.
2. The proposal is not consistent with the Desired Environmental Outcomes of the Noosa Plan as the changes do not provide certainty that a range of visitor accommodation types will be provided.
3. The proposal is not consistent with the Eastern Beaches Locality Code as it does not optimise the site's utilisation for short term visitor accommodation and/or ensure the low cost visitor accommodation needs are met for the area. There is relatively little commercial short term accommodation in Peregrine Beach and the motel provides a reasonable alternative to the low cost accommodation intended for the site.
4. The proposal is not consistent with the draft Noosa Plan as the proposed staging removes the motel component from the first stage and provides no certainty that a diversity of visitor accommodation types and affordability will be provided on the site and in Peregrine Beach.

For: Crs Wilkie, Jurisevic, Wellington, Stockwell and Pardon

Against: Crs Jackson and Glasgow

Carried.

Cr Wellington voted in favour of the motion.

Cr Wilkie voted in favour of the motion.

3 MEETING CLOSURE

The meeting closed at 2.15pm.