

Minutes

Special Meeting Complex DA Matter

Thursday, 21 June 2018

Council Chambers, Corner Currie and Bury Streets, Nambour





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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



1 DECLARATION OF OPENING

The Chair declared the meeting open at 2:00pm.

The Mayor acknowledged the traditional custodians of the land on which the meeting took place.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

COUNCILLORS

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2
Councillor P Cox	Division 3
Councillor J Connolly	Division 4
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor S Robinson	Division 9
Councillor G Rogerson	Division 10

BOARD OF MANAGEMENT

Chief Executive Officer
Group Executive Customer Engagement and Planning Services

APOLOGIES

Group Executive Built Infrastructure
Group Executive Business Performance
Group Executive Economic and Community Development
Group Executive Liveability and Natural Assets

COUNCIL OFFICERS

Coordinator CEO Governance & Operations
Manager Development Services
Principal Development Planner
Head of Economic Development
Coordinator Planning Assessment

ATTENDEES

Arqus Design Pty Ltd, Director, Scott Peabody (External Peer Architect)

3 INFORMING OF PERSONAL INTERESTS

3.1 MATERIAL PERSONAL INTEREST

Pursuant to Section 175C of the *Local Government Act 2009*, no declarations of material personal interest were made during this meeting.

3.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST

Pursuant to Section 175E of the *Local Government Act 2009*, the following personal interests were raised:

Councillor M Jamieson informed the meeting of a personal interest for item 4.1.1 Development Application for Material Change of Use (Preliminary Approval), Material Change of Use (Development Permit) and Reconfiguration of a Lot (Development Permit) - David Low Way, Yaroomba.

Councillor M Jamieson made a statement noting that there may be a perceived conflict of interest given he received electoral donations from representatives of Project Urban Pty Ltd.

Councillor M Jamieson further disclosed that he formed the view that given the circumstances associated with the basis of the perceived conflict of interest, he believed he could appropriately manage any perceived conflict should it exist and could impartially make a decision in the public interest on the matters before Council.



A handwritten signature in black ink, appearing to be 'M. Jamieson', written over the page number.

4 REPORTS DIRECT TO COUNCIL**4.1 CUSTOMER ENGAGEMENT AND PLANNING SERVICES****4.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (PRELIMINARY APPROVAL), MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) AND RECONFIGURATION OF A LOT (DEVELOPMENT PERMIT) - DAVID LOW WAY, YAROOMBA**

File No: MCU17/0095, MCU17/0096 and REC17/0056

Author: Manager Development Services
Customer Engagement & Planning Services Group

Appendices: App A - Conditions of Approval
App B - Infrastructure Agreement

Attachments: Att 1 - Officer's Detailed Assessment Report
Att 2 - Proposed Preliminary Approval Document
Att 3 - Proposal Plans - Stage 1
Att 4 - Proposed Reconfiguration of a Lot Plan
Att 5 - State Government Concurrence Agency Response
Att 6 - Development History - Coolum Hyatt Resort Master Plan

As required by s175E of the Local Government Act 2009, Councillor M Jamieson informed the meeting of a personal interest in relation to matters to be considered in item 4.1.1.

Councillor M Jamieson set out the following in relation to this interest:

I am making this declaration on the basis that the applicant depicted on the Form 1 – IDAS Development Application form and as described in the report is “SH Coolum Pty Ltd c/- Project Urban Pty Ltd”.

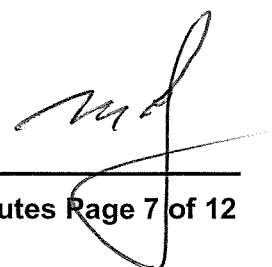
I am declaring that there may be a perceived conflict of interest given I received the following electoral donations from representatives of Project Urban Pty Ltd.

- On 3 January 2012, I received a donation of \$380 from Andrew Stevens who is the Managing Director of Project Urban Pty Ltd;
- On 3 February 2012, I received a further donation of \$570 from Andrew Stevens;
- On 11 January 2012, I received a donation of \$380 from Kari Stephens who is a Director of Project Urban Pty Ltd.

In making this declaration, I have also formed the view that given the circumstances associated with the basis of the perceived conflict of interest, I believe I can appropriately manage any perceived conflict should it exist and that I can impartially make a decision in the public interest on the matters before Council today.

Councillor M Jamieson left the chair and remained in the meeting.

The Deputy Mayor took the chair at this time.



Council Resolution

Moved: Councillor T Dwyer
Seconded: Councillor S Robinson

That

- (a) *in accordance with s175E(4)(a) of the Local Government Act 2009, Councillor M Jamieson has a perceived conflict of interest in matters that are to be considered in item 4.1.1 and*
- (b) *in accordance with s175E(4)(b)(ii) of the Local Government Act 2009, Councillor M Jamieson may participate in the meeting in relation to item 4.1.1, including by voting on the item.*

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox,
Councillor J Connolly, Councillor J McKay, Councillor C Dickson,
Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor E Hungerford.

Carried.

Councillor M Jamieson did not vote on this matter.

The Mayor returned to the chair at this time.

Council Resolution (SM18/10)

Moved: Councillor J Connolly
Seconded: Councillor P Cox

That Council:

- (a) *receive and note the report titled "Development Application for Material Change of Use (Preliminary Approval), Material Change of Use (Development Permit) and Reconfiguration of a Lot (Development Permit) - David Low Way, Yaroomba" and*
- (b) *delegate authority to the Chief Executive Officer to APPROVE Application No. MCU17/0095, MCU17/0096 and REC17/0056, situated at David Low Way, Yaroomba and grant a*
 - (i) *Preliminary Approval (in accordance with Section 242 of the Sustainable Planning Act 2009) for Material Change of Use of Premises to establish Yaroomba Beach Master Plan*
 - (ii) *Development Permit for Material Change of Use for Resort Complex, Multiple Dwellings, Short Term Accommodation, Shopping Centre, Educational Establishment, Community Use and Utility Installation*
 - (iii) *Development Permit for Reconfiguration of a Lot – 10 lots into 13 lots (Creating 2 commercial lots, 3 park/carpark lots, 2 buffer lots, 1 transfer station lot, 1 principal body corporate lot, 2 access lots & 2 balance management lots and access easements*

subject to:

- (iv) imposition of the conditions of approval identified in Appendix A, and
 - (v) execution of the Infrastructure Agreement included as Appendix B by both parties
- (c) delegate authority to the Chief Executive Officer to execute the Infrastructure Agreement included as Appendix B, and
- (d) delegate authority to the Chief Executive Officer to negotiate and determine all future requested changes to the Infrastructure Agreement, with the exception of changes that would materially alter the terms of the Agreement.

For: Councillor T Dwyer, Councillor P Cox, Councillor J Connolly, Councillor C Dickson, Councillor S Robinson and Councillor M Jamieson.

Against: Councillor R Baberowski, Councillor J McKay, Councillor E Hungerford, Councillor J O'Pray and Councillor G Rogerson.

Carried.

Council Resolution

Moved: Councillor C Dickson

Seconded: Councillor J McKay

That Council grant Councillor J Connolly an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor C Dickson

Seconded: Councillor J McKay

That Council grant Councillor E Hungerford an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor G Rogerson

Seconded: Councillor E Hungerford

That Council grant Councillor P Cox an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor G Rogerson

Seconded: Councillor J McKay

That Council grant Councillor C Dickson an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor E Hungerford
Seconded: Councillor G Rogerson

That Council grant Councillor J O'Pray an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor J McKay
Seconded: Councillor J Connolly

That Council grant Councillor G Rogerson an extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: Councillor J Connolly
Seconded: Councillor G Rogerson

That Council grant Councillor T Dwyer an extension of time for five minutes to speak further to the motion.

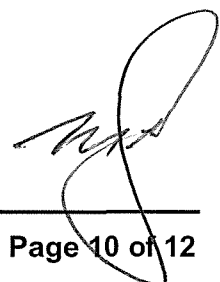
Carried Unanimously.

Council Resolution

Moved: Councillor G Rogerson
Seconded: Councillor J O'Pray

That Council grant Councillor S Robinson an extension of time for five minutes to speak further to the motion.

Carried Unanimously.



5 CONFIDENTIAL SESSION

Nil

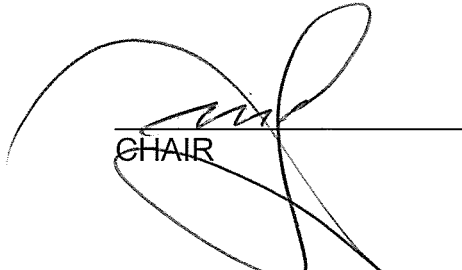
6 NEXT MEETING

Nil

7 MEETING CLOSURE

The meeting closed at 4:57pm.

Confirmed 19 July 2018.


CHAIR

8 APPENDICES

- 4.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (PRELIMINARY APPROVAL), MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) AND RECONFIGURATION OF A LOT (DEVELOPMENT PERMIT) - DAVID LOW WAY, YAROOMBA - APP A - CONDITIONS OF APPROVAL
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