

# Minutes

## Ordinary Meeting

**Thursday, 27 January 2022**

**Council Chambers, 1 Omrah Avenue, Caloundra**



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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 9:00am.

**2 WELCOME AND OPENING**

The Mayor acknowledged the Traditional Custodians of the land on which the meeting took place.

Father Joshua Whitehead from Caloundra Catholic Parish read a prayer.

**3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE****COUNCILLORS**

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1 (Deputy Mayor)
Councillor T Landsberg	Division 2
Councillor P Cox	Division 3
Councillor J Natoli	Division 4
Councillor W Johnston	Division 5 (Via Teams)
Councillor C Dickson	Division 6 (Via Teams)
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8 (Via Teams)
Councillor M Suarez	Division 9
Councillor D Law	Division 10

**COUNCIL OFFICERS**

Chief Executive Officer  
Group Executive Built Infrastructure (Via Teams)  
A/Group Executive Customer Engagement and Planning Services  
Group Executive Economic and Community Development (Via Teams)  
Group Executive Business Performance  
A/Group Executive Liveability and Natural Assets  
A/Chief of Staff and Coordinator CEO Governance & Operations  
A/Chief Strategy Officer (Via Teams)  
Director – Major Projects and Strategic Property (Via Teams)  
A/ Coordinator CEO Governance & Operations (Via Teams)  
Senior Development Planner  
Coordinator Financial Services  
Senior Property Officer  
Coordinator Open Space and Social Policy  
Manager Environment and Sustainability Policy  
Coordinator Strategic Property (Via Teams)

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**Council Resolution****Moved: Councillor E Hungerford****Seconded: Councillor J Natoli**

*That Council suspend standing orders to allow members to remain seated to address the meeting to adhere with the current mandated requirement to wear masks indoors.*

*Carried unanimously.*

**4 RECEIPT AND CONFIRMATION OF MINUTES****Council Resolution****Moved: Councillor P Cox****Seconded: Councillor D Law**

*That the Minutes of the Ordinary Meeting held on 9 December 2021 be received and confirmed.*

*Carried unanimously.*

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**5 MAYORAL MINUTE**

NIL

**6 INFORMING OF CONFLICTS OF INTEREST****6.1 PRESCRIBED CONFLICTS OF INTEREST**

NIL

**6.2 DECLARABLE CONFLICTS OF INTEREST**

Councillor M Jamieson notified the meeting of a Declarable Conflict of Interest in relation to Item 8.1 Development Application for a Variation Request for a Material Change of use for a Residential Care Facility at Whites Road Buderim.

**7 PRESENTATIONS / COUNCILLOR REPORTS**

NIL

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**8 REPORTS DIRECT TO COUNCIL****8.1 DEVELOPMENT APPLICATION FOR A VARIATION REQUEST FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY AT WHITES ROAD BUDERIM**

**File No:** Council meetings  
**Author:** Senior Development Planner  
Customer Engagement & Planning Services Group  
**Appendices:** App A - Conditions of Approval  
**Attachments:** Att 1 - Detailed Assessment Report  
Att 2 - Annotated Plan of Development

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**NOTIFICATION OF INTEREST**

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor M Jamieson gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.1 Development Application for a Variation Request for a Material Change of use for a Residential Care Facility at Whites Road Buderim.

*I, Mayor Mark Jamieson, notify that I may have a Declarable Conflict of Interest in Item 8.1 "Development Application for a Variation Request for a Material Change of Use for a Residential Care Facility at Whites Road Buderim" to be considered at the Ordinary Meeting on Thursday, 27 January 2022, due to the fact that I received the following electoral donations from Halcyon Homes No 9. Unit Trust (Halcyon Management):*

- *On 30 March 2012, I received a donation of \$2000 from Halcyon Management*
- *On 13 November 2015, I received a donation of \$2000 from Halcyon*
- *On 22 January 2016, I received a donation of \$400 from Chris Carley of Halcyon Landing and*
- *On 8 March 2016, I received a donation of \$2500 from Paul Melville, a representative of Halcyon Management.*

*The cumulative total of these donations is \$6900.*

*Further, I received the following electoral donations from Mr Andrew Stevens, who is the Managing Director of Project Urban Pty Ltd:*

- *On 3 January 2012, I received a donation of \$380; and*
- *On 3 February 2012, I received a further donation of \$570.*

*The cumulative total of the donations from Mr Stevens is \$950.*

*All of these electoral donations were received outside of my relevant term as a Councillor – which commenced on 5 April 2016 - and therefore, are not a Prescribed Conflict of Interest within the context of the Local Government Act 2009.*

*In relation to the development application which is the subject of Agenda Item 8.1, it is my understanding that Halcyon Homes No.9 Unit Trust is both the applicant and owner of the development in question and that Project Urban (of which Mr Stevens is the Managing Director) is the planning consultant for the application.*

*I have no ongoing relationship with either Halcyon or Mr Stevens of Project Urban or their associated entities, beyond having received the historical electoral donations which I have already outlined.*

*Although these donations were received outside of my relevant term as a Councillor, that is,*



prior to 5 April 2016, given the cumulative quantum of the donations I received from the applicant – that being Halcyon Management – I will exclude myself from the meeting while this matter is being discussed and the vote is taken.

**Councillor M Jamieson informed the Meeting that he would voluntarily not participate in the decision and left the place at which the meeting was being held, including any area set aside for the public and stayed away while the matter was considered and voted on.**

**The Mayor vacated the Chair at this time.**

**The Deputy Mayor took the Chair at this time.**

**Council Resolution** (OM22/1)

**Moved: Councillor E Hungerford**

**Seconded: Councillor P Cox**

*That Council:*

- (a) *receive and note the report titled “**Development Application for a Variation Request for a Material Change of Use for a Residential Care Facility at Whites Road Buderim**”*
- (b) *APPROVE application no. MCU21/0015, and grant a Preliminary Approval for Material Change of Use of Premises (Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014), subject to the reasonable and relevant conditions in Appendix A, as follows:*
  - (i) *to vary Table of Assessment 5.5.17 (for the Emerging community zone) as it applies to Lot 2 SP313505 to include a Residential care facility as ‘code assessable development’ where undertaken in accordance with the Approved Plan of Development*
  - (ii) *to vary Table of Assessment 5.10.1 (Height of buildings and structures overlay) as it applies to Lot 2 SP313505 only for purposes of a Residential care facility*
  - (iii) *to vary the assessment benchmarks of the Residential care facility and retirement facility code and, the Height of buildings and structures overlay code and*
- (c) *delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the approval where the changes would not have a material impact on the outcome of the original decision.*

**Carried unanimously.**

**Councillor M Jamieson was absent for the discussion and vote on this motion.**

**The Mayor returned to the Chair at this time.**

**8.2 DECEMBER 2021 FINANCIAL PERFORMANCE REPORT**

**File No:** Council meetings  
**Author:** Coordinator Financial Services  
Business Performance Group  
**Attachments:** Att 1 - December 2021 Financial Performance Report  
Att 2 - 2021/22 Capital Grant Funded Project Report December 2021

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**Council Resolution** (OM22/2)

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor J Natoli

*That Council receive and note the report titled “December 2021 Financial Performance Report”.*

**Carried unanimously.**

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**8.3 DISPOSAL (EASEMENT) OF PART OF COUNCIL FREEHOLD LAND AT  
176 BALLINGER ROAD, BUDERIM**

**File No:** Council meetings  
**Author:** Senior Property Officer  
Business Performance Group

**Attachments:** Att 1 - Aerial Map  
Att 2 - Locality Plan  
Att 3 - Easement Location Plan  
Att 4 - Easement A Survey Plan 330789

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**Council Resolution** (OM22/3)

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor D Law

*That Council:*

- (a) *receive and note the report titled “**Disposal (easement) of Part of Council Freehold Land at 176 Ballinger Road, Buderim**” and*
- (b) *resolve, pursuant to section 236(2) of the Local Government Regulation 2012, that subject to an appropriate development permit being issued in respect of development application MCU20/0363 for Lot 1 on RP27916 to Devcon Capital 8 Pty Ltd, an exception to dispose of an interest (easement) in land over part of Council freehold Lot 2 RP27916, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(c)(iv) the land is disposed of to a person who owns adjoining land.*

**Carried unanimously.**

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**9 NOTIFIED MOTIONS**

NIL

**10 TABLING OF PETITIONS****10.1 PETITION - REDUCTION OF SPEED LIMIT, BLACKALL RANGE ROAD, WOOMBYE****Council Resolution** (OM22/4)

**Moved:** Councillor P Cox  
**Seconded:** Councillor W Johnston

*That Council resolve the petition tabled by Councillor P Cox on behalf of Councillor W Johnston relating to reducing the speed limit on Blackall Range Road, Woombye be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**

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**10.2 PETITION - SPEED SIGNS WILSON ROAD, ILKLEY****Council Resolution** (OM22/5)

**Moved:** Councillor P Cox  
**Seconded:** Councillor W Johnston

*That Council resolve the petition tabled by Councillor P Cox on behalf of Councillor W Johnston relating to Speed Signs on Wilson Road, Ilkley be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**

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**11 CONFIDENTIAL SESSION****CLOSURE OF THE MEETING TO THE PUBLIC****Council Resolution****Moved: Councillor R Baberowski****Seconded: Councillor P Cox**

*That the meeting be closed to the public pursuant to s254J(3)(g) of the Local Government Regulation 2012 to consider the following items:*

11.1 *Confidential - Not for Public Release - Strategic Land Acquisition - Meridan Plains*

11.2 *Confidential - Not for Public Release - Strategic Land Acquisition - Verrierdale*

11.3 *Confidential - Not for Public Release - Strategic Land Acquisition - Coochin Creek*

**Carried unanimously.**

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**RE-OPENING OF THE MEETING TO THE PUBLIC****Council Resolution****Moved: Councillor P Cox****Seconded: Councillor E Hungerford**

*That the meeting be re-opened to the public.*

**Carried unanimously**

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**11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - MERIDAN PLAINS**

**File No:** Council meetings  
**Authors:** Coordinator Open Space and Social Policy  
Liveability & Natural Assets Group  
Coordinator Strategic Property  
Office of the CEO

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In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's ability to secure the land parcels at a price that represents the best value for the ratepayers of the region.

The report contains a recommendation to release details relating to the site locations and price of the acquisitions once the negotiations have been finalised and the transfer of the property titles has been registered with the Titles Registry.

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**Council Resolution** (OM22/6)

**Moved:** Councillor P Cox  
**Seconded:** Councillor R Baberowski

*That Council:*

- (a) *authorise the Chief Executive Officer to finalise and execute contracts for the strategic land acquisition of the identified properties in Meridan Plains, which are the subject of this report and*
- (b) *authorise the Chief Executive Officer to publicly release the property details and acquisition price once the ownership of the properties has transferred to Council.*

**Carried unanimously.**

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**11.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - VERRIERDALE**

**File No:** Council meetings  
**Authors:** Ecologist  
Liveability & Natural Assets Group  
Coordinator Strategic Property  
Office of the CEO

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In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the Local Government Regulation 2012 as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's liability to secure the land parcels at a price that represents the best value for the ratepayers of the region.

The report contains a recommendation to release details relating to the site location and price of the acquisitions once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

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**Council Resolution** (OM22/7)

**Moved:** Councillor M Suarez  
**Seconded:** Councillor P Cox

*That Council:*

- (a) *delegate authority to the Chief Executive Officer to execute all documentation and finalise the strategic land acquisition of the identified strategic land parcel in Verrierdale and*
- (b) *authorise the Chief Executive Officer to publicly release details relating to the site location and contract price for the identified strategic land parcel once the negotiations have been finalised and the transfer of ownership of land has been registered with the Titles Registry.*

**Carried unanimously.**

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**11.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - COOCHIN CREEK**

**File No:** Council meetings  
**Authors:** Ecologist  
Liveability & Natural Assets Group  
Coordinator Strategic Property  
Office of the CEO

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In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J(3) (g) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

The report is confidential in respect to the content and timeframes of negotiations with the landowners and recognising that, until Council makes a decision and the sale contracts are executed, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the finalisation of a current negotiation process and Council's liability to secure the land parcels at a price that represents the best value for the ratepayers of the region.

The report contains a recommendation to release details relating to the site location and price of the acquisitions once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

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**Council Resolution** (OM22/8)

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor T Landsberg

*That Council:*

- (a) *delegate authority to the Chief Executive Officer to enter into negotiations, execute all documentation and finalise the strategic land acquisition of the identified strategic land parcel in Coochin Creek, and*
- (b) *authorise the Chief Executive Officer to publicly release details relating to the site location and contract price for the identified strategic land parcel once the negotiations have been finalised and the transfer of ownership of land has been registered with the Titles Registry.*

**Carried unanimously.**

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14 APPENDICES

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