

# Minutes

## Ordinary Meeting

**Thursday, 24 March 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 9:02am.

**2 WELCOME AND OPENING**

Councillor C Dickson acknowledged the Traditional Custodians of the land on which the meeting took place.

Pastor Phil Greenbury from Lifepointe Baptist Parish read a prayer.

The Chief Executive Officer acknowledged the recent passing of a valued staff member, Scottie Law, and expressed Council's deepest condolences to Scottie's family and friends.

**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
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor M Suarez	Division 9
Councillor D Law	Division 10

**COUNCIL OFFICERS**

Chief Executive Officer  
A/Group Executive Built Infrastructure  
A/Group Executive Customer Engagement and Planning Services  
Group Executive Economic and Community Development  
Group Executive Business Performance  
A/Group Executive Liveability and Natural Assets  
A/Chief of Staff  
A/Chief Strategy Officer  
Director, Major Projects and Strategic Property  
A/Coordinator CEO Governance & Operations  
Coordinator Sustainability  
Team Leader Planning Assessment  
Manager Transport and Infrastructure Planning  
Coordinator Financial Services  
Senior Property Officer

**EXTERNAL ATTENDEES**

Associate Director Planning – Ethos Urban

**APOLOGIES**

Group Executive Built Infrastructure

**4 RECEIPT AND CONFIRMATION OF MINUTES****Council Resolution****Moved: Councillor W Johnston****Seconded: Councillor T Landsberg**

*That the Minutes of the Ordinary Meeting held on 24 February 2022 be received and confirmed.*

**Carried unanimously.**

**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 Council of a Declarable Conflict of Interest in relation to Item 8.2 Development Application for Material Change of Use (Resort Complex, Food & Drink Outlet, Shops, Function Facility and Bar) and Operational Works at 10 & 16 Brisbane Rd and 7 & 9 First Ave, Mooloolaba.

Councillor W Johnston notified Council of a Declarable Conflict of Interest in relation to Item 8.6 Resumption of Land – Caloundra.

**7 PRESENTATIONS / COUNCILLOR REPORTS**

NIL

**8 REPORTS DIRECT TO COUNCIL****8.1 RESPONDING TO THE CLIMATE EMERGENCY**

**File No:** Council meetings  
**Author:** Coordinator Sustainability  
Liveability & Natural Assets Group  
**Attachments:** Att 1 - Embedding Climate Change

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**Council Resolution** (OM22/16)

**Moved:** Councillor M Suarez  
**Seconded:** Councillor D Law

*That Council:*

- (a) *receive and note the report titled “**Responding to the Climate Emergency**”*
- (b) *note the project updates provided in regard to Council’s zero-net emissions planning and climate risk management and*
- (c) *note the interim opportunities identified to help progress our organisational response to the climate emergency.*

**Carried unanimously.**

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**8.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (RESORT COMPLEX, FOOD & DRINK OUTLET, SHOPS, FUNCTION FACILITY AND BAR) AND OPERATIONAL WORKS AT 10 & 16 BRISBANE RD AND 7 & 9 FIRST AVE, MOOLOOLABA**

**File No:** MCU21/0342 & OPW21/0528  
Coordinating Officer - Team Leader Planning Assessment  
Customer Engagement & Planning Services Group  
External Independent Assessment Team – Ethos Urban

**Appendices:** App A - Recommended Conditions of Approval

**Attachments:** Att 1 - Detailed Assessment Report by External Independent Assessment Team - Ethos Urban  
Att 2 - Architectural Plans  
Att 3 - SARA Referral Agency Response

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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 8.2 Development Application for Material Change of Use (Resort Complex, Food & Drink Outlet, Shops, Function Facility and Bar) and Operational Works at 10 & 16 Brisbane Rd and 7 & 9 First Ave, Mooloolaba.

*I, Councillor Mark Jamieson, notify that I may have a Declarable Conflict of Interest in Item 8.2 Development Application for Material Change of Use (Resort Complex, Food & Drink Outlet, Shops, Function Facility and Bar) and Operational Works at 10 & 16 Brisbane Rd and 7 & 9 First Ave, Mooloolaba to be considered at the Ordinary Meeting on Thursday, 24 March 2022.*

*The Declarable Conflict of Interest may arise due to the fact that Denis Wagner is a shareholder in KPAT Property Pty Ltd, which is the sole shareholder of KPAT Mooloolaba Pty Ltd - the latter of which is the applicant for this development.*

*Denis Wagner may be advantaged or disadvantaged by the decision which Council makes on this matter.*

*While I have no personal interest in either of these entities, Mr Wagner volunteered to speak on the subject of Airport developments at my campaign launch on 12 February 2016 - given his family were, at that time, developing the Wellcamp Airport at Toowoomba. The then proposed expansion of the Sunshine Coast Airport was a priority being advanced by this Council at that time.*

*Mr Wagner is not a professional public speaker; he is not paid for his services; and he provided his speech on an entirely voluntary basis. As such, this is not a reportable gift.*

*Furthermore, this event occurred outside my relevant term as a Councillor – which commenced on 5 April 2016 – and therefore, Mr Wagner’s services do not constitute a Prescribed Conflict of Interest within the context of the Local Government Act 2009.*

*In addition, as previously notified to Council, I received the following electoral donations in 2012 from 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 these donations is \$950.*



*Each of these electoral donations were received well outside of my relevant term as a Councillor and are therefore, not a Prescribed Conflict of Interest. Further, I note that when I notified Council of this interest at the Ordinary Meeting on 22 July 2021 in relation to a different development application at Beerwah, Council resolved that I could participate in the discussions and the decision relating to that matter.*

*In relation to Mr Steven's interest in the development application which is the subject of Agenda Item 8.2, it is my understanding that Project Urban (of which Mr Stevens is the Managing Director) is the planning consultant to the applicant.*

*I have no ongoing relationship with Mr Stevens, Project Urban or its associated entities, beyond having received these electoral donations in early 2012.*

*On the basis of what I have outlined today, I have formed the view that I can appropriately manage any conflict, should it exist, and that I can impartially make a decision in the public interest on the matter which is the subject of Agenda Item 8.2.*

*I will now ask the Deputy Mayor to take the Chair so that Council may consider whether or not I may participate in the discussion and decision for Agenda Item 8.2.*

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

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

**In accordance with s150ES(3)(b) of the *Local Government Act 2009* the eligible Councillors were required to decide whether Councillor M Jamieson may participate in a decision in relation to Agenda Item 8.2, including by voting on the matter.**

#### **Council Resolution**

**Moved: Councillor J O'Pray**

**Seconded: Councillor P Cox**

*That despite Councillor M Jamieson's declarable conflict of interest, in accordance with s150ES(3)(b)(i) of the *Local Government Act 2009*, Councillor M Jamieson may participate in the discussions and decision relating to Agenda Item 8.2 due to the interest being considered to be sufficiently remote so as not to unduly influence the impartiality of the Councillor.*

**For: Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.**

**Against: Councillor E Hungerford.**

**Carried.**

**In accordance with s150ET(2) of the *Local Government Act 2009*, Councillor M Jamieson was not eligible to vote, and did not vote, on this matter.**

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

**MOTION****Moved: Councillor J Natoli****Seconded: Councillor R Baberowski**

That Council:

- (a) receive and note the report titled “**Development Application for Material Change of Use (Resort Complex, Food & Drink Outlet, Shops, Function Facility and Bar) and Operational Works at 10 & 16 Brisbane Rd and 7 & 9 First Ave, Mooloolaba**”
- (b) note the external independent assessment team recommendation and APPROVE application nos. MCU21/0342 and OPW21/0528 and
  - (i) grant a Development Permit for Material Change of Use of Premises to Establish a Resort Complex (182 hotel short term accommodation rooms), Food & Drink Outlet, Shops, Function Facility and Bar and
  - (ii) grant a Development Permit for Operational Work (Roadwork, Landscaping, Stormwater and Earthworks),

subject to reasonable and relevant conditions at Appendix A as amended as follows:

Amend Condition 36 to read:

Public art must be established on the premises or a contribution towards public art for the Mooloolaba area in accordance with a public art master plan prepared by a qualified person, approved by Council, and consistent with Mooloolaba Centre Design Palette guidelines. The public art master plan must be submitted to Council for endorsement, prior to building application for any habitable space, and again prior to commencement of the use. The public art or contribution must be provided by the developer to a minimum dollar value of 0.025% of the construction budget for the development (for example, a construction budget of \$100 million would require provision of public art to a minimum dollar value of \$250,000).

Amend Condition 39 to read:

The use of the existing driveway located within the easement gaining access from Brisbane Road to the adjoining multi-storey carpark must not be impeded at any time during construction or operation of the development. The driveway must be line marked and signed as a no standing area.

Amend Condition 40 to include (h):

- (h) prepare a Retrofit Electric Vehicle Charging Point Plan demonstrating how charging points can be provided within the carparking areas of the development in the future.

Add Condition 43A to read:

Provide a bus set-down area within the property boundaries of the development site to ensure compliance with Performance Outcome PO15 and Acceptable Outcome AO15.1 or provide a financial contribution equal to three car parks in lieu using the Mooloolaba car parking rates, and further the total amount be used towards any Council nominated streetscape project/s in First Avenue, Mooloolaba.

- (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.

Councillor E Hungerford raised a point of order with regard to Councillor J Natoli not answering the question. The Mayor allowed Councillor J Natoli to continue.

### **AMENDMENT**

#### **Council Resolution (OM22/17)**

**Moved: Councillor E Hungerford**

**Seconded: Councillor P Cox**

*That Council:*

- (a) *receive and note the report titled "Development Application for Material Change of Use (Resort Complex, Food & Drink Outlet, Shops, Function Facility and Bar) and Operational Works at 10 & 16 Brisbane Rd and 7 & 9 First Ave, Mooloolaba"*
- (b) *note the external independent assessment team recommendation and APPROVE application nos. MCU21/0342 and OPW21/0528 and*
- (iii) *grant a Development Permit for Material Change of Use of Premises to Establish a Resort Complex (182 hotel short term accommodation rooms), Food & Drink Outlet, Shops, Function Facility and Bar and*
- (iv) *grant a Development Permit for Operational Work (Roadwork, Landscaping, Stormwater and Earthworks),*

*subject to reasonable and relevant conditions at Appendix A as amended as follows:*

*Amend Condition 36 to read:*

*Public art must be established on the premises or a contribution towards public art for the Mooloolaba area in accordance with a public art master plan prepared by a qualified person, approved by Council, and consistent with Mooloolaba Centre Design Palette guidelines. The public art master plan must be submitted to Council for endorsement, prior to building application for any habitable space, and again prior to commencement of the use. The public art or contribution must be provided by the developer to a minimum dollar value of 0.025% of the construction budget for the development (for example, a construction budget of \$100 million would require provision of public art to a minimum dollar value of \$250,000).*

*Amend Condition 39 to read:*

*The use of the existing driveway located within the easement gaining access from Brisbane Road to the adjoining multi-storey carpark must not be impeded at any time during construction or operation of the development. The driveway must be line marked and signed as a no standing area.*

*Amend Condition 40 to include (h):*

- (h) *prepare a Retrofit Electric Vehicle Charging Point Plan demonstrating how charging points can be provided within the carparking areas of the development in the future.*
- (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.*

**For: Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.**

**Against: Councillor M Jamieson and Councillor J Natoli.**

**Carried.**

The amendment became the motion.

The motion moved by Councillor E Hungerford and seconded by Councillor P Cox was put to the vote.

**For:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray and Councillor M Suarez.

**Against:** Councillor J Natoli and Councillor D Law.

Carried.

### Council Resolution

**Moved:** Councillor M Suarez

**Seconded:** Councillor T Landsberg

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

**For:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

**Against:** Councillor W Johnston.

Carried.

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**8.3 MANAGEMENT OF REQUESTS FOR ROAD CLOSURE APPLICATIONS**

**File No:** Council Meetings  
**Author:** Manager Transport and Infrastructure Planning  
Built Infrastructure Group  
**Appendices:** App A - Draft Strategic Policy for Management of Requests for Road Closure Applications

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**Council Resolution** (OM22/18)

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor E Hungerford

*That Council:*

- (a) *receive and note the report titled “**Management of Requests for Road Closure Applications**” and*
- (b) *adopt the Draft Strategic Policy for Management of Requests for Road Closure Applications (Appendix A).*

**For:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

**Against:** Councillor W Johnston.

Carried.

Councillor D Law raised a point of order with regard to Councillor W Johnston interrupting his speaking to the motion. The Mayor upheld the point of order.

**8.4 INFRASTRUCTURE CHARGES RESOLUTION AMENDMENTS**

**File No:** F2021/101495  
**Author:** Manager Transport and Infrastructure Planning  
Built Infrastructure Group  
**Appendices:** App A - Sunshine Coast Regional Council Infrastructure Charges  
Resolution (No. 9) 2022  
**Attachments:** Att 1 - Sunshine Coast Regional Council Infrastructure Charges  
Resolution (No. 8) 2019 - Tracked Changes

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**Council Resolution** (OM22/19)**Moved:** Councillor E Hungerford**Seconded:** Councillor C Dickson*That Council:*

- (a) *receive and note the report titled “**Infrastructure Charges Resolution Amendments**” and*
- (b) *adopt the Sunshine Coast Regional Council Infrastructure Charges Resolution (No. 9) 2022 (Appendix A).*

**Carried unanimously.**

**8.5 FEBRUARY 2022 FINANCIAL PERFORMANCE REPORT**

**File No:** Council Meetings  
**Author:** Coordinator Financial Services  
Business Performance Group  
**Attachments:** Att 1 - February 2022 Financial Performance Report  
Att 2 - 2021/22 Capital Grant Funded Project Report February  
2022

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**Council Resolution** (OM22/20)

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor W Johnston

*That Council receive and note the report titled "**February 2022 Financial Performance Report**".*

**Carried unanimously.**

  

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**8.6 RESUMPTION OF LAND - CALOUNDRA**

**File No:** F19/00090

**Author:** Property Officer  
Office of the CEO

**Attachments:** Att 1 - Notice of Objection - 19 Third Avenue, Caloundra - *Confidential*  
Att 2 - Notice of Objection - 15 Oval Avenue, Caloundra - *Confidential*  
Att 3 - Objection Report - 19 Third Avenue, Caloundra - *Confidential*  
Att 4 - Objection Report - 15 Oval Avenue, Caloundra - *Confidential*  
Att 5 - Notice of Intention to Resume - 15 Oval Avenue, Caloundra - *Confidential*  
Att 6 - Notice of Intention to Resume - 19 Third Avenue, Caloundra - *Confidential*  
Att 7 - Estimate of Compensation - *Confidential*

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**NOTIFICATION OF INTEREST**

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor W Johnston gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.6 Resumption of Land – Caloundra.

*I, Councillor W Johnston, notify that I have a Declarable Conflict of Interest in relation to item 8.6 "Resumption of Land - Caloundra" to be considered at the Ordinary Meeting on 24 March 2022 due to Item 8.6 relating to the resumption of land at Caloundra. The property owner is the Caloundra Masonic Lodge. I wish it noted that I am a member of the Maleny Masonic Lodge.*

**Councillor W Johnston 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.**



**Council Resolution** (OM22/21)**Moved:** Councillor T Landsberg**Seconded:** Councillor C Dickson*That Council:*

- (a) *receive and note the report titled "**Resumption of Land - Caloundra**"; and*
- (b) *confirm, after due consideration of the objections, that parts of Lot 629 CG4427 and Lot 83 on RP65952 are required for road purposes for the Caloundra Transport Corridor Upgrade Project*
- (c) *proceed with the application to the Minister for Resources to acquire:*
  - (i) *approximately 594 square metres from Lot 629 CG4427 as shown on Plan No. 21434-C201 for road purposes; and*
  - (ii) *approximately 392 square metres from Lot 83 on RP65952 as shown on Plan No. 14205-L-02 for road purposes*
- (d) *delegate authority to the Chief Executive Officer to make an application to the Minister for Resources to take the land under section 9 of the Acquisition of Land Act 1967.*

**Carried unanimously.**

**Councillor W Johnston was absent for the discussion and vote on this motion.**

**9 NOTIFIED MOTIONS**

NIL

**10 TABLING OF PETITIONS**

NIL

**11 CONFIDENTIAL SESSION**

NIL



