

Minutes

Ordinary Meeting

Thursday, 28 April 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

Councillor J Natoli acknowledged the Traditional Custodians of the land on which the meeting took place.

Pastor Lawrence Seiuli from Nambour Christian Church 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 (Teams)
Councillor J Natoli	Division 4
Councillor W Johnston	Division 5 (Teams)
Councillor C Dickson	Division 6 (Absent items 1 – 7)
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
Group Executive Built Infrastructure
A/ Group Executive Customer Engagement and Planning Services (Teams)
Group Executive Business Performance (Teams)
A/ Group Executive Liveability and Natural Assets
Group Executive Economic and Community Development
A/ Chief of Staff
A/ Coordinator CEO Governance & Operations
Coordinator Financial Services
Coordinator Community Land Permits and Parking
Manager Strategic Planning
Coordinator Financial Accounting
Manager Environment and Sustainability Policy

APOLOGIES

Councillor P Cox Division 3

4 RECEIPT AND CONFIRMATION OF MINUTES**Council Resolution**

Moved: Councillor E Hungerford
Seconded: Councillor D Law

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

Carried unanimously.

Councillor C Dickson was absent for the vote on this motion.

5 MAYORAL MINUTE

NIL

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

Councillor M Jamieson notified the meeting of a Prescribed Conflict of Interest in relation to Item 8.3 Proposed Planning Scheme Amendments.

6.2 DECLARABLE CONFLICTS OF INTEREST

Councillor J O'Pray notified the meeting of a Declarable Conflict of Interest in relation to Item 8.2 Commercial Use of Community Land – High Use Process.

Council Resolution

Moved: Councillor R Baberowski
Seconded: Councillor J Natoli

That Council allow the introduction of a new item of business into the Agenda for the Ordinary Meeting held on Thursday 28 April 2022, namely "Item 8.4 – Queensland Audit Office – First Interim Management Report for the Financial year ended 30 June 2022".

Carried unanimously.

Councillor C Dickson was absent for the vote on this motion.

7 PRESENTATIONS / COUNCILLOR REPORTS

NIL

8 REPORTS DIRECT TO COUNCIL**8.1 MARCH 2022 FINANCIAL PERFORMANCE REPORT****File No:** Council meetings**Author:** Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - March 2022 Financial Performance Report
Att 2 - 2021/22 Capital Grant Funded Project Report March 2022

Council Resolution (OM22/22)**Moved:** Councillor E Hungerford**Seconded:** Councillor J Natoli*That Council receive and note the report titled "**March 2022 Financial Performance Report**".***Carried unanimously.**

8.2 COMMERCIAL USE OF COMMUNITY LAND - HIGH USE PROCESS

File No: F2021/79579
Author: Coordinator Community Land Permits and Parking
Customer Engagement & Planning Services Group
Appendices: App A - Recommended applicants for approved activities and
locations - *Confidential*
Attachments: Att 1 - 2022 Approved activities and locations

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor J O'Pray gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.2 Commercial Use of Community Land – High Use Process.

I, Councillor J O'Pray notify that I have a Declarable Conflict of Interest in Item 8.2 to be considered at the Ordinary Meeting on 28 April 2022 due to:

Item 8.2, Ref 4.1 and 4.2: these operators, XL Surf Academy and Maroochy Surf School, are lifelong friends.

Item 8.2, Ref 8.4: I received gifts of complimentary flights from Paradise Seaplanes in July 2015, January 2016, February 2017 and March 2022, to the combined value of \$1043.

As XL Surf Academy, Maroochy Surf School and Paradise Seaplanes may derive a benefit or be disadvantaged by the matter that is the subject of Agenda item 8.2, I will exclude myself from the meeting.

Councillor J O'Pray 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 (OM22/23)**Moved:** Councillor M Suarez**Seconded:** Councillor D Law*That Council:*

- (a) *receive and note the report titled “**Commercial use of community land - High use process**”*
- (b) *endorse the proposal to award permits to the recommended applicants for approved locations and activities as detailed in Confidential Appendix A*
- (c) *authorise the Chief Executive Officer to make Appendix A publicly available once all applicants have been notified of Council’s decision and*
- (d) *delegate to the Chief Executive Officer the authority to award High-Use / High Impact Permits for vacant activities and locations for the duration of the permit period (1 July 2022 to 30 June 2025).*

Carried unanimously.**Councillor J O’Pray was absent for the discussion and vote on this motion.**

8.3 PROPOSED PLANNING SCHEME AMENDMENTS

File No:	D2021/1526507
Author:	Interim Coordinator Planning Scheme Amendments Customer Engagement & Planning Services Group
Attachments:	Att 1 - Explanatory Memorandum - Proposed Airport Environs Overlay Amendment Att 2 - Amendment Instrument - Proposed Airport Environs Overlay Amendment Att 3 - Explanatory Memorandum - Proposed Site Specific and Editorial Matters Amendment Att 4 - Amendment Instrument - Proposed Site Specific and Editorial Matters Amendment

NOTIFICATION OF INTEREST

In accordance with s150EL(3)(b) of the *Local Government Act 2009* Councillor M Jamieson gave notice of a Prescribed Conflict of Interest .

*As I notified you at the Special Meeting of 9 November 2020, under section 150EL (3) (b) of the Local Government Act 2009, I have a **Prescribed Conflict of Interest** in matters associated with, or impacting on, the Sunshine Coast Airport and as such, I must not participate in a decision relating to that matter.*

As you are aware, as President of the Local Government Association of Queensland, I am an Employer representative Director of LGIASuper, which holds a 50% interest in the Sunshine Coast Airport through its asset manager, Palisade Investment Partners.

The President of the LGAQ has historically been nominated as a Director of the local government superannuation scheme. I have held the position of Director of LGIASuper since 1 July 2018. I receive remuneration from this role and this is noted in my Register of Interests.

Other entities with an interest in the Sunshine Coast Airport are:

- *Pinnacle Funds Services Limited as responsible entity for Palisade Investment Partner's Diversified Infrastructure Fund No. 1 and*
- *Perpetual Trust Services Limited as responsible entity for Palisade Investment Partner's Diversified Infrastructure Fund No. 2.*

Any decision-making by Council or Council officers on matters associated with, or impacting on, the Sunshine Coast Airport may be either beneficial or detrimental to the interests of Palisade Investment Partners, LGIASuper and other entities with a shareholding in the Sunshine Coast Airport.

Therefore, I will not be participating in the decision relating to Agenda Item 8.3 today and will leave the meeting for the duration of the consideration and vote on this item.

For completeness, I ask that the full details of my Prescribed Conflict of Interest as notified on 9 November 2020, be included in the minutes of today's meeting.

In accordance with s150EK(1) of the *Local Government Act 2009*, Councillor M Jamieson left the place at which the meeting was being held, including the 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 (OM22/24)

Moved: Councillor J Natoli
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled “**Proposed Planning Scheme Amendments**”
- (b) decide to amend the Sunshine Coast Planning Scheme 2014 (including Planning Scheme Policies) under Section 20 (Amending planning schemes under Minister’s rules) of the Planning Act 2016
- (c) delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the following amendments, in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules 2020:
 - (i) the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) and (Planning Scheme Policy Amendment) – Airport Environs Overlay
 - (ii) the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Site Specific and Editorial Matters subject to also proposing to amend the planning scheme provisions applicable to that area included in the north eastern section of Sub-precinct KAW LPSP-4a of the Buddina Urban Village to include this area in the Medium density residential zone (from the High density residential zone) and to specify a maximum building height of 12 metres (from 21 metres) and make any necessary consequential amendments to give proper effect to and reflect these changes
- (d) note that following public consultation on the proposed amendments and receipt of any submissions, a further report will be presented to Council for formal consideration.

For: Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor M Suarez and Councillor D Law.

Against: Councillor R Baberowski, Councillor T Landsberg, Councillor E Hungerford and Councillor J O’Pray.

Carried.

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

Councillor M Suarez raised a point of order questioning the process in speaking to the proposed amendment only, as raised by Councillor J Natoli. The Chair ruled that Councillor D Law could continue speaking to the motion.

Councillor D Law raised a point of order in relation to Councillor E Hungerford having already spoken to the motion. The Chair ruled that Councillor E Hungerford could speak to the motion.

The Mayor returned to the chair at this time.

8.4 QUEENSLAND AUDIT OFFICE - FIRST INTERIM MANAGEMENT REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2022

File No: Council Meetings
Author: Coordinator Financial Accounting
Business Performance Group
Attachments: Att 1 - Queensland Audit Office First Interim Report 2022

Council Resolution (OM22/25)

Moved: Councillor E Hungerford
Seconded: Councillor J Natoli

That Council receive and note the report titled “Queensland Audit Office - First Interim Management Report for the financial year ended 30 June 2022”.

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this motion.

9 NOTIFIED MOTIONS

NIL

10 TABLING OF PETITIONS**10.1 PETITION - THE HEDGE, BERMAGUI CRESCENT BUDDINA -
PEDESTRIAN CROSSING TREATMENT****Council Resolution** (OM22/26)**Moved: Councillor J Natoli****Seconded: Councillor M Suarez**

That the petition tabled by Councillor J Natoli relating to the pedestrian crossing treatment at "The Hedge", 5 Bermagui Crescent Buddina be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

11 CONFIDENTIAL SESSION

CLOSURE OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor M Suarez

Seconded: Councillor J Natoli

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

11.1 *Confidential - Not for Public Release - Strategic Land Acquisition – Witta*

Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor E Hungerford

Seconded: Councillor R Baberowski

That the meeting be re-opened to the public.

Carried unanimously.

11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - WITTA

File No: Council report
Authors: Natural Environment Project Officer
Liveability & Natural Assets Group
Coordinator Strategic Property
Office of the CEO

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 negotiations of a commercial matter 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 location and price of the acquisition once negotiations have been finalised and the transfer of the property title has been registered with the Titles Registry.

Council Resolution (OM22/27)

Moved: Councillor W Johnston
Seconded: Councillor M Suarez

That Council:

- (a) *delegate authority to the Chief Executive Officer to execute all documentation and finalise the acquisition of the identified strategic land parcel in Witta, and*
- (b) *authorise the Chief Executive Officer to publicly release details relating to the site location and contract price for the 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.

12 NEXT MEETING

The next Ordinary Meeting will be held on 26 May 2022 in the Council Chambers, 1 Omrah Avenue, Caloundra

13 MEETING CLOSURE

The meeting closed at 11:30am.

Confirmed 26 May 2022.

CHAIR
