

Minutes

Ordinary Meeting

Thursday, 27 April 2023

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING	5
2	WELCOME AND OPENING	5
3	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE.....	5
4	RECEIPT AND CONFIRMATION OF MINUTES.....	6
5	MAYORAL MINUTE	6
6	INFORMING OF CONFLICTS OF INTEREST	6
6.1	PREScribed CONFLICTS OF INTEREST	6
6.2	DECLARABLE CONFLICTS OF INTEREST	6
7	PRESENTATIONS / COUNCILLOR REPORTS	7
7.1	PRESENTATION - CALOUNDRA MUSIC FESTIVAL WON FESTIVAL OF THE YEAR AT THE 2023 QUEENSLAND MUSIC AWARDS.....	7
7.2	PRESENTATION - THE CONSTRUCTION MANAGEMENT AND WATERWAY PROTECTION TASKFORCE WON THE NATIONAL AWARD FOR EXCELLENCE IN POLICY OR EDUCATION AT THE 2023 STORMWATER AUSTRALIA AWARDS	8
8	REPORTS DIRECT TO COUNCIL	9
8.1	MARCH 2023 FINANCIAL PERFORMANCE REPORT	9
8.2	S.S. DICKY WRECK - PUBLIC SAFETY RISK MANAGEMENT	10
8.3	PROPOSED AMENDMENT TO MAROOCHYDORE CITY CENTRE PRIORITY DEVELOPMENT AREA DEVELOPMENT SCHEME AND INFRASTRUCTURE AGREEMENTS.....	12
8.4	KABI KABI NATIVE TITLE.....	14
9	NOTIFIED MOTIONS	15
10	TABLING OF PETITIONS	16
10.1	PETITION - PROPOSED NAMING OF BALLINGER RD	

	& STRINGYBARK RD ROUNDABOUT, BUDERIM.....	16
	10.2 PETITION - UPGRADE OF MALENY SKATEPARK	17
11	CONFIDENTIAL SESSION	18
12	NEXT MEETING	19
13	MEETING CLOSURE	19
14	APPENDICES.....	19

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 9:01am.

2 WELCOME AND OPENING

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

Pastor Rodney Cripps from Chancellor 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
Councillor P Cox	Division 3
Councillor J Natoli	Division 4
Councillor W Johnston	Division 5
Councillor C Dickson	Division 6 (Absent Items 8.4-13)
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
Group Executive Customer and Planning Services
Group Executive Economic and Community Development
A/Group Executive Business Performance
Group Executive Civic Governance
A/Group Executive Liveability and Natural Assets
A/Chief Strategy Officer
Manager Executive Management and Support Services
Coordinator Financial Services
Manager Environmental Operations
Coastal Constructed Water Bodies & Planning Manager
Program Director Urban Growth

Council Resolution

Moved: Councillor R Baberowski
Seconded: Councillor W Johnston

That Council approve a leave of absence for Councillor R Baberowski for the Ordinary Meeting of Thursday, 25 May 2023 should technology and/ or telecommunication failures prevent his online attendance.

Carried unanimously.

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

Moved: Councillor P Cox
Seconded: Councillor J Natoli

That the Minutes of the Ordinary Meeting held on 23 March 2023 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

NIL

7 PRESENTATIONS / COUNCILLOR REPORTS

7.1 PRESENTATION - CALOUNDRA MUSIC FESTIVAL WON FESTIVAL OF THE YEAR AT THE 2023 QUEENSLAND MUSIC AWARDS

Council Resolution

Moved: Councillor T Landsberg

Seconded: Councillor J O'Pray

That Council recognise the achievement of the Caloundra Music Festival winning Festival of the Year at the 2023 Queensland Music Awards.

Carried unanimously.



7.2 PRESENTATION - THE CONSTRUCTION MANAGEMENT AND WATERWAY PROTECTION TASKFORCE WON THE NATIONAL AWARD FOR EXCELLENCE IN POLICY OR EDUCATION AT THE 2023 STORMWATER AUSTRALIA AWARDS

Council Resolution

Moved: Councillor C Dickson

Seconded: Councillor R Baberowski

That Council recognise the achievement of the Construction Management and Waterway Protection Taskforce winning the National Award for Excellence in Policy or Education at the 2023 Stormwater Australia Awards.

Carried unanimously.

8 REPORTS DIRECT TO COUNCIL

8.1 MARCH 2023 FINANCIAL PERFORMANCE REPORT

File No: Council Meetings

Author: Coordinator Financial Services
Business Performance Group

Attachments: Att 1 - March 2023 Financial Performance Report
Att 2 - Capital Grant Funded Project Report March 2023

Council Resolution (OM23/31)

Moved: Councillor E Hungerford

Seconded: Councillor W Johnston

*That Council receive and note the report titled “**March 2023 Financial Performance Report**”.*

Carried unanimously.



8.2 S.S. DICKY WRECK - PUBLIC SAFETY RISK MANAGEMENT

File No: Council meetings
Author: Manager Environmental Operations
Liveability & Natural Assets Group
Attachments: Att 1 - SS Dicky wreck - risk assessment
Att 2 - 230309 SS Dicky wreck - detailed survey and photos

Council Resolution (OM23/32)

Moved: Councillor T Landsberg
Seconded: Councillor P Cox

That Council:

- (a) *receive and note the report titled “S.S. Dicky wreck - public safety risk management”*
- (b) *note the SS Dicky Wreck Risk Assessment and recommended short and long-term controls to inform and manage the associated public safety risk*
- (c) *resolve to partially close the bathing reserve at Dicky Beach for 20 metres either side of the wreck for up to 6 months under sections 9 (1) and (2) of Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*
- (d) *support further investigations in relation to substantial or complete removal of the S.S. Dicky wreck, informed by relevant planning, to manage the associated public safety risk*
- (e) *authorise the Chief Executive Officer to seek and obtain any necessary approvals from the Queensland Government to manage the public safety risk posed by the SS Dicky wreck*
- (f) *note that a new resolution to continue partial closure of the bathing reserve at Dicky Beach on 20 metres either side of the wreck will be required under Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 if works to reduce the risk have not been completed within 6 months and*
- (g) *note the Chief Executive Officer will investigate and clarify Council’s ability to extend temporary closures to a local government controlled area, facility or infrastructure (which includes a bathing reserve) for longer than six months, given the current drafting of sections 9 (1) and (2) of Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011.*

Carried unanimously.

Council Resolution

Moved: Councillor W Johnston
Seconded: Councillor M Suarez

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

Carried unanimously.

Councillor R Baberowski raised a point of order in regards to Councillor J Natoli stating that Councillor R Baberowski had made a statement that he had not while speaking to the motion. The Mayor upheld the point of order.

8.3 PROPOSED AMENDMENT TO MAROOCHYDORE CITY CENTRE PRIORITY DEVELOPMENT AREA DEVELOPMENT SCHEME AND INFRASTRUCTURE AGREEMENTS

File No:	Council Meetings
Authors:	Project Coordinator Civic Governance Project Manager Customer & Planning Services Group Chief Financial Officer Business Performance Group
Attachments:	Att 1 - Detailed planning report - <i>Confidential</i> Att 2 - Proposed Development Scheme - <i>Confidential</i> Att 3 - Commercial report - <i>Confidential</i> Att 4 - Letter of recommendation from the SunCentral board - <i>Confidential</i>

Council Resolution (OM23/33)

Moved: Councillor M Jamieson

Seconded: Councillor J Natoli

That Council:

- (a) *receive and note the report titled “**Proposed Amendment to Maroochydore City Centre Priority Development Area Development Scheme and Infrastructure Agreements**”*
- (b) *support the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme as discussed in confidential session, so that it may be progressed in accordance with the requirements of Chapter 3, Part 3, Division 1 and Division 2 of the Economic Development Act 2012*
- (c) *delegate to the Chief Executive Officer the authority to carry out the statutory process to prepare and progress the amendment to the Maroochydore City Centre Priority Development Area Development Scheme, in so far as authorised to do so in the Minister’s Instrument of Delegation and Direction dated 17 October 2019 and in accordance with any other directions or requirements that may be issued by the Minister for Economic Development Queensland (MEDQ), noting that the Minister for Economic Development Queensland will (at a minimum):*
 - (i) *undertake the State Interest Review*
 - (ii) *issue the direction to Council to undertake community consultation and*
 - (iii) *ultimately, exercise the authority to make the amendment to the Maroochydore City Centre Priority Development Area Development Scheme*
- (d) *delegate to the Chief Executive Officer the authority to:*
 - (i) *make any changes to the proposed amendment to the Development Scheme as a consequence of the preliminary consultation with Economic Development Queensland and the State Interest Review process*
 - (ii) *undertake the community consultation for a minimum of 30 business days, once authorised by the Minister for Economic Development Queensland to undertake that process*

- (e) note that following public consultation on the proposed amendment to the Development Scheme and receipt of any submissions, a further report will be presented to Council for formal consideration
- (f) decide to amend the Maroochydore City Centre Infrastructure Agreement and Maroochydore City Centre Water Infrastructure Agreement to be consistent with the amendment to the Maroochydore City Centre Priority Development Area Development Scheme and to commence negotiations with the other parties to the Agreements
- (g) delegate to the Chief Executive Officer the authority to negotiate and make any necessary changes to the Maroochydore City Centre Infrastructure Agreement including the Maroochydore Infrastructure and Services Standards and Maroochydore City Centre Water Infrastructure Agreement
- (h) delegate to the Chief Executive Officer the authority to negotiate and make any necessary changes to the Maroochydore City Centre Development Agreement
- (i) authorise the Chief Executive Officer to progress with the requisite actions in line with discussions in confidential session
- (j) authorise the Chief Executive Officer to release some of the planning related information contained in Attachment 1 and Attachment 2 to this report as considered appropriate and following authorisation by the Minister for Economic Development Queensland to Council to undertake public consultation on the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme and
- (k) authorise the Chief Executive Officer to release information contained in Attachment 3 and Attachment 4 following the completion of the Maroochydore City Centre development.

Carried unanimously.

CLOSURE OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor R Baberowski

Seconded: Councillor T Landsberg

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

8.3 Proposed Amendment to Maroochydore City Centre Priority Development Area Development Scheme and Infrastructure Agreements – Confidential Attachments

For: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor M Suarez and Councillor D Law.

Against: Councillor J O'Pray.

Carried.

RE-OPENING OF THE MEETING TO THE PUBLIC

Council resolution

Moved: Councillor C Dickson

Seconded: Councillor J Natoli

That the meeting be re-opened to the public.

Carried unanimously.

8.4 KABI KABI NATIVE TITLE

File No: Council Meetings
Author: Greg Laverty, Group Executive
Economic & Community Development Group
Attachments: Att 1 - Map of Kabi Kabi Native Title Claim - external boundary by
reference to local government areas
Att 2 - Kabi Kabi Native Title Claim - *Confidential*

Council Resolution (OM23/34)

Moved: Councillor D Law
Seconded: Councillor M Suarez

That Council:

- (a) *receive and note the report titled "Kabi Kabi Native Title"*
- (b) *enter into an agreement made under s 87A Native Title Act 1993 and consent to the determination of the Kabi Kabi People native title claim QUD20/2019 in the terms of the s87A Agreement and Proposed Consent Order*
- (c) *delegate authority to the Chief Executive Officer to agree to any changes that may be required to the final determination and to instruct Holding Redlich to sign the s87A Agreement on Council's behalf*
- (d) *delegate authority to the Chief Executive Officer to provide instructions to Holding Redlich to withdraw Council from Federal Court proceedings QUD20/2019 after the determination of Part A becomes effective on the basis that Council has no interest in Part B of the proceedings, and*
- (e) *note that following any decision, the Federal Court of Australia will publish details of the native title determination.*

Carried unanimously.

Cr Dickson was absent for the discussion and vote on this item.

9 NOTIFIED MOTIONS

NIL

10 TABLING OF PETITIONS**10.1 PETITION - PROPOSED NAMING OF BALLINGER RD & STRINGYBARK RD ROUNDABOUT, BUDERIM****Council Resolution** (OM23/35)**Moved: Councillor E Hungerford****Seconded: Councillor J Natoli***Moved: Councillor E Hungerford**Seconded: Councillor J Natoli*

That the petition tabled by Councillor E Hungerford relating to the request to name the roundabout on Ballinger Road "Peter's Roundabout" be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

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

10.2 PETITION - UPGRADE OF MALENY SKATEPARK**Council Resolution** (OM23/36)**Moved: Councillor W Johnston****Seconded: Councillor D Law**

That the petition tabled by Councillor W Johnston relating to the request to upgrade the Maleny Skatepark be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

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

11 CONFIDENTIAL SESSION

NIL

12 NEXT MEETING

The next Ordinary Meeting will be held on 25 May 2023 in the Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

13 MEETING CLOSURE

The meeting closed at 12:04pm.

Confirmed 25 May 2023.

CHAIR

14 APPENDICES