

Minutes

Ordinary Meeting

Wednesday, 24 April 2024

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

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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 D Law acknowledged the Traditional Custodians of the land on which the meeting took place.

Venerable Lhagsam from the Chenrezig Institute provided a blessing.

The Chambers commemorated ANZAC Day on 25 April 2024.

The Chief Executive Officer acknowledged the recent passing of Council employee, Cherie Morrison, and expressed Council's deepest condolences to Cherie's family and friends.

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

Councillor R Natoli	Mayor (Chair)
Councillor J Broderick	Division 1
Councillor T Landsberg	Division 2
Councillor T Burns	Division 3
Councillor J Natoli	Division 4
Councillor W Johnston OAM	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor T Bunnag	Division 8
Councillor M Suarez	Division 9 (Deputy Mayor)
Councillor D Law	Division 10

COUNCIL OFFICERS

Chief Executive Officer
Group Executive Built Infrastructure
A/Group Executive Business Performance
Group Executive Civic Governance
Group Executive Customer and Planning Services
Group Executive Economic and Community Development
Group Executive Liveability and Natural Assets
Manager Governance and Executive Services
Principal Development Planner
Manager Strategic Planning
Chief Financial Officer
Coordinator Councillor Governance
Sunshine Coast Program Lead - Brisbane 2032

4 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor W Johnston

Seconded: Councillor J Natoli

That the Minutes of the Ordinary Meeting held on 7 March 2024 and the Post-Election Meeting held on 11 April 2024 be received and confirmed.

Carried unanimously.

5 MAYORAL MINUTE

NIL

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

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor T Bunnag gave notice of a Prescribed Conflict of Interest in relation to:

*I, Councillor Taylor Bunnag, notify that I have a **Prescribed Conflict of Interest** in the Development Application, Reference Number MCU22/0111, in relation to an impact assessable development proposed at Lot 904, Sunrise Drive, Maroochydore.*

This development application is for 128 Multiple Dwelling Units. I am unaware whether this application will be brought before Council for determination or whether it will be decided by Council officers under delegation.

The Prescribed Conflict of Interest arises due to the fact that on 19 February 2024, I made a written submission to Council objecting to this development application, before the application has been decided.

These circumstances provide the basis for a Prescribed Conflict of Interest, as defined in section 150EI (c) (ii) of the Act.

In accordance with section 150EK of the *Local Government Act 2009*, I will exclude myself from any meeting, discussion or communication in relation to making a decision on this matter.

NOTIFICATION OF INTEREST

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor T Bunnag gave notice of a Prescribed Conflict of Interest in relation to:

*I, Councillor Taylor Bunnag, notify that I have a **Prescribed Conflict of Interest** in the Development Application, Reference Number MCU23/0344, in relation to a code assessable development application proposed at 22 Jubilee Esplanade, Point Arkwright.*

This development application is for 3 multiple dwelling units.

The Prescribed Conflict of Interest arises due to the fact that on 25 January 2024, I provided written comments to Council objecting to this development application, before the application has been decided.

These circumstances are considered to provide the basis for a Prescribed Conflict of Interest, as defined in section 150EI (c) (ii) of the Act.

While I acknowledge that as a code assessable development application, this matter may not be considered at an Ordinary Meeting of the Sunshine Coast Council, in accordance with section 150EK of the *Local Government Act 2009*, I will exclude myself from any meeting, discussion or communication in relation to making a decision on this matter.

NOTIFICATION OF INTEREST

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor T Bunnag gave notice of a Prescribed Conflict of Interest in relation to:

*I, Councillor Taylor Bunnag, notify that I have a **Prescribed Conflict of Interest** in the Development Application, Reference Number MCU23/0053, in relation to an impact assessable development proposed at Warran Road, Yaroomba.*

This development application is for the extension to a Tourist Attraction (Car Museum) & Car Park at the Palmer Cooloom Resort and may be considered at a future Ordinary Meeting of Council.

The Prescribed Conflict of Interest arises due to the fact that on 18 December 2023, I made a written submission to Council opposing this development application, before the application has been decided.

These circumstances provide the basis for a Prescribed Conflict of Interest, as defined in section 150EI (c) (ii) of the Act.

In accordance with section 150EK of the *Local Government Act 2009*, I will exclude myself from any meeting, discussion or communication in relation to making a decision on this matter.

6.2 DECLARABLE CONFLICTS OF INTEREST

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(b) of the *Local Government Act 2009* Councillor T Bunnag gave notice of a Declarable Conflict of Interest in relation to:

*I, Councillor Taylor Bunnag, notify that I may have a **Declarable Conflict of Interest** in the Reconfiguration of a Lot Development Application, Reference Number RAL23/0085, and the Operational Works Development Application, Reference Number OPW23/0416, both in relation to development proposed at 55A Old Orchard Drive, Palmwoods.*

The Declarable Conflict of Interest arises due to the fact that I have made public comments indicating my personal opposition to proposed development at this location, before the applications have been decided.

As such, a reasonable person might form the view that I have a predetermined position on these applications and therefore:

- a) could reasonably be presumed to have a conflict between my personal interests and the public interest; and*
- b) because of the conflict, my participation in a decision about this application might lead to a decision that is contrary to the public interest.*

These circumstances are considered to provide the basis for a Declarable Conflict of Interest, as defined in section 150EN of the Act.

While I recognise that as Reconfiguration of a Lot and Operational Works applications, these matters will not come before an Ordinary Meeting of Council for decision making, I have decided I will not participate in any discussions relating to the making of a decision on these applications, due to the existence of my Declarable Conflict of Interest.

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(b) of the Local Government Act 2009 Councillor T Bunnag gave notice of a Declarable Conflict of Interest in relation to:

*I, Councillor Taylor Bunnag, notify that I may have a **Declarable Conflict of Interest** in the Development Application Reference Number MCU23/0238 in relation to a development proposed at 698-706 David Low Way and 11-13 Menzies Drive, Pacific Paradise.*

This development application is for residential apartment buildings, short term accommodation and a food and drink outlet. I am unaware at this time whether this application will be brought before Council for determination or whether it will be decided by Council officers under delegation.

The Declarable Conflict of Interest arises due to the fact that I have made public comments on this development application indicating my opposition to the proposed development, before the application has been decided.

As such, a reasonable person might form the view that I have a predetermined position on this development application and therefore:

- a) could reasonably be presumed to have a conflict between my personal interests and the public interest; and*
- b) because of the conflict, my participation in a decision about this application might lead to a decision that is contrary to the public interest.*

These circumstances may be considered to provide the basis for a Declarable Conflict of Interest, as defined in section 150EN of the Act.

I believe that I will be able to objectively contribute to the decision-making process because my comments were reflective of community sentiment which was articulated in submissions and gathered by me during doorknocking and other forms of community engagement.

Going forward, I will wait to review the officers' recommendation and all documentation relating to the development approval before making a final decision as to how I will be voting on this particular application.

On this basis, I have formed the view that I can appropriately manage any conflict of interest and that I can impartially participate in making a decision in the public interest on this matter.

I now ask the eligible Councillors to consider and determine whether or not I may participate in the making of a decision on this matter within the context of how that is defined in section 150EE of the Act.

In accordance with s150ES(3)(b) of the Local Government Act 2009 the eligible Councillors were required to decide whether Councillor T Bunnag may participate in a decision in relation to this matter.

Motion**Moved: Councillor M Suarez****Seconded: Councillor C Dickson**

In accordance with s150ES(3)(a)(i) of the Local Government Act 2009, that despite Councillor T Bunnag's conflict of interest, Councillor T Bunnag may participate in discussions, deliberations and or decisions relating to the Development Application Reference Number MCU23/0238 in relation to a development proposed at 698-706 David Low Way and 11-13 Menzies Drive, Pacific Paradise due to the extensive local knowledge held as the Division Councillor.

For: Councillor R Natoli, Councillor J Broderick, Councillor T Landsberg, Councillor T Burns, Councillor J Natoli, Councillor C Dickson, Councillor M Suarez and Councillor D Law.

Against: Councillor W Johnston and Councillor E Hungerford.

Carried.

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

7 PRESENTATIONS / COUNCILLOR REPORTS

NIL

8 REPORTS DIRECT TO COUNCIL**8.1 APPLICATION FOR PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OF PREMISES INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE SUNSHINE COAST PLANNING SCHEME 2014, AND RELATED APPLICATIONS FOR DEVELOPMENT PERMITS (RECONFIGURING A LOT AND MATERIAL CHANGE OF USE) - 38-40 CLITHERO AVENUE, BUDERIM**

File No: MCU22/0167 RAL22/0059
Author: Principal Development Planner
 Customer & Planning Services Group
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Detailed Assessment Report
 Att 2 - Plan of Development
 Att 3 - Proposal Plan - Reconfiguring a Lot
 Att 4 - Proposal Plans - Dwelling House

Council Resolution (OM24/16)

Moved: Councillor E Hungerford
Seconded: Councillor M Suarez

That Council:

- (a) *receive and note the report titled "Application for Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014, and related Applications for Development Permits (Reconfiguring a Lot and Material Change of Use) - 38-40 Clithero Avenue, Buderim"*
- (b) *APPROVE Application No. MCU22/0167 & RAL22/0059, and grant a Preliminary Approval for Material Change of Use of Premises including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014 [change of zone from Limited Development (Landscape Residential) to Low Density Residential (Precinct LDR1 – Protected Housing area) and Limited Development (Landscape Residential) and change of Biodiversity, Waterways and Wetlands Overlay Map], and a Development Permit to Reconfigure a Lot (1 Lot into 2 Lots), and a Development Permit for Material Change of Use of Premises to establish a Dwelling House including a Secondary Dwelling, subject to the imposition of reasonable and relevant conditions in Appendix A and*
- (c) *note all future requests for a negotiated decision and requested changes to the approval to be determined by delegated Council officers where the changes would not have a material impact on the outcome of the original decision.*

For: Councillor R Natoli, Councillor J Broderick, Councillor T Landsberg, Councillor T Burns, Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor M Suarez and Councillor D Law.

Against: Councillor T Bunnag.

Carried.

8.2 MARCH 2024 FINANCIAL PERFORMANCE REPORT**File No:** Council Meetings**Author:** Acting Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - March 2024 Financial Performance Report
Att 2 - Capital Grant Funded Project Report March 2024

Council Resolution (OM24/17)**Moved:** Councillor E Hungerford**Seconded:** Councillor J Natoli*That Council receive and note the report titled "March 2024 Financial Performance Report".***Carried unanimously.**

8.3 COUNCILLOR ACCEPTABLE REQUEST GUIDELINES**File No:** Council Meetings**Author:** Coordinator Councillor Governance
Civic Governance**Appendices:** App A - Councillor Acceptable Request Guidelines

Council Resolution (OM24/18)**Moved:** Councillor W Johnston**Seconded:** Councillor T Burns*That Council:*

- (a) *receive and note the report titled "Councillor Acceptable Request Guidelines" and*
- (b) *resolve under section 170A (7) of the Local Government Act 2009 to endorse the Councillor Acceptable Request Guidelines (Appendix A) to replace the Councillor Acceptable Request Guidelines approved by Council on 6 December 2018.*

Carried unanimously.

8.4 COUNCILLOR EXPENSES AND RESOURCES POLICY**File No:** Council Meetings**Author:** Coordinator Councillor Governance
Civic Governance**Appendices:** App A - Councillor Expenses and Resources Policy

Council Resolution (OM24/19)**Moved:** Councillor C Dickson**Seconded:** Councillor M Suarez*That Council:*

- (a) *receive and note the report titled "Councillor Expenses and Resources Policy"*
- (b) *adopt under section 250 (1) of the Local Government Regulation 2012, the Councillor Expenses and Resources Policy at Appendix A to replace the Councillors Expenses Reimbursement and Provision of Facilities and Support Policy which was adopted by Council on 10 November 2021*
- (c) *request the Chief Executive Officer to publish the Councillor Expenses and Resources Policy on Sunshine Coast Council's website and ensure a copy of the Policy can be inspected and purchased at Council's public offices, in accordance with section 251 (1) of the Local Government Regulation 2012 and*
- (d) *determine entitlements for Councillors annually as part of the budget development and adoption process.*

Carried unanimously.

8.5 COUNCILLOR APPOINTMENTS TO EXTERNAL BODIES

File No: Council Meetings
Author: Group Executive Civic Governance
Civic Governance

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(b) of the *Local Government Act 2009* Councillor R Natoli gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.5 - Councillor Appointments to External Bodies:

I, Mayor Rosanna Natoli, notify that I may have a Declarable Conflict of Interest in Item 8.5 – Councillor Appointments to External Bodies to be considered at today's Ordinary Meeting.

The Declarable Conflict of Interest may arise due to the fact that:

- I am the Councillor who is being recommended for nomination as the District 2 North representative on the Policy Executive of the Local Government Association of Queensland Limited;*
- the relevant exclusion of the application of the Councillor Conflict of Interest provisions in Chapter 5B of the Local Government Act 2009 – which is section 150EF (2) of the Act – relates to the nomination or appointment of a councillor to be a member of the board of a corporation or association;*
- the Policy Executive of the LGAQ is not the board of the LGAQ; and*
- section 150EF (2) of the Act is not therefore, applicable in the case of a nomination by Council of a Councillor to the Policy Executive of the LGAQ.*

In making this notification, I note that:

- The nomination is being proposed by Council officers, not myself;*
- The nomination is intended to provide an opportunity for the interests of the Sunshine Coast Council to be represented and advanced through the formulation and implementation of the advocacy priorities of the LGAQ on behalf of local governments in Queensland;*
- The nomination – if endorsed by Council and ultimately supported by the other councils who make up the District 2 North cohort – is considered unlikely to materially impact public trust in my ability to objectively discharge my responsibilities as Mayor of the Sunshine Coast Council;*
- If I am ultimately endorsed as a member of the Policy Executive of the LGAQ, the benefit I receive – which is a meeting fee of \$560.00 per meeting and accommodation and travel costs to attend meetings – is relatively minor when compared with the value that Council and the region may receive in having their interests represented by me in shaping the priorities and advocacy program of the LGAQ;*
- The need to notify this Declarable Conflict of Interest arises due to the technical drafting and interpretation of section 150EF (2) of the Act, which is limited to circumstances where the nomination is to the board of a corporation or association. As the Policy Executive of the LGAQ is not the board of the LGAQ, the Chapter 5B conflict of interest provisions will apply to any nomination. If the Policy Executive were the board of the LGAQ, the conflict of*

interest provisions would not apply.

On this basis, I have formed the view that I can appropriately manage what I consider to be a technical conflict of interest and that I can impartially make a decision in the public interest on the matter which is the subject of Agenda Item 8.5, which is to be considered at the meeting today.

Councillors, for the record, I would like it to be noted that my notification of this Declarable Conflict of Interest relates solely to that aspect of the agenda report dealing with the nomination of myself as the District 2 North representative on the Policy Executive of the LGAQ.

I am of the view that I do not have a Declarable Conflict of Interest to notify in relation to the nomination of myself as a Director of the Board of the Council of Mayors South East Queensland Pty Ltd, as the conflict of interest provisions in Chapter 5B of the Local Government Act 2009 do not apply to that matter, as it is a nomination to the Board of that company.

As I have already advised, section 150EF of the Act makes it clear that the conflict of interest provisions do not apply in circumstances where the nomination is to the board of a corporation or association.

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 8.5.

The Mayor vacated the Chair.

The Deputy Mayor took the Chair

In accordance with s150ES(3)(b) of the *Local Government Act 2009* the eligible Councillors were required to decide whether Councillor R Natoli may participate in a decision in relation to agenda item 8.5.

Motion

Moved: Councillor D Law

Seconded: Councillor W Johnston

In accordance with s150ES(3)(b)(ii) of the Local Government Act 2009 Councillor R Natoli must not participate the discussions, or decisions relating to Agenda Item 8.5 and must leave the place at which the meeting is being held, including any area set aside for the public and stay away from the place while the eligible councillors discuss and vote on the matter.

Carried unanimously.

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

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

The Mayor left the Chamber during the discussion and vote on this item.

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(b) of the *Local Government Act 2009* Councillor J Natoli gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.5 - Councillor Appointments to External Bodies.

I, Councillor Joe Natoli, notify that I may have a Declarable Conflict of Interest in Agenda Item 8.5 -Councillor Appointments to External Bodies to be considered at the Ordinary Meeting on 24 April 2024.

My Declarable Conflict of Interest arises because Mayor Rosanna Natoli - who is a related party of mine, due to her being my spouse - has notified a Declarable Conflict of Interest in this matter due to the fact that:

- she is the Councillor who is being recommended for nomination as the District 2 North representative on the Policy Executive of the Local Government Association of Queensland Limited (LGAQ);*
- the relevant exclusion of the application of the Councillor Conflict of Interest provisions in Chapter 5B of the Local Government Act 2009 (the Act) - which is section 150EF (2) of the Act - relates to the nomination or appointment of a councillor to be a member of the board of a corporation or association;*
- the Policy Executive of the LGAQ is not the board of the LGAQ; and*
- section 150EF (2) of the Act is not therefore, applicable in the case of a nomination by Council of a Councillor to the Policy Executive of the LGAQ.*

Councillor J Natoli 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 (OM24/20)**Moved: Councillor E Hungerford****Seconded: Councillor W Johnston***That Council:*

- (a) receive and note the report titled "Councillor Appointments to External Bodies "*
- (b) endorse the nomination of Mayor Rosanna Natoli as a Director and Councillor Maria Suarez as Alternate Director of the Council of Mayors South East Queensland Pty Ltd and*
- (c) approve the nomination of Mayor Rosanna Natoli to be considered as the District Two (North) representative on the Policy Executive of the Local Government Association of Queensland.*

Carried unanimously.**Councillor R Natoli and Councillor J Natoli were absent for the discussion and vote on this item.**

The Mayor returned to the Chair.

8.6 REPRESENTATION AT PARIS 2024 OLYMPIC FAMILY PROGRAM**File No:** Council Meetings**Author:** Sunshine Coast Program Lead - Brisbane 2032
Economic & Community Development Group

Council Resolution (OM24/21)**Moved:** Councillor W Johnston**Seconded:** Councillor M Suarez*That Council:*

- (a) *receive and note the report titled "Representation at Paris 2024 Olympic Family Program"*
- (b) *approve overseas travel from 24 July 2024 to 1 August 2024 to enable Mayor Rosanna Natoli to participate in the Paris 2024 Olympic Family Program and*
- (c) *note that any costs incurred by Council in association with participation in the Paris 2024 Olympic Family Program will be reported in Council's 2024-2025 Annual Report.*

Carried unanimously.

9 NOTIFIED MOTIONS

NIL

10 TABLING OF PETITIONS**10.1 PETITION - UNDERTAKE PROACTIVE STEPS TO ADDRESS THE CONCERNS FOR THE WATER QUALITY OF THE NORTHERN SECTION OF THE PUMICESTONE PASSAGE.****Council Resolution** (OM24/22)**Moved: Councillor T Landsberg****Seconded: Councillor C Dickson**

That the petition tabled by Councillor T Landsberg relating to the request to undertake proactive steps to address the concerns for the water quality of the northern section of the Pumicestone Passage be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

11 CONFIDENTIAL SESSION

NIL
