

# Minutes

## Ordinary Meeting

**Thursday, 14 October 2021**

Council Chambers, 1 Omrah Avenue, Caloundra

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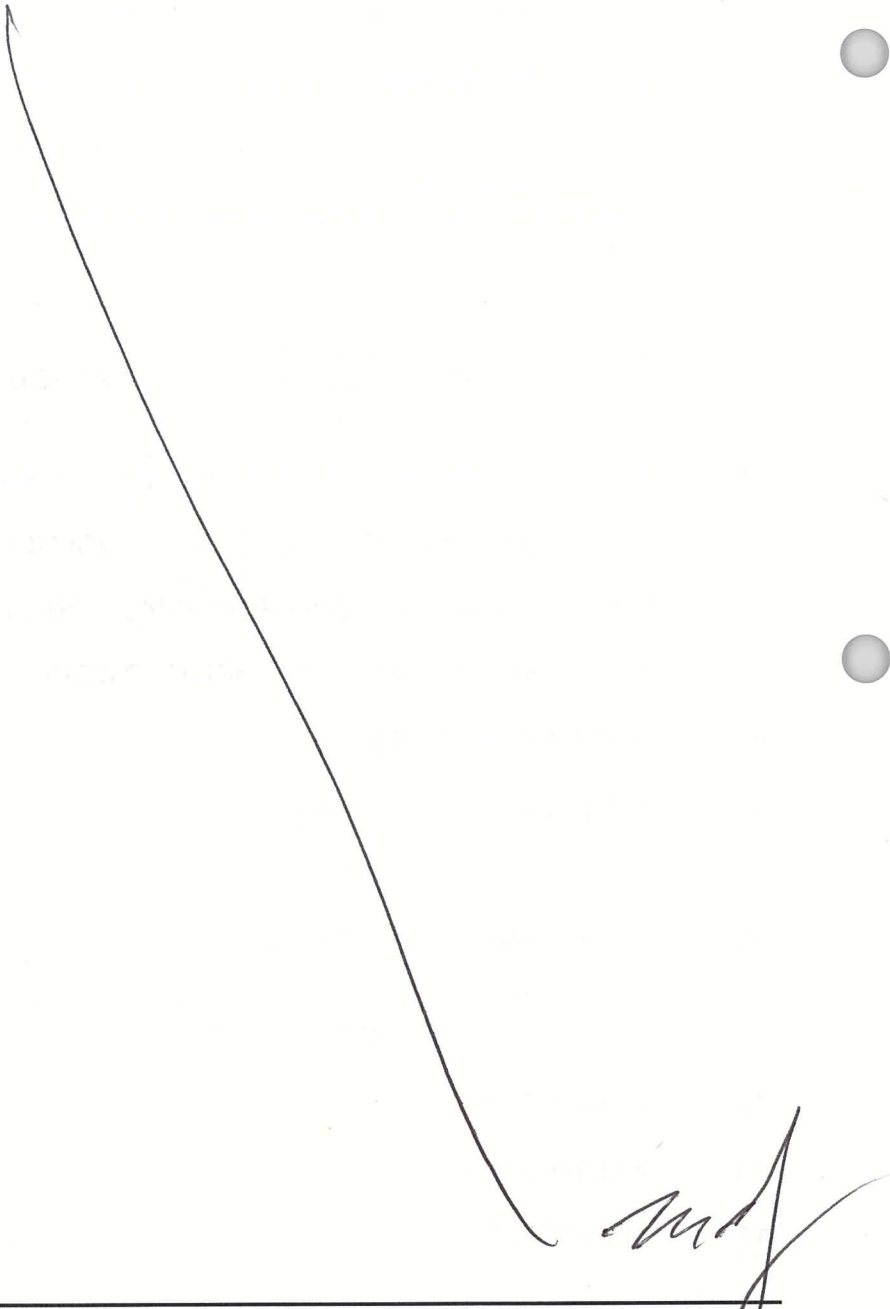
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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



**1 DECLARATION OF OPENING**

The Chair declared the meeting open at 9:00am.

**2 WELCOME AND OPENING**

Councillor R Baberowski acknowledged the Traditional Custodians of the land on which the meeting took place.

Reverend Ralph Bowles from St John's Anglican Church Nambour 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
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 Customer Engagement and Planning Services  
Group Executive Economic and Community Development  
Acting Group Executive Liveability and Natural Assets  
Chief of Staff  
Chief Strategy Officer  
Director, Major Projects and Strategic Property  
Coordinator CEO Governance & Operations  
Principal Development Planner  
Coordinator Response Services  
Principal Property Officer  
Coordinator Financial Services

**EXTERNAL**

Paul King (MWA Environmental Consultants)  
Tim Fynes-Clinton (Executive Partner King & Company Solicitors)

**4 RECEIPT AND CONFIRMATION OF MINUTES****Council Resolution****Moved: Councillor C Dickson****Seconded: Councillor P Cox**

*That the Minutes of the Ordinary Meeting held on 16 September 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 J Natoli informed the meeting of a Declarable Conflict of Interest in relation to any matter that may relate to, or originate from, certain current Council employees who are presently the subject officers in an investigation of a Public Interest Disclosure.

Councillor M Jamieson notified Council of a Declarable Conflict of Interest in relation to Item 8.1 Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough.

Councillor J O'Pray notified Council of a Declarable Conflict of Interest in relation to Item 8.1 Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough.

Councillor M Jamieson notified Council of a Declarable Conflict of Interest in relation to the new item of business which was proposed to be introduced to the Agenda as Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination.

Councillor E Hungerford notified Council of a Declarable Conflict of Interest in relation to the new item of business which was proposed to be introduced to the Agenda as Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination.

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**NOTIFICATION OF INTEREST**

**In accordance with s150EQ(3)(c)(i) of the *Local Government Act 2009*, Councillor J Natoli gave notice of a Declarable Conflict of Interest as follows:**

*I, Councillor Joe Natoli, notify that I have a declarable conflict of interest in any matter that may relate to, or originate from, certain current Council employees who are presently the subject officers in an investigation of a Public Interest Disclosure.*

*My declarable conflict of interest arises due to the fact I have agreed to act as a support person for the complainant and have, in my capacity as support person, already participated in two investigation interviews conducted with the complainant.*

*Due to the confidentiality obligations that are established under section 65(i) of the Public Interest Disclosure Act 2010, I am not able to disclose any information relating to the details of the public interest disclosure, the identity of the complainant or the identity of the subject officers.*

*Given the afore mentioned obligations and in the interests of avoiding an inadvertent release of confidential information, I will not participate in any discussions relating to the making of a decision on any matter relating to, or originating from, any of the subject officers.*

**Councillor J Natoli informed Council that in accordance with s150EK of the *Local Government Act 2009*, he will exclude himself from any meeting, discussion or communication relating to making a decision on this matter.**

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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 a new item of business which was proposed to be introduced as Agenda Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination.**

*With an abundance of caution, I, Mayor Mark Jamieson, notify that I may have a declarable conflict of interest in the late item of business which is proposed to be introduced to the Meeting Agenda and considered at the Ordinary Meeting today, 14 October 2021, due to the fact that I have been advised on 7 October 2021 that an external agency is still investigating a matter which is unrelated to the contents of this report, but which relates to a person identified in this report.*

*The declarable conflict of interest may arise as the unrelated matter that remains under investigation by the external agency came about in part due to a referral I made to that agency.*

*Given that unrelated matter remains unresolved and in the interests of avoiding any perception of potential bias, I will exclude myself from the meeting while Council determines whether the late report is to be introduced on the Agenda for today's meeting.*

*If the late report is included on the Agenda for today's meeting, I will also exclude myself from the meeting while the matter is being discussed and the vote is taken.*

**Councillor M Jamieson informed the Meeting that he would voluntarily not participate in the decisions relating to the introduction and determination on the late item of business and left the place at which the meeting is being held, including any area set aside for the public and stayed away while the matter is considered and voted on.**

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

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

**NOTIFICATION OF INTEREST**

**In accordance with s150EQ(3)(c) of the *Local Government Act 2009*, Councillor E Hungerford gave notice of a Declarable Conflict of Interest in relation to Agenda Item 11.1 – Confidential not for Public Release – Referral for Council Determination.**

*I, Councillor E Hungerford, notify that I have a Declarable Conflict of interest in the late item of business, namely Item 11.1 "Confidential – Not for Public Release – Referral for Council Determination" - proposed to be introduced and considered at today's Ordinary Meeting.*

*I am aware of the subject matter to be discussed in this confidential report and as I am directly involved as a witness to associated matters, I will exclude myself from the meeting while Council considers this procedural motion. Should the report be considered at this meeting, I will also exclude myself from the meeting while the matter is discussed and voted on.*

**Councillor E Hungerford informed the Meeting that he would voluntarily not participate in the decisions relating to the introduction and determination on the late item of business and left the place at which the meeting is being held, including any area set aside for the public and stayed away while the matter is considered and voted on.**



**Council Resolution**

**Moved: Councillor C Dickson**  
**Seconded: Councillor J O'Pray**

*That Council allow the introduction of a new item of business into the Agenda for the Ordinary Meeting held on Thursday 14 October 2021, namely **"Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination"**.*

**Carried unanimously.**

**Councillor M Jamieson and Councillor E Hungerford were absent for this motion.**

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

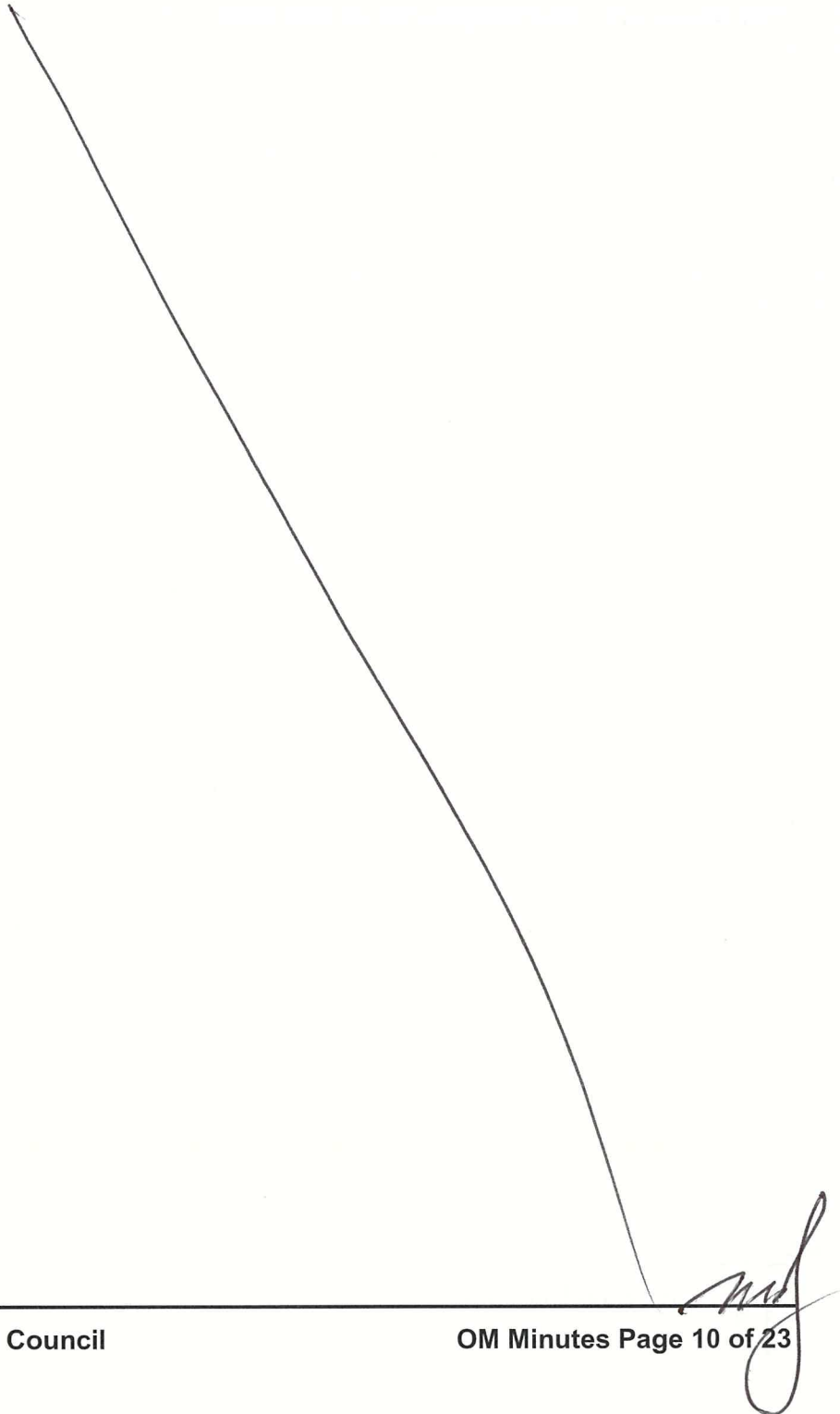


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**7 PRESENTATIONS / COUNCILLOR REPORTS**

Following Item 8.1, Councillor M Jamieson noted the recent passing of Norm Provan and Councillor W Johnston noted the recent passing of Sharyn Bonney. This appears on page 14 of these minutes.



**8 REPORTS DIRECT TO COUNCIL****8.1 DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE TO ESTABLISH ANIMAL KEEPING AT 2312 STEVE IRWIN WAY LANDSBOROUGH**

File No: D2021/829116

Author: Development Planner  
Customer Engagement & Planning Services Group

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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 Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough.

*I, Mayor Mark Jamieson, notify that I have a Declarable Conflict of Interest in Item 8.1 to be considered at the Ordinary Meeting on 14 October 2021 due to the fact that I received an electoral donation of \$3,000 from Ferre de Deyne on 14 October 2015.*

*This donation was received outside of my relevant term as a Councillor – which commenced on 5 April 2016 - and therefore, is not a Prescribed Conflict of Interest within the context of the Local Government Act 2009.*

*In relation to Mr de Deyne's interest in the development application which is the subject of Agenda Item 8.1, I am advised he made a submission in relation to this development application during the public notification period. I have no ongoing relationship with Mr de Deyne or his associated entities, beyond having received the electoral donation in 2015.*

*However, consistent with my actions on a previous occasion when a submitter on a development application has also provided an electoral donation to me in the past, I have made the decision that I will exclude myself from the meeting while Agenda Item 8.1 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 is being held, including any area set aside for the public and stayed away while the matter is considered and voted on.**

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

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

**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 8.1 Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough.**

*I, Councillor Jason O'Pray, notify that I have a Declarable Conflict of Interest in Item 8.1 Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way, Landsborough to be considered at the Ordinary Meeting on 14 October 2021 due to:*

*My close personal relationship with Ms Tash Poole, a member of the Animal Justice Party (AJP) and a candidate for the AJP at the 2020 Queensland State Government elections. The AJP is a submitter on this development application.*

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

**Council Resolution** (OM21/94)

**Moved: Councillor R Baberowski**

**Seconded: Councillor C Dickson**

*That Council:*

- (a) *receive and note the report titled "**Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough**"*
- (b) *REFUSE Application No. MCU18/0311 for a Development Permit for Material Change of Use of Premises to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough for the following reasons:*
  - (i) *The proposed development departs from the policy direction of the Strategic Framework for the Sunshine Coast Planning Scheme 2014, in particular, Theme 5 – Natural Environment, and the Strategic Outcomes 3.7.1 (f) and Specific Outcomes 3.7.2.1 (c) and (d) relating to the protection, minimisation and mitigation of individual and cumulative adverse impacts of development on the natural environment.*
  - (ii) *The proposed development departs from the policy direction of the Strategic Framework for the Sunshine Coast Planning Scheme 2014, in particular, Theme 5 – Natural Environment, and the Strategic outcome 3.7.1.(i), Specific Outcomes 3.7.6.1 (a), (b) and (c) and Performance Outcome 4 of the Biodiversity, waterways and wetlands overlay code relating to the value and protection of ecologically important areas from adverse air, odour and noise emissions and any potential impacts on the natural environment and sensitive receiving environments.*
  - (iii) *The proposed development for an intensive rural activity departs from the Purpose and Overall outcome (2)(b), (g) and (q) of the Rural zone code and the Purpose and Overall outcome (2)(a) and (b) and Performance Outcome 2 of the Biodiversity, waterways and wetlands overlay code of the Sunshine Coast Planning Scheme 2014, as it has failed to demonstrate that it would protect, manage and enhance the environmental values of adjacent ecologically important areas.*

- (iv) *The proposed development for an intensive rural activity departs from the Purpose and Overall outcome (2)(d), Performance outcome 2 of the Rural uses code and Overall outcome (2)(a)(i) of the Nuisance code of the Sunshine Coast Planning Scheme 2014, as it has failed to demonstrate that it will be established on a site where environmental and amenity impacts regarding noise can be sufficiently separated from sensitive land uses.*
- (v) *The proposed development departs from the Purpose and Overall Outcome (2)(b) of the Rural Zone Code as adverse environmental and amenity impacts are not avoided or appropriately managed in the proposal.*
- (vi) *The proposed development departs from the Purpose and Overall Outcome (2)(v)(ii) of the Rural Zone Code as the use is not appropriate in the zone when considered with regard to its location, nature, scale and intensity and*
- (c) *investigate a Council wide local law to manage the breeding of cats and dogs that aligns with Council's Management Plan for Domestic Animals (Cats and Dogs).*

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

**Against:** Councillor P Cox.

Carried.

Councillor M Jamieson and Councillor J O'Pray were absent for the discussion and vote on this motion.

#### Council Resolution

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor C Dickson

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

Carried unanimously.

Councillor M Jamieson and Councillor J O'Pray were absent for the vote on this motion.

#### Council Resolution

**Moved:** Councillor C Dickson  
**Seconded:** Councillor W Johnston

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

Carried unanimously.

Councillor M Jamieson and Councillor J O'Pray were absent for the vote on this motion.

**Council Resolution**

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

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

**Carried unanimously.**

**Councillor M Jamieson and Councillor J O'Pray were absent for the vote on this motion.**

**Council Resolution**

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor M Suarez

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

**Carried unanimously.**

**Councillor M Jamieson and Councillor J O'Pray were absent for the vote on this motion.**

The Mayor returned to the Chair at this time.

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**Councillor M Jamieson noted the recent passing of Norm Provan influential rugby league identity and long standing Sunshine Coast resident.**

**Councillor W Johnston noted the recent passing of Sharyn Bonney former Councillor of Landsborough Shire Council and Caloundra City Council for periods between 1979 and 2000.**

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**8.2 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS**

**File No:** D2021/829127  
**Author:** Coordinator Response Services  
Customer Engagement & Planning Services Group  
**Attachments:** Att 1 - Mandatory conditions for a regulated dog

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**Council Resolution** (OM21/95)

**Moved:** Councillor C Dickson  
**Seconded:** Councillor W Johnston

*That Council:*

- (a) receive and note the report titled "**Systematic Inspection Program - Regulated Dogs**" and
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry):
  - (i) compliance audit of the premises within the region where Council's Regulated Dog Register indicates a regulated dog is being kept to occur from 1 November 2021 to 31 October 2022.

**Carried unanimously.**

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**8.3 DISPOSAL OF PROPERTY - MOOLOOLABA**

**File No:** D2021/891669  
**Author:** Principal Property Officer  
Office of the CEO

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**Council Resolution** (OM21/96)

**Moved:** Councillor J Natoli  
**Seconded:** Councillor W Johnston

*That Council:*

- (a) receive and note the report titled "***Disposal of Property - Mooloolaba***"
- (b) resolve, pursuant to section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land described as proposed Lot 900 SP318724, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Northern SEQ Distributor-Retailer Authority is a government agency.

**Carried unanimously.**

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**8.4 SEPTEMBER 2021 FINANCIAL PERFORMANCE REPORT**

**File No:** D2021/1408694  
**Author:** Coordinator Financial Services  
Business Performance Group  
**Attachments:** Att 1 - September Financial Performance Report

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**Council Resolution** (OM21/97)

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

*That Council receive and note the report titled "**September 2021 Financial Performance Report**".*

Carried unanimously.

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**8.5 AUDIT COMMITTEE MEETING 6 SEPTEMBER 2021**

**File No:** D2021/891435

**Author:** Manager Audit and Assurance  
Office of the CEO

**Appendices:** App A - Audit Committee Minutes 6 September 2021

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**Council Resolution** (OM21/98)

**Moved:** Councillor E Hungerford

**Seconded:** Councillor P Cox

*That Council:*

- (a) receive and note the report titled "**Audit Committee Meeting 6 September 2021**" and
- (b) endorse the Audit Committee Minutes 6 September 2021 (Appendix A).

**Carried unanimously.**

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**9 NOTIFIED MOTIONS**

NIL

**10 TABLING OF PETITIONS****10.1 PETITION - YANDINA SKATE PARK UPGRADE**

**File No:** D2021/1398508  
**Author:** Councillor D Law  
Elected Member

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**Council Resolution** (OM21/99)

**Moved:** Councillor D Law  
**Seconded:** Councillor J Natoli

*That Council resolve the petition tabled by Councillor D Law relating to the Yandina Skate Park Upgrade be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**

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**11 CONFIDENTIAL SESSION**

Councillor M Jamieson earlier informed the meeting of a Declarable Conflict of Interest in relation to matters to be considered in Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination as recorded on page 8 of these Minutes.

The Mayor left the meeting at this time.

The Deputy Mayor took the Chair at this time.

Councillor E Hungerford earlier informed the meeting of a Declarable Conflict of Interest in relation to matters to be considered in Item 11.1 – Confidential - Not for Public Release – Referral for Council Determination as recorded on page 8 of these Minutes.

Councillor E Hungerford left the meeting at this time.

**CLOSURE OF THE MEETING TO THE PUBLIC****Council Resolution**

Moved: Councillor C Dickson

Seconded: Councillor J Natoli

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

11.1 Confidential - Not for Public Release - Referral for Council determination

**Carried unanimously.**

Councillor M Jamieson and Councillor E Hungerford were absent for this motion.

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**RE-OPENING OF THE MEETING TO THE PUBLIC****Council Resolution**

Moved: Councillor P Cox

Seconded: Councillor M Suarez

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

**Carried unanimously.**

Councillor M Jamieson and Councillor E Hungerford were absent for this motion.

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**11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - REFERRAL FOR COUNCIL DETERMINATION**

**File No:** D2021/829129  
**Author:** Coordinator CEO Governance & Operations  
Office of the CEO

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In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with: -

1. Section 254J(3)(f) of the *Local Government Regulation 2012* as it contains information relating to matters that may directly affect the health and safety of an individual or a group of individuals and
  2. Section 254J(3)(i) of the *Local Government Regulation 2012* as, pursuant to Council's Investigation Policy – Councillors, it is a matter that Council is required to keep confidential.
- 

**Council Resolution** (OM21/100)

**Moved:** Councillor C Dickson  
**Seconded:** Councillor J O'Pray

*That Council note the discussions held in confidential session in relation to the referral and, as required under the Local Government Act 2009, determine that:*

- (a) *former Councillor Greg Rogerson engaged in inappropriate conduct and*
- (b) *in accordance with s150AH(1)(b)(ii) of the Local Government Act 2009 an order be made reprimanding the former councillor for the conduct.*

**Carried unanimously.**

**Councillor M Jamieson and Councillor E Hungerford were absent for the discussion and vote on this item.**

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




**12 NEXT MEETING**

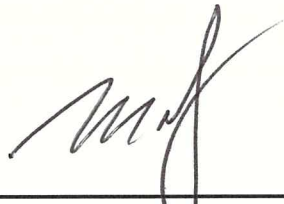
The next Ordinary Meeting will be held on Wednesday 10 November 2021 in the Council Chambers, 1 Omrah Avenue, Caloundra

**13 MEETING CLOSURE**

The meeting closed at 12:35pm.

Confirmed 10 November 2021.

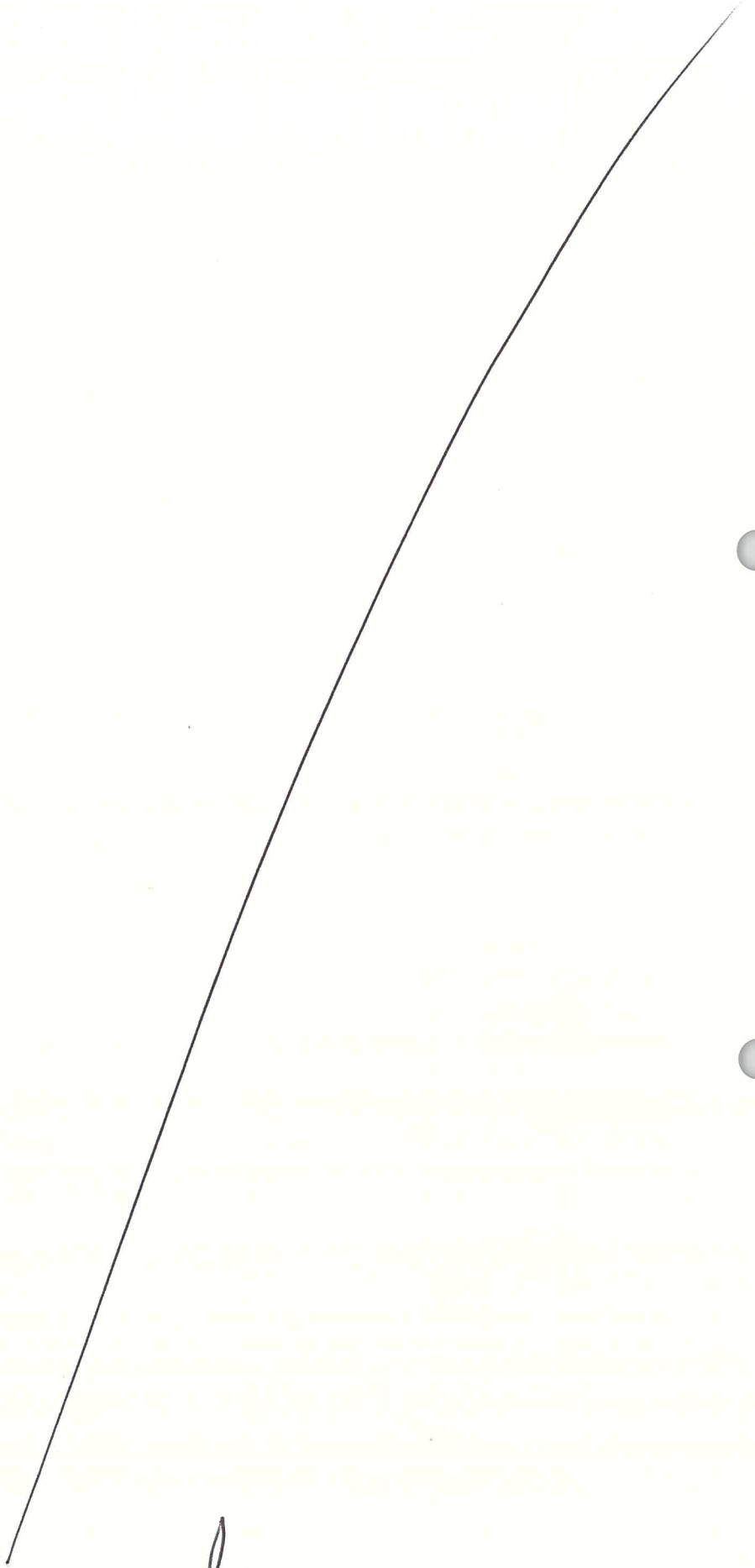
  
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CHAIR

  
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14 APPENDICES

8.5 AUDIT COMMITTEE MEETING 6 SEPTEMBER 2021 – APP A – AUDIT COMMITTEE MINUTES 6 SEPTEMBER 2021

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