Sunshine Coast COUNCIL

Minutes

Ordinary Meeting

Thursday, 19 March 2020

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 PRAYER

The Chair acknowledged the traditional custodians of the land on which the meeting took place.

Father Peter Brannelly from Caloundra Catholic Parish read a prayer.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

COUNCILLORS

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2
Councillor P Cox	Division 3
Councillor J Connolly	Division 4 (Absent 1 – 7)
Councillor J McKay	Division 5
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor S Robinson	Division 9
Councillor G Rogerson	Division 10

COUNCIL OFFICERS

A/Chief Executive Officer
Group Executive Built Infrastructure
Group Executive Customer Engagement and Planning Services
Group Executive Economic and Community Development
A/Group Executive Liveability and Natural Assets
A/Group Executive Business Performance
Chief of Staff
Chief Strategy Officer
Coordinator CEO Governance & Operations
Team Leader Planning Assessment
Coordinator Disaster Management
Coordinator Financial Services
Head of Economic Development

APOLOGIES

Group Executive Business Performance

4 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: **Councillor C Dickson**
Seconded: **Councillor J McKay**

That the Minutes of the Ordinary Meeting held on 20 February 2020 and the Special Meeting (Region Shaping Projects and Planning Matters) held on 20 February 2020 be received and confirmed.

Carried unanimously.

Councillor J Connolly was absent for the vote on this item.

5 INFORMING OF PERSONAL INTERESTS

5.1 MATERIAL PERSONAL INTEREST

Pursuant to Section 175C of the *Local Government Act 2009,* no declarations of material personal interest were made during this meeting.

5.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST

Pursuant to Section 175E of the *Local Government Act 2009*, the following declarations were raised:

Councillor E Hungerford informed the meeting of a personal interest for item 9.1.

6 MAYORAL MINUTE

6.1 SUNSHINE COAST COUNCIL 2016-2020 MAYORAL ADDRESS

File No: **Council meetings**

Author: **Mayor Mark Jamieson**

Council Resolution (OM20/35)

Moved: **Councillor M Jamieson**
Seconded: **Councillor T Dwyer**

That Council -

(a) note that this is the concluding Ordinary Meeting of the 2016-2020 Sunshine Coast Council and the significant contribution that this Council has made to shaping a stronger economy, a thriving community and an outstanding natural environment for this region

(b) acknowledge and thank Council staff for their efforts, services and support to the elected Council during this term of office

(c) acknowledge and thank the thousands of members of the Sunshine Coast community who have contributed to the work and decisions of this Council, through participation in advisory boards, committees, working groups and as volunteers involved in a wide range of Council activities and programs

(d) instruct the Acting Chief Executive Officer to work with the Returned Services League on the Sunshine Coast to assist in supporting efforts to encourage alternative opportunities for members of the community to observe Anzac Day on 25 April 2020 and

(e) request the Acting Chief Executive Officer to incorporate this address in the meeting minutes.

Carried unanimously.

Councillor J Connolly was absent for the vote on this item.

Council Resolution

Moved: **Councillor T Dwyer**
Seconded: **Councillor G Rogerson**

That Council allow the introduction of new item of business into the Agenda for the Ordinary Meeting held on Thursday 19 March 2020 namely "Item 4.5 Application of Fees and Charges in Response to National Declared Emergency for COVID-19".

Carried unanimously.

Councillor J Connolly was absent for the vote on this motion.

Council Resolution

Moved: **Councillor T Dwyer**
Seconded: **Councillor J McKay**

That Council suspend standing orders to consider presentations as the last item on the agenda.

Carried unanimously.

Councillor J Connolly was absent for the vote on this motion.

7 PRESENTATIONS / COUNCILLOR REPORTS

Presentations have been moved to the last item on the agenda.

8 REPORTS DIRECT TO COUNCIL

8.1 REQUEST TO EXTEND CURRENCY PERIOD AND REQUEST TO VARY INFRASTRUCTURE AGREEMENT - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (INTEGRATED TOURIST FACILITY) AT 24 & 26 BOX STREET, BUDERIM

File No: MCU15/0270.03 & MCU15/0270.04

Author: Senior Development Planner
Customer Engagement & Planning Services Group

Attachments: Att 1 - Detailed Assessment Report
Att 2 - Previous Signed Infrastructure Agreement
Att 3 - Previous Proposal Plans

MOTION

Moved: Councillor E Hungerford
Seconded: Councillor T Dwyer

That Council:

(a) receive and note the report titled "Request to Extend Currency Period and Request to Vary Infrastructure Agreement - Development Permit for Material Change of Use (Integrated Tourist Facility) at 24 & 26 Box Street, Buderim"

(b) defer the Council decision on both the requests, until no later than the June Ordinary Meeting of Council, to enable the applicant to provide satisfactory evidence before expiry of the current timeframe of 29 June 2020

(c) in deciding the current requests, give reasonable weight to satisfactory evidence of the commitment of a hotel company in the form of confirmation on hotel company letterhead addressed to Council that:

(i) it has made a complete and formal offer to the applicant to manage a 5 star hotel on the property, an offer which is inclusive of financial forecasting, term sheet and other industry standard materials and

(ii) it will be seeking to progress to execute a hotel management agreement upon successful selection by the land owner and mutual agreement of both parties.

For: Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox and Councillor E Hungerford.

Against: Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.

Lost.

Council Resolution

Moved: **Councillor G Rogerson**
Seconded: **Councillor J McKay**

That the meeting be closed to the public pursuant to section 275 (h) of the Local Government Regulation 2012 to consider the following items:

- *Item 8.1 – Request to extend currency period and request to vary infrastructure agreement – development permit for material change of use (integrated tourist facility) at 24 & 26 Box Street, Buderim.*

For: **Councillor T Dwyer, Councillor J McKay, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.**

Against: **Councillor R Baberowski, Councillor P Cox, Councillor C Dickson, Councillor E Hungerford and Councillor J O'Pray.**

The Mayor exercised the casting vote and the motion was carried.

Councillor J Connolly was absent for the vote on this motion.

Council Resolution

Moved: **Councillor J McKay**
Seconded: **Councillor T Dwyer**

That the meeting be re-opened to the public.

Carried unanimously.

Councillor J Connolly was absent for the vote on this motion.

Councillor T Dwyer raised a point of order in regard to Councillor G Rogerson having already spoken to the motion. The Mayor ruled the point of order be upheld.

Councillor T Dwyer raised a point of order in relation to Councillor C Dickson being off topic. The Mayor ruled the point of order be upheld.

Councillor T Dwyer raised a point of order in regard to Councillor G Rogerson having already spoken to the motion. The Mayor ruled the point of order be upheld.

Council Resolution (OM20/36)

Moved: **Councillor G Rogerson**
Seconded: **Councillor J Connolly**

That Council:

(a) receive and note the report titled ***"Request to Extend Currency Period and Request to Vary Infrastructure Agreement - Development Permit for Material Change of Use (Integrated Tourist Facility) at 24 & 26 Box Street, Buderim"***

(b) delegate authority to the Chief Executive Officer to APPROVE Application No. MCU15/0270.03 and grant an Extension to Currency Period for the Development Permit for Material Change of Use (Integrated Tourist Facility) situated at 24 & 26 Box Street, Buderim for an additional 4 years, subject to execution by both parties of a Deed of Variation to the executed Infrastructure Agreement dated 24 April 2018, and on the following grounds:

(i) the development is subject to an infrastructure agreement executed with Council that provides security that a luxury 5 star hotel and conference facilities will be established on the site

(ii) the development is a significant tourism and construction project for the Sunshine Coast and would create positive economic benefits for the local economy during its construction and operational phases

(iii) the development would transfer land on the Buderim escarpment into public ownership for bushland reserve purposes, to link with other publicly-owned environmental lands adjoining the subject site

(iv) the development is to be certified as achieving both a 6 Star Green Star rating and Gold Standard WELL Building standard for building sustainability, and is to receive an Advanced ECO and ROC certification from Ecotourism Australia

(v) the development would create drainage easements through the subject site to provide lawful discharge rights to upstream properties

(c) delegate authority to the Chief Executive Officer to execute a Deed of Variation to amend Special Conditions 3.3 and 5.1 of the executed Infrastructure Agreement dated 24 April 2018 as follows:

(i) delete Special Condition 3.3 and replace with the following wording:

- *3.3A On or before 31 July 2020, the applicant shall provide to Council evidence of a Memorandum of Understanding from at least one 5-star hotel operator evidencing a desire on the part of the operator to manage and operate a 5-star hotel on the site*
- *3.3B On or before 31st July 2021, the applicant shall provide to Council evidence of a binding agreement with an investor to fund construction of a 5-star hotel on the site*
- *3.3C On or before 31st December 2021, the applicant shall lodge with Council an amended plan package in accordance with the terms and conditions of the development approval*
- *3.3D On or before 31st March 2022, Council shall provide their advice as to their approval or otherwise for the amended submitted plan package*
- *3.3E On or before 30th June 2022, the applicant shall provide to Council evidence that the developer has entered into a binding hotel management agreement with a 5-star hotel operator for the site. The agreement must include written terms that bind the hotel operator to proceed to manage and operate a 5-star hotel upon completion of the development construction.*
- *3.3F The date by which the applicant is to provide Council with a binding management agreement is extended by the same time Council takes beyond 3 months to approve the amended plans per Special Condition 3.3D*

(ii) amend Special Condition 5.1 by deleting the words "Within 24 months of the date the development approval takes effect or prior to lodgement of the first Operational Works application, whichever occurs sooner…" and insert in lieu thereof the words "In accordance with Special Condition 3.3C, the applicant shall lodge…"

(d) delegate authority to the Chief Executive Officer to negotiate and determine all future requested changes to the Infrastructure Agreement, with the exception of changes that would materially alter the terms of the Agreement.

For: **Councillor R Baberowski, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.**

Against: **Councillor T Dwyer, Councillor P Cox and Councillor E Hungerford.**

Carried.

Council Resolution

Moved: **Councillor J McKay**
Seconded: **Councillor R Baberowski**

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

Carried unanimously.

8.2 IMMEDIATE SUPPORT FOR BUSHFIRE AFFECTED COUNCILS

File No: Council meetings

Author: Coordinator Disaster Management
Built Infrastructure Group

Attachments: Att 1 - Program of Works

Council Resolution (OM20/37)

Moved: Councillor T Dwyer
Seconded: Councillor R Baberowski

That Council:

*(a) receive and note the report titled "**Immediate Support for Bushfire Affected Councils**" and*

(b) delegate authority to the Chief Executive Officer to finalise and proceed with the Program of Works including responding to any feedback provided by the Queensland Reconstruction Authority.

Carried unanimously.

8.3 SUNSHINE COAST INTERNATIONAL BROADBAND NETWORK PROJECT UPDATE - MARCH 2020

File No: Council meetings

Author: Group Executive
Economic & Community Development Group

Council Resolution (OM20/38)

Moved: Councillor S Robinson
Seconded: Councillor P Cox

*That Council receive and note the report titled "**Sunshine Coast International Broadband Network Project Update - March 2020**".*

Carried unanimously.

8.4 FEBRUARY 2020 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports

Author: Coordinator Financial Services
Business Performance Group

Attachments: Att 1 - February 2020 Financial Performance Report

Council Resolution (OM20/39)

Moved: Councillor T Dwyer
Seconded: Councillor E Hungerford

*That Council receive and note the report titled "**February 2020 Financial Performance Report**".*

Carried unanimously.

8.5 APPLICATION OF FEES AND CHARGES IN RESPONSE TO NATIONAL DECLARED EMERGENCY FOR COVID-19

File No: Council meetings

Author: Head of Economic Development
Economic & Community Development Group

Council Resolution (OM20/40)

Moved: **Councillor J McKay**
Seconded: **Councillor R Baberowski**

That Council:

*(a) receive and note the report titled "**Application of Fees and Charges in Response to National Declared Emergency for COVID-19**" and*

(b) authorise the Chief Executive Officer to exercise discretion where considered reasonable and appropriate with regards to the application of all commercial and cost recovery fees including any fees associated with an approval issued under Council's Local Laws during the National declared emergency related to the COVID-19 pandemic.

Carried unanimously.

9 NOTIFIED MOTIONS

9.1 NOTICE OF MOTION - ROUNDABOUT, EUMUNDI

File No: **Notice of Motion**

Author: **Councillor G Rogerson**

As required by s175E of the *Local Government Act 2009*, Councillor E Hungerford informed the meeting of a perceived personal interest in relation to matters to be considered in item 9.1 'Notice of Motion – Roundabout, Eumundi'.

Councillor E Hungerford set out the following in relation to this interest:

- "Principal consultant, Mr James Brownsworth, for Innovative Planning Solutions handed out my "how to vote" cards at the 2016 Local Government Election".

Council Resolution

Moved: **Councillor T Dwyer**
Seconded: **Councillor J McKay**

That in accordance with s175E(4)(a) of the Local Government Act 2009, Councillor E Hungerford has a real or perceived conflict of interest in matters that are to be considered in item 9.1 'Notice of Motion – Roundabout, Eumundi'.

For: **Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.**

Against: **Councillor M Jamieson.**

Carried.

In accordance with s175E (4) of the *Local Government Act 2009,* Councillor E Hungerford did not vote on this matter.

Council Resolution

Moved: **Councillor T Dwyer**
Seconded: **Councillor J McKay**

That in accordance with s175(4)(b)(ii) of the Local Government Act 2009, Councillor E Hungerford may participate in the meeting in relation to item 9.1 'Notice of Motion – Roundabout, Eumundi', including by voting on the item.

Carried unanimously.

In accordance with s175E (4) of the *Local Government Act 2009,* Councillor E Hungerford did not vote on this matter.

Council Resolution (OM20/41)

Moved: **Councillor G Rogerson**
Seconded: **Councillor C Dickson**

That Council:

(a) acknowledge receipt of the Submission and Overview Documents as attached both dated 6 March 2020 from Innovative Planning Solutions on behalf of the developer, JLJL Pty Ltd (Formosa Family) in regards to the Development Permit for a Material Change of Use (Shopping Complex) – Stage 1 MCU16/0284 and the Preliminary Approval Overriding the Planning Scheme – Stage 2 MCU16/0284

(b) resolve to support the cost sharing arrangement for a roundabout at Caplick Way, Napier Road and Cook Street, Eumundi intersection, generally in accordance with the Callaghan and Toth Engineering drawing No. 1515-07 dated February 2020

(c) resolve that there be a cost sharing arrangement proportioned 50/50 on the basis that the said roundabout is an extremely important piece of community infrastructure with benefits to the Eumundi township and its residents, that extends beyond the proposed development site and

(d) resolve to consider the allocation of funding for the said roundabout in the forthcoming 2020/2021 budget deliberations to a maximum of $500,000.

AMENDMENT

Moved: **Councillor E Hungerford**
Seconded: **Councillor T Dwyer**

That Council:

(a) acknowledge receipt of the Submission and Overview Documents as attached both dated 6 March 2020 from Innovative Planning Solutions on behalf of the developer, JLJL Pty Ltd (Formosa Family) in regards to the Development Permit for a Material Change of Use (Shopping Complex) – Stage 1 MCU16/0284 and the Preliminary Approval Overriding the Planning Scheme – Stage 2 MCU16/0284

(b) resolve to support the cost sharing arrangement for a roundabout at Caplick Way, Napier Road and Cook Street, Eumundi intersection, generally in accordance with the Callaghan and Toth Engineering drawing No. 1515-07 dated February 2020

(c) delegate the Chief Executive Officer to negotiate a cost sharing arrangement on the basis that the said roundabout is an extremely important piece of community infrastructure with benefits to the Eumundi township and its residents, that extends beyond the proposed development site and

(d) resolve to consider the allocation of funding for the said roundabout in the forthcoming 2020/2021 budget deliberations.

For: **Councillor T Dwyer and Councillor E Hungerford.**

Against: **Councillor R Baberowski, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.**

The amendment was lost.

Lost.

The motion moved by Councillor G Rogerson and seconded by Councillor C Dickson was put.

For: **Councillor R Baberowski, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson, Councillor G Rogerson and Councillor M Jamieson.**

Against: **Councillor T Dwyer.**

Carried.

Council Resolution

Moved: **Councillor J McKay**
Seconded: **Councillor S Robinson**

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

Carried Unanimously.

Council Resolution

Moved: **Councillor C Dickson**
Seconded: **Councillor J McKay**

That Council grant Councillor G Rogerson a further extension of time for five minutes to speak further to the motion.

Carried Unanimously.

Council Resolution

Moved: **Councillor C Dickson**
Seconded: **Councillor P Cox**

That Council grant Councillor G Rogerson a further extension of time for five minutes to speak further to the motion.

Carried Unanimously.

9.2 NOTICE OF MOTION - PAID PARKING CALOUNDRA CBD

File No: **Notice of Motion**

Author: **Councillor T Dwyer**

MOTION

Moved: **Councillor T Dwyer**
Seconded: **Councillor S Robinson**

That Council:

(a) direct the Chief Executive Officer to discontinue the current paid parking protocol for the Caloundra CBD and transfer any funds remaining in the Caloundra CBD Parking Fund to General Funds should paid parking cease in the Caloundra CBD and

(b) note that the Caloundra CBD parking regulation would be considered in the region wide parking management regime as determined by Council.

AMENDMENT

Council Resolution (OM20/42)

Moved: **Councillor P Cox**
Seconded: **Councillor J McKay**

That Council:

(a) direct the Chief Executive Officer to discontinue the current paid parking protocol for the Caloundra CBD and transfer any funds remaining in the Caloundra CBD Parking Fund to General Funds should paid parking cease in the Caloundra CBD and

(b) note that should paid parking be removed, the Caloundra CBD parking regulation would be considered in the region wide parking management regime as determined by Council.

For: **Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson and Councillor M Jamieson.**

Against: **Councillor J Connolly, Councillor E Hungerford and Councillor G Rogerson.**

Carried.

The amendment became the motion.

The motion moved by Councillor P Cox and seconded by Councillor J McKay was put.

For: **Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor J O'Pray, Councillor S Robinson and Councillor M Jamieson.**

Against: **Councillor E Hungerford and Councillor G Rogerson.**

Carried.

10 TABLING OF PETITIONS

10.1 PETITION - DRIVING CONDITIONS AT ALBATROSS AVENUE, NAMBOUR

File No: **Council Meetings**

Author: **Councillor G Rogerson**

Council Resolution (OM20/43)

Moved: **Councillor G Rogerson**
Seconded: **Councillor J McKay**

That Council resolve the petition tabled by Councillor G Rogerson relating to driving conditions at Albatross Avenue, Nambour be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.

7.1 PRESENTATION – ACKNOWLEDGEMENT OF OUTGOING COUNCILLORS

The Mayor and Councillors acknowledged the outgoing Councillors T Dwyer, J McKay, S Robinson and G Rogerson and thanked them for their service to Council and the community.

11 CONFIDENTIAL

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 30 April 2020 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

13 MEETING CLOSURE

The meeting closed at 3:04pm.

Confirmed 30 April 2020.

CHAIR

14 APPENDICES

6.1 SUNSHINE COAST COUNCIL 2016-2020 MAYORAL ADDRESS – APP A – MAYORAL ADDRESS