

# Minutes

## **Special Meeting (Commercial Use of Council Controlled Land)**

**Tuesday, 5 February 2013**

**Council Chambers, Corner Currie and Bury Streets, Nambour**



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



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**1 DECLARATION OF OPENING**

The Chair declared the meeting open at 12.00 pm.

**2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

**COUNCILLORS**

Councillor M Jamieson	Mayor
Councillor R Baberowski	Division 1
Councillor T Dwyer	Division 2
Councillor P Cox	Division 3
Councillor C Thompson	Division 4
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
Councillor R Green	Division 11
Councillor T Wellington	Division 12

**EXECUTIVE LEADERSHIP TEAM**

Chief Executive Officer  
Executive Director Community Services  
Executive Director Executive Office  
Executive Director Finance and Business  
Executive Director Infrastructure Services  
Executive Director Regional Strategy and Planning

**APOLOGIES**

Nil.

**COUNCIL OFFICERS**

Manager Community Response  
Community Land Permits Project Manager  
Continuous Improvements Officer, Community Response  
Chief Legal Officer

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**3 OBLIGATIONS OF COUNCILLORS**

**3.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, no declarations of material personal interest were made during this meeting.

**3.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to Item 4.1.1 due to his association with Robbie Sherwell's Surfing Academy.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor S Robinson declared a perceived conflict of interest in relation to Item 4.1.1 due to his past use of Noosa North Shore for horse riding.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor G Rogerson declared a perceived conflict of interest in relation to Item 4.1.1 due to his association with an affected party.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor M Jamieson declared a perceived conflict of interest in relation to Item 4.1.1 due to his ownership of commercial property on the Sunshine Coast.

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**4 REPORTS DIRECT TO COUNCIL**

**4.1 COMMUNITY SERVICES**

**4.1.1 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND**

**File No:** Statutory Meetings  
**Author:** Community Land Permits Project Manager  
Community Services Department  
**Appendices:** App A - Proposed Locations and Activities  
App B - Proposed Fees and Charges  
**Attachments:** Att 1 - Community Land and Complementary Commercial  
Activity Policy  
Att 2 - Community Engagement Report  
Att 3 - Current Permits  
Att 4 - Registrations of Interest

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Pursuant to Section 173 of the *Local Government Act 2009*, Councillor J O'Pray declared a perceived conflict of interest in relation to Item 4.1.1 due to his association with Robbie Sherwell's Surfing Academy. Councillor J O'Pray remained in the meeting room for the debate and decision on this matter.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor S Robinson declared a perceived conflict of interest in relation to Item 4.1.1 due to his past use of Noosa North Shore for horse riding. Councillor S Robinson remained in the meeting room for the debate and decision on this matter.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor G Rogerson declared a perceived conflict of interest in relation to Item 4.1.1 due to his association with an affected party. Councillor G Rogerson remained in the meeting room for the debate and decision on this matter.

Pursuant to Section 173 of the *Local Government Act 2009*, Councillor M Jamieson declared a perceived conflict of interest in relation to Item 4.1.1 due to his ownership of commercial property on the Sunshine Coast. Councillor M Jamieson remained in the meeting room for the debate and decision on this matter.



## MOTION

**Moved:** Councillor M Jamieson

**Seconded:** Councillor J McKay

That Council:

- (a) receive and note the report titled "**Commercial Use of Council-Controlled Land**";
- (b) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities) ;
- (c) endorse the proposed fees and charges, including the non-refundable application fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges);
- (d) endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;
- (e) endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and
- (f) support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.



## AMENDMENT

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

That Council:

- (a) receive and note the report titled "**Commercial Use of Council-Controlled Land**";
- (b) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities), as amended, excluding Proposed Locations and Activities – Region Wide table;
- (c) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in the Region Wide Table;
- (d) endorse the proposed fees and charges, including the non-refundable application fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges), as amended;
- (e) endorse in principle the use of the Noosa North Shore second cutting for a single commercial horse riding activity subject to:
  - (i) advice from the Chief Executive Officer indicating compliance with Council Policy, Planning and Local Laws and any associated issues; and
  - (ii) any candidate business having appropriate approvals to utilise the beach and access;
- (f) endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;
- (g) endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and
- (h) support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.

**The amendment moved by Councillor C Thompson and seconded by Councillor J O'Pray was put.**

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

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

**Carried.**

The amendment then became the motion.

Councillor T Dwyer raised a point of order in relation to the method of discussion and order of debate. The chair upheld the point of order.



**AMENDMENT**

**Moved:** Councillor R Green  
**Seconded:** : Councillor T Dwyer

That Council:

- (a) receive and note the report titled "**Commercial Use of Council-Controlled Land**";
- (b) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities), as amended, excluding Proposed Locations and Activities – Region Wide table;
- (c) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in the Region Wide Table;
- (d) endorse the proposed fees and charges, including the non-refundable application fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges), with the proposed permit fee to be amended to \$95.00 per square metre in all localities;
- (e) endorse in principle the use of the Noosa North Shore second cutting for a single commercial horse riding activity subject to:
  - (i) advice from the Chief Executive Officer indicating compliance with Council Policy, Planning and Local Laws and any associated issues; and
  - (ii) any candidate business having appropriate approvals to utilise the beach and access;
- (f) endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;
- (g) endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and
- (h) support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.

**1:10 pm Councillor P Cox left the meeting.**

**The amendment moved by Councillor R Green and seconded by Councillor T Dwyer was put.**

**Carried unanimously.**

**(Councillor P Cox was absent when the vote was taken on this item.)**

**1:18 pm Councillor P Cox returned to the meeting.**

**The amendment then became the motion.**



**AMENDMENT**

**Moved:** Councillor C Thompson

**Seconded:** Councillor J O'Pray

That Council:

- (a) receive and note the report titled "**Commercial Use of Council-Controlled Land**";
- (b) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities), as amended, excluding Proposed Locations and Activities – Region Wide table;
- (c) endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in the Region Wide Table as amended in Appendix A;
- (d) endorse the proposed fees and charges, including the non-refundable application fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges), with the proposed permit fee to be amended to \$95.00 per square metre in all localities;
- (e) endorse in principle the use of the Noosa North Shore second cutting for a single commercial horse riding activity subject to:
  - (i) advice from the Chief Executive Officer indicating compliance with Council Policy, Planning and Local Laws and any associated issues; and
  - (ii) any candidate business having appropriate approvals to utilise the beach and access;
- (f) endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;
- (g) endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and
- (h) support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.

**The amendment moved by Councillor C Thompson and seconded by Councillor J O'Pray was put.**

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

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

**Carried.**

**The amendment then became the motion.**

**AMENDMENT**

**Council Resolution** (SM13/1)

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

*That Council:*

- (a) *receive and note the report titled "**Commercial Use of Council-Controlled Land**";*
- (b) *endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in Appendix A (Proposed Locations and Activities), as amended, excluding Proposed Locations and Activities – Region Wide table;*
- (c) *endorse the proposed locations and activities to be included in the 2013 High-use / High-impact Commercial Use of Community Land application process, as outlined in the Region Wide Table as amended in Appendix A;*
- (d) *endorse the proposed fees and charges, including the non-refundable application fee, the permit fees, proposed discounts, pro-rata arrangements and payment options, as outlined in Appendix B (Proposed Fees and Charges), with the proposed permit fee to be amended to \$95.00 per square metre in all localities;*
- (e) *endorse in principle the use of the Noosa North Shore second cutting for a single commercial horse riding and/or camel riding activity subject to:*
  - (i) *advice from the CEO indicating compliance with Council Policy, Planning and Local Laws and any associated issues; and*
  - (ii) *any candidate business having appropriate approvals to utilise the beach and access;*
- (f) *endorse the proposed application process for any vacant high-use / high-impact commercial permit locations following the awarding of permits in June 2013;*
- (g) *endorse the proposed application process for any new requests for high-use / high-impact commercial activities on council-controlled land; and*
- (h) *support the funding of two permanent, level 3 Permit Monitoring Officers to monitor permit compliance for all community land permits, subject to future funding consideration via the annual budget process.*

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

**Against:** Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor E Hungerford, Councillor T Wellington and Councillor R Green.

Carried.

The amendment then became the motion.



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The motion moved by Councillor J McKay and seconded by Councillor G Rogerson was put.

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

**Against:** Councillor E Hungerford, Councillor T Wellington and Councillor R Green.

Carried.

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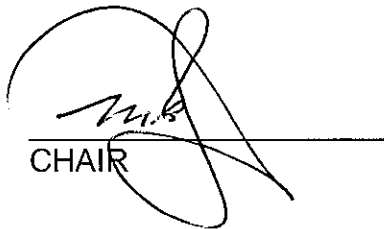
**5 NEXT MEETING**

Nil.

**6 MEETING CLOSURE**

The meeting closed at 1.37 pm.

Confirmed 28 February 2013.

  
CHAIR



**7 APPENDICES**

**ITEM 4.1.1 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND –  
APPENDIX A – PROPOSED LOCATIONS AND ACTIVITIES –  
AMENDED**

<http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/Appendix%20A%20-%20Proposed%20Locations%20and%20Activities%20amended%20final%20version%203.pdf>

**ITEM 4.1.1 COMMERCIAL USE OF COUNCIL-CONTROLLED LAND –  
APPENDIX B – PROPOSED FEES AND CHARGES - AMENDED**

<http://www.sunshinecoast.qld.gov.au/addfiles/documents/meetingAttachments/Appendix%20B%20-%20Proposed%20Fees%20and%20Charges%20amended%20final%20version.pdf>

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