

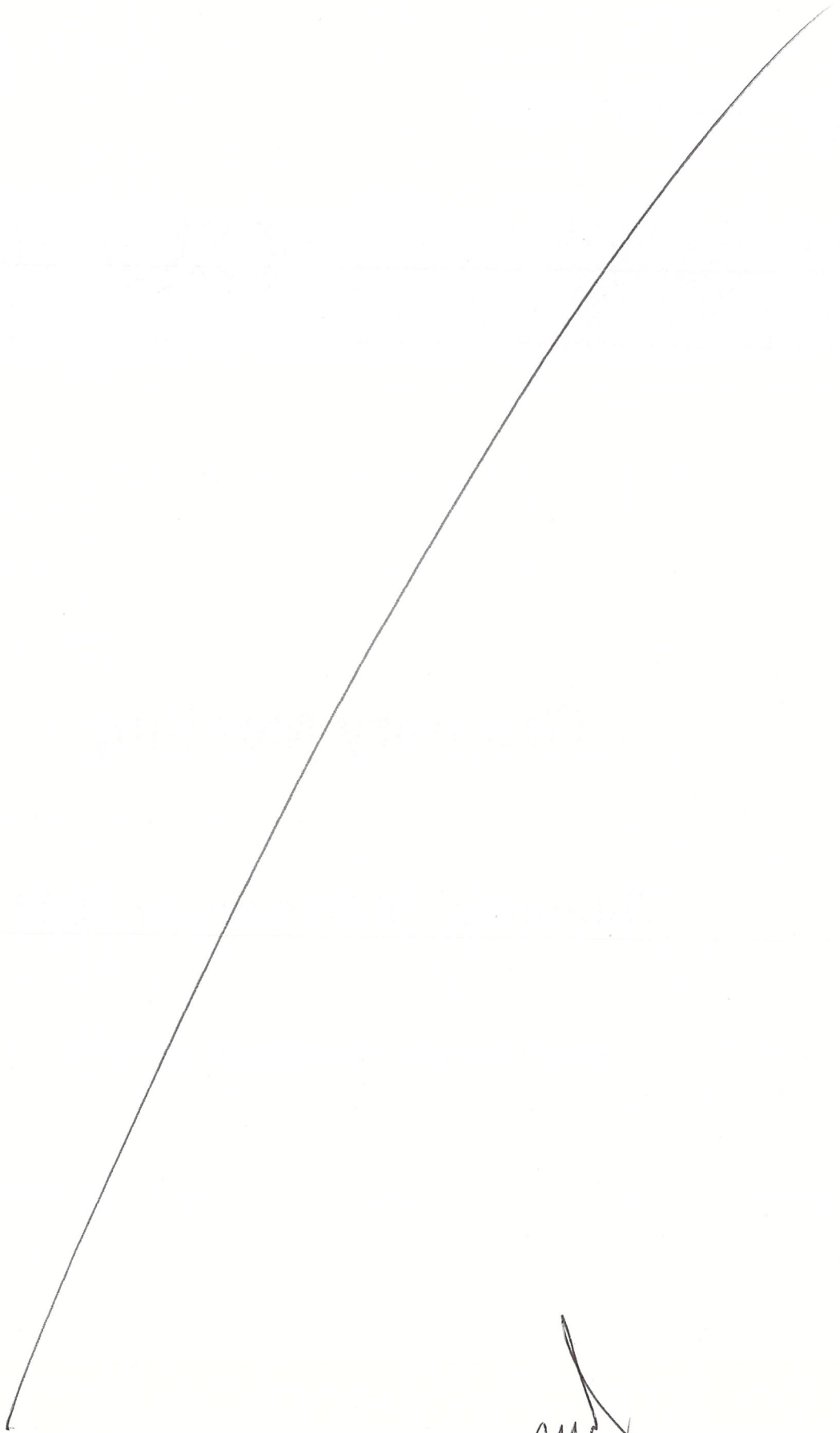
# Minutes

## Ordinary Meeting

**Thursday, 10 December 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.

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**1 DECLARATION OF OPENING**

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

**2 WELCOME AND OPENING**

Councillor T Landsberg acknowledged the Traditional Custodians of the land on which the meeting took place.

The Chair then read a prayer which was provided by Pastor Maurie Richter from the Nambour Lutheran Church.

**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 Built Infrastructure  
Group Executive Customer Engagement and Planning Services  
Group Executive Economic and Community Development  
A/Group Executive Business Performance  
Group Executive Liveability and Natural Assets  
Chief of Staff  
Chief Strategy Officer  
Director, Major Projects and Strategic Property  
Coordinator CEO Governance & Operations  
Parking and Transport Manager  
Coordinator Transport Strategy & Policy  
Development Planner  
Coordinator Financial Services  
Manager Customer Response  
Coordinator Biodiversity and Waterways  
Project Development Officer

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

**Moved:** Councillor P Cox  
**Seconded:** Councillor E Hungerford

*That the Minutes of the Special Meeting (Coastal Hazard Adaptation Strategy) held on 9 November 2020, the Ordinary Meeting held on 12 November 2020 and the Special Meeting (Maroochydore City Centre – Update on Contractual Negotiations) held on 18 November 2020 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 M Jamieson notified Council of a Declarable Conflict of Interest in relation to Item 8.1 Mooloolaba Local Area and Maroochydore City Centre Parking.

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**Council Resolution**

**Moved:** Councillor M Jamieson  
**Seconded:** Councillor C Dickson

*That Council allow an introduction of a new item of business into the Agenda for the Ordinary Meeting held on Thursday 10 December 2020, namely "8.5 – Management of a Declared Dangerous Dog".*

**Carried unanimously.**



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7 PRESENTATIONS / COUNCILLOR REPORTS

7.1 PRESENTATION - DEVELOPMENT.I. - AWARD FOR IMPROVING PLANNING PROCESSES AND PRACTICES - PLANNING INSTITUTE OF AUSTRALIA NATIONAL AWARDS

Council Resolution

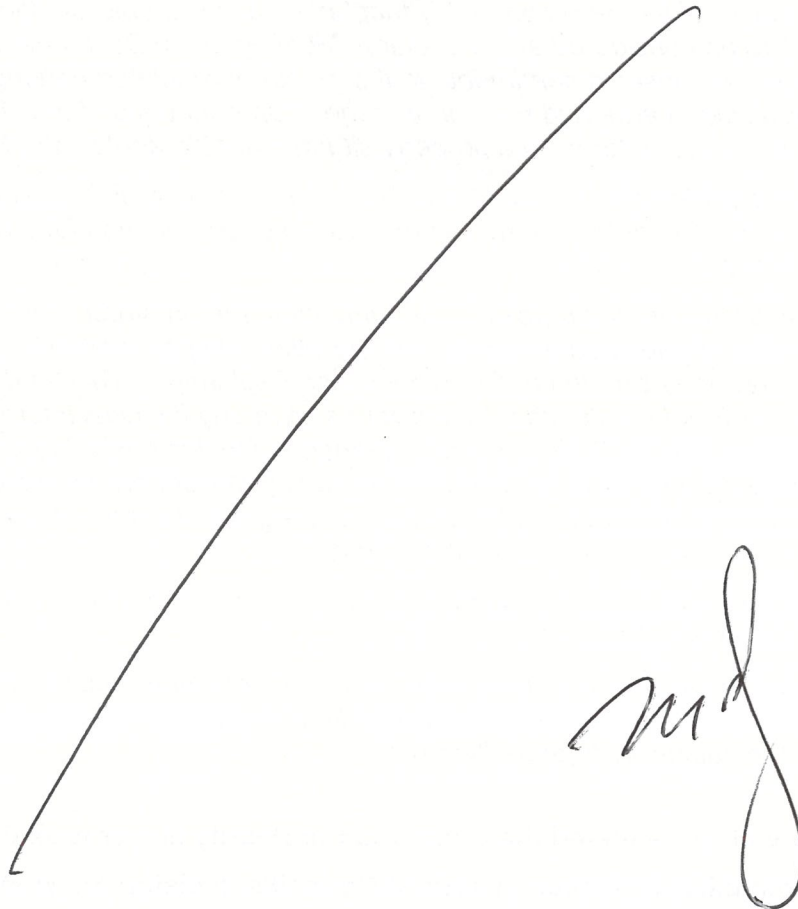
Moved: Councillor C Dickson

Seconded: Councillor P Cox

*That Council recognise the achievement of Development.i. in receiving the award for improving Planning Processes and Practices at the Planning Institute of Australia National Awards.*

Carried unanimously.

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**8 REPORTS DIRECT TO COUNCIL****8.1 MOOLOOLABA LOCAL AREA AND MAROOCHYDORE CITY CENTRE PARKING****File No:** F2019/53512**Author:** Parking and Transport Manager  
Built Infrastructure Group**Appendices:** App A - ParknGo Mooloolaba Central and Maroochydore City Centre at-grade Parking Fees for incorporation into Register of General Cost-recovery Fees and Commercial Charges 2020/21**Attachments:** Att 1 - Central Mooloolaba Precinct**NOTIFICATION OF INTEREST**

In accordance with s150EQ(3)(b) of the Local Government Act 2009 Councillor M Jamieson has given notice to the Chief Executive Officer of a Declarable Conflict of Interest in relation to Agenda item 8.1 Mooloolaba Local Area and Maroochydore City Centre Parking.

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 Mooloolaba Local Area and Maroochydore City Centre Parking as follow:

*I, Mayor Mark Jamieson, notify that I have a Declarable Conflict of Interest in Agenda Item 8.1 to be considered at the Ordinary Meeting on 10 December 2020 due to the fact the report proposes amendments to the on-street regulated parking area in the central Mooloolaba area and my self-managed superannuation fund, The M & L Super Fund, owns a 25% interest in a property situated at 123 Mooloolaba Esplanade, Mooloolaba.*

*The beneficiaries of The M & L Super Fund are Lorrell Jamieson, Sommer Jamieson and myself. The details of my self-managed superannuation fund are noted in my Register of Interests.*

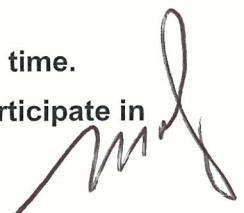
*It is arguable the proposed amendments to the on-street regulated parking area in the central Mooloolaba area may – if approved – impact on the businesses that operate from the property situated at 123 Mooloolaba Esplanade. That said, neither I nor The M & L Super Fund nor its other beneficiaries have any financial interest in the businesses that operate from 123 Mooloolaba Esplanade. On this basis, I am of the view that the M&L Super Fund and its beneficiaries (including myself) are no more materially impacted by the amendments proposed to the on-street regulated parking area than any other property owner in the central Mooloolaba area.*

*Furthermore, I have no intention of opposing or seeking to amend the officer's recommendation in this report.*

*On this basis, I have formed the view that I can appropriately manage any conflict, should it exist, and that I can impartially make a decision in the public interest on the matter which is the subject of Agenda Item 8.1.*

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

**Councillor M Jamieson sought Council's decision on whether he may participate in the making of the decision for Agenda Item 8.1.**





**Council Resolution**

**Moved:** Councillor J Natoli  
**Seconded:** Councillor J O'Pray

In accordance with s150ES(3)(b)(ii) of the *Local Government Act 2009* Councillor M Jamieson must not participate in the discussion, or decision relating to Agenda Item 8.1 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.

**For:** Councillor J Natoli, Councillor E Hungerford and Councillor J O'Pray.

**Against:** Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor C Dickson, Councillor M Suarez and Councillor D Law.

Lost.

In accordance with S150ET(2) of the *Local Government Act 2009*, Councillor M Jamieson was not eligible to vote on this matter.

**Council Resolution**

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

*In accordance with s150ES(3)(b)(i) of the Local Government Act 2009, that despite Councillor M Jamieson's conflict of interest, Councillor M Jamieson may participate in the discussions and decision relating to Agenda Item 8.1 due to the interest being considered to be sufficiently remote so as not to unduly influence the impartiality of the Councillor.*

**For:** Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

**Against:** Councillor J Natoli.

Carried.

In accordance with S150ET(2) of the *Local Government Act 2009*, Councillor M Jamieson was not eligible to vote on this matter.

The Mayor returned to the Chair at this time.



**MOTION**

**Moved:** Councillor M Suarez  
**Seconded:** Councillor W Johnston

That Council defer the report titled "Mooloolaba Local Area and Maroochydore City Centre Parking" until the Ordinary Meeting of 28 January 2021 to allow for a recalculation of the parking fees to be charged for the ParknGo Central car parking facility with such revised model to:

- (a) treat the revenue received from the proceeds of the sale of the balance lot of the Brisbane Road Car Park site (Lots 67 – 69 on Registered Plan 52440 and Lot 73 on Registered Plan 73433) as an offset for part of the costs of constructing the ParknGo Central multi storey car park facility as was indicated in the report for the disposal of the remainder of the Brisbane Rd Car Park site that was presented to Council on the 25<sup>th</sup> June 2020 and
- (b) calculate and remove the costs associated with the delivery of the retail component of the ParknGo Central multi storey car park facility.

**For:** Councillor J Natoli, Councillor C Dickson and Councillor M Suarez.

**Against:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor W Johnston, Councillor E Hungerford, Councillor J O'Pray and Councillor D Law.

Lost.

**Council Resolution**

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

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

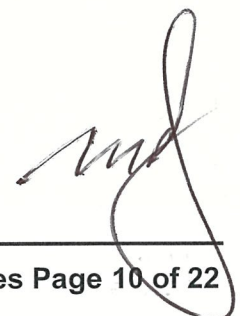
Carried unanimously.

Councillor J O'Pray raised a point of order noting that Councillor J Natoli was discussing material that could be confidential. The Mayor upheld the point of order.

Councillor D Law raised a further point of order noting that Councillor J Natoli was discussing material not related to the item. The Mayor upheld the point of order.

Councillor D Law raised a point of order noting that Councillor J Natoli was discussing material not related to the item. The Mayor upheld the point of order.

Councillor E Hungerford raised a point of order noting that Councillor J Natoli was discussing material not related to the item. The Mayor upheld the point of order.



**MOTION**

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor D Law

That Council:

- (a) receive and note the report titled "**Mooloolaba Local Area and Maroochydore City Centre Parking**" and
- (b) amend the Register of General Cost-recovery Fees and Commercial Charges 2020/21 in accordance with Appendix A as amended.

**AMENDMENT****Council Resolution** (OM20/129)

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

*That Council:*

- (a) *receive and note the report titled "**Mooloolaba Local Area and Maroochydore City Centre Parking**"*
- (b) *amend the Register of General Cost-recovery Fees and Commercial Charges 2020/21 in accordance with Appendix A as amended*
- (c) *does not Introduce paid parking throughout the central/core area of Mooloolaba and*
- (d) *does not introduce paid parking to already existing and established on street carparks throughout Maroochydore.*

**For:** Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray and Councillor M Suarez.

**Against:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox and Councillor D Law.

Carried.

The amendment became the motion.

The motion moved by Councillor Hungerford and seconded by Councillor Dickson was put.

**For:** Councillor J Natoli, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray and Councillor M Suarez.

**Against:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox and Councillor D Law.

Carried.

**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.

**Council Resolution**

**Moved:** Councillor M Suarez  
**Seconded:** Councillor P Cox

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

**Carried unanimously.**

**Council Resolution**

**Moved:** Councillor R Baberowski  
**Seconded:** Councillor M Suarez

*That Council grant Councillor J Natoli a further extension of time for five minutes to speak further to the motion.*

**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 and Councillor M Suarez.

**Against:** Councillor J O'Pray and Councillor D Law.

**Carried.**

**Council Resolution**

**Moved:** Councillor E Hungerford  
**Seconded:** Councillor J O'Pray

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

**Carried unanimously.**

**Council Resolution**

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

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

**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.**

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**8.2 DEVELOPMENT APPLICATION - BUILDING WORKS ASSESSABLE AGAINST THE SUNSHINE COAST PLANNING SCHEME 2014 - 74 SUGAR ROAD, MAROOCHYDORE**

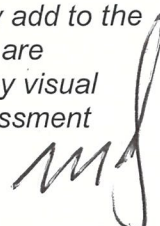
**File No:** DBW20/0092  
**Author:** Development Planner  
Customer Engagement & Planning Services Group  
**Attachments:** Att 1 - Concurrence Agency Response  
Att 2 - Proposal Plan  
Att 3 - Detailed Assessment Report

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**Council Resolution** (OM20/130)

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

*That Council:*

- (a) receive and note the report titled "***Development Application - Building Works assessable against the Sunshine Coast Planning Scheme 2014 - 74 Sugar Road, Maroochydore***" and
- (b) REFUSE the application for Building Works assessable against the Sunshine Coast Planning Scheme 2014 (30m Flagpole) situated at 74 Sugar Rd Maroochydore for the following reasons:
- (i) The proposed flagpole would not be complementary of its setting. Its height is inconsistent with surrounding development and vegetation such that it protrudes well above the predominant roof line in the area and is visible from numerous public and private places. The flagpole would be visible to many vantage points within a 600 metre radius and beyond, including major roads and residential areas in Maroochydore, Alexandra Headland and Buderim.
- (ii) The proposed flagpole would become a new visible feature in the viewshed of residential streets that currently enjoy minimal connection or visual cues to the industrial development along Sugar Road. The proposed development results in unacceptable impacts to the character of the area and therefore departs from the following relevant assessment benchmarks of the Sunshine Coast Planning Scheme 2014:
- (a) Strategic Framework Theme 6: Community identity, character and social inclusion Element 1: – Landscape elements and features, specific outcome (g)
- (b) Strategic Framework Theme 6: Community identity, character and social inclusion Element 2: – Subtropical character and locally responsive design, specific outcome (d)
- (c) Height of building and structures overlay code overall outcome 2(e) and (c) and performance outcome PO1.
- (iii) The proposal does not improve on the visual appearance of Sugar Road and the Sunshine Motorway and would further pollute and unnecessarily add to the existing visual clutter along these major routes. Both road networks are identified as major transport routes and by failing to demonstrate any visual improvement, the proposal departs from the following relevant assessment benchmarks of the Sunshine Coast Planning Scheme 2014:
- 

- (a) *Strategic Framework Theme 6: Community identity, character and social inclusion Element 1: – Landscape elements and features, specific outcome (g)*
- (b) *Maroochydore/Kuluin Local Plan Code overall outcome 2(k) and (x) and performance outcome PO6.*
- (iv) *The proposed development is inconsistent with reasonable community expectations for development at the premises, which does not support heights of non-essential infrastructure significantly exceeding 12 metres. Such expectations are informed by, among other things, existing developments and the Sunshine Coast Planning Scheme 2014.*

**For:** Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor W Johnston, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor M Suarez and Councillor D Law.

**Against:** Councillor P Cox and Councillor J Natoli.

Carried.

**Council Resolution**

**Moved:** Councillor P Cox  
**Seconded:** Councillor R Baberowski

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

Carried unanimously.

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8.3 NOVEMBER 2020 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports  
Author: Coordinator Financial Services  
Business Performance Group  
Attachments: Att 1 - November 2020 Financial Performance Report

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**Council Resolution** (OM20/131)

Moved: Councillor E Hungerford  
Seconded: Councillor J Natoli

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

Carried unanimously.

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**8.4 BUDGET REVIEW 2 2020/21**

**File No:** Council Meetings  
**Author:** Coordinator Financial Services  
Business Performance Group  
**Appendices:** App A - 2020/21 Amended Budget Financial Statements  
App B - Minor Capital Works Program

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**Council Resolution** (OM20/132)

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

*That Council:*

- (a) *receive and note the report titled "**Budget Review 2 2020/21**"*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2020/21 financial year incorporating:*
  - (i) *the statement of income and expenditure*
  - (ii) *the statement of financial position*
  - (iii) *the statements of changes in equity*
  - (iv) *the statement of cash flow*
  - (v) *the relevant measures of financial sustainability*
  - (vi) *the long term financial forecast*
  - (vii) *the Debt Policy*
- (c) *note the following documentation applies as adopted 25 June 2020*
  - (i) *the Revenue Policy*
  - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget, and*
  - (iii) *the Revenue Statement and the rates and charges to be levied for the 2020/21 financial year and other matters as adopted 25 June 2020*
- (d) *endorse the Minor Capital Works Program (Appendix B) as amended.*

**Carried unanimously.**



**8.5 MANAGEMENT OF A DECLARED DANGEROUS DOG**

**File No:** F2020/88240  
**Author:** Manager Customer Response  
Customer Engagement & Planning Services Group  
**Attachments:** Att 1 - Excerpts from the Animal Management (Cats and Dogs) Act 2008  
Att 2 - Queensland Civil and Administrative Tribunal (QCAT) Decision 2019  
Att 3 - QCAT Appeal Tribunal Decision 2020  
Att 4 - Queensland Court of Appeal Ruling

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**Council Resolution** (OM20/133)

**Moved:** Councillor M Jamieson  
**Seconded:** Councillor W Johnston

*That Council receive and note the report titled "**Management of a declared dangerous dog**".*

Carried unanimously.

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9 NOTIFIED MOTIONS

Nil

10 TABLING OF PETITIONS

10.1 PETITION - NEW FENCE, WILLIAM STREET, SHELLY BEACH

File No: Council meetings  
Author: Councillor T Landsberg  
Elected Member

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Council Resolution (OM20/134)

Moved: Councillor T Landsberg  
Seconded: Councillor R Baberowski

*That Council resolve the petition tabled by Councillor T Landsberg relating to a newly erected fence at the end of William Street, Shelly Beach be received and referred to the Chief Executive Officer to determine appropriate action.*

**Carried unanimously.**



A large, stylized handwritten signature in black ink, consisting of a long diagonal stroke and a large loop.

**11 CONFIDENTIAL SESSION**

**CLOSURE OF THE MEETING TO THE PUBLIC**

**Council Resolution**

**Moved: Councillor E Hungerford**  
**Seconded: Councillor R Baberowski**

*That the meeting be closed to the public pursuant to section 254J (3) (g) of the Local Government Regulation 2012 to consider the following items:*

11.1 Confidential - Not for Public Release - Strategic Land Acquisition - Meridan Plains

**Carried unanimously.**

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

**Council Resolution**

**Moved: Councillor D Law**  
**Seconded: Councillor J O'Pray**

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

**Carried unanimously.**

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**11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - STRATEGIC LAND ACQUISITION - MERIDAN PLAINS**

**File No:** F2020/45791  
**Author:** Coordinator Biodiversity and Waterways  
Liveability & Natural Assets Group

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The information contained in this report is considered to be confidential as its public disclosure would potentially impact adversely on the finalisation of a current commercial negotiation process and Council's ability to secure the land parcels at a price that represents the best value for the ratepayers of the region, who contribute to the Environmental Levy Land Acquisition Program.

Furthermore, the disclosure of the information in this report could impact on Council's approach to conducting commercial negotiations in relation to property acquisitions generally, whether that be acquisitions for the purposes of the Environment Levy Land Acquisition Program or acquisitions for other purposes.

For these reasons, it is recommended that Council close the meeting under section 254J (3) (g) of the *Local Government Regulation 2012* to consider and discuss the information in this report as it contains information on negotiations relating to commercial matters involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

Specifically, the matters that are considered confidential in the report and which would be the subject of discussion when the meeting is closed, relate to the current status of the commercial negotiations and potential acquisition price and process for the land parcels under consideration.

Council will need to resolve its decision on this report in that part of the Council meeting which is viewable by the public.

The report also contains a recommendation to release details relating to the site location and price of acquisition once the negotiations and acquisitions have been finalised and the transfer of property titles has been registered with the Titles Registry.

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**Council Resolution** (OM20/135)

**Moved:** Councillor P Cox  
**Seconded:** Councillor M Suarez

*That Council:*

- (a) *note the discussion held in confidential session in relation to the strategic land acquisitions in Meridan Plains*
- (b) *delegate authority to the Chief Executive Officer to enter into negotiations, execute all documentation and finalise the acquisition of the identified strategic land parcels and*
- (c) *authorise the Chief Executive Officer to publicly release details in relation to the site location and contract price for the identified strategic land parcels once the negotiations have been finalised and the transfer of ownership of land has been registered with the Titles Registry.*

**Carried unanimously.**

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**12 NEXT MEETING**

The next Ordinary Meeting will be held on 28 January 2021.

**13 MEETING CLOSURE**

The meeting closed at 2:56pm.

Confirmed 28 January 2021.

  
\_\_\_\_\_  
CHAIR

14 APPENDICES

8.1 MOOLOOLABA LOCAL AREA AND MAROOCHYDORE CITY CENTRE PARKING – APP A – PARKING MOOLOOLABA CENTRAL AND MAROOCHYDORE CITY CENTRE AT-GRADE PARKING FEES FOR INCORPORATION INTO REGISTER OF GENERAL COST-RECOVERY FEES AND COMMERCIAL CHARGES 2020/21 AS AMENDED

8.4 BUDGET REVIEW 2 2020/21 – APP A – 2020/21 AMENDED BUDGET FINANCIAL STATEMENTS AS AMENDED

8.4 BUDGET REVIEW 2 2020/21 – APP B – MINOR CAPITAL WORKS PROGRAM AS AMENDED

