

Minutes

Ordinary Meeting

Thursday, 28 March 2019

Council Chambers, 1 Omrah Avenue, Caloundra



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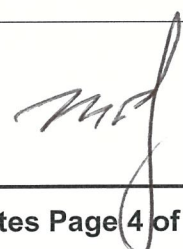
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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



1 DECLARATION OF OPENING

Under section 12 (5) of the *Local Government Act 2009*, the Mayor delegated to Councillor J McKay to lead and manage the meeting from the opening of the meeting until such time as the Mayor was able to attend.

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.

Auxiliary Lieutenant Karen from The Salvation Army Caloundra, read a prayer.

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

Councillor M Jamieson	Mayor (Chair) (Absent 1 – 8.4)
Councillor R Baberowski	Division 1
Councillor P Cox	Division 3
Councillor J Connolly	Division 4
Councillor J McKay	Division 5 (Chair 1 – 8.4)
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

BOARD OF MANAGEMENT

Chief Executive Officer
Group Executive Built Infrastructure
Group Executive Business Performance
Group Executive Customer Engagement and Planning Services
Group Executive Liveability and Natural Assets
Manager Sport & Community Venues

APOLOGIES

Councillor T Dwyer Division 2
Group Executive Economic and Community Development

COUNCIL OFFICERS

Team Leader Planning Assessment
Senior Development Planner
Coordinator Planning Scheme and Projects
Team Leader Sports Planning and Development
Chief Strategy Officer
Head of Property
Coordinator Financial Services
Coordinator CEO Governance & Operations

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

Moved: Councillor C Dickson
Seconded: Councillor J Connolly

That the Minutes of the Ordinary Meeting held on 28 February 2019 and the Special Meeting (Region Making Projects) held on 28 February 2019 be received and confirmed.

Carried unanimously.

Councillor M Jamieson was absent for the discussion and 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 the meeting.

5.2 CONFLICT OF INTEREST / PERCEIVED CONFLICT OF INTEREST

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

Councillor C Dickson informed the meeting of a personal interest for item 8.1.

Councillor E Hungerford informed the meeting of a personal interest for item 8.4.

Councillor C Dickson informed the meeting of a personal interest for item 8.4.

Councillor M Jamieson informed the meeting of a personal interest for item 11.1.

6 MAYORAL MINUTE

Nil

7 PRESENTATIONS / COUNCILLOR REPORTS**7.1 PRESENTATION - DISASTER RECOVERY EFFORTS**

Council recognised and thanked Rachel Thomson Communications Officer for her work in assisting Flinders Shire Council with their disaster recovery efforts in March 2019.



8 REPORTS DIRECT TO COUNCIL**8.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE
(EXTRACTIVE INDUSTRY) AT BEERBURRUM-WOODFORD ROAD
BEERBURRUM**

File No: MCU16/0275
Author: Senior Development Planner
Customer Engagement & Planning Services Group
Appendices: App A - Conditions of Approval
App B - Infrastructure Agreement
Attachments: Att 1 - Detailed Assessment Report
Att 2 - Proposal Plans
Att 3 - Concurrence Agency Response
Att 4 - Environmental Authority

As required by s175E of the *Local Government Act 2009*, Councillor C Dickson informed the meeting of a personal interest in relation to matters to be considered in item 8.1 "Development Application for Material Change of Use (Extractive Industry) at Beerburrum-Woodford Road Beerburrum".

Councillor C Dickson set out the following in relation to this interest:

- A relative living in close vicinity of the development.

Councillor C Dickson advised that he would leave the Chamber and not participate in the discussion or vote on this matter.

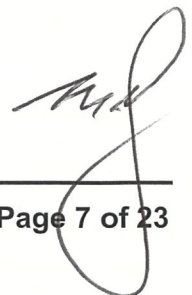
Council Resolution

Moved: Councillor P Cox
Seconded: Councillor G Rogerson

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

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this motion.



Council Resolution (OM19/36)

Moved: Councillor R Baberowski
Seconded: Councillor E Hungerford

That Council REFUSE Application No. MCU16/0275 for a Development Permit for Material Change of Use (Extractive Industry, Caretaker's Accommodation and Environmentally Relevant Activity ERA16) at Beerburrum-Woodford Road, Beerburrum for the following reasons:

- (a) *The proposal conflicts with the policy direction of the Strategic Framework of the Sunshine Coast Planning Scheme with respect to the protection of native vegetation and the protection of the amenity and character of the Beerburrum community*
- (b) *The proposal conflicts with the Biodiversity, Waterways and Wetlands Overlay Code in that it would require removal of the mapped native vegetation and ecologically important area located on the site*
- (c) *The proposal conflicts with the Extractive Industry Code in that it does not satisfactorily avoid, minimise or mitigate the adverse amenity impacts on surrounding premises as a result of the proposed haul route*
- (d) *The proposal conflicts with the Nuisance Code in that it would not maintain community wellbeing from nuisance emissions impacting on surrounding sensitive land uses as a result of the proposed haul route and*
- (e) *The applicant has not demonstrated sufficient grounds to justify approval despite the conflict with the Planning Scheme and the proposal cannot be conditioned to comply.*

For: Councillor R Baberowski, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor E Hungerford, Councillor J O'Pray and Councillor G Rogerson.

Against: Councillor S Robinson.

Carried.

Councillor M Jamieson and Councillor C Dickson were absent for the discussion and vote on this item.

8.2 DEVELOPMENT APPLICATION MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH A FOOD AND DRINK OUTLET AT PELICAN WATERS BOULEVARD, PELICAN WATERS

File No: MCU18/0224
Author: Development Planner
Customer Engagement & Planning Services Group
Appendices: App A - Conditions of Approval
Attachments: Att 1 - Proposal Plans
Att 2 - Detailed Assessment Report

Council Resolution (OM19/37)

Moved: Councillor C Dickson
Seconded: Councillor J Connolly

That Council:

- (a) receive and note the report titled "***Development Application Material Change of Use of Premises to Establish a Food and Drink Outlet at Pelican Waters Boulevard, Pelican Waters***" and
- (b) approve with conditions application no. MCU18/0224 for a Development Permit for Material Change of Use of Premises to establish a Food and Drink Outlet situated at Pelican Waters Boulevard, Pelican Waters in accordance with Appendix A.

For: Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor R Baberowski and Councillor P Cox.

Carried.

Councillor M Jamieson was absent for the discussion and vote on this item.

8.3 SUNSHINE COAST PLANNING SCHEME 2014 - PROPOSED SPECIAL ENTERTAINMENT PRECINCTS AMENDMENT - CONSIDERATION OF SUBMISSIONS

File No: Council meetings
Author: Coordinator Planning Scheme and Projects
Customer Engagement & Planning Services Group
Appendices: App A - Amendment Instrument: Proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) - Special Entertainment Precincts
Attachments: Att 1 - Consultation Report
Att 2 - Explanatory Memorandum: Proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) - Special Entertainment Precincts

Council Resolution (OM19/38)

Moved: Councillor G Rogerson
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "***Sunshine Coast Planning Scheme 2014 - Proposed Special Entertainment Precincts Amendment - Consideration of Submissions***"
- (b) having considered all submissions received about the proposed Sunshine Coast Planning Scheme 2014 Amendment – Special Entertainment Precincts, decide to proceed with the proposed planning scheme amendment, with changes (Appendix A)
- (c) delegate authority to the Chief Executive Officer to progress and finalise the proposed planning scheme amendment and planning scheme policy amendment in accordance with section 20 and section 22 the Planning Act 2016
- (d) adopt the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) – Special Entertainment Precincts, subject to receiving advice from the Planning Minister that Council may proceed to adopt the proposed planning scheme amendment and
- (e) adopt the proposed Planning Scheme Policy (Amendment) – Special Entertainment Precincts (Appendix A), subject to receiving advice from the Planning Minister in relation to the proposed planning scheme amendment as referenced in item (d) above.

Carried unanimously.

Councillor M Jamieson was absent for the discussion and vote on this item.

8.4 REGIONAL FACILITIES PLAN FOR DIFFICULT TO LOCATE SPORTS**File No:** 280319**Author:** Team Leader Sports Planning and Development
Economic & Community Development Group**Appendices:** App A - Regional Facilities Plan for Difficult to Locate Sports -
Otium (February 2019)

As required by s175E of the *Local Government Act 2009*, Councillor E Hungerford informed the meeting of a personal interest in relation to matters to be considered in item 8.4 "Regional Facilities Plan for Difficult to Locate Sports".

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

- Member of the North Arm Shotgun Association and
- Sporting Shooters Association of Australia - Sunshine Coast Branch.

Council Resolution**Moved:** Councillor P Cox**Seconded:** Councillor J Connolly

That in accordance with s175E(4)(a) of the Local Government Act 2009, Councillor E Hungerford does not have a real or perceived conflict of interest in matters that are to be considered in item 8.4 "Regional Facilities Plan for Difficult to Locate Sports".

For: Councillor R Baberowski, Councillor P Cox, Councillor J Connolly,
Councillor J McKay, Councillor C Dickson, Councillor S Robinson and
Councillor G Rogerson.

Against: Councillor J O'Pray.

Carried.

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

Councillor M Jamieson was absent for the discussion and vote on this item.

As required by s175E of the *Local Government Act 2009*, Councillor C Dickson informed the meeting of a personal interest in relation to matters to be considered in item 8.4 "Regional Facilities Plan for Difficult to Locate Sports".

Councillor C Dickson set out the following in relation to this interest:

- Member of the Sporting Shooters Association of Australia and
- Financial member of North Arm Pistol Club.

Councillor C Dickson advised that he would leave the Chamber and not participate in the discussion of vote on this matter.

Council Resolution (OM19/39)

Moved: Councillor J O'Pray
Seconded: Councillor R Baberowski

That Council:

- (a) *receive and note the report titled "**Regional Facilities Plan for Difficult to Locate Sports**"*
- (b) *endorse the Regional Facilities Plan for Difficult to Locate Sports – Otium (February 2019) (Appendix A) and*
- (c) *note that future implementation of the Regional Facilities Plan for Difficult to Locate Sports will be determined in accordance with Council's 10 year Capital Works Program and successful applications for external funding.*

For: Councillor R Baberowski, Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor J O'Pray, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor E Hungerford.

Carried.

Councillor M Jamieson and Councillor C Dickson were absent for the discussion and vote on this item.

The Mayor took the Chair at this time.

8.5 INVESTIGATING INTERNATIONAL PROTECTION MECHANISMS FOR THE SUNSHINE COAST LOCAL GOVERNMENT AREA

File No: Council Report
Author: Chief Strategy Officer
Office of the CEO
Appendices: App A - 'Celebrate People and Nature – Biosphere nomination for the Sunshine Coast' brochure

Council Resolution (OM19/40)

Moved: Councillor J McKay
Seconded: Councillor R Baberowski

That Council:

- (a) receive and note the report titled "**Investigating International Protection Mechanisms for the Sunshine Coast Local Government Area**"
- (b) endorse the 'Celebrate People and Nature – Biosphere nomination for the Sunshine Coast' brochure for the purposes of public consultation (Appendix A) and
- (c) delegate authority to the Chief Executive Officer to place the 'Celebrate People and Nature – Biosphere nomination for the Sunshine Coast' brochure on public display 29 March / 28 June 2019.

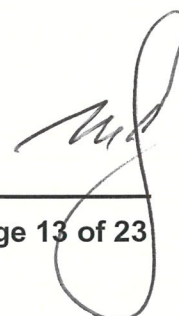
Carried unanimously.

Council Resolution

Moved: Councillor J McKay
Seconded: Councillor E Hungerford

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

Carried unanimously.



8.6 SUNSHINE COAST CITY HALL - PROJECT UPDATE

File No: Council meetings
Author: Manager Property Management
Business Performance Group
Attachments: Att 1 - List of sub-consultants - *Confidential*
Att 2 - Project Management Plan for City - *Confidential*

Council Resolution (OM19/41)

Moved: Councillor S Robinson
Seconded: Councillor E Hungerford

*That Council receive and note the report titled "**Sunshine Coast City Hall - Project Update**".*

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 and Councillor M
Jamieson.

Against: Councillor G Rogerson.

Carried.

8.7 COMMUNITY LEASE TO BARUNG LANDCARE ASSOCIATION INC.

File No: Council Meetings
Author: Senior Property Officer
Business Performance Group
Appendices: App A - Lease Conditions
Attachments: Att 1 - Lease Area
Att 2 - Master Plan Barung Nursery

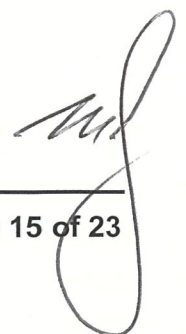
Council Resolution (OM19/42)

Moved: Councillor J McKay
Seconded: Councillor J Connolly

That Council:

- (a) receive and note the report titled "**Community Lease to Barung Landcare Association Inc.**"
- (b) resolve, pursuant to s.236(2) Local Government Regulation 2012, that an exception to dispose of land at, or an interest (lease) in land at Maleny Community Precinct Lot 14 SP SP287418 other than by tender or auction applies, as the disposal is pursuant to s.236(1)(b)(ii), to a community organisation
- (c) note that the Barung Landcare Association Inc. is a community organisation as it carries on activities for a public purpose
- (d) the lease term is to be a total of thirty (30) years and
- (e) the conditions in Appendix A - Lease Conditions are to be incorporated in the lease to Barung Landcare Association Inc.

Carried unanimously.



8.8 FEBRUARY 2019 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports
Author: Coordinator Financial Services
Business Performance Group
Attachments: Att 1 - February 2019 Financial Performance Report

Council Resolution (OM19/43)

Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council receive and note the report titled "February 2019 Financial Performance Report".

Carried unanimously.

8.9 ORDINARY MEETING - APRIL 2019

File No: Council Meetings
Author: Coordinator CEO Governance
Office of the CEO

Council Resolution (OM19/44)

Moved: Councillor J McKay
Seconded: Councillor R Baberowski

That Council:

- (a) receive and note the report titled "**Ordinary Meeting - April 2019**"
- (b) note the April 2019 Ordinary Meeting of Council will be held on 30 April 2019 in the Nambour Chambers and
- (c) request the Chief Executive Officer to publish the required notice to reflect the change in date for the April 2019 Ordinary Meeting in accordance with section 277(4) of the Local Government Regulation 2012.

Carried unanimously.

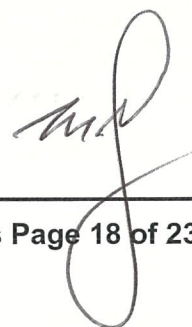
9 NOTIFIED MOTIONS

Nil

10 TABLING OF PETITIONS**10.1 PETITION - BUDDINA URBAN VILLAGE, BUDDINA****Council Resolution** (OM19/45)**Moved: Councillor J Connolly****Seconded: Councillor C Dickson**

That Council resolve the petition tabled by Councillor J Connolly relating to the Buddina Urban Village be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.



PERSONAL INTEREST – CONFIDENTIAL ITEM

As required by s175E of the *Local Government Act 2009*, Councillor M Jamieson informed the meeting of a personal interest in relation to matters to be considered in item 11.1 “Sunshine Coast Planning Scheme 2014 - Proposed Site Specific (Additional South East Queensland Regional Plan 2017 sites and other zoning matters) Amendment”.

Councillor M Jamieson set out the following in relation to this interest:

“Councillors, under section 175E (1) (b) of the Local Government Act 2009, the conflict of interest provisions do not apply when Council is considering an Ordinary Business Matter.

An Ordinary Business Matter is defined as including a planning scheme, or an amendment of a planning scheme.

However, out of an abundance of caution and based on advice that we recently received from the Department of Local Government, Racing and Multicultural Affairs, I am informing you I received an electoral donation of \$2,000 on 11 February 2016 from Covey and Associates.

I am advised that Covey and Associates are consultants to certain landowners impacted by some of the planning scheme amendments that are to be considered by Council today at Agenda Item 11.1.

In making this declaration, I have also formed the view that given the nature of the personal interest, I believe I can appropriately manage any perceived conflict, should it exist, and that I can impartially make a decision in the public interest on the matter before Council today.

I will now ask Councillor McKay to assume the chair so that you may deliberate on this matter and make the necessary determinations under section 175E (4) of the Local Government Act 2009.”

The Mayor vacated the Chair and Councillor J McKay took the Chair at this time.

Council Resolution

Moved: Councillor G Rogerson

Seconded: Councillor J Connolly

That in accordance with s175E(4)(a) of the Local Government Act 2009, Councillor M Jamieson does not have a real or perceived conflict of interest in matters that are to be considered in item 11.1 ‘Sunshine Coast Planning Scheme 2014 - Proposed Site Specific (Additional South East Queensland Regional Plan 2017 sites and other zoning matters) Amendment’.

For: Councillor P Cox, Councillor J Connolly, Councillor J McKay, Councillor C Dickson, Councillor S Robinson and Councillor G Rogerson.

Against: Councillor R Baberowski, Councillor E Hungerford, Councillor J O'Pray.

Carried.

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

The Mayor returned to the Chair at this time.

11 CONFIDENTIAL SESSION**CLOSURE OF THE MEETING TO THE PUBLIC****Council Resolution**

Moved: Councillor C Dickson
Seconded: Councillor E Hungerford

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

- 11.1 *Confidential - Not for Public Release - Sunshine Coast Planning Scheme 2014 - Proposed Site Specific (Additional South East Queensland Regional Plan 2017 sites and other zoning matters) Amendment.*

Carried unanimously.

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

Moved: Councillor R Baberowski
Seconded: Councillor C Dickson

That the meeting be re-opened to the public.

Carried unanimously.

11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - SUNSHINE COAST PLANNING SCHEME 2014 - PROPOSED SITE SPECIFIC (ADDITIONAL SOUTH EAST QUEENSLAND REGIONAL PLAN 2017 SITES AND OTHER ZONING MATTERS) AMENDMENT

File No: Council meetings
Author: Coordinator Planning Scheme and Projects
Customer Engagement & Planning Services Group

This report is confidential in accordance with section 275 (g) (h) of the *Local Government Regulation 2012* as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Council Resolution (OM19/46)

Moved: Councillor C Dickson
Seconded: Councillor J Connolly

That Council:

- (a) *decide to amend the Sunshine Coast Planning Scheme 2014 in accordance with section 20 (Amending planning schemes under Minister's rules) of the Planning Act 2016 and*
- (b) *delegate authority to the Chief Executive Officer to carry out the statutory process to prepare and progress the proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Additional South East Queensland Regional Plan 2017 Sites and Other Zoning Matters in accordance with section 20 of the Planning Act 2016 and the Minister's Guidelines and Rules.*

Carried unanimously.


12 NEXT MEETING

The next Ordinary Meeting will be held on 30 April 2019 in the Nambour Council Chambers, Corner Currie and Bury Streets, Nambour.

13 MEETING CLOSURE

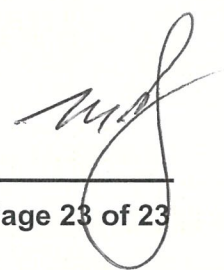
The meeting closed at 12:24pm.

Confirmed 30 April 2019.


CHAIR

14 APPENDICES

- 8.2 DEVELOPMENT APPLICATION MATERIAL CHANGE OF USE OF PREMISES TO ESTABLISH A FOOD AND DRINK OUTLET AT PELICAN WATERS BOULEVARD, PELICAN WATERS - APP A - CONDITIONS OF APPROVAL
- 8.3 SUNSHINE COAST PLANNING SCHEME 2014 - PROPOSED SPECIAL ENTERTAINMENT PRECINCTS AMENDMENT - CONSIDERATION OF SUBMISSIONS - APP A - AMENDMENT INSTRUMENT: PROPOSED SUNSHINE COAST PLANNING SCHEME 2014 (QUALIFIED STATE INTEREST AMENDMENT) AND PLANNING SCHEME POLICY (AMENDMENT) - SPECIAL ENTERTAINMENT PRECINCTS
- 8.4 REGIONAL FACILITIES PLAN FOR DIFFICULT TO LOCATE SPORTS - APP A - REGIONAL FACILITIES PLAN FOR DIFFICULT TO LOCATE SPORTS - OTIUM (FEBRUARY 2019)
- 8.5 INVESTIGATING INTERNATIONAL PROTECTION MECHANISMS FOR THE SUNSHINE COAST LOCAL GOVERNMENT AREA - APP A - 'CELEBRATE PEOPLE AND NATURE – BIOSPHERE NOMINATION FOR THE SUNSHINE COAST' BROCHURE
- 8.7 COMMUNITY LEASE TO BARUNG LANDCARE ASSOCIATION INC. - APP A - LEASE CONDITIONS



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