

Minutes

Special Meeting (Commercial Use of Council Controlled Land)

Tuesday, 4 June 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.

1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:07am

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 R Green	Division 11
Councillor T Wellington	Division 12

EXECUTIVE LEADERSHIP TEAM

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

APOLOGIES

Councillor G Rogerson Division 10

COUNCIL OFFICERS

Manager Community Response
Community Land Permits Project Manager

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*, no declarations of conflict of interest were made during this meeting.

4 CONFIDENTIAL SESSION

CLOSURE OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor C Dickson

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:

4.1.1 *Confidential - Not for Public Release - Commercial Use of Council Controlled Land*

4.1.2 *Confidential - Not for Public Release - Commercial Use of Council Controlled Land - New Proposals*

Carried unanimously.

RE-OPENING OF THE MEETING TO THE PUBLIC

Council Resolution

Moved: Councillor T Wellington

Seconded: Councillor J McKay

That the meeting be re-opened to the public.

Carried unanimously.

4.1 COMMUNITY SERVICES**4.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMMERCIAL USE OF COUNCIL CONTROLLED LAND**

File No: ECM
Author: Community Land Permits Project Manager
Community Services Department

This report is confidential in accordance with section 275 (e) (h) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it; AND 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 (SM13/7)

Moved: Councillor R Green
Seconded: Councillor T Wellington

That Council:

- (a) *endorse the award of permits to the applicants as listed in Appendix A amended for Division's 1 - 10, for approved locations and activities*
- (b) *not award Region Wide commercial use of council controlled land permits until such time as a further report is brought back to council outlining the implications of de-amalgamation on this matter*
- (c) *approve the location of Marcoola Beach (between beach access 104 and 105) for the activity of Tandem Sky Diving and Parachute Landing and request the Chief Executive Officer to arrange for the calling of applications for permits for this activity and location*
- (d) *not award permits for Division's 11 and 12 and refer the High – use / High –Impact Commercial Use of Community Land Strategic Policy, applications and supporting material to the Noosa Council Transfer Manager for consideration by the Noosa Council and*
- (e) *advise all current operators and applicants who have submitted an application for the commercial use of council controlled land in Division 11 and 12 that because of the Strategic Policy outcomes of assessing and implementing the submitted applications that these will need to be considered in context by a Noosa Council and that existing operators will have permits issued for their current activities until 31 December 2013 based on the fees and charges adopted by Council on 5 February 2013.*

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

Against: Councillor T Dwyer.

Carried..

4.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMMERCIAL USE OF COUNCIL CONTROLLED LAND - NEW PROPOSALS

File No: ECM
Author: Community Land Permits Project Manager
Community Services Department

This report is confidential in accordance with section 275 (e) (h) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it; 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.

MOTION

Moved: Councillor T Dwyer
Seconded: Councillor C Dickson

That Council request the Chief Executive Officer to provide an impact assessment report to Council that allows full understanding of the impacts of current new enquiries for the commercial use of council-controlled land in Divisions 1 to 10.

For: Councillor R Baberowski, Councillor C Dickson, Councillor T Dwyer, Councillor J McKay and Councillor R Green.

Against: Councillor P Cox, Councillor C Thompson, Councillor S Robinson, Councillor E Hungerford, Councillor T Wellington and Councillor M Jamieson.

Lost.

MOTION

Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That council resolve to advise any parties enquiring on the commercial use of council controlled land in divisions 1 to 10 that proposals will only be considered for the next three year permit period (commencing 1 July 2016).

For: Councillor P Cox and Councillor E Hungerford.

Against: Councillor R Baberowski, Councillor C Dickson, Councillor C Thompson, Councillor T Dwyer, Councillor S Robinson, Councillor J McKay, Councillor R Green, Councillor T Wellington and Councillor M Jamieson.

Lost.

Procedural Motion

Moved: Councillor C Dickson
Seconded: Councillor J McKay

That the motion be put.

For: Councillor R Baberowski, Councillor C Dickson, Councillor C Thompson, Councillor T Dwyer, Councillor S Robinson, Councillor J McKay, Councillor R Green and Councillor T Wellington.

Against: Councillor P Cox, Councillor E Hungerford and Councillor M Jamieson.

Carried.

Council Resolution (SM13/8)

Moved: Councillor C Thompson
Seconded: Councillor R Green

That Council note the discussion held in confidential session.

Carried unanimously.

Councillor T Dwyer and Councillor J O'Pray were absent for the vote on this resolution.

Councillor J O'Pray declared a perceived conflict of interest in this matter (as defined in section 173 of the *Local Government Act 2009*) due to association with an applicant contributed to his election campaign. Councillor J O'Pray left the meeting room for the debate and decision on this matter.

5 NEXT MEETING

Nil

6 MEETING CLOSURE

The meeting closed at 1:45pm.

Confirmed 25 July 2013.


CHAIR

7 APPENDICES

**4.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COMMERCIAL USE OF
COUNCIL CONTROLLED LAND – APPENDIX A AMENDED**

[Appendix A - Permit Applications Awarded Amended](#)
