

# Minutes

## Ordinary Meeting

**Thursday, 20 February 2020**

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



20

Ordinary Meeting

Thursday 30 February 2020

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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 9.01am.

**2 WELCOME AND OPENING PRAYER**

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

Pastor Joel Baker from Flametree Baptist Church to 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
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  
Portfolio Director, Major Projects  
Coordinator CEO Governance & Operations  
Team Leader Planning Assessment  
Manager Development Services  
Coordinator Planning Assessment  
Coordinator Open Space & Social Policy  
Coordinator Strategic Property  
Senior Property Officer  
Manager Environment & Sustainability Policy

**APOLOGIES**

Chief Executive Officer  
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 30 January 2020 be received and confirmed.*

**Carried unanimously.**

**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 M Jamieson informed the meeting of a personal interest for item 8.3

**5.3 PROCEDURE NOT PROVIDED FOR**

*Sunshine Coast Regional Council Standing Orders 2018 (Section 49)*

**Statement By Mayor M Jamieson**

The Mayor advised that the Chief Executive Officer, Mr Michael Whittaker, has tendered his resignation from his position with Council. Mr Warren Bunker will continue as Acting Chief Executive Officer until an appointment is made to that role by Council.

**6 MAYORAL MINUTE**

Nil.

**7 PRESENTATIONS / COUNCILLOR REPORTS**

Nil.

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**8 REPORTS DIRECT TO COUNCIL****8.1 QUARTERLY PROGRESS REPORT - QUARTER 2, 2019-20**

**File No:** Council meetings  
**Author:** Coordinator Organisational Performance  
Office of the CEO  
**Appendices:** App A - CEO Quarterly Highlights Report Quarter 2 2019-20  
App B - Operational Plan Activities Report Quarter 2 2019-20  
App C - CEO Snapshot Report

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**Council Resolution** (OM20/27)

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

*That Council:*

- (a) receive and note the report titled "**Quarterly Progress Report - Quarter 2, 2019-20**"
- (b) note the Chief Executive Officer's Quarterly Highlights Report - Quarter 2, 2019-20 (Appendix A) on service delivery highlights
- (c) note the Operational Plan Activities Report - Quarter 2, 2019-20 (Appendix B) reporting on implementation of the Corporate and Operational Plans and
- (d) note the Chief Executive Officer's Snapshot Report – October to December 2019 (Appendix C) reporting service statistics and significant highlights.

**Carried unanimously.**

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**8.2 REQUEST FOR CONCURRENCE AGENCY RESPONSE (BUILDING WORK) - 3 BAMBAROO CLOSE, NAMBOUR**

**File No:** CAR19/0670  
**Author:** Team Leader Planning Assessment  
Customer Engagement & Planning Services Group  
**Attachments:** Att 1 - Proposal Plans

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

That Council:

- (a) receive and note the report titled "Request for Concurrence Agency Response (Building Work) - 3 Bambaroo Close, Nambour"
- (b) direct approval for the Concurrence Agency Response (Building Work) for the following reasons:
  - i. the proposal does not have an adverse impact on the amenity of the surrounding area based on letters of support received from adjoining landowners; and
  - ii. the carport is a high quality design that will complement the character of the street and be in keeping with the character of the Nambour area and
- (c) delegate to Chief Executive Officer to include appropriate conditions in the Concurrence Agency Response.

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

Lost.

**Council Resolution** (OM20/28)**Moved:** Councillor E Hungerford**Seconded:** Councillor C Dickson

That Council:

- (a) receive and note the report titled "***Request for Concurrence Agency Response (Building Work) - 3 Bambaroo Close, Nambour***" and
- (b) direct refusal for the Concurrence Agency Response (Building Work) for the following reasons:
  - i. *The proposal does not meet the Sunshine Coast Planning Scheme 2014 Dwelling House Code, Performance Outcome PO2 (b) and (d).*

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

Carried.

**PROCEDURAL MOTION**

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

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

**Carried Unanimously.**

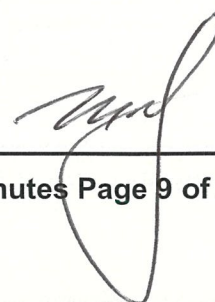
**PROCEDURAL MOTION**

**Moved:** Councillor J McKay  
**Seconded:** Councillor J Connolly

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

**Carried Unanimously.**

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### 8.3 PELICAN WATERS SOUTHERN LAKES CHANGES TO INFRASTRUCTURE AGREEMENT

**File No:** 2009/510022.05  
**Author:** Senior Development Planner  
Customer Engagement & Planning Services Group  
**Attachments:** Att 1 - Current Infrastructure Agreement 2011  
Att 2 - Proposed Variation Deed to Infrastructure Agreement  
Att 3 - Applicant's Report Detailing Proposed Changes to Infrastructure Agreement  
Att 4 - Applicant's Costings of the Bicycle and Pedestrian Bridges  
Att 5 - Applicant's Legal Advice on Implications for Preliminary Approval - *Confidential*  
Att 6 - Legal Advice from Corrs Chambers Westgarth - *Confidential*

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 8.3 'Pelican Waters Southern Lakes Changes to Infrastructure Agreement'. Councillor M Jamieson set out the following in relation to this interest:

*'Councillors, I am informing you that under section 175E (2) of the Local Government Act 2009, it may be perceived that I have a personal interest in matters that are the subject of Agenda Item 8.3 on the basis that I received the following electoral donations from Pelican Waters Heart in respect of my 2016 election campaign –*

- \$5,000 on 23 December 2015 and
- \$2,000 on 4 February 2016.

*As Pelican Waters Heart could derive an advantage or may be disadvantaged by the decision which Council may make on this matter, I will leave the Chamber and not participate in the discussion or vote on this matter'.*

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

#### **Council Resolution** (OM20/29)

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

*That Council:*

- receive and note the report titled "Pelican Waters Southern Lakes Changes to Infrastructure Agreement"*
- accept the applicant's proposed changes to reduce the Central Park to 2 hectares and provide a 1 hectare waterfront park, with a proposed reduction in the financial offset for the 2 hectare Central Park only, as well as remove reference to "District Park" within the deed of variation, being justified for the following reasons:*
  - it will provide community value, usability, safety and amenity by incorporating a waterfront park component that emphasizes the site's waterfront location and delivers a great sense of place*

- ii. *It will provide recreational opportunities, allowing for connection and integration with the non-tidal lake and additional user recreation options*
  - iii. *It will locate recreational space and facilities close to the highest density of dwellings and the Town Centre, allowing for integration and connections to the walkable waterfront development components*
  - iv. *It will continue to be serviced by on-street parking spaces and proximity to mixed use commercial and residential development providing a vibrant and active park space*
- (c) *note the request and delegate to the Chief Executive Officer to negotiate with the applicant to execute the deed of variation*
  - (d) *further consider the infrastructure contribution for district community facilities and either land to a minimum of 6,000m<sup>2</sup> or a land and monetary contribution, or a land and the staged construction of a community centre to an equivalent value and*
  - (e) *delegate authority to the Chief Executive Officer to determine the associated Change to Development Approval and continue negotiations in relation to infrastructure charges offsets and make any necessary changes to the Infrastructure Agreement where consistent with Council Policy as articulated in Council's Local Government Infrastructure Plan, accounting for parts (b) and (d) above.*

**Carried unanimously.**

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

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**The Mayor returned to the Chair at this time.**

**8.4 JANUARY 2020 FINANCIAL PERFORMANCE REPORT**

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

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**Council Resolution** (OM20/30)

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

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

**Carried unanimously.**

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**8.5 AUDIT COMMITTEE MEETING 28 JANUARY 2020**

**File No:** Council Meetings  
**Author:** Manager Audit and Assurance  
Office of the CEO  
**Appendices:** App A - Audit Committee Minutes 28 January 2020  
App B - Audit Committee Charter  
App C - Internal Audit Charter

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**Council Resolution** (OM20/31)

**Moved:** Councillor C Dickson  
**Seconded:** Councillor T Dwyer

*That Council:*

- (a) receive and note the report titled "**Audit Committee Meeting 28 January 2020**" and
- (b) endorse the Audit Committee Minutes 28 January 2020 (Appendix A), Audit Committee Charter (Appendix B) and Internal Audit Charter (Appendix C).

**Carried unanimously.**

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**8.6 ACQUISITION OF LAND - BUDERIM****File No:** F2020/4165**Author:** Property Officer  
Office of the CEO**Attachments:** Att 1 - Valuation Amount - Acquisition of Land - Buderim -  
*Confidential*

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**Council Resolution** (OM20/32)**Moved:** Councillor E Hungerford**Seconded:** Councillor C Dickson*That Council:*

- (a) *receive and note the report titled "Acquisition of Land - Buderim"*
- (b) *delegate authority to the Chief Executive Officer to negotiate, enter into and execute a purchase contract for the acquisition of 21-25 Main Street, Buderim, described as lots 2 & 3 on B4641 and*
- (c) *resolve to submit a funding request to the 2020/21 budget development process for the acquisition.*

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

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**8.7 STRATEGIC LAND, BLUE HEART**

**File No:** Council meetings  
**Author:** Manager Environment and Sustainability Policy  
Liveability & Natural Assets Group  
**Attachments:** Att 1 - Landscape Context  
Att 2 - Property Context

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**Council Resolution** (OM20/33)

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

*That Council:*

- (a) receive and note the report titled "***Strategic land, Blue Heart***"
- (b) authorise the Chief Executive Officer to confirm the strategic intent of Lot 1 RP 48478, Lot 2 RP 48478, Lot 3 RP 48478, Lot 5 RP 48478 and Lot 4 SP 166622, Coolum Beach as "conservation" and
- (c) approve and implement the in-kind compensation for the investment made by the Priority Infrastructure Plan through the provision of additional recreation park land and/or infrastructure in the Coolum District / Blue Heart Area.

**Carried unanimously.**

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**9 NOTIFIED MOTIONS****9.1 VIC PERRAN MEMORIAL PARK, COTTON TREE**

**File No:** Notice of Motion  
**Author:** Councillor J Connolly  
Notice of Motion

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**MOTION**

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

That Council request the Acting Chief Executive Officer:

- (a) to withdraw infringement notices issued to the owners of vehicles that had parked within the Vic Perren Memorial Park, Cotton Tree on 28 December 2019
- (b) to review the current signage placed within the Vic Perren Memorial Park, Cotton Tree to ensure adequacy and
- (c) prepare a report to Council that outlines the process to amend the relevant Local Laws to allow for a tiered approach to the issue of infringements for parking in prohibited areas, such as Council parks, with the report to be presented to Council's June 2020 Ordinary Meeting.

**For:** Councillor J Connolly, Councillor J McKay, Councillor J O'Pray and Councillor G Rogerson.

**Against:** Councillor R Baberowski, Councillor T Dwyer, Councillor P Cox, Councillor C Dickson, Councillor E Hungerford, Councillor S Robinson and Councillor M Jamieson.

Lost.

**PROCEDURAL MOTION**

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

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

Carried Unanimously.

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

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**9.2 TRUST ACCOUNT FOR CONTRACTORS**

**File No:** Notice of Motion  
**Author:** Councillor G Rogerson  
Notice of Motion

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**MOTION**

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

That the Chief Executive Officer bring a report to the March Council meeting regarding the establishment of project bank/trust accounts for contractors engaged to work for, or on behalf of Council. The process will require the setting up of trust accounts where funds are held in trust for head contractors and subcontractors, until payments are due as part of a building or construction project being undertaken by the Sunshine Coast Council.

**AMENDMENT**

**Council Resolution** (OM20/34)

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

*That the Chief Executive Officer bring a report to the May 2020 Ordinary Council meeting regarding the establishment of project bank/trust accounts for contractors engaged to work for, or on behalf of Council. The process will require the setting up of trust accounts where funds are held in trust for head contractors and subcontractors, until payments are due as part of a building or construction project being undertaken by the Sunshine Coast Council.*

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

**Against:** Councillor J Connolly, Councillor J McKay and Councillor G Rogerson.

Carried.

The amendment became the motion.

The motion moved by Councillor T Dwyer and seconded by Councillor E Hungerford was put.

Carried unanimously.

Councillor T Dwyer raised a point of order with regard to Councillor G Rogerson not speaking to the amendment before Council. The Mayor upheld the point of order.

Councillor T Dwyer raised a second point of order with regard to Councillor G Rogerson speaking about the potential of a late report to Council. The Mayor ruled the point of order not upheld.

**PROCEDURAL MOTION**

**Moved:** Councillor J Connolly

**Seconded:** Councillor J McKay

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

**Carried Unanimously.**

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A handwritten signature in black ink, appearing to be 'J. McKay', is written over a horizontal line.



**10 PETITIONS**

Nil.

**11 CONFIDENTIAL SESSION**

Nil.

**12 NEXT MEETING**

The next Ordinary Meeting will be held on 19 March 2020 in the Council Chambers, 1 Omrah Avenue, Caloundra.

**13 MEETING CLOSURE**

The meeting closed at 1.03pm.

Confirmed 19 March 2020.

  
CHAIR

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14 APPENDICES

8.1 QUARTERLY PROGRESS REPORT - QUARTER 2, 2019-20 - APP A - CEO QUARTERLY HIGHLIGHTS REPORT QUARTER 2 2019-20

8.1 QUARTERLY PROGRESS REPORT - QUARTER 2, 2019-20 - APP B - OPERATIONAL PLAN ACTIVITIES REPORT QUARTER 2 2019-20

8.1 QUARTERLY PROGRESS REPORT - QUARTER 2, 2019-20 - APP C - CEO SNAPSHOT REPORT

8.5 AUDIT COMMITTEE MEETING 28 JANUARY 2020 - APP A - AUDIT COMMITTEE MINUTES 28 JANUARY 2020

8.5 AUDIT COMMITTEE MEETING 28 JANUARY 2020 - APP B - AUDIT COMMITTEE CHARTER

8.5 AUDIT COMMITTEE MEETING 28 JANUARY 2020 - APP C - INTERNAL AUDIT CHARTER

