

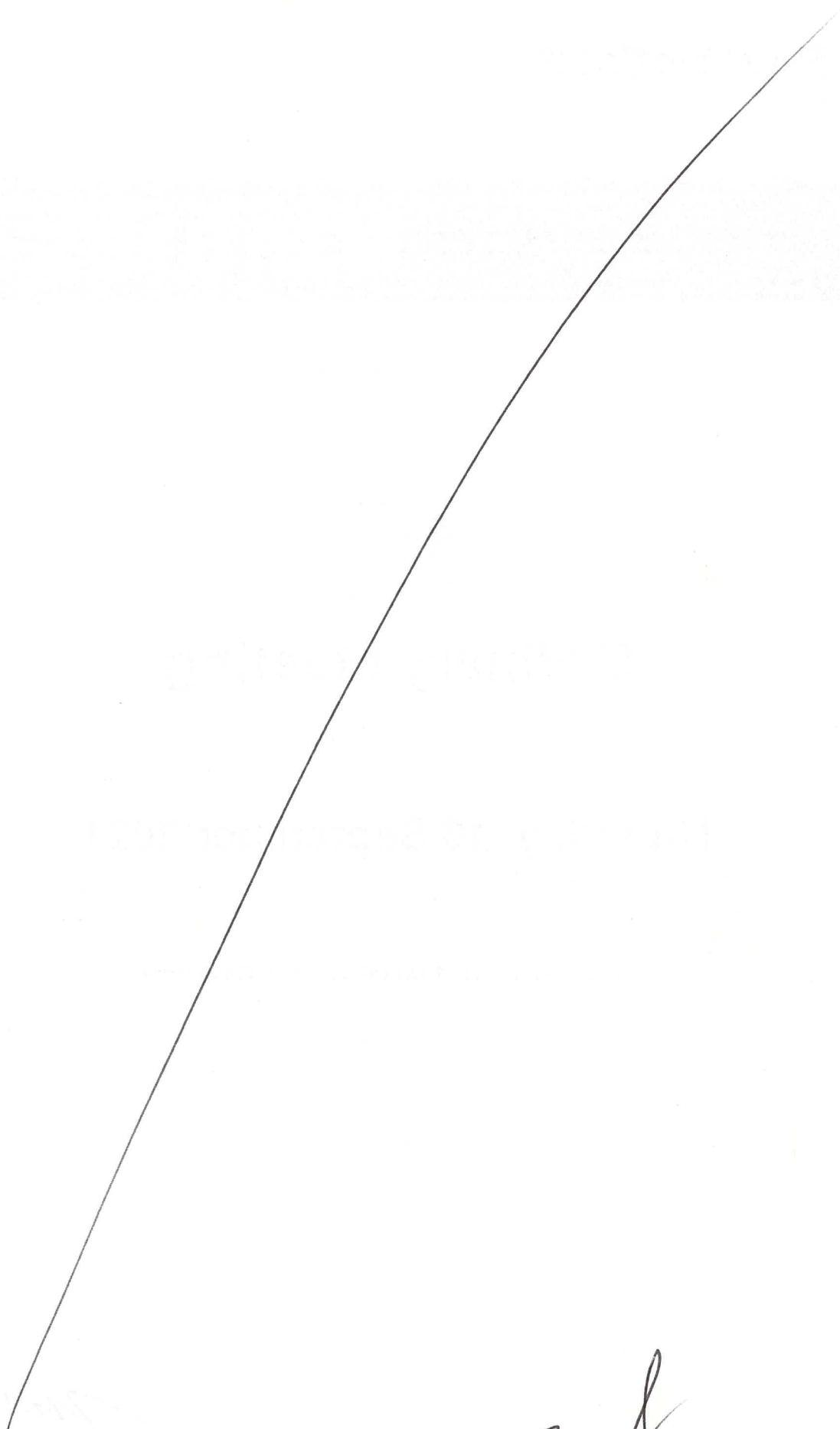
Minutes

Ordinary Meeting

Thursday, 16 September 2021

Council Chambers, 1 Omrah Avenue, Caloundra

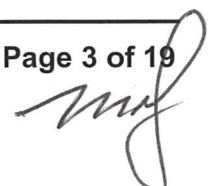




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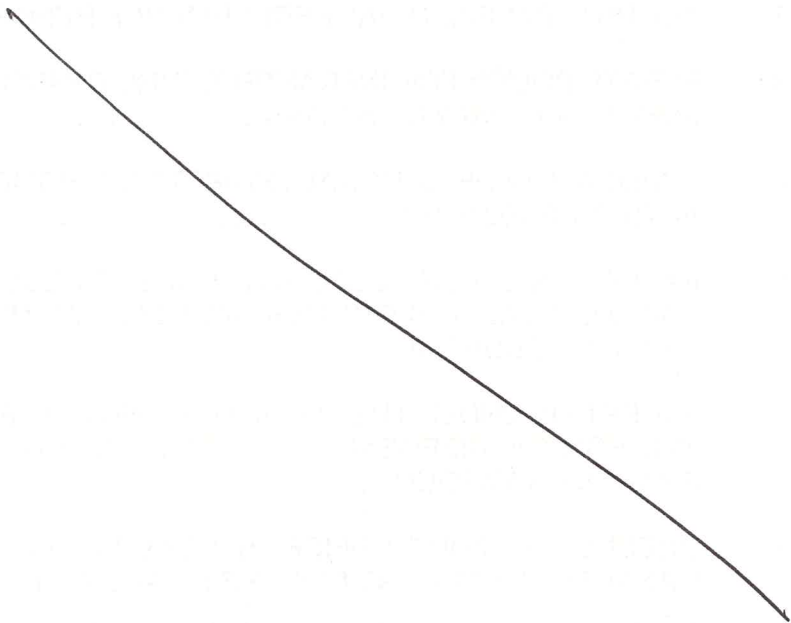
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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



1 DECLARATION OF OPENING

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.

Parish Priest Deborah Bird from St George's Anglican Church Maleny read a prayer.

The Chief Executive Officer acknowledged the recent passing of a valued staff member, Michelle Kane, and expressed Council's deepest condolences to Michelle's family and friends.

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

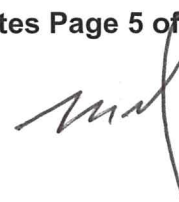
Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1 (Deputy Mayor)
Councillor T Landsberg	Division 2
Councillor P Cox	Division 3
Councillor J Natoli	Division 4
Councillor C Dickson	Division 6
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor M Suarez	Division 9
Councillor D Law	Division 10

APOLOGY

Councillor W Johnston	Division 5
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COUNCIL OFFICERS

Chief Executive Officer
Group Executive Built Infrastructure
Group Executive Customer Engagement and Planning Services
Group Executive Economic and Community Development
Group Executive Business Performance
Group Executive Liveability and Natural Assets
Chief of Staff
Chief Strategy Officer
Director, Major Projects and Strategic Property
Executive Manager
Coordinator CEO Governance & Operations
Chief Financial Officer
Coordinator Financial Services
Manager Transport and Infrastructure Planning
Manager Business and Innovation
Head of Property
Principal Property Officer
Coordinator Financial Accounting



4 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor J Natoli
Seconded: Councillor R Baberowski

That the Minutes of the Ordinary Meeting held on 19 August 2021 be received and confirmed.

Carried unanimously.

5 MAYORAL MINUTE

Nil

6 INFORMING OF CONFLICTS OF INTEREST

6.1 PRESCRIBED CONFLICTS OF INTEREST

Nil

6.2 DECLARABLE CONFLICTS OF INTEREST

Councillor T Landsberg notified Council of a Declarable Conflict of Interest in relation to Item 8.3 Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations.

Councillor J O'Pray notified Council of a Declarable Conflict of Interest in relation to Item 8.3 Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations.

7 PRESENTATIONS / COUNCILLOR REPORTS

7.1 PRESENTATION - CIVIL CONTRACTORS FEDERATION EARTH AWARD EXCELLENCE IN CIVIL CONSTRUCTION FOR THE SUNSHINE COAST AIRPORT EXPANSION PROJECT

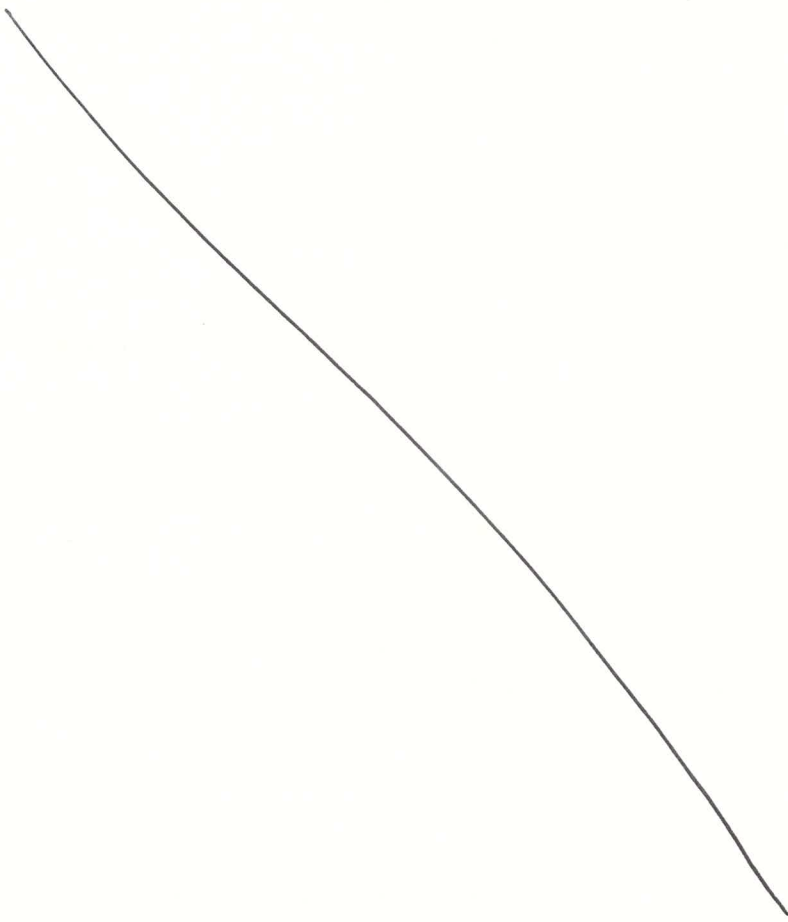
Council Resolution

Moved: Councillor J O'Pray

Seconded: Councillor P Cox

That Council recognise the achievement of the Sunshine Coast Airport Expansion Project on receiving the Civil Contractors Federation Earth Award Excellence in Civil Construction.

Carried unanimously.



A handwritten signature in black ink, located at the bottom right of the page.

8 REPORTS DIRECT TO COUNCIL**8.1 BUDGET REVIEW 1 2021/22****File No:** D2021/829107**Author:** Coordinator Financial Services
Business Performance Group**Appendices:** App A - 2021/22 Amended Budget Financial Statements
App B - Minor Capital Works Program**Council Resolution** (OM21/87)**Moved:** Councillor E Hungerford**Seconded:** Councillor J Natoli*That Council:*

- (a) receive and note the report titled "**Budget Review 1 2021/22**"
- (b) adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2021/22 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 24 June 2021
 - (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
 - (iii) the Revenue Statement and
 - (iv) the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and
- (d) endorse the Minor Capital Works Program (Appendix B).

Carried unanimously.

8.2 AUGUST 2021 FINANCIAL PERFORMANCE REPORT

File No: D2021/829109

Author: Coordinator Financial Services
Business Performance Group

Attachments: Att 1 - August Financial Performance Report

Council Resolution (OM21/88)

Moved: Councillor E Hungerford

Seconded: Councillor J Natoli

*That Council receive and note the report titled "**August 2021 Financial Performance Report**".*

Carried unanimously.

8.3 REBATE POLICY FOR INFRASTRUCTURE CHARGES FOR NOT-FOR-PROFIT ORGANISATIONS

File No: D2021/853570
Author: Manager Transport and Infrastructure Planning
Built Infrastructure Group
Appendices: App A - Proposed Infrastructure Charges Rebates for Eligible
Community Organisations Policy
Attachments: Att 1 - Current Infrastructure Contributions Charges Rebates for
Eligible Community Organisations

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor T Landsberg gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.3 Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations.

I, Councillor Terry Landsberg, notify that I have a Declarable Conflict of Interest in Item 8.3 - Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations to be considered at the Ordinary Meeting on 16 September 2021 as I am a member and also the President of the Windansea Board riders Club.

This report seeks Council's endorsement of a policy position which, depending on Council's decision, may impact the Windansea Boardriders Club as an eligible organisation.

Councillor T Landsberg informed the Meeting that he would voluntarily not participate in the decision and left the place at which the meeting was being held, including any area set aside for the public and stayed away while the matter was considered and voted on.

NOTIFICATION OF INTEREST

In accordance with s150EQ(3)(c) of the *Local Government Act 2009* Councillor J O'Pray gave notice of a Declarable Conflict of Interest in relation to Agenda Item 8.3 Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations.

I, Councillor Jason O'Pray, notify that I have a Declarable Conflict of Interest in Item 8.3 Rebate Policy for Infrastructure Charges for Not-For-Profit Organisations to be considered at the Ordinary Meeting on 16 September 2021 as I am an Executive Board Member and Life Member of Maroochydore Surf Life Saving Club.

This report seeks Council's endorsement of a policy position which, depending on Council's decision, may impact the Maroochydore Surf Life Saving Club as an eligible organisation.

Councillor J O'Pray informed the Meeting that he would voluntarily not participate in the decision and left the place at which the meeting was being held, including any area set aside for the public and stayed away while the matter was considered and voted on.

Council Resolution (OM21/89)

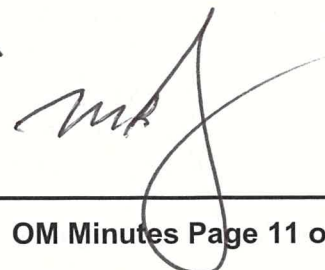
Moved: Councillor C Dickson
Seconded: Councillor E Hungerford

That Council:

- (a) *receive and note the report titled “Rebate Policy for Infrastructure Charges for Not-for-Profit Organisations ”*
- (b) *endorse the “Proposed Infrastructure Charges Rebates for Eligible Community Organisations Policy” (Appendix A) and*
- (c) *delegate to the Chief Executive Officer the authority to determine applications for Infrastructure Charges rebates for eligible community organisations that comply with the proposed policy.*

Carried unanimously.

Councillor T Landsberg and Councillor J O’Pray were absent for the discussion and vote on this item.



8.4 APPLICATION OF NATIONAL COMPETITION POLICY - OTHER ACTIVITIES 2021/2022

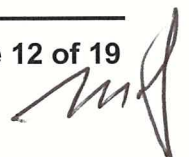
File No: D2021/829114
Author: Coordinator Commercial Analysis
Business Performance Group

Council Resolution (OM21/90)

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

That Council:

- (a) *receive and note the report titled "Application of National Competition Policy - Other Activities 2021/2022"*
- (b) *not apply the Code of Competitive Conduct to the off-street parking business activity in accordance with section 47 of the Local Government Act 2009 as:*
 - (i) *While some private sector parking providers may provide off-street parking, they are at different locations (not proximate to those of Council), provided for different purposes and/or provided for free.*
 - (ii) *The market for parking services is heavily influenced by location (the market can generally be narrowly defined as the region in which the car park is located and the distance that people are willing to walk from their car to their destination). If there are no private off-street parking facilities within close proximity (e.g. within reasonable walking distance) to Council's parking facilities, it is arguable that private sector competition is currently low.*
 - (iii) *Council provides off-street parking to help achieve the objectives of the Mooloolaba Local Area Parking Plan.*
 - (iv) *Council is providing services traditionally provided by a Local Government.*
 - (v) *The Covid-19 pandemic has arguably distorted the market for tourism (and therefore demand for parking) such that any application of the reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic and could quickly cease to be appropriate when (and if) the pandemic comes to an end.*
 - (vi) *If Council did not provide these services, there would be a clear gap in supply leading to negative outcomes such as traffic congestion in major precincts.*
 - (vii) *Prices charged by Council are benchmarked against private sector providers, so that no price advantage that exists due to government ownership and*
 - (viii) *Council has not received any competition or competitive neutrality complaints regarding its parking facilities from the private sector and*
- (c) *not apply the Code of Competitive Conduct to the festivals business activity in accordance with section 47 of the Local Government Act 2009 as:*
 - (i) *Council's festival events are an integral part of delivering on the objectives of the Sunshine Coast Arts Plan.*
 - (ii) *The market for festival events is heavily influenced by time rather than territory. Other private sector festival organisers are not constrained from starting up or visiting the Sunshine Coast because Council's festivals are each conducted over*



a discrete period of time (over a number of days at most). Like most major events, the date for Council's festivals are also published well in advance and tend to happen at approximately the same time each year, allowing private sector festival organisers to plan their own events at dates and times that do not conflict with those of Council. In addition, Council is not aware of its existing festivals competing with any private sector events on or near the dates that Council's events are conducted.

- (iii) Council is providing a cultural and community service in the form of festivals for community and visitors of all ages and diversities – applying the code (particularly the pricing provisions) may detrimentally impact of the ability of all ages and diversities to attend and enjoy such cultural and community events.*
- (iv) The Covid-19 pandemic has arguably distorted the market for tourism and, therefore, the ability to hold large festivals (for example, Council's Horizon Festival was recently cancelled due to the pandemic). The application of reforms under the code (particularly assessments about the market and pricing) may not be accurate if conducted during the height of a pandemic and could quickly cease to be appropriate when (and if) the pandemic comes to an end.*
- (v) Private sector organisers of large-scale festivals would generally not be interested in delivering the type of cultural and community service festival events that are run by Council (namely, the Caloundra Music Festival and the Horizon Festival) - it is therefore arguable that the festivals do not directly compete with the type of events that would normally be conducted by the private sector.*
- (vi) Council is providing festivals, some of which are free or below cost of delivery. This pricing has been established to reflect social objectives, such as enabling a diverse range of ages and diversities to attend, promoting local talent, generating economic activity and encouraging tourism and*
- (vii) Community based events attract a strong community involvement in the form of a large volunteer base. Similarly, other groups, such as school groups and not-for-profit organisations rely upon festivals for unique fundraising opportunities.*

For: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor C Dickson, Councillor E Hungerford and Councillor J O'Pray.

Against: Councillor M Suarez and Councillor D Law.

Carried.

8.5 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 FOR DISPOSAL OF A COMMERCIAL LEASE WITHIN LOT 3 RP211081, BUDERIM

File No: D2021/829118
Author: Senior Property Officer
Business Performance Group
Attachments: Att 1 - Lease A SP248167 in Lot 3 RP211081
Att 2 - Proposed commercial Lease terms - *Confidential*

Council Resolution (OM21/91)

Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council:

- (a) receive and note the report titled "***Exception under Local Government Regulation 2012 for Disposal of a Commercial Lease within Lot 3 RP211081, Buderim***" and
- (b) resolve in accordance with section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land (Lease) over part of Lot 3 RP211081, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(c)(iii) to the existing tenant of the land, being Sugar Snap Pty Ltd.

Carried unanimously.

**8.6 EXCEPTION UNDER THE LOCAL GOVERNMENT REGULATION 2012
FOR THE DISPOSAL OF PROPERTY BEING LOT 11 ON RP883859,
NAMBOUR**

File No: D2021/829120
Author: Principal Property Officer
Office of the CEO

Council Resolution (OM21/92)

Moved: Councillor D Law
Seconded: Councillor R Baberowski

That Council:

- (a) *receive and note the report titled "Exception under the Local Government Regulation 2012 for the disposal of property being Lot 11 on RP883859, Nambour"*
- (b) *resolve, pursuant to section 236(2) of the Local Government Regulation 2012, that an exception to dispose of an interest in land at Lot 11 RP883859, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and*
- (c) *note that Queensland Rail is a government agency.*

Carried unanimously.

8.7 QUEENSLAND AUDIT OFFICE - SECOND INTERIM MANAGEMENT REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2021

File No: D2021/829121

Author: Coordinator Financial Accounting
Business Performance Group

Attachments: Att 1 - Queensland Audit Office 2021 Second Interim Report

Council Resolution (OM21/93)

Moved: Councillor E Hungerford

Seconded: Councillor J Natoli

That Council receive and note the report titled "Queensland Audit Office - Second Interim Management Report for the financial year ended 30 June 2021".

Carried unanimously.

9 NOTIFIED MOTIONS

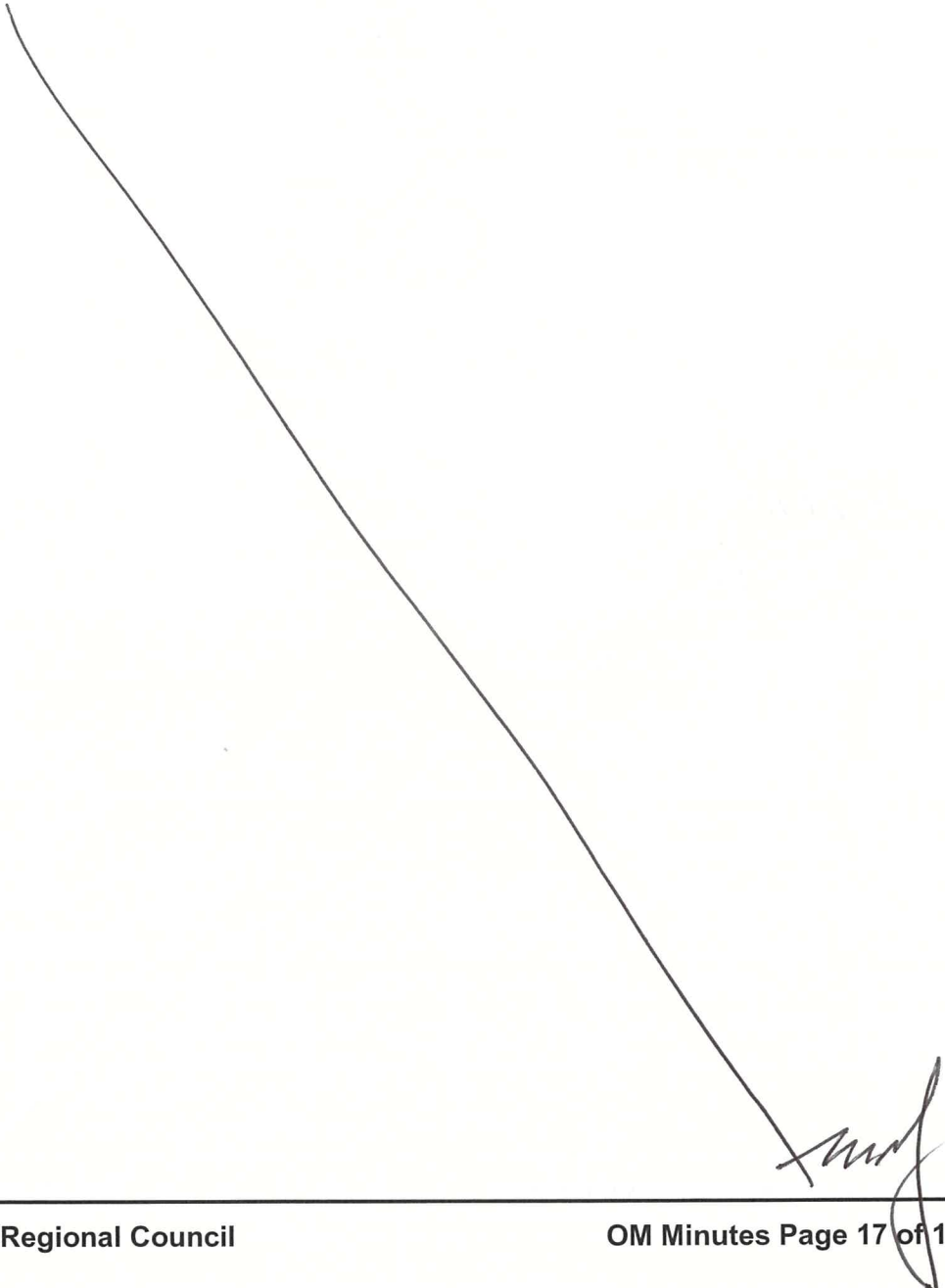
Nil

10 TABLING OF PETITIONS

Nil

11 CONFIDENTIAL SESSION

Nil



12 NEXT MEETING

The next Ordinary Meeting will be held on 14 October 2021 Council Chambers, 1 Omrah Avenue, Caloundra

13 MEETING CLOSURE

The meeting closed at 10:50am.

Confirmed 14 October 2021.



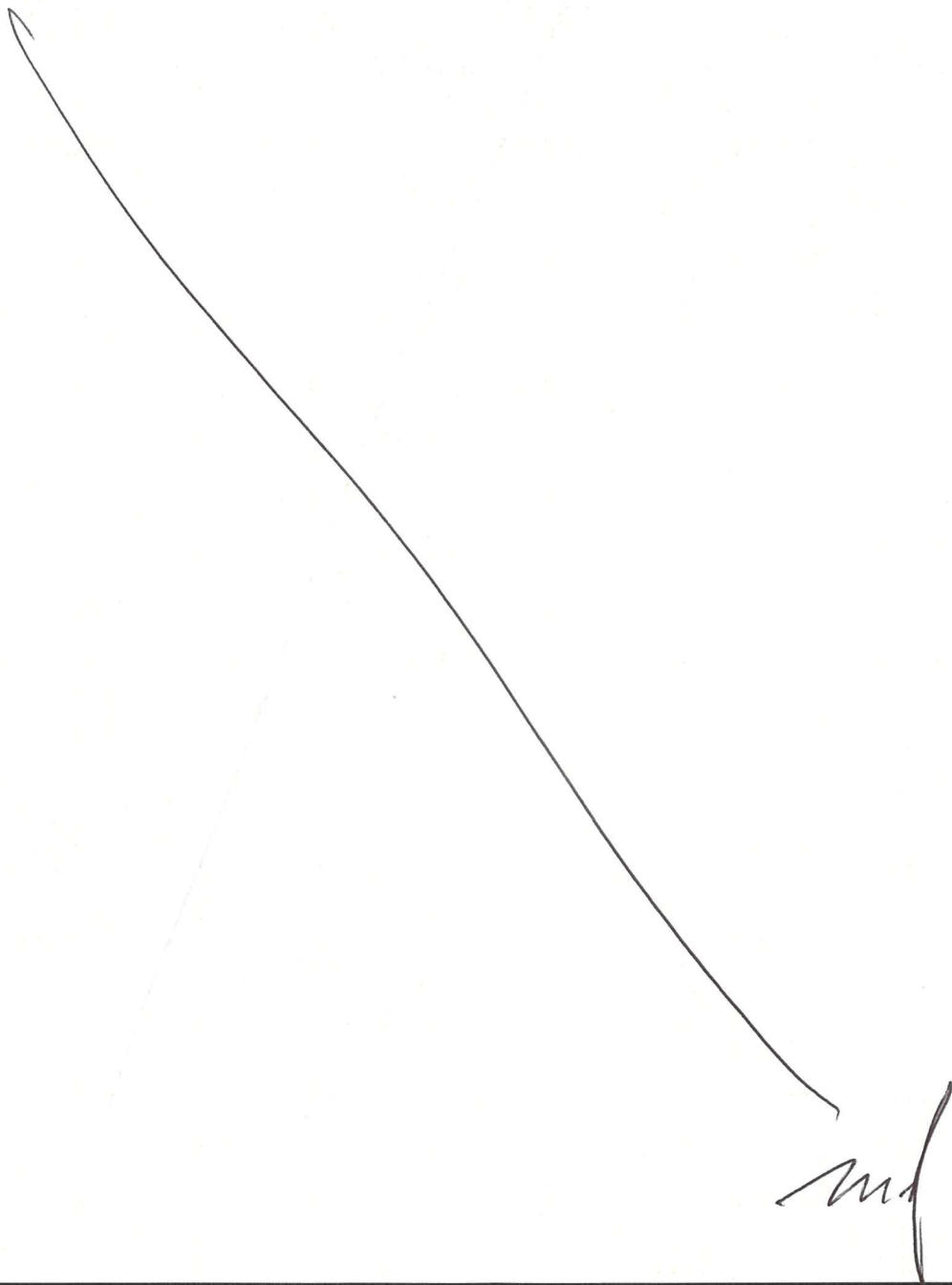
CHAIR

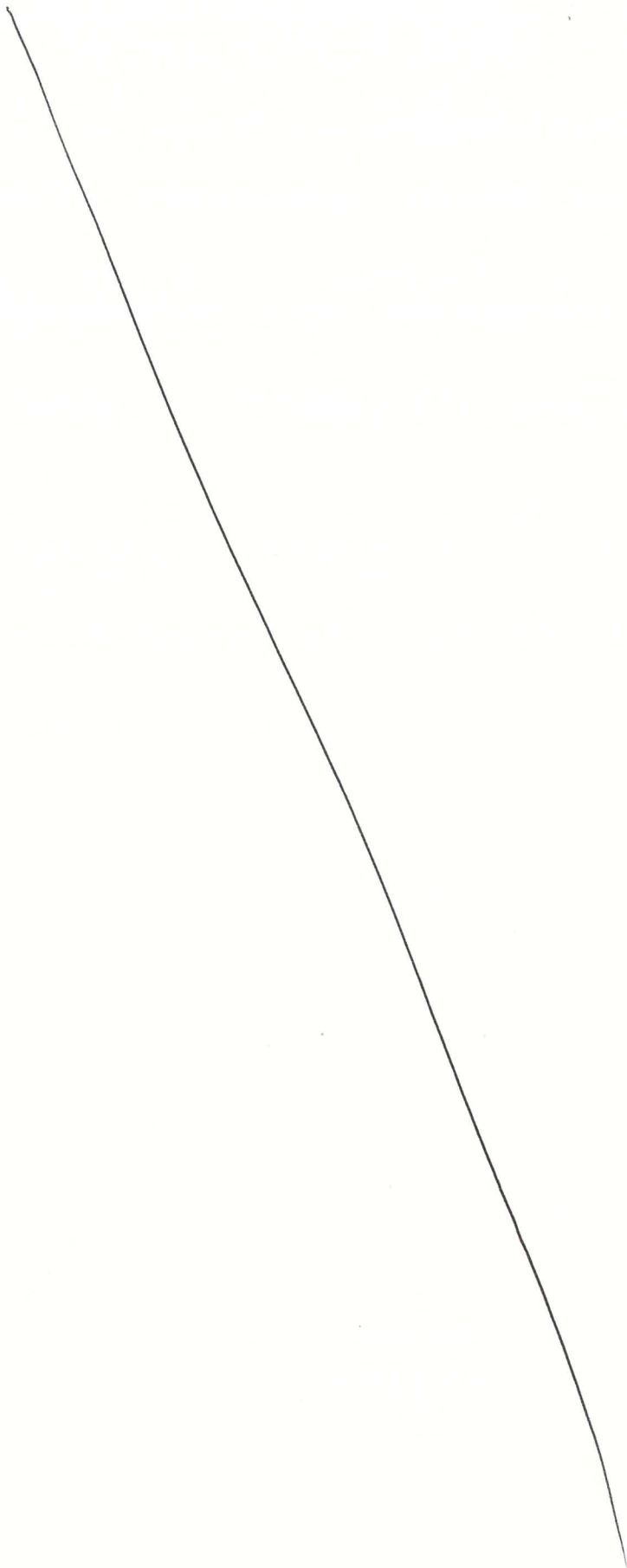
14 APPENDICES

8.1 BUDGET REVIEW 1 2021/22 – APP A – 2021/22 AMENDED BUDGET FINANCIAL STATEMENTS

8.1 BUDGET REVIEW 1 2021/22 – APP B – MINOR CAPITAL WORKS PROGRAM

8.3 REBATE POLICY FOR INFRASTRUCTURE CHARGES FOR NOT-FOR-PROFIT ORGANISATIONS – APP A – PROPOSED INFRASTRUCTURE CHARGES REBATES FOR ELIGIBLE COMMUNITY ORGANISATIONS POLICY





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