



**CONFIRMED MINUTES**

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**COUNCIL MEETING**

**THURSDAY 15 JUNE 2023**

**10:00AM**

The meeting commenced at 10:03AM.

City of Gold Coast Council Chambers  
135 Bundall Road Surfers Paradise

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**TIM BAKER**  
**Chief Executive Officer**

## ORDER OF BUSINESS

Opening Prayer	
Australian National Anthem	
<b>1 ATTENDANCE/APOLOGIES .....</b>	<b>4</b>
<b>2 LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>3 CONDOLENCES .....</b>	<b>5</b>
3.1 CONDOLENCE MOTION - DR PETER ULRICH OCHSENBEIN.....	5
3.2 CONDOLENCE MOTION - MRS BARBARA VIVIEN WILTSHIRE.....	5
<b>4 MAYORAL MINUTE .....</b>	<b>6</b>
4.1 MAYORAL MINUTE - CHAIR OF PLANNING AND ENVIRONMENT COMMITTEE.....	6
4.2 MAYORAL MINUTE - APPOINTMENT OF ACTING MAYOR POLICY .....	7
<b>5 CONFIRMATION OF MINUTES .....</b>	<b>8</b>
<b>6 MAYOR'S REPORT .....</b>	<b>9</b>
<b>7 CLARIFICATION – MEMBERS.....</b>	<b>25</b>
<b>8 BUSINESS ARISING FROM MINUTES .....</b>	<b>25</b>
<b>9 PRESENTATIONS.....</b>	<b>25</b>
<b>10 CONFLICT OF INTEREST DECLARATIONS.....</b>	<b>25</b>
<b>11 RECEPTION AND CONSIDERATION OF COMMITTEE MINUTES .....</b>	<b>26</b>
11.1 SPECIAL BUDGET COMMITTEE - WEDNESDAY 24 MAY 2023 .....	26
11.2 LIFESTYLE AND COMMUNITY COMMITTEE - TUESDAY 6 JUNE 2023 .....	28
11.3 TRANSPORT AND INFRASTRUCTURE COMMITTEE - TUESDAY 6 JUNE 2023 .....	31
11.4 PLANNING AND ENVIRONMENT COMMITTEE - THURSDAY 8 JUNE 2023 .....	33
11.5 WATER, WASTE AND ENERGY COMMITTEE - THURSDAY 8 JUNE 2023 .....	53
11.6 GOVERNANCE, ADMINISTRATION AND FINANCE COMMITTEE - TUESDAY 13 JUNE 2023 .....	56
11.7 ECONOMY, TOURISM AND EVENTS COMMITTEE - TUESDAY 13 JUNE 2023 .....	59
<b>12 CONSIDERATION OF NOTICES OF MOTION.....</b>	<b>60</b>
<b>13 QUESTIONS ON NOTICE/ANSWERS TO QUESTIONS ON NOTICE ...</b>	<b>60</b>
13.1 QUESTION WITH NOTICE - 830 COUNCIL MEETING 27 APRIL 2023 - CR D GATES - SPEED CAMERAS .....	60
13.2 QUESTION ON NOTICE - 832 COUNCIL MEETING 15 JUNE 2023 - CR T TATE - 2023-24 BUDGET .....	60
<b>14 PRESENTATION OF PETITIONS .....</b>	<b>61</b>

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14.1	PETITION - REVIEW OF TRAFFIC OPERATIONS TABILBAN STREET AND RESERVE STREET, BURLEIGH HEADS .....	61
<b>15</b>	<b>GENERAL BUSINESS .....</b>	<b>61</b>
<b>16</b>	<b>OTHER BUSINESS .....</b>	<b>62</b>
16.1	CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION .....	63
16.2	INVESTIGATION OF INAPPROPRIATE COUNCILLOR CONDUCT - REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR C/22/00868 .....	65

**Minutes of the Eight Hundred and Thirty-Second Meeting of the Council of the City of Gold Coast held at the City of Gold Coast Council Chambers, 135 Bundall Road Surfers Paradise, on Thursday 15 June 2023, at 10:00AM.**

The Mayor, Cr T Tate, opened the meeting in prayer.

National Anthem

## **1 ATTENDANCE/APOLOGIES**

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Cr T Tate Mayor

Cr M Hammel

Cr W Owen-Jones

Cr D Gates

Cr C Caldwell

Cr PJ Young

Cr B Patterson Cr B Patterson left the meeting at 2:53PM.

Cr R Bayldon-Lumsden

Cr R La Castra

Cr G Tozer

Cr D Taylor

Cr H Vorster

Cr PC Young

Cr D McDonald

Cr G O'Neill

Mr T Baker Chief Executive Officer

Mr P Callander Director City Transformation

Ms C Drinkwater Director Transport and Infrastructure

Mr P Heaton Director Water and Waste

Mr J McAlister Director City Investment

Mr N McGuire Director Planning and Environment

Ms A Swain Director City Operations

Mr A Twine Director Lifestyle and Community

Ms J Sekac General Counsel

Mr M Moran Manager City Development

Ms K Baker A/Director Water and Waste

Mrs J Frost Chief Financial Officer

Ms K Farquhar Manager Revenue Services

Mr R Ellis Executive Coordinator Risk and Compliance

Mr M Walker Executive Coordinator Technology and Cyber Security

Ms N Moore Manager Office of the Chief Executive Officer

## **2 LEAVE OF ABSENCE**

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Nil.

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### 3 CONDOLENCES

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#### 3.1 CONDOLENCE MOTION - DR PETER ULRICH OCHSENBEIN A88918860

**From:** Cr G Tozer

**To:** Mr R Lee – Mudgeeraba Foundation Centre

On the passing of founder of Mudgeeraba Foundation Centre, Dr Peter Ulrich Ochsenbein

**RESOLUTION** G23.0615.001

Moved: Cr G Tozer

Seconded: Cr PC Young

**That a motion of condolence on the passing of Dr Peter Ulrich Ochsenbein be passed and that a message of sympathy be forwarded to Mr Ross Lee, Director - Mudgeeraba Foundation Centre.**

**CARRIED**

#### 3.2 CONDOLENCE MOTION - MRS BARBARA VIVIEN WILTSHIRE A88919296

**From:** Cr B Patterson and Cr C Caldwell

**To:** The Murray and Hutchinson families

On the passing of Mrs Barbara Vivien Wiltshire

**RESOLUTION** G23.0615.002

Moved: Cr B Patterson

Seconded: Cr T Tate

**That a motion of condolence on the passing of Mrs Barbara Vivien Wiltshire be passed and that a message of sympathy be forwarded to the Murray and Hutchinson families.**

**CARRIED**

## 4 MAYORAL MINUTE

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### 4.1 MAYORAL MINUTE - CHAIR OF PLANNING AND ENVIRONMENT COMMITTEE

With the recent pre-selection of Councillor Caldwell as the Liberal National Party's candidate for the Federal electorate of Fadden, it is important that Council identifies a replacement Chairperson for the Planning and Environment Committee to ensure certainty for the community and industry stakeholders.

Given the quadrennial local government elections are now just nine months away, with caretaker period approximately seven months away, I do not propose to make major Committee changes which would impact the community and Council's internal processes at this late stage of the Council term.

The most prudent approach therefore, is to elevate Councillor Mark Hammel to Chairperson, Planning and Environment Committee, given Cr Hammel currently serves on the Committee and has demonstrated his capacity to take on this role seamlessly in the best interests of the city.

Cr Hammel represents the fastest growing area of the Gold Coast in the north of our city where we are currently undertaking a significant strategic planning review of our industrial land availability and where the Coomera Connector will have a major impact on both our strategic and transport planning. Beyond his own Division, Cr Hammel has made an excellent contribution at Committee and full Council on significant whole of city planning matters and I have no doubt he will do an excellent job through to the 2024 election.

I'm sure all Councillors will join with me in congratulating Cr Caldwell for his excellent service as Chairperson Planning and Environment for the past 11 plus years. Cr Caldwell has led the city through a remarkable period of growth, whilst also working hard towards multiple planning scheme amendments to shape our city for the next generation and beyond.

Cr Caldwell has been proactive in reducing appeals to the Planning and Environment Court through complex negotiations with development proponents, saving the city millions of dollars and providing certainty to industry stakeholders.

I'm sure all Councillors will join with me in thanking Cr Caldwell for his service and wishing him all the best in the upcoming by-election.

### RESOLUTION G23.0615.003

Moved: Cr T Tate

- 1 **That Councillor Mark Hammel be appointed Chairperson of the Planning and Environment Committee, in accordance with Section 267(1) of the *Local Government Regulation 2012*, effective from the closure of today's Council Meeting, the 832nd Meeting of the Council of the City of Gold Coast, through to the conclusion of the current Council term.**
- 2 **That Councillor Cameron Caldwell stand down from being a member of the Planning and Environment Committee effective immediately.**

**CARRIED SUPER MAJORITY**

Cr PJ Young abstained from the vote.

## **4.2 MAYORAL MINUTE - APPOINTMENT OF ACTING MAYOR POLICY**

With Cr C Caldwell's campaigning commitments over the next month, and the possibility that he will no longer be a Councillor after the Fadden by-election, an amendment to the Appointment of Acting Mayor Policy is required.

The proposed revised wording of the Policy is as follows:

*In accordance with the provisions of the Local Government Act, the Deputy Mayor acts in the office, and performs the role, of the Mayor during:*

- *A vacancy in the office of Mayor; or*
- *The absence or temporary incapacity of the Mayor*

*In circumstances where both the Mayor and the Deputy Mayor are unable to perform mayoral duties, the position of Acting Mayor will be filled by ~~Councillor Cameron Caldwell~~ and Councillor Hermann Vorster, ~~on a rotational basis~~, on the basis that ~~each such Councillor~~ he has the necessary training and experience in counter disaster management and that the Acting Mayor acts in the office of the Mayor while the circumstances in which the person was appointed as Acting Mayor continue. Should Cr Vorster not be available the Mayor is to appoint another Councillor as Acting Mayor.*

In the unlikely event that both the Mayor and Deputy Mayor are unavailable to perform the statutory and civic responsibilities of the Mayor, Councillor Vorster will continue to be on standby to provide coverage.

### **RESOLUTION G23.0615.004**

Moved: Cr T Tate

**That the Appointment of Acting Mayor Policy be amended as outlined in this Mayoral Minute.**

**CARRIED UNANIMOUSLY**

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## **5 CONFIRMATION OF MINUTES**

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**RESOLUTION** G23.0615.005

Moved: Cr G Tozer

Seconded: Cr M Hammel

**That the Minutes of the Eight Hundred and Thirty-First Meeting of the Council of the City of Gold Coast, held on Tuesday 23 May 2023 at 10:00AM be confirmed.**

**CARRIED**

**RESOLUTION** G23.0615.006

Moved: Cr T Tate

Seconded: Cr D Gates

**That the Minutes of the Special Meeting of the Council of the City of Gold Coast, held on Monday 12 June 2023 at 9:00AM be confirmed.**

**CARRIED**



## 6 MAYOR'S REPORT

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### Sanctuary Cove International Boat Show 2023



### **SANCTUARY COVE INTERNATIONAL BOAT SHOW 2023** **(Thu 25 May)**

Cr D Gates and Cr W Owen-Jones attended.

We officially launched the 34th annual Sanctuary Cove International Boat Show at the Intercontinental Sanctuary Cove along with:

- Mulpha CEO Greg Shaw
- Mulpha Events General Manager Johan Hasser; and
- MC Francesca Rubi.

The Show was a great success with perfect weather and over 45,000 people attending across the four days.

Superyachts, Supercars and high end fashion are all a part of the modern show. But it also remains focused on families – the “mum and dad” weekend boaties.

From a reputational point of view, the Boat Show does great things for our city's positive brand.

I know from my talks with those in the industry that the export market of Gold Coast-produced super yachts has never been stronger.

Manufacturing is an industry sector we are committed to and the marine industry is the stellar performer in this space.

Overall, manufacturing represents around 8 percent of our city's Gross Regional Product (GRP) which stands at \$41 billion.

## Meeting with UK High Commissioner and UK Consul General



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### **MEETING WITH UK HIGH COMMISSIONER AND UK CONSUL GENERAL (Thu 25 May)**

Cr D Gates and I met with UK High Commissioner Ms Vicki Treadell and UK Consul General Mr Richard Cowin.

We discussed the Australia-United Kingdom Free Trade Agreement which commenced on 31 May 2023.

The Agreement will eliminate tariffs on over 99% of Australian goods exports to the UK.

This means it will be easier to do business with the UK market, and for people to live/work in either country.

We also spoke about the Mayoral Mission to the UK in July/August 2022. Key discussion points were:

This was the largest-scale trade mission organised by the City.

20 Gold Coast businesses were able to grow their knowledge and business presence in the UK.

Feedback from participating businesses was excellent, with over 2500 new leads, 110 contracts and \$2.3 million in new business generated within the first six weeks of the mission.

We discussed the City's upcoming mission to London Tech Week in June 2023, supporting 10 Gold Coast tech businesses.

This mission will assist our local businesses to understand the UK market properly and gain insights into the latest technological innovations and global market trends.

## Two Millionth Visitor to Major Sporting Venues



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### **TWO MILLIONTH VISITOR – MAJOR SPORTING VENUES (Fri 26 May)**

We celebrated the two millionth visitor (this financial year) to our major sporting venues at the Gold Coast Sports and Leisure Centre, Carrara.

This is a significant increase on previous years.

This milestone highlights the ever-increasing popularity of our major sporting venues and their importance as we approach the 2032 Olympic and Paralympic Games.

We've seen a 154% increase in visitation in our major sporting venues since they were handed over to the City after the 2018 Commonwealth Games.

The economic benefit of these four venues in a 12-month period is expected to be around \$213 million.

Collectively, our major venues host 115 key state and national and international events in a year.

Our world-class sporting venues are valuable community assets that will continue to benefit our city's growing sports and entertainment sectors for generations to come.

## Our Natural City Strategy 2032 Partner Sector Launch



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## Our Natural City Strategy 2032 Partner Sector Launch



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### **THAT'S "LEGACY". OUR NATURAL CITY STRATEGY PARTNER SECTOR LAUNCH (Mon 29 May)**

All Councillors attended as well as CEO Mr Tim Baker.

We celebrated the launch of the Our Natural City Strategy 2032 at the Lakeside Room, HOTA.

The CEO and I spoke on the City's commitment to protecting our natural environment.

It was encouraging to see the enthusiasm across various sectors to be part of Our Natural City implementation.

The morning was a chance for me to personally thank the community and partners involved in creating the Strategy and reflect on our city's achievements:

The Gold Coast has retained over half of the city in native vegetation.

We have undertaken three strategic land acquisitions over the last two years.

This has contributed an additional 57.8 hectares to connect critical nature corridors, working towards the City's target of 51% native vegetation cover.

It was important to take this opportunity to express our appreciation to City officers, partners and especially volunteers for their tireless work in caring for our natural environment.

In my capacity as Mayor, I will always champion these efforts to ensure the Gold Coast remains one of the most beautiful places on earth.

## Gold Coast Business Excellence Awards – May 2023



## Gold Coast Business Excellence Awards – May 2023



### **GOLD COAST BUSINESS EXCELLENCE AWARDS – MAY PRESENTATION (Wed 31 May)**

Acting Mayor Cr D Gates congratulated the May 2023 Monthly Winners here in the Chambers building.

Cr G Tozer, Cr R Bayldon-Lumsden and Cr W Owen-Jones attended.

This is the 28th year the Awards have been held on the Gold Coast.

The City is a long-time supporter of the Awards and is proud to sponsor the “Mayor’s Innovation Gold Coast Award” which Cr Gates presented to GCMarine.

GCMarine began in 2015 as a small crew here on the Gold Coast and has grown to over 30 engineers, fabricators and project managers delivering projects around Australia and the South Pacific in:

- Marina Design and Engineering;
- Aluminium, Stainless Steel & Timber Fabrication;
- Waterfront and Overwater Construction; and
- Marina Feasibility & Management.

The Awards shine a spotlight on all the new and exciting Gold Coast businesses strengthening and diversifying our economy.

## BLEACH\* Festival Program Launch



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### BLEACH\* FESTIVAL PROGRAM LAUNCH (Thu 1 June)

Acting Mayor Cr D Gates attended the BLEACH\* Program Launch at the Broadbeach Cultural Precinct.

Cr R Bayldon-Lumsdon, Cr PC Young, Cr G Tozer, Cr G O'Neill and Cr W Owen-Jones attended, along with Minister Leanne Enoch, the team from Placemakers\* and other members of the Gold Coast arts and culture community.

This is the 12th year of BLEACH\* Festival and the City is proudly continuing our support of the Gold Coast's flagship arts festival.

BLEACH\* Festival plays to our city's landscape in all its beauty and spans 11 days from 3 to 13 August 2023.

There will be 218 performances and over 300 artists (150 of whom are from the Gold Coast), performing in more than 38 events.

This year's collection of artists is a stunning array of some of our country's most significant, award-winning talents.



## Meeting with Solomon Islands Prime Minister



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### **MEETING WITH PRIME MINISTER OF SOLOMON ISLANDS (Mon 5 June)**

Acting Mayor Cr D Gates, Cr R La Castra and CEO Mr Tim Baker met with Solomon Islands Prime Minister, Hon. Manasseh Sogavare, and other representatives in the Council Chamber.

Solomon Islands is a Commonwealth Nation made up of six major islands and 900 minor islands.

Its population is similar to the Gold Coast at 700,000.

Solomon Islands will host the Pacific Games in November this year which will see:

- 24 countries participate;
- 5,000 athletes and officials and 3,000 volunteers; and
- 10 Games venues.

As hosts of the Games, the Prime Minister and other representatives were visiting to look at our 2018 Commonwealth Games infrastructure.

We look forward to sharing our Games and hope to be the preferred training camp for competing teams.

## Gold Coast Australian of the Year Awards



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### **GOLD COAST AUSTRALIAN OF THE YEAR AWARDS (Tue 6 June)**

Acting Mayor Cr D Gates presented the Gold Coast Australian of the Year Awards at Skypoint, Q1 in Surfers Paradise.

Cr R Bayldon-Lumsdon, Cr R La Castra, Cr M Hammel, Cr G O'Neill, Cr B Patterson, Cr PC Young and Cr W Owen-Jones attended.

Last year we revamped our awards to better align with the National and State program, to give greater recognition to Gold Coast achievers.

92 submissions were received this year.

These awards are an amazing reminder of the incredible people we are lucky to have on the Gold Coast, and their passion for making a difference.

Congratulations to the winners:

- Marco Renai, founder & CEO of Men of Business Academy (2023 Gold Coast Australian of the Year)
- Lindsay & Robyn Burch, co-founders of Havafeed Relief (Senior Gold Coast Australians of the Year)
- Ross Lee, founder and President of My Community Legal Inc. (Local Hero of the Year)
- Emma McKeon, swimmer (Young Gold Coast Australian of the Year).

## Evolve 2023 Conference



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## Evolve 2023 Conference



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### **EVOLVE 2023 CONFERENCE (Wed 7 June)**

Acting Mayor Cr D Gates welcomed delegates to the Evolve 2023 Conference at Burleigh Pavilion, Burleigh Heads.

The conference was held by Meetings & Events Australia (MEA), Australia's longest operating and largest association for the events industry, at The Star Gold Coast from 7-8 June.

They represent events businesses that own, operate, deliver and organise events, along with supplier venues.

400 delegates attended the conference from across the country and Cr Gates took the opportunity to talk about how the Gold Coast is a unique and distinct event destination.

Looking ahead, the Gold Coast has \$200 million in forward bookings for around 146 events, up until 2030.

Last month, we hosted ATE - the Australian Tourism Exchange - which was an incredible success.

Remarkably, one in every two major conferences held in Queensland choose the Gold Coast.

From an international business and events perspective, we rank 4th on the top destinations for those wanting to host a conference in Australia.

## Cooly Rocks On Festival 2023



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## Cooly Rocks On Festival 2023



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### **COOLY ROCKS ON FESTIVAL 2023 (Sun 11 June)**

Cr G O'Neill and Cr D McDonald attended.

We saw the Ultimate Elvis Tribute Artist Contest on the final day of the Cooly Rocks On Festival, which ran from 7-11 June.

Performer Che Orton took out the gold and will now go on to compete in Elvis Week in Memphis later this year.

Australia's biggest nostalgia festival once again showed why it's an unmissable event for lovers of motors, music and the lifestyle of yesteryear.

The program this year was jam-packed with rock 'n' roll, rockabilly and swing artists, both home-grown and international.

Visitors also checked out one of the country's biggest collections of classic cars, customs and hot rods.

Cooly Rocks On won Gold in the Queensland Tourism Awards in 2022 and welcomed a record 136,000+ visitors to Coolangatta.

I'm told that this year's crowd numbers were even bigger.

By all accounts the festival was a major success – congratulations to MEGC for delivering a fantastic event.

## Tim Tszyu vs Carlos Ocampo World Title Fight Launch



## Tim Tszyu vs Carlos Ocampo World Title Fight Launch



### LAUNCH OF TIM TSZYU VS CARLOS OCAMPO WORLD TITLE FIGHT (Wed 14 June)

Cr La Castra joined boxer Tim Tszyu and No Limit CEO George Rose at Nineteen at the Star, Broadbeach.

They officially launched events in the lead-up to the Tszyu-Ocampo fight this Sunday 18 June at the Gold Coast Convention and Exhibition Centre.

This fight will be broadcast around the world, including live into the USA, and showcase that our city is ready for its place as a World Destination for boxing.

I know from speaking with Tim that he has long recognised the coast as his second home, spending months here training and being with his team.

There will also be a strong undercard including a world title eliminator and an Australian title.

I applaud Tourism Events Queensland, Major Events Gold Coast and No Limits Boxing for backing the Gold Coast.

This weekend, thousands of fight fans will land at Gold Coast Airport or drive to the coast to be ringside when Tim wins.

**MAYOR'S REPORT**

**RESOLUTION** G23.0615.007

Moved: Cr T Tate

Seconded: Cr D Gates

**That the Mayor's Report be welcomed and noted.**

**CARRIED UNANIMOUSLY**



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## **7 CLARIFICATION – MEMBERS**

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Cr G O'Neill provided clarification regarding a Gold Coast Bulletin article relating to a meeting with Planning Officers.

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## **8 BUSINESS ARISING FROM MINUTES**

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Nil.

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## **9 PRESENTATIONS**

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Nil.

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## **10 CONFLICT OF INTEREST DECLARATIONS**

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Nil.

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## **11 RECEPTION AND CONSIDERATION OF COMMITTEE MINUTES**

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### **11.1 SPECIAL BUDGET COMMITTEE - WEDNESDAY 24 MAY 2023**

Cr Tom Tate, Chairperson of the Special Budget Committee Meeting, presented the Minutes of the Meeting of the Special Budget Committee Meeting held on Wednesday 24 May 2023.

**RESOLUTION** G23.0615.008

Moved: Cr T Tate

Seconded: Cr D Gates

**That the Minutes of the Special Budget Committee meeting held on Wednesday 24 May 2023, covered by Recommendations numbered SB23.0524.001 to SB23.0524.004 be received.**

**CARRIED**

### **CONFIRMATION OF MINUTES OF THE 831 SPECIAL BUDGET COMMITTEE MEETING HELD ON 15 MAY 2023**

**RESOLUTION** G23.0615.009

Moved: Cr T Tate

Seconded: Cr PJ Young

**That Committee Recommendation SB23.0524.001 be adopted.**

**CARRIED UNANIMOUSLY**

### **7.1 EXPERIENCE GOLD COAST PTY LTD FUNDING 2023-24 A87828685 LG426/1364**

**RESOLUTION** G23.0615.010

Moved: Cr T Tate

Seconded: Cr PJ Young

**That Committee Recommendation SB23.0524.002 be adopted.**

**CARRIED UNANIMOUSLY**

### **7.2 DIVISIONAL ALLOCATIONS 2023-24 A88399533 FN334/375/25(P1)**

**RESOLUTION** G23.0615.011

Moved: Cr T Tate

Seconded: Cr PJ Young

**That Committee Recommendation SB23.0524.003 be adopted.**

**CARRIED UNANIMOUSLY**

**7.3 REVIEW DRAFT BUDGET PACKAGE 2023-24**  
**A88445011**  
**FN334/375/25**

**RESOLUTION** G23.0615.012

Moved: Cr T Tate

Seconded: Cr PJ Young

**That Committee Recommendation SB23.0524.004 be adopted.**

**CARRIED UNANIMOUSLY**

## **11.2 LIFESTYLE AND COMMUNITY COMMITTEE - TUESDAY 6 JUNE 2023**

Cr Hermann Vorster, Chairperson of the Lifestyle and Community Committee Meeting, presented the Minutes of the Meeting of the Lifestyle and Community Committee Meeting held on Tuesday 6 June 2023.

**RESOLUTION** G23.0615.013

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That the Minutes of the Lifestyle and Community Committee meeting held on Tuesday 6 June 2023, covered by Recommendations numbered LC23.0606.001 to LC23.0606.008 be received.**

**CARRIED**

## **CONFIRMATION OF MINUTES OF THE 831 LIFESTYLE AND COMMUNITY COMMITTEE MEETING HELD ON 09 MAY 2023**

**RESOLUTION** G23.0615.014

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.001 be adopted.**

**CARRIED**

## **5.1 2023 PROPOSED AGENDA ITEMS FOR THE LIFESTYLE AND COMMUNITY COMMITTEE A87922012 LG115/1356/01/2021(P1)**

**RESOLUTION** G23.0615.015

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.002 be adopted.**

**CARRIED**

**6.1 2022-23 LOCAL AREA WORKS PROGRAM - ADDITIONS  
A87750672  
FN334/375/02/11**

Changed Recommendation

**RESOLUTION** G23.0615.016

Moved: Cr D McDonald

Seconded: Cr PJ Young

**That the changed Committee Recommendation LC23.0606.003 be adopted as printed which reads as follows:**

**That the additions listed in Attachment 1 be approved for the 2022-23 LAW Program with the exception of Project Number CR1188241.**

**CARRIED**

**6.2 2027 COMMUNITY SAFETY PROGRAM  
A87761392  
CS431/310/33**

**RESOLUTION** G23.0615.017

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.004 be adopted.**

**CARRIED**

**6.3 RESPONSE TO PETITION - CONCERNS REGARDING THE ESPLANADE,  
BURLEIGH HEADS  
A87807592  
CM787/790/03/01**

**RESOLUTION** G23.0615.018

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.005 be adopted.**

**CARRIED**

**6.4 UPDATE ON TRIAL OF TANDEM SKYDIVE LANDINGS AT THE SPIT MAIN BEACH AND ISSUANCE OF FURTHER TEMPORARY PERMIT A87915252 CM787/790/03/01**

**RESOLUTION** G23.0615.019

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.006 be adopted.**

**CARRIED**

**6.5 OUTDOOR DINING GUIDELINES A87921666 CM787/790/03/01**

**RESOLUTION** G23.0615.020

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.007 be adopted.**

**CARRIED**

**8.1 MOBILE CCTV NETWORK UPDATE**

**RESOLUTION** G23.0615.021

Moved: Cr H Vorster

Seconded: Cr R Bayldon-Lumsden

**That Committee Recommendation LC23.0606.008 be adopted.**

**CARRIED**

### **11.3 TRANSPORT AND INFRASTRUCTURE COMMITTEE - TUESDAY 6 JUNE 2023**

Cr Pauline Young, Chairperson of the Transport and Infrastructure Committee Meeting, presented the Minutes of the Meeting of the Transport and Infrastructure Committee Meeting held on Tuesday 6 June 2023.

**RESOLUTION** G23.0615.022

Moved: Cr PC Young

Seconded: Cr D Taylor

**That the Minutes of the Transport and Infrastructure Committee meeting held on Tuesday 6 June 2023, covered by Recommendations numbered TI23.0606.001 to TI23.0606.007 be received.**

**CARRIED**

### **CONFIRMATION OF MINUTES OF THE 831 TRANSPORT AND INFRASTRUCTURE COMMITTEE MEETING HELD ON 09 MAY 2023**

**RESOLUTION** G23.0615.023

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.001 be adopted.**

**CARRIED UNANIMOUSLY**

### **5.1 TRANSPORT AND INFRASTRUCTURE ACTION LIST & FORWARD PLANNING SCHEDULE A88163623 LG115/1358/01/2021**

**RESOLUTION** G23.0615.024

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.002 be adopted.**

**CARRIED UNANIMOUSLY**

### **6.1 AUSTRALIA POST VEHICLES A82246317 RD12076/16**

**RESOLUTION** G23.0615.025

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.003 be adopted.**

**CARRIED UNANIMOUSLY**

**6.2 2022-23 LOCAL AREA WORKS PROGRAM - ADDITIONS  
A87984756  
FN334/375/02/11**

**RESOLUTION** G23.0615.026

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.004 be adopted.**

**CARRIED UNANIMOUSLY**

**6.3 2022-23 LOCAL AREA WORKS PROGRAM - BUDGET MOVEMENTS  
A87985740  
FN334/375/02/11**

**RESOLUTION** G23.0615.027

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.005 be adopted.**

**CARRIED UNANIMOUSLY**

**6.4 RESPONSE TO PETITION: SAFETY CONCERNS AT 323 CHRISTINE  
AVENUE, VARSITY LAKES "LAKEVIEW ON ROBINA"  
A87246751  
RD3063/16**

**RESOLUTION** G23.0615.028

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.006 be adopted.**

**CARRIED UNANIMOUSLY**

**8.1 INCREASE THE PROJECT ALLOCATION FOR A PATH CONSTRUCTION  
CANNES AVENUE SURFERS PARADISE**

**RESOLUTION** G23.0615.029

Moved: Cr PJ Young

Seconded: Cr D Taylor

**That Committee Recommendation TI23.0606.007 be adopted.**

**CARRIED UNANIMOUSLY**



#### **11.4 PLANNING AND ENVIRONMENT COMMITTEE - THURSDAY 8 JUNE 2023**

Cr Cameron Caldwell, Chairperson of the Planning and Environment Committee Meeting, presented the Minutes of the Meeting of the Planning and Environment Committee Meeting held on Thursday 8 June 2023.

**RESOLUTION** G23.0615.030

Moved: Cr C Caldwell

Seconded: Cr D Gates

**That the Minutes of the Planning and Environment Committee meeting held on Thursday 8 June 2023, covered by Recommendations numbered PE23.0608.001 to PE23.0608.009 be received.**

**CARRIED**

#### **CONFIRMATION OF MINUTES OF THE 831 PLANNING AND ENVIRONMENT COMMITTEE MEETING HELD ON 11 MAY 2023**

**RESOLUTION** G23.0615.031

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That the Changed Committee Recommendation PE23.0608.001 be adopted as shown below:**

**That the Minutes of the 831 Planning and Environment Committee Meeting held on 11 May 2023 be confirmed with the following amendment:**

- **Item 6.2, page 55 reflect the amendment from “THE MOTION WAS CARRIED ON THE CASTING VOTE OF THE CHAIR” TO “CARRIED”.**

**CARRIED**

**6.1 SOUTHPORT PARK SHOPPING CENTRE PETITION REPORT  
A88572419  
PN42939/01/DA21**

**COI - Declarable Prior to Meeting - Cr B Patterson**

Councillor Name	Cr B Patterson		
Matter Description	SOUTHPORT PARK SHOPPING CENTRE PETITION REPORT		
Meeting Name	Council		
Meeting Date	Thursday 15 June 2023		
Item Number	6.1	Item Reference	Not applicable.

Pursuant to section 150EQ(3)(b) and 150EQ(3)(c) of the *Local Government Act 2009*, I hereby provide notice that I have a declarable conflict of interest in this matter, the nature and particulars of which are as follows:

<b>Nature of the declarable conflict of interest</b>	
I live in walking distance to the impacted residents. This may create a perception that my amenity could also be impacted. However although my home is close, it is not impacted by the concerns raised by the petitioners. In my view I do not stand to gain a benefit or suffer a loss any greater than the benefit or loss that a significant proportion of persons in the local government area stand to gain or lose. Out of an abundance of caution I am voluntarily making this declarable conflict of interest.	
<b>If the declarable conflict of interest arises because of the councillor's relationship with a related party</b>	
The name of the related party	Cr B Patterson and family
The nature of the relationship of the related party to the councillor	Myself and family
The nature of the related party's interests in the matter	Residing in close proximity
<b>If the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person</b>	
The name of the other person	Not applicable.
The nature of the relationship of the other person to the councillor or related party	Not applicable.
The nature of the other person's interests in the matter	Not applicable.
The value of the gift or loan, and the date the gift was given or loan was made	Not applicable.

I am voluntarily deciding not to participate in making a decision about the matter.

I am seeking permission to participate in making a decision about the matter.

**The reasons why my participation would improve decision making in the public interest are as follows:**

I am well versed in the concerns of the residents and the history of this matter. I have nothing to benefit from a decision.

**PROCEDURAL MOTION**

Moved: Cr G Tozer

Seconded: Cr W Owen-Jones

**Pursuant to section 150ES(3)(a) of the *Local Government Act 2009*, Council resolves that:**

<b>A</b>	<b>Cr B Patterson may participate in the decision despite the Councillor's perceived conflict of interest because she has no greater or lesser interest than a significant number of people in the broader local government area.</b>
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A division was called

For: 14 Cr T Tate, Cr M Hammel, Cr W Owen-Jones, Cr D Gates, Cr C Caldwell, Cr PJ Young, Cr R Bayldon-Lumsden, Cr R La Castra, Cr G Tozer, Cr D Taylor, Cr H Vorster, Cr PC Young, Cr D McDonald and Cr G O'Neill

Against: 0

Absent: 0

Abstained: 0

Did not vote: 1 Cr B Patterson

**CARRIED**

Cr B Patterson did not vote.

**RESOLUTION G23.0615.032**

Moved: Cr W Owen-Jones

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.002 be adopted.**

**CARRIED UNANIMOUSLY**

Cr B Patterson voted in the positive.

**6.2 REPORT ON CHANGE APPLICATION (OTHER) TO MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) APPROVAL TO ESTABLISH MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, RESORT COMPLEX, FOOD AND DRINK OUTLET, SHOP, OFFICE, HEALTH CARE SERVICES, SERVICE INDUSTRY AND HOTEL AT 3 RUTLEDGE STREET, 2-18 MARINE PARADE AND 119 MUSGRAVE STREET, COOLANGATTA  
A88183143  
FA3808281**

**COI - Declarable Prior to Meeting - Cr G O'Neill**

Councillor Name	Cr G O'Neill		
Matter Description	REPORT ON CHANGE APPLICATION (OTHER) TO MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) APPROVAL TO ESTABLISH MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, RESORT COMPLEX, FOOD AND DRINK OUTLET, SHOP, OFFICE, HEALTH CARE SERVICES, SERVICE INDUSTRY AND HOTEL AT 3 RUTLEDGE STREET, 2-18 MARINE PARADE AND 119 MUSGRAVE STREET, COOLANGATTA		
Meeting Name	Planning and Environment Committee		
Meeting Date	Thursday 8 June 2023		
Item Number	6.2	Item Reference	Not applicable.

Pursuant to section 150EQ(3)(b) and 150EQ(3)(c) of the *Local Government Act 2009*, I hereby provide notice that I have a declarable conflict of interest in this matter, the nature and particulars of which are as follows:

<b>Nature of the declarable conflict of interest</b>	
Electoral Donation to my 2016 election campaign	
<b>If the declarable conflict of interest arises because of the councillor's relationship with a related party</b>	
The name of the related party	Not applicable.
The nature of the relationship of the related party to the councillor	Not applicable.
The nature of the related party's interests in the matter	Not applicable.
<b>If the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person</b>	
The name of the other person	Ganra Pty Ltd
The nature of the relationship of the other person to the councillor or related party	Donator to my 2016 election campaign

The nature of the other person's interests in the matter	Ganra is associated with Kirra Beach Hotel
The value of the gift or loan, and the date the gift was given or loan was made	\$10,000 election donation in December 2015
<input checked="" type="checkbox"/> I am voluntarily deciding not to participate in making a decision about the matter.	

**COI - Declarable Prior to Meeting - Cr D Gates**

Councillor Name	Cr D Gates		
Matter Description	REPORT ON CHANGE APPLICATION (OTHER) TO MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) APPROVAL TO ESTABLISH MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, RESORT COMPLEX, FOOD AND DRINK OUTLET, SHOP, OFFICE, HEALTH CARE SERVICES, SERVICE INDUSTRY AND HOTEL AT 3 RUTLEDGE STREET, 2-18 MARINE PARADE AND 119 MUSGRAVE STREET, COOLANGATTA		
Meeting Name	Planning and Environment Committee		
Meeting Date	Thursday 8 June 2023		
Item Number	6.2	Item Reference	A88183143

Pursuant to section 150EQ(3)(b) and 150EQ(3)(c) of the *Local Government Act 2009*, I hereby provide notice that I have a declarable conflict of interest in this matter, the nature and particulars of which are as follows:

Nature of the declarable conflict of interest	
Receipt of Donations from Consultant	
<b>If the declarable conflict of interest arises because of the councillor's relationship with a related party</b>	
The name of the related party	Not Applicable
The nature of the relationship of the related party to the councillor	Not Applicable
The nature of the related party's interests in the matter	Not Applicable
<b>If the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person</b>	
The name of the other person	UPS
The nature of the relationship of the other person to the councillor or related party	Donor
The nature of the other person's interests in the matter	Town Planning Consultant
The value of the gift or loan, and the date the gift was given or loan was made	22/6/14 \$1850, 7/9/15 \$1850, 19/9/16 \$1850 (refunded in full)
<input type="checkbox"/> I am voluntarily deciding not to participate in making a decision about the matter.	

I am seeking permission to participate in making a decision about the matter.

**The reasons why my participation would improve decision making in the public interest are as follows:**

Both the Chair of Planning and the Divisional Councillor have declared a perceived conflict of interest and decided voluntarily not to participate in the decision and I'm seeking permission of Council to remain in the room and participate in the decision.

**PROCEDURAL MOTION**

Moved: Cr W Owen-Jones

Seconded: Cr PJ Young

**Pursuant to section 150ES(3)(a) of the *Local Government Act 2009*, Council resolves that:**

<b>A</b>	<b>Cr D Gates may participate in the decision despite the Councillor's conflict of interest because although Councillor Gates has a declarable conflict of interest, the interest is minor and of a remote nature, such that a reasonable person would trust that the final decision will be made in the public interest.</b>
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A division was called

For: 12 Cr T Tate, Cr M Hammel, Cr W Owen-Jones, Cr PJ Young, Cr B Patterson, Cr R Bayldon-Lumsden, Cr R La Castra, Cr G Tozer, Cr D Taylor, Cr H Vorster, Cr PC Young and Cr D McDonald

Against: 0

Absent: 0

Abstained: 0

Did not vote: 3 Cr D Gates, Cr C Caldwell and Cr G O'Neill

**CARRIED**

Cr D Gates, Cr C Caldwell and Cr G O'Neill did not vote.

**COI - Declarable Prior to Meeting - Cr C Caldwell**

Councillor Name	Cr C Caldwell		
Matter Description	REPORT ON CHANGE APPLICATION (OTHER) TO MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) APPROVAL TO ESTABLISH MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, RESORT COMPLEX, FOOD AND DRINK OUTLET, SHOP, OFFICE, HEALTH CARE SERVICES, SERVICE INDUSTRY AND HOTEL AT 3 RUTLEDGE STREET, 2-18 MARINE PARADE AND 119 MUSGRAVE STREET, COOLANGATTA		
Meeting Name	Planning and Environment Committee		
Meeting Date	Thursday 8 June 2023		
Item Number	6.2	Item Reference	

Pursuant to section 150EQ(3)(b) and 150EQ(3)(c) of the *Local Government Act 2009*, I hereby provide notice that I have a declarable conflict of interest in this matter, the nature and particulars of which are as follows:

Nature of the declarable conflict of interest	
Receipt of Election Donation for the 2016 election Campaign.	
<b>If the declarable conflict of interest arises because of the councillor's relationship with a related party</b>	
The name of the related party	Not applicable
The nature of the relationship of the related party to the councillor	Not applicable
The nature of the related party's interests in the matter	Not applicable
<b>If the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person</b>	
The name of the other person	Ganra Pty Ltd as Trustee
The nature of the relationship of the other person to the councillor or related party	Receipt of Donation
The nature of the other person's interests in the matter	Parties associated with the Donor are the applicant
The value of the gift or loan, and the date the gift was given or loan was made	\$10,000 on 19 February 2016.
<input checked="" type="checkbox"/> I am voluntarily deciding not to participate in making a decision about the matter.	



Cr C Caldwell and Cr G O'Neill left the room at 10:49AM.

**RESOLUTION** G23.0615.033

Moved: Cr M Hammel

Seconded: Cr W Owen-Jones

**That Committee Recommendation PE23.0608.003 be adopted.**

A division was called

For:	10	Cr T Tate, Cr M Hammel, Cr W Owen-Jones, Cr D Gates, Cr B Patterson, Cr R Bayldon-Lumsden, Cr R La Castra, Cr G Tozer, Cr D Taylor and Cr H Vorster
Against:	3	Cr PJ Young, Cr PC Young and Cr D McDonald
Absent:	2	Cr C Caldwell and Cr G O'Neill
Abstained:	0	

**CARRIED**

Cr D Gates voted in the positive.

Cr C Caldwell and Cr G O'Neill were absent for the discussion and the vote.

Cr C Caldwell and Cr G O'Neill returned to the room at 11:21AM.

The meeting adjourned at 11:40AM.

The meeting resumed at 11:49AM.

The meeting adjourned at 11:51AM.

The meeting resumed at 12:18PM with Cr R La Castra absent.

Cr R La Castra returned to the room at 12:20PM.

**6.3 PLANNING REPORT FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A HOTEL AT 19-21 TEDDER AVENUE, MAIN BEACH A88310453 MCU/2021/573**

Foreshadowed Motion

**COMMITTEE RECOMMENDATION**

Moved: Cr M Hammel

That Committee Recommendation PE23.0608.004 be adopted in its entirety which reads as follows:

That Council refuses the issue of a Development permit for a Material change of use (Impact assessment) for a Hotel at 19-21 Tedder Avenue, Main Beach, for the following reasons:

- 1 The proposed Hotel will have a significant impact on the amenity of the surrounding area. The proposed development is of a scale and intensity that is inconsistent with the planning intent for the area;
- 2 The proposed land use and operating hours are contrary to the City Plan intent for the site in that Hotels are not to establish, in particular the development is non-compliant with:
  - i. The Strategic framework Making modern centres theme - Neighbourhood centres element and the Strengthening and diversifying the economy theme – Tourist economy element; and
  - ii. Overall outcome 6.2.5.2(2)(a), Performance outcome PO7 and PO10 of the Neighbourhood centre zone code.
- 3 There is insufficient information submitted to determine compliance with the City Plan amenity, social and health provisions, in particular the development is non-compliant with:
  - i. Performance outcome PO1 and Overall outcome 9.4.4.2(2)(a) & (b) of the City Plan General development provisions code. Acoustic reporting has not been submitted to determine impacts and mitigative measures on the reasonable amenity preservation of the immediate residential area.
  - ii. Performance outcome PO1 and Overall outcome 9.4.11(2)(a), (b) & (c) of the Social health and impact assessment code. The site context is not an area that can reasonable manage associated social and health impacts that the proposed entertainment facility promotes.
- 4 In accordance with Section 60(3)(b) of the Planning Act 2016, Officers are unable to appropriately condition the proposed development in order to achieve compliance with the City Plan.
- 5 There are no relevant matters (under Section 45(5)(b) of the Planning Act 2016) which would favour approval of the development despite the recognised non-compliances with the City Plan.

Changed Recommendation

**MOTION**

Moved: Cr D Taylor

Seconded: Cr G Tozer

That the changed Committee Recommendation PE23.0608.004 be adopted as printed which reads as follows:

That council approves (with conditions) the issue of a development permit for a material change of use (impact assessment) to establish a hotel at 19-21 Tedder Avenue, Main Beach, in accordance with the following conditions:

<b>1 GENERAL</b>														
1	Timing	<p>a All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition.</p> <p>b Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement in another condition.</p>												
2	Approved drawings	<p>Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:</p> <table border="1"> <thead> <tr> <th>Drawing Title</th> <th>Author</th> <th>Date</th> <th>Drawing No.</th> <th>Ver</th> </tr> </thead> <tbody> <tr> <td>Typical Venue Setup</td> <td>Mano's</td> <td>05/10/2021</td> <td>D000</td> <td>01</td> </tr> </tbody> </table> <p>The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.</p>			Drawing Title	Author	Date	Drawing No.	Ver	Typical Venue Setup	Mano's	05/10/2021	D000	01
Drawing Title	Author	Date	Drawing No.	Ver										
Typical Venue Setup	Mano's	05/10/2021	D000	01										
<b>2 AMENITY</b>														
3	The hotel (Lot 50 RP884205 - 19-21 Tedder Avenue, Main Beach) must not include poker machines, gaming facilities or accommodation.													
4	Hours of operation and loading and unloading	<p>a Undertake activities associated with the Hotel use between the following hours:</p> <p>i 10:00am – 12:00am (Midnight) Monday to Sunday (including public holidays) for areas identified as 'internal public space' on the approved plans; and</p> <p>ii 10:00am – 10:00pm Monday to Sunday (including public holidays) for areas identified as 'External public space' on the approved plans</p> <p>b All external windows of the Hotel must be closed by 10:00pm.</p> <p>c Conduct loading and unloading activities between the hours of 7:00 am to 6:00 pm.</p>												
5	Screening of visually offensive components	<p>Locate and screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point:</p> <p>a Refuse storage areas.</p> <p>b Service equipment.</p> <p>c Mechanical ventilation.</p>												

	<p>d Refrigeration units.</p> <p>e Storage areas for machinery, materials, vehicles or the like.</p>
6	<p>Nuisance</p> <p>Undertake and operate the development in a manner that causes no detrimental effect upon surrounding premises by reason of noise nuisance, lighting nuisance or such other emissions. Specifically, position and direct all lighting so as not to exceed beyond the site boundary.</p>
7	<p>Availability of approved plans, drawings and reports</p> <p>Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.</p>
<b>3</b>	<b>ADVICE NOTES</b>
A	<p>Compliance with conditions</p> <p>Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.</p>
B	<p>Indigenous cultural heritage legislation and duty of care requirement</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:</p> <ul style="list-style-type: none"> <li>a Is not negated by the issuing of this development approval;</li> <li>b Applies on all land and water, including freehold land;</li> <li>c Lies with the person or entity conducting an activity; and</li> <li>d If breached, is subject to criminal offence penalties.</li> </ul> <p>Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.</p> <p>Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA.</p> <p>The applicant should contact DATSIP's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.</p>
C	<p>Infrastructure charges</p> <p>Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.</p>
D	<p>Applicant responsibilities</p> <p>The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.</p> <p>Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that</p>

	<p>owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:</p> <ul style="list-style-type: none"> <li>a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration.</li> <li>b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the <i>Environment Protection Act 1994</i> of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity').</li> <li>c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval).</li> <li>d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes.</li> <li>e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceed \$150,000. Acceptable proof of payment is a Q.Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>.</li> <li>f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.</li> <li>g Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required.</li> </ul>
E	<p>Incorporation of Equitable Access at the Detailed Design Stage</p> <p>All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the <i>Commonwealth Disability Discrimination Act (1992)</i> and the <i>Disability (Access to Premises – Buildings) Standards 2010</i>.</p>
F	<p>Business Security Audits available</p> <p>The Gold Coast Police District Crime Prevention Unit offer business security audits to help identify potential areas of vulnerability and to provide suggestions for adapting your security to reduce the risk of crime against your business. To request a business security audit or obtain further information on education, awareness and preventative strategies for your business, the applicant may contact the Gold Coast Police District Crime Prevention Unit on <a href="mailto:dcpc.goldcoast@police.qld.gov.au">dcpc.goldcoast@police.qld.gov.au</a>.</p>
G	<p>Advertising devices</p> <p>No advertising device/s are to be erected on the premises without the necessary approval under Council's Local Law No. 16 (Licensing) 2008 and Subordinate Local Law 16.8 (Advertising Devices) 2016. The applicant should contact the City's Customer Contact Centre on (07) 5667 5987 to discuss licensing requirements.</p>
Property Notifications	
A	Development controls

There are development approval conditions applicable on this land in perpetuity and will attach to the lot/subsequent lots. These conditions may include development controls including but not limited to building setbacks, driveway location, building design, which are applicable to future development over the lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice (MCU/2021/573). A copy of Council's Decision Notice is available for viewing on Council's website [www.goldcoastcity.com.au/pdonline](http://www.goldcoastcity.com.au/pdonline)

A division was called

For: 4 Cr T Tate, Cr R La Castra, Cr G Tozer and Cr D Taylor  
 Against: 11 Cr M Hammel, Cr W Owen-Jones, Cr D Gates, Cr C Caldwell, Cr PJ Young, Cr B Patterson, Cr R Bayldon-Lumsden, Cr H Vorster, Cr PC Young, Cr D McDonald and Cr G O'Neill  
 Absent: 0  
 Abstained: 0

**LOST**

Changed Recommendation

**MOTION**

Moved: Cr G Tozer

Seconded: Cr D Taylor

That the changed Committee Recommendation PE23.0608.004 be adopted as printed which reads as follows:

That council approves (with conditions) the issue of a development permit for a material change of use (impact assessment) to establish a hotel at 19-21 Tedder Avenue, Main Beach, in accordance with the following conditions:

That a suitable mechanical Closed Circuit Television (CCTV) solution including appropriate lighting be included to the frontage of the property and loading dock areas with regard to Crime Prevention Through Environmental Design (CPTED) principles.

<b>4</b>	<b>GENERAL</b>				
1	Timing				
	a	All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition.			
	b	Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement in another condition.			
2	Approved drawings				
	Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:				
	Drawing Title	Author	Date	Drawing No.	Ver
	Typical Venue Setup	Mano's	05/10/2021	D000	01

	The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.
<b>5</b>	<b>AMENITY</b>
3	The hotel (Lot 50 RP884205 - 19-21 Tedder Avenue, Main Beach) must not include poker machines, gaming facilities or accommodation.
4	Hours of operation and loading and unloading a Undertake activities associated with the Hotel use between the following hours: i 10:00am – 12:00am (Midnight) Monday to Sunday (including public holidays) for areas identified as ‘internal public space’ on the approved plans; and ii 10:00am – 10:00pm Monday to Sunday (including public holidays) for areas identified as ‘External public space’ on the approved plans b All external windows of the Hotel must be closed by 10:00pm. c Conduct loading and unloading activities between the hours of 7:00 am to 6:00 pm.
5	Screening of visually offensive components Locate and screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point: a Refuse storage areas. b Service equipment. c Mechanical ventilation. d Refrigeration units. e Storage areas for machinery, materials, vehicles or the like.
6	Nuisance Undertake and operate the development in a manner that causes no detrimental effect upon surrounding premises by reason of noise nuisance, lighting nuisance or such other emissions. Specifically, position and direct all lighting so as not to exceed beyond the site boundary.
7	Availability of approved plans, drawings and reports Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.
<b>6</b>	<b>ADVICE NOTES</b>
A	Compliance with conditions Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.
B	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> (‘ACHA’) is administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). The

	<p>ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:</p> <ul style="list-style-type: none"> <li>a Is not negated by the issuing of this development approval;</li> <li>b Applies on all land and water, including freehold land;</li> <li>c Lies with the person or entity conducting an activity; and</li> <li>d If breached, is subject to criminal offence penalties.</li> </ul> <p>Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.</p> <p>Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA.</p> <p>The applicant should contact DATSIP's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.</p>
C	<p><b>Infrastructure charges</b></p> <p>Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.</p>
D	<p><b>Applicant responsibilities</b></p> <p>The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.</p> <p>Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:</p> <ul style="list-style-type: none"> <li>a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration.</li> <li>b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the <i>Environment Protection Act 1994</i> of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity').</li> <li>c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval).</li> <li>d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes.</li> <li>e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceed \$150,000. Acceptable proof of payment is a Q.Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991.</li> <li>f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.</li> <li>g Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves.</li> </ul>



	Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required.
E	<p>Incorporation of Equitable Access at the Detailed Design Stage</p> <p>All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the <i>Commonwealth Disability Discrimination Act (1992)</i> and the Disability (Access to Premises – Buildings) Standards 2010.</p>
F	<p>Business Security Audits available</p> <p>The Gold Coast Police District Crime Prevention Unit offer business security audits to help identify potential areas of vulnerability and to provide suggestions for adapting your security to reduce the risk of crime against your business. To request a business security audit or obtain further information on education, awareness and preventative strategies for your business, the applicant may contact the Gold Coast Police District Crime Prevention Unit on <a href="mailto:dcpc.goldcoast@police.qld.gov.au">dcpc.goldcoast@police.qld.gov.au</a>.</p>
G	<p>Advertising devices</p> <p>No advertising device/s are to be erected on the premises without the necessary approval under Council’s Local Law No. 16 (Licensing) 2008 and Subordinate Local Law 16.8 (Advertising Devices) 2016. The applicant should contact the City’s Customer Contact Centre on (07) 5667 5987 to discuss licensing requirements.</p>
Property Notifications	
A	<p>Development controls</p> <p>There are development approval conditions applicable on this land in perpetuity and will attach to the lot/subsequent lots. These conditions may include development controls including but not limited to building setbacks, driveway location, building design, which are applicable to future development over the lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast’s Decision Notice (MCU/2021/573). A copy of Council’s Decision Notice is available for viewing on Council’s website <a href="http://www.goldcoastcity.com.au/pdonline">www.goldcoastcity.com.au/pdonline</a></p>

**LOST**

The Foreshadowed Motion became the Motion

**RESOLUTION** G23.0615.034

Moved: Cr M Hammel

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.004 be adopted in its entirety which reads as follows:**

**That Council refuses the issue of a Development permit for a Material change of use (Impact assessment) for a Hotel at 19-21 Tedder Avenue, Main Beach, for the following reasons:**

- 1 The proposed Hotel will have a significant impact on the amenity of the surrounding area. The proposed development is of a scale and intensity that is inconsistent with the planning intent for the area;**
- 2 The proposed land use and operating hours are contrary to the City Plan intent for the site in that Hotels are not to establish, in particular the development is**

- non-compliant with:**
- i. **The Strategic framework Making modern centres theme - Neighbourhood centres element and the Strengthening and diversifying the economy theme – Tourist economy element; and**
  - ii. **Overall outcome 6.2.5.2(2)(a), Performance outcome PO7 and PO10 of the Neighbourhood centre zone code.**
- 3 There is insufficient information submitted to determine compliance with the City Plan amenity, social and health provisions, in particular the development is non-compliant with:**
- i. **Performance outcome PO1 and Overall outcome 9.4.4.2(2)(a) & (b) of the City Plan General development provisions code. Acoustic reporting has not been submitted to determine impacts and mitigative measures on the reasonable amenity preservation of the immediate residential area.**
  - ii. **Performance outcome PO1 and Overall outcome 9.4.11(2)(a), (b) & (c) of the Social health and impact assessment code. The site context is not an area that can reasonable manage associated social and health impacts that the proposed entertainment facility promotes.**
- 4 In accordance with Section 60(3)(b) of the *Planning Act 2016*, Officers are unable to appropriately condition the proposed development in order to achieve compliance with the City Plan.**
- 5 There are no relevant matters (under Section 45(5)(b) of the *Planning Act 2016*) which would favour approval of the development despite the recognised non-compliances with the City Plan.**

A division was called

For:	11	Cr M Hammel, Cr W Owen-Jones, Cr D Gates, Cr C Caldwell, Cr PJ Young, Cr B Patterson, Cr R Bayldon-Lumsden, Cr H Vorster, Cr PC Young, Cr D McDonald and Cr G O'Neill
Against:	4	Cr T Tate, Cr R La Castra, Cr G Tozer and Cr D Taylor
Absent:	0	
Abstained:	0	

**CARRIED**

**6.4 REPORT ON DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO ESTABLISH A DUAL OCCUPANCY AT 1 TURNBERRY COURT, ROBINA - MCU/2022/478  
A88389879  
FA4573821**

**RESOLUTION** G23.0615.035

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.005 be adopted.**

**CARRIED**

**6.5 REPORT ON ASSESSMENT OF DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EDUCATIONAL ESTABLISHMENT (CARPENTRY TRAINING)  
A88436968  
MCU/2022/176**

**RESOLUTION** G23.0615.036

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.006 be adopted.**

**CARRIED**

**6.6 ADOPTION OF CITY PLAN MAJOR AMENDMENT/MAJOR AMENDMENT TO CITY PLAN POLICIES - HERITAGE OVERLAY PROVISIONS  
A86580930  
PD98**

**RESOLUTION** G23.0615.037

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.007 be adopted.**

**CARRIED**

**6.7 PROPOSED AMENDMENT A: MAJOR AMENDMENT - NEW LOW-MEDIUM DENSITY RESIDENTIAL ZONE, BUILDING HEIGHT CONVERSION AND LOCATION CHANGES  
A87873561  
PD98/1132/08/01**

**RESOLUTION** G23.0615.038

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.008 be adopted.**

**CARRIED**

**6.8 ADDENDUM TO CITY PLAN MAJOR AMENDMENT - ENVIRONMENTAL  
MAPPING, CODES AND ASSOCIATED ALIGNMENT - CONSEQUENTIAL  
CHANGES TO LANDSCAPE AND ENVIRONMENT PRECINCT MAPPING  
A88648207  
CE196/113/02**

**RESOLUTION** G23.0615.039

Moved: Cr C Caldwell

Seconded: Cr PJ Young

**That Committee Recommendation PE23.0608.009 be adopted.**

**CARRIED**

## **11.5 WATER, WASTE AND ENERGY COMMITTEE - THURSDAY 8 JUNE 2023**

Cr Gail O'Neill, Chairperson of the Water, Waste and Energy Committee Meeting, presented the Minutes of the Meeting of the Water, Waste and Energy Committee Meeting held on Thursday 8 June 2023.

**RESOLUTION** G23.0615.040

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That the Minutes of the Water, Waste and Energy Committee meeting held on Thursday 8 June 2023, covered by Recommendations numbered WWE23.0608.001 to WWE23.0608.009 be received.**

**CARRIED**

## **CONFIRMATION OF MINUTES OF THE 831 WATER, WASTE AND ENERGY COMMITTEE MEETING HELD ON 11 MAY 2023**

**RESOLUTION** G23.0615.041

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.001 be adopted.**

**CARRIED**

## **5.1 WATER, WASTE AND ENERGY COMMITTEE ACTION LIST AND FORWARD PLANNING SCHEDULE A88773243 CM787/790/06/01**

**RESOLUTION** G23.0615.042

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.002 be adopted.**

**CARRIED**

## **6.1 WATER & SEWERAGE SERVICES MONTHLY FINANCIAL REPORT APRIL 2023 A88609095 FN334/252/23**

**RESOLUTION** G23.0615.043

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.003 be adopted.**

**CARRIED**

**6.2 WASTE MANAGEMENT SERVICES MONTHLY FINANCIAL REPORT -  
APRIL 2023  
A88628726  
FN334/252/23(P1)**

**RESOLUTION** G23.0615.044

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.004 be adopted.**

**CARRIED**

**6.3 ABBOTT PARK NATURALISATION DEMONSTRATION PROJECT  
A88591058  
WFB600/259/14**

**RESOLUTION** G23.0615.045

Moved: Cr R Bayldon-Lumsden

Seconded: Cr H Vorster

**That Committee Recommendation WWE23.0608.005 be adopted.**

**CARRIED**

**7.1 INTEGRATED RECYCLING AND ENERGY PRECINCT  
A88594442  
WSS1125**

**RESOLUTION** G23.0615.046

Moved: Cr M Hammel

Seconded: Cr W Owen-Jones

**That Committee Recommendation WWE23.0608.006 be adopted.**

**CARRIED UNANIMOUSLY**

**8.1 GREEN ORGANICS BIN SERVICE EXPANSION - PRESENTATION**

**RESOLUTION** G23.0615.047

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.007 be adopted.**

**CARRIED**

**8.2 CLOSED SESSION PRESENTATION – COOMBABAH INLET WORKS  
RENEWAL – WWE COMMITTEE BRIEFING - PRESENTATION**

**RESOLUTION** G23.0615.048

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.008 be adopted.**

**CARRIED**

**8.3 TEMPORARY STORAGE USE OF A PORTION OF THE LAND AT THE  
HELENSVALE COMMUNITY WASTE AND RECYCLING CENTRE**

**RESOLUTION** G23.0615.049

Moved: Cr G O'Neill

Seconded: Cr M Hammel

**That Committee Recommendation WWE23.0608.009 be adopted.**

**CARRIED**

## **11.6 GOVERNANCE, ADMINISTRATION AND FINANCE COMMITTEE - TUESDAY 13 JUNE 2023**

Cr William Owen-Jones, Chairperson of the Governance, Administration and Finance Committee Meeting, presented the Minutes of the Meeting of the Governance, Administration and Finance Committee Meeting held on Tuesday 13 June 2023.

Cr T Tate left the room at 1:33PM.  
Cr D Gates took the Chair.

### **RESOLUTION G23.0615.050**

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That the Minutes of the Governance, Administration and Finance Committee meeting held on Tuesday 13 June 2023, covered by Recommendations numbered GAF23.0613.001 to GAF23.0613.010 be received.**

**CARRIED**

## **CONFIRMATION OF MINUTES OF THE 831 GOVERNANCE, ADMINISTRATION AND FINANCE COMMITTEE MEETING HELD ON 16 MAY 2023**

### **RESOLUTION G23.0615.051**

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.001 be adopted.**

**CARRIED**

## **5.1 GOVERNANCE, FINANCE AND ADMINISTRATION COMMITTEE FORWARD PLANNING SCHEDULE A88640005 LG115/1215/01/2021**

### **RESOLUTION G23.0615.052**

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.002 be adopted.**

**CARRIED**



**6.1 APRIL 2023 MONTHLY FINANCIAL REPORT  
A87904158  
FN334/375/23(P1)**

**RESOLUTION** G23.0615.053

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.003 be adopted.**

**CARRIED**

**6.2 AMENDMENT TO MAKE UPDATED VERSION OF LOCAL LAW NO.16  
(LICENSING) 2008  
A85805086  
LG222/365/17**

**RESOLUTION** G23.0615.054

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.004 be adopted.**

**CARRIED**

**6.3 CITY OPERATIONAL PLAN 2022-23 Q3 PROGRESS REPORT  
A87012131  
LG113/580/27**

**RESOLUTION** G23.0615.055

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.005 be adopted.**

**CARRIED**

**6.4 RETIREMENT OF APPOINTMENT OF ACTING CEO POLICY  
A86840470  
LG473/697**

**RESOLUTION** G23.0615.056

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.006 be adopted.**

**CARRIED**

**6.5 DIVISIONAL ALLOCATION REPORT - PROGRAM ADDITIONS**

**A88656836  
CM787/790/14**

**RESOLUTION** G23.0615.057

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.007 be adopted.**

**CARRIED**

**6.6 DISPOSAL OF WASTE COMPACTOR VEHICLES**

**A88781940  
PS174/551**

**RESOLUTION** G23.0615.058

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.008 be adopted.**

**CARRIED**

**6.7 CITY CONTRACTING PLAN 2023-24**

**A89185265  
LG314/-/(P6)**

**RESOLUTION** G23.0615.059

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.009 be adopted.**

**CARRIED**

**7.1 REPORTING OF TOP RISK FOCUS AREAS**

**A88690109  
LG449/142**

**RESOLUTION** G23.0615.060

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

**That Committee Recommendation GAF23.0613.010 be adopted.**

**CARRIED**

## **11.7 ECONOMY, TOURISM AND EVENTS COMMITTEE - TUESDAY 13 JUNE 2023**

Cr Robert La Castra, Chairperson of the Economy, Tourism and Events Committee Meeting, presented the Minutes of the Meeting of the Economy, Tourism and Events Committee Meeting held on Tuesday 13 June 2023.

**RESOLUTION** G23.0615.061

Moved: Cr R La Castra

Seconded: Cr G Tozer

**That the Minutes of the Economy, Tourism and Events Committee meeting held on Tuesday 13 June 2023, covered by Recommendations numbered ETE23.0613.001 to ETE23.0613.003 be received.**

**CARRIED**

## **CONFIRMATION OF MINUTES OF THE 831 ECONOMY, TOURISM AND EVENTS COMMITTEE MEETING HELD ON 16 MAY 2023**

**RESOLUTION** G23.0615.062

Moved: Cr R La Castra

Seconded: Cr G Tozer

**That Committee Recommendation ETE23.0613.001 be adopted.**

**CARRIED**

## **7.1 BUSINESS ATTRACTION OPPORTUNITY A88138903 PD330/275/06**

**RESOLUTION** G23.0615.063

Moved: Cr W Owen-Jones

Seconded: Cr G Tozer

**That Committee Recommendation ETE23.0613.002 be adopted.**

**CARRIED**

Cr H Vorster and Cr PC Young voted in the negative.

## **7.2 NATIONAL SPORTING EVENT SPONSORSHIP PROPOSAL A88827632 PD330/720/**

**RESOLUTION** G23.0615.064

Moved: Cr R La Castra

Seconded: Cr G Tozer

**That Committee Recommendation ETE23.0613.003 be adopted.**

**CARRIED**

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## **12 CONSIDERATION OF NOTICES OF MOTION**

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Nil.

## **13 QUESTIONS ON NOTICE/ANSWERS TO QUESTIONS ON NOTICE**

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### **13.1 QUESTION WITH NOTICE - 830 COUNCIL MEETING 27 APRIL 2023 - CR D GATES - SPEED CAMERAS A88396387 TT/TT93/139**

#### **RESOLVED**

That the response to the question regarding flashing light/speed signage at schools raised by Councillor Gates be received and noted.

Item 13.2 was moved and seconded following Item 15.

### **13.2 QUESTION ON NOTICE - 832 COUNCIL MEETING 15 JUNE 2023 - CR T TATE - 2023-24 BUDGET**

#### **RESOLVED**

That the response to the question regarding the 2023-24 budget raised by Cr T Tate be received and noted.

#### **Attachments (Tabled)**

- 1 Item 13.2 - 2023-24 Budget - Presentation

Item 16.1 was moved and seconded following Item 13.2.

## 14 PRESENTATION OF PETITIONS

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### 14.1 PETITION - REVIEW OF TRAFFIC OPERATIONS TABILBAN STREET AND RESERVE STREET, BURLEIGH HEADS

#### PETITION TO COUNCIL OF CITY OF GOLD COAST

We the undersigned respectfully petition the Council of City Of Gold Coast in response to “824 Transport And Infrastructure Committee Meeting Minutes” and the “Bitzios Consulting Koala Park Traffic Study” to respond and resolve the following 4 matters:

1. How did the Councils consulting Engineers “**Bitzios Consulting**” come to the conclusion to upgrade the classification of the Ikinna-Tabilban route from a **Collector** to a **Major Collector**. Which infrastructure road design guides were used? Also which Engineering best practices and National Benchmarks/Australian Standards were applied to this outcome?
2. How did the Councils consulting Engineers “**Bitzios Consulting**” come to the conclusion that the **Reserve Street diversion** remains as is? Why was the diversion left out of the study. Which best practice and national benchmarks were used as to how council still allows traffic from a **High Order** Road to be diverted into **Low Order** adjacent Streets only to continue back onto itself.
3. How does council consider the TOKENISTIC consultation process appropriate for an engineering problem, when council themselves created the problem in the first place.
4. We request that Councillor Daphne McDonald reads out the specially prepared Engineers report below, during the petition presentation. Council to resolve this issue with the Appropriate Outcome as outlined in the report below.

The petition meets required criteria as shown below:

*A petition is not to be presented by a Councillor or received by the Council unless it:*

- a is worded in respectful language*
- b is typewritten or otherwise legible*
- c contains a minimum of 10 signatures (This petition contains 14 signatories)*
- d contains the names and addresses of signatories.*

#### RESOLUTION G23.0615.065

Moved: Cr D McDonald

Seconded: Cr H Vorster

**That the petition requesting Council to review traffic operations Tabilban Street and Reserve Street, Burleigh Heads be received and referred to the appropriate committee for consideration and report to Council.**

**CARRIED**

## 15 GENERAL BUSINESS

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Nil.

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## 16 OTHER BUSINESS

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### PROCEDURAL MOTION

Moved: Cr H Vorster

Seconded: Cr PC Young

**That Council move into Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012*, for consideration of the following item/s for the reasons shown:**

**CARRIED**

### 16.1 CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION A88315702

#### BASIS FOR CONFIDENTIALITY

That this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

- (f) matters that may directly affect the health and safety of an individual or group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

#### OVERVIEW

The purpose of this presentation is to update the Council on the City's Cyber Security Risk Assessment.

The meeting adjourned at 1:48PM.

The meeting resumed at 1:58PM.

Cr T Tate took the Chair.

### PROCEDURAL MOTION

Moved: Cr W Owen-Jones

Seconded: Cr PJ Young

**That Council move into Open Session.**

**CARRIED**

### ALTERATION OF ORDER OF BUSINESS

#### PROCEDURAL MOTION G23.0615.066

Moved: Cr T Tate

Seconded: Cr W Owen-Jones

**That the Order of Business be amended to address Item 13.2 Question On Notice by Cr T Tate regarding the 2023-24 Budget.**

**CARRIED**

Item 16.1 was moved and seconded following Item 13.2.

**PROCEDURAL MOTION**

Moved: Cr W Owen-Jones

Seconded: Cr PJ Young

**That Council move into Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012*, for consideration of the following item/s for the reasons shown:**

**CARRIED**

**16.1 CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION  
A88315702**

**BASIS FOR CONFIDENTIALITY**

That this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

- (f) matters that may directly affect the health and safety of an individual or group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

**OVERVIEW**

The purpose of this presentation is to update the Council on the City's Cyber Security Risk Assessment.

Cr M Hammel left the room at 2:12PM.

Cr M Hammel returned to the room at 2:20PM.

**PROCEDURAL MOTION**

Moved: Cr PJ Young

Seconded: Cr G Tozer

**That Council move into Open Session.**

**CARRIED**

Following resumption into Open Session, Item 16.1 was moved and carried as shown below.

**16.1 CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION  
A88315702**

**RESOLUTION** G23.0615.067

Moved: Cr T Tate

Seconded: Cr W Owen-Jones

**That the Provision of Cyber Security Risk Assessment - Presentation be received and contents noted.**

**CARRIED UNANIMOUSLY**

### **Attachments**

- 1 Item 16.1 - Attachment 1 - Provision of Cyber Security Risk Assessment - Presentation - Report
- 2 Item 16.1 - Attachment 2 - Provision of Cyber Security Risk Assessment - Presentation - Presentation – Redacted **(Tabled)**
- 3 Item 16.1 - Attachment 3 - Provision of Cyber Security Risk Assessment - Presentation - Presentation - Confidential (Confidential) **(Tabled)**



**16.2 INVESTIGATION OF INAPPROPRIATE COUNCILLOR CONDUCT -  
 REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR  
 C/22/00868  
 A88754182  
 LG473/697**

**COI - Declarable Prior to Meeting - Cr B Patterson**

Councillor Name	Cr B Patterson		
Matter Description	INVESTIGATION OF INAPPROPRIATE COUNCILLOR CONDUCT - REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR C/22/00868		
Meeting Name	Council		
Meeting Date	Thursday 15 June 2023		
Item Number	16.2	Item Reference	Not applicable.

Pursuant to section 150EQ(3)(b) and 150EQ(3)(c) of the *Local Government Act 2009*, I hereby provide notice that I have a declarable conflict of interest in this matter, the nature and particulars of which are as follows:

<b>Nature of the declarable conflict of interest</b>	
I am the subject of the relevant investigation.	
<b>If the declarable conflict of interest arises because of the councillor's relationship with a related party</b>	
The name of the related party	Cr B Patterson
The nature of the relationship of the related party to the councillor	Not applicable.
The nature of the related party's interests in the matter	The Councillor is the subject of the investigation.
<b>If the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person</b>	
The name of the other person	Not applicable.
The nature of the relationship of the other person to the councillor or related party	Not applicable.
The nature of the other person's interests in the matter	Not applicable.
The value of the gift or loan, and the date the gift was given or loan was made	Not applicable.
<input checked="" type="checkbox"/> I am voluntarily deciding not to participate in making a decision about the matter.	

I am seeking permission to participate in making a decision about the matter.

**The reasons why my participation would improve decision making in the public interest are as follows:**

I will voluntarily leave the meeting whilst deliberations occur and the decision is made.

Cr B Patterson left the meeting at 2:53PM.

**RESOLUTION** G23.0615.068

Moved: Cr PJ Young

Seconded: Cr H Vorster

- 1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (4) of the *Local Government Act 2009*.**
- 2 That in relation to Office of the Independent Assessor Councillor Conduct Complaint C/22/00868 involving Councillor Brooke Patterson:**
  - a Having regard to the material available and the investigation conducted, there is sufficient evidence to make a finding of inappropriate conduct as defined in section 150K of the *Local Government Act 2009*.**
  - b Pursuant to section 150AG(1)(a) of the *Local Government Act 2009* Councillor Brooke Patterson has engaged in inappropriate conduct.**
  - c In accordance with section 150AH(1)(a) of the *Local Government Act 2009* an order be made that no action be taken against Councillor Brooke Patterson.**
- 3 That the Chief Executive Officer undertake all measures necessary in accordance with the *Investigation (Inappropriate Conduct of Councillors) Policy* to finalise this matter including updating the Councillor Conduct Register and advising the complainant of the outcome of their complaint.**

A division was called

For:	11	Cr T Tate, Cr M Hammel, Cr D Gates, Cr C Caldwell, Cr PJ Young, Cr R Bayldon-Lumsden, Cr R La Castra, Cr D Taylor, Cr H Vorster, Cr D McDonald and Cr G O'Neill
Against:	3	Cr W Owen-Jones, Cr G Tozer and Cr PC Young
Absent:	0	
Abstained:	0	
Did Not Vote:	1	Cr B Patterson

**CARRIED**

Cr B Patterson was absent for the discussion and the vote.

Changed Recommendation

**MOTION**

Moved: Cr W Owen-Jones

Seconded: Cr M Hammel

- 1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (4) of the *Local Government Act 2009*.
- 2 That in relation to Office of the Independent Assessor Councillor Conduct Complaint C/22/00868 involving Councillor Brooke Patterson:
  - a Having regard to the material available and the investigation conducted, there is sufficient evidence to make a finding of inappropriate conduct as defined in section 150K of the *Local Government Act 2009*.
  - b Pursuant to section 150AG(1)(a) of the *Local Government Act 2009* Councillor Brooke Patterson has engaged in inappropriate conduct.
  - c In accordance with section 150AH(1)(b) of the *Local Government Act 2009* an order be made that the following action be taken against Councillor Brooke Patterson.
    - i. That the Councillor make a public admission that the Councillor has engaged in inappropriate conduct.
    - ii. That if the Councillor engages in the same type of conduct again, it will be treated as misconduct.
- 3 That the Chief Executive Officer undertake all measures necessary in accordance with the *Investigation (Inappropriate Conduct of Councillors) Policy* to finalise this matter including updating the Councillor Conduct Register and advising the complainant of the outcome of their complaint.

A division was called

For:	4	Cr M Hammel, Cr W Owen-Jones, Cr G Tozer and Cr PC Young
Against:	10	Cr T Tate, Cr D Gates, Cr C Caldwell, Cr PJ Young, Cr R Bayldon-Lumsden, Cr R La Castra, Cr D Taylor, Cr H Vorster, Cr D McDonald and Cr G O'Neill
Absent:	0	
Abstained:	0	
Did Not Vote:	1	Cr B Patterson

**LOST**

**Attachment**

- 1 Item 16.2 - Investigation of Inappropriate Councillor Conduct - Referral from the Office of the Independent Assessor - Report and Attachment 1 - Ashdale Investigation Report - Redacted

Cr B Patterson was absent for the discussion and the vote.

There being no further business the meeting closed at 3:15PM.

**These pages**

**Numbered 1 to 68**

**Constitute the Minutes of the 832 Council Meeting**

**of the Council of the City of Gold Coast**

**held Thursday 15 June 2023**

CITY OF  
**GOLDCOAST.**

**MINUTE ITEM ATTACHMENTS**

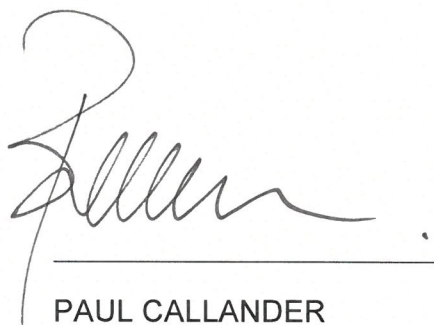
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**COUNCIL MEETING**

**THURSDAY 15 JUNE 2023**

**10:00AM**

City of Gold Coast Council Chambers  
135 Bundall Road Surfers Paradise



\_\_\_\_\_

**PAUL CALLANDER**  
**Acting Chief Executive Officer**

**MINUTE ITEM ATTACHMENTS**

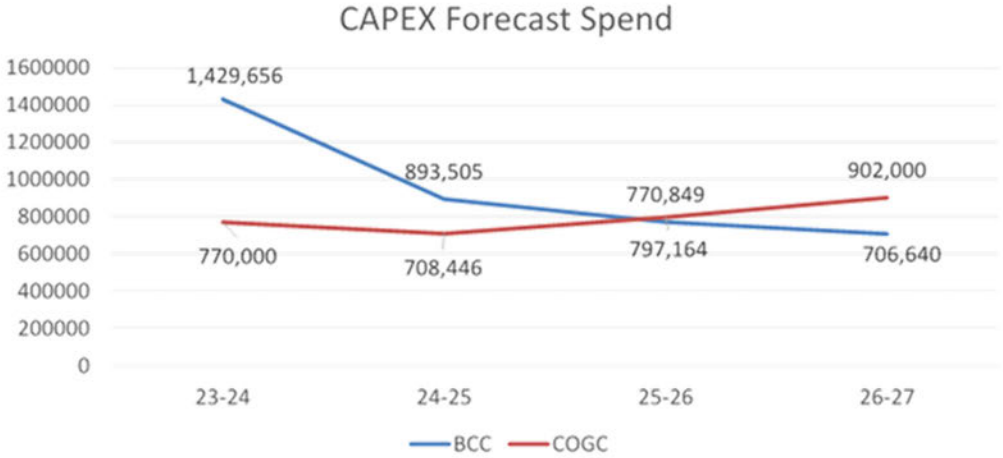
<b>13.2</b>	<b>QUESTION ON NOTICE - 832 COUNCIL MEETING 15 JUNE 2023 - CR T TATE - 2023-24 BUDGET</b>	
	Attachment 1	Item 13.2 - 2023-24 Budget - Presentation ..... 3
<b>16.1</b>	<b>CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION</b>	
	Attachment 1	Item 16.1 - Attachment 1 - Provision of Cyber Security Risk Assessment - Presentation - Report ..... 12
	Attachment 2	Item 16.1 - Attachment 2 - Provision of Cyber Security Risk Assessment - Presentation - Presentation - Redacted ..... 13
<b>16.2</b>	<b>INVESTIGATION OF INAPPROPRIATE COUNCILLOR CONDUCT - REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR C/22/00868</b>	
	Attachment 1	Item 16.2 - Investigation of Inappropriate Councillor Conduct - Referral from the Office of the Independent Assessor - Report and Attachment 1 - Ashdale Investigation Report - Redacted ..... 28

# 2023/24 budget

Council meeting 15 June 2023

CITY OF  
**GOLDCOAST.**<sup>TM</sup>

	COGC	BCC
Debt as at 30/6/23	\$595m	\$2.45b
Debt as at 30/6/27	\$1.03b	\$3.03b
Population June 23	630,000	1,300,000







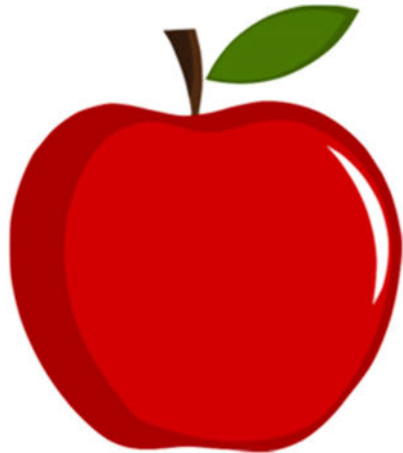
So how much extra will Brisbane owner occupiers pay on average in general rates?

Just 3.45 per cent.

That's less than half the rate of current inflation, or around \$1.50 a week for the average Brisbane owner occupier.

## **The Courier Mail**

Residential rates have risen an average of 3.45 per cent in council budget for next financial year, costing households roughly \$1.50 extra per week, compared to about \$4 a week for Gold Coasters.



General Rate only - Doesn't include:

- Water and Sewerage
- Waste
- Separates & Specials
- Discount

**Brisbane City and City of Gold Coast - Owner Occupied Rates and Charges Comparison 2023-24**

*For a property with an average rateable value*

	Brisbane City Council					City of Gold Coast				
	2022/23	2023/24	Dollar Change	Percent Change	Change per week	2022/23	2023/24	Dollar Change	Percent Change	Change per week
<b>General Rates</b>										
Average Valuation	\$875,288	\$972,099				\$509,092	\$567,370			
Minimum General Rate	\$818.84	\$847.12				\$1,144.43	\$1,223.96			
Minimum General Rate threshold valuation	\$317,011	\$352,086				\$357,921	\$400,496			
Rate in the Dollar	\$0.00258300	\$0.00240600				\$0.00319744	\$0.00305611			
<b>General Rates</b>	<b>\$2,260.87</b>	<b>\$2,338.87</b>	<b>\$78.00</b>	<b>3.45%</b>	<b>\$1.50</b>	<b>\$1,627.79</b>	<b>\$1,733.95</b>	<b>\$106.15</b>	<b>6.52%</b>	<b>\$2.04</b>
<b>Waste Charges</b>										
Waste Utility Charge	\$382.04	\$408.80	\$26.76	7.00%		\$304.00	\$322.84	\$18.84	6.20%	
Recycling Utility Charge	\$0.00	\$0.00	\$0.00	0.00%		\$10.00	\$10.60	\$0.60	6.00%	
<b>Waste Charges</b>	<b>\$382.04</b>	<b>\$408.80</b>	<b>\$26.76</b>	<b>7.00%</b>	<b>\$0.51</b>	<b>\$314.00</b>	<b>\$333.44</b>	<b>\$19.44</b>	<b>6.19%</b>	<b>\$0.37</b>
<b>Separate Charges</b>										
City Transport Improvement Separate Charge	\$0.00	\$0.00	\$0.00	0.00%		\$170.00	\$190.00	\$20.00	11.76%	
Recreational Space Separate Charge	\$0.00	\$0.00	\$0.00	0.00%		\$29.00	\$29.00	\$0.00	0.00%	
Open Space including Koala Habitat, Maintenance and Enhancement	\$0.00	\$0.00	\$0.00	0.00%		\$55.50	\$58.50	\$3.00	5.41%	
Volunteer Fire Brigade Contribution Separate Charge	\$0.00	\$0.00	\$0.00	0.00%		\$2.00	\$2.00	\$0.00	0.00%	
Environmental Management and Compliance Levy	\$112.04	\$115.68	\$3.64	3.25%		\$0.00	\$0.00	\$0.00	0.00%	
Rate in Dollar	\$0.00012800	\$0.00011900				\$0.00000000	\$0.00000000			
Minimum Amount	\$41.00	\$42.44				\$0.00	\$0.00			
Bushland Preservation Levy – environment function	\$79.65	\$82.63	\$2.98	3.74%		\$0.00	\$0.00	\$0.00	0.00%	
Rate in Dollar	\$0.00009100	\$0.00008500				\$0.00000000	\$0.00000000			
Minimum Amount	\$28.72	\$29.72				\$0.00	\$0.00			
<b>Separate Charges</b>	<b>\$191.69</b>	<b>\$198.31</b>	<b>\$6.62</b>	<b>3.45%</b>	<b>\$0.13</b>	<b>\$256.50</b>	<b>\$279.50</b>	<b>\$23.00</b>	<b>8.97%</b>	<b>\$0.44</b>
<b>Less Discount</b>	<b>-\$60.00</b>	<b>-\$60.00</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>-\$162.78</b>	<b>-\$173.39</b>	<b>-\$10.62</b>	<b>6.52%</b>	<b>-\$0.20</b>
<b>Total Council Rates &amp; Charges (Excluding Water &amp; Sewerage)</b>	<b>\$2,774.60</b>	<b>\$2,885.98</b>	<b>\$111.38</b>	<b>4.01%</b>	<b>\$2.14</b>	<b>\$2,035.51</b>	<b>\$2,173.49</b>	<b>\$137.98</b>	<b>6.78%</b>	<b>\$2.65</b>
<b>Water Access Charges</b>	<b>\$243.82</b>	<b>\$236.16</b>	<b>-\$7.67</b>	<b>-3.14%</b>	<b>-\$0.15</b>	<b>\$240.40</b>	<b>\$269.50</b>	<b>\$29.10</b>	<b>12.10%</b>	<b>\$0.56</b>
<b>Water Consumption Charges</b>										
Assumed Annual Water Usage (kL)	180	180				180	180			
Tier 1 Threshold (kL)	300	300				99,998	99,998			
Tier 1 Charge per kL	\$0.863	\$0.838				\$1.181	\$1.346			
Tier 2 Threshold (kL)	99,999	99,999				99,999	99,999			
Tier 2 Charge per kL	\$1.793	\$1.742				\$0.000	\$0.000			
Tier 3 Charge per kL	\$0.00	\$0.00				\$0.00	\$0.00			
<b>Water Consumption Charges</b>	<b>\$155.34</b>	<b>\$150.84</b>	<b>-\$4.50</b>	<b>-2.90%</b>	<b>-\$0.09</b>	<b>\$212.58</b>	<b>\$242.28</b>	<b>\$29.70</b>	<b>13.97%</b>	<b>\$0.57</b>
<b>State Government Bulk Water Charge</b>										
State Government Bulk Water Charge (per kL)	\$3.301	\$3.371				\$3.301	\$3.371			
<b>State Government Bulk Water Charge</b>	<b>\$594.18</b>	<b>\$606.78</b>	<b>\$12.60</b>	<b>2.12%</b>	<b>\$0.24</b>	<b>\$594.18</b>	<b>\$606.78</b>	<b>\$12.60</b>	<b>2.12%</b>	<b>\$0.24</b>
<b>Sewerage Utility Charge</b>	<b>\$581.45</b>	<b>\$655.18</b>	<b>\$73.73</b>	<b>12.68%</b>	<b>\$1.42</b>	<b>\$724.12</b>	<b>\$724.12</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>
<b>Total Water &amp; Sewerage Charges</b>	<b>\$1,574.79</b>	<b>\$1,648.95</b>	<b>\$74.16</b>	<b>4.71%</b>	<b>\$1.43</b>	<b>\$1,771.28</b>	<b>\$1,842.68</b>	<b>\$71.40</b>	<b>4.03%</b>	<b>\$1.37</b>
<b>Total Rates and Utility Charges</b>	<b>\$4,349.38</b>	<b>\$4,534.93</b>	<b>\$185.55</b>	<b>4.27%</b>	<b>\$3.57</b>	<b>\$3,806.79</b>	<b>\$4,016.17</b>	<b>\$209.38</b>	<b>5.50%</b>	<b>\$4.03</b>
<b>Brisbane Median Residential Valuation</b>	<b>\$550,000.00</b>	<b>\$620,000.00</b>								

Average Property	COGC	BCC
Overall total change per week	\$4.03	\$3.57 (not \$1.50)
Total overall rates bill (incl Urban Utilities for BCC)	\$4,016.17	\$4,534.93
		+ \$518.76 more expensive

Threshold that applies to BCC Minimum General Rate = \$352,086

The logo for the City of Gold Coast is centered on a solid teal background. It consists of the words "CITY OF" in a smaller, white, sans-serif font, positioned above the word "GOLDCOAST." in a larger, bold, white, sans-serif font. A small trademark symbol (TM) is located at the top right of the word "GOLDCOAST.".

CITY OF  
**GOLDCOAST.**<sup>TM</sup>

- How much debt does Brisbane have and how does this compare to Gold Coast?
- How does the \$1.50 a week increase for Brisbane compare to Gold Coasts \$4.03 increase?
- How much does the average Brisbane ratepayer pay for 2023/24 for all rates and utility charges?
- How many Brisbane ratepayers are on the minimum general rate?
- How does Gold Coast CAPEX compare to Brisbane over the next 5 years?

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## 16 OTHER BUSINESS

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### 16.1 CLOSED SESSION REPORT - PROVISION OF CYBER SECURITY RISK ASSESSMENT - PRESENTATION

Objective ID: A88315702

#### BASIS FOR CONFIDENTIALITY

That this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

- (f) matters that may directly affect the health and safety of an individual or group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

#### OVERVIEW

The purpose of this presentation is to update the Council on the City's Cyber Security Risk Assessment.

#### RECOMMENDATION

**That the Provision of Cyber Security Risk Assessment - Presentation be received and contents noted.**





## Key Risk Briefing – Cyber Security

# Key City Risks

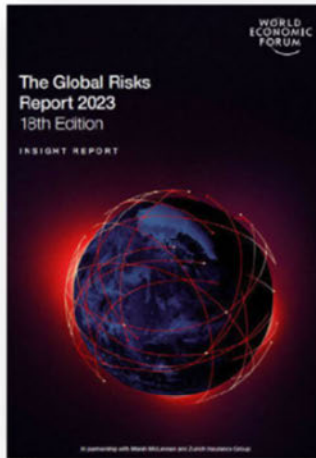


# Key City Risks

## World Economic Forum

Ranked in the top 5 risks currently manifesting globally:

- Cyber attacks on critical infrastructure





## Threat Landscape – Impact Context

### Critical infrastructure failure

- Public health and safety risks
- Service delivery failure

### Data breach of customer information

- Reputational damage and erosion of customer trust
- Legal and regulatory penalties

### Ransomware incident

- Inability to conduct Council business
- Permanent loss of Council data and information

## Threat Landscape Update – The Situation

### [Australian Cyber Security Centre - Annual Threat Report](#)

Select headlines from the executive summary:

- Australia's prosperity is attractive to cyber criminals.
- Ransomware remains the most destructive cybercrime.
- Worldwide, critical infrastructure networks are increasingly targeted.

# Threat Landscape Update – The Numbers



**76,000**  
crimes reported

**13%** ▲  
From previous financial year

**26.9%**  
reported crimes are related to fraud

**6%**  
are related to business email compromise (BEC)



**25%**  
increase in the number of publicly reported software vulnerabilities



**34%**  
of reported incidents are from the government sector



## Threat Landscape Update – Foreign Interference

Foreign influence is lawful, transparent, and open communication with foreign states to obtain diverse opinions, mutual understanding, and cooperation for solutions that can benefit City.

Foreign interference is when influence slips into covert, coercive, or corruptive behaviours – even if they appear in good faith. Actions that interfere with our democratic process can exert control over City (and therefore Australian) affairs.






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ITS ENTIRETY

REDACTED




Report suspicious contact or suspected foreign interference to the  
cyber security team.




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## Contact details

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**P** 1300 GOLDCOAST

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**W** [cityofgoldcoast.com.au](http://cityofgoldcoast.com.au)

## 16 OTHER BUSINESS

### 16.2 INVESTIGATION OF INAPPROPRIATE COUNCILLOR CONDUCT - REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR C/22/00868

**Objective ID:** A88754182  
**File Number:** LG473/697  
**Author:** Nicki Moore, Manager OCEO, CEO Office  
**Authoriser:** Tim Baker, Chief Executive Officer, CEO Office  
**Attachments:** 1. Ashdale Investigation Report - Confidential

#### 1 BASIS FOR CONFIDENTIALITY

In accordance with section 254D(3) of the *Local Government Regulation 2012*, a local government need not make a related report publicly available to the extent it contains information that is confidential to the local government.

#### OVERVIEW

The purpose of this report is to present the findings of an investigation of inappropriate conduct of a Councillor resulting from a referral from the Office of the Independent Assessor. This report contains information deemed to be confidential to the local government in accordance with section 254D(3) of the *Local Government Regulation 2012*.

#### 2 EXECUTIVE SUMMARY

Not applicable.

#### 3 PURPOSE OF REPORT

The purpose of this report is to present the findings of the Deputy Mayor's investigation into the alleged inappropriate conduct of Councillor Brooke Patterson to Council to determine whether or not she has engaged in inappropriate conduct and if so, the disciplinary action to be taken by Council for engaging in such conduct.

#### 4 PREVIOUS RESOLUTIONS

Not applicable.

#### 5 DISCUSSION

In Queensland, complaints concerning Councillor conduct are referred to the Office of the Independent Assessor (OIA). After investigating a matter, the Assessor may decide to refer suspected inappropriate conduct to the relevant local government for further investigation.

This report deals with one such complaint which was referred to the Council Investigator to investigate for the purposes of determining allegations on inappropriate conduct as defined by section 150K of the *Local Government Act 2009* (LGA).

On 5 December 2022, a complaint about suspected inappropriate conduct by Councillor Patterson was received by the OIA. The complaint related to Councillor Patterson's involvement in a development compliance matter involving a body corporate complex located at [REDACTED], Southport.



After reviewing the relevant information in the complaint, the OIA determined that there was a reasonable suspicion that Councillor Patterson's actions amounted to inappropriate conduct and on 3 January 2023, the OIA referred the complaint regarding the alleged conduct of Councillor Patterson to the Chief Executive Officer (CEO) for investigation.

In accordance with the Council's Investigation (Inappropriate Conduct of Councillors) Policy (Policy) the Councillor Investigator sought to settle the matter via the early resolution process contained within the Policy and provided the complainant with information regarding this process and what it entailed. Whilst Councillor Patterson indicated a willingness to partake in the early resolution process, the complainant advised the Councillor Investigator on 31 January 2023 that they were not amenable to settling the matter via this process. As a result, the Council Investigator was obligated to conduct an investigation into this matter to determine if Councillor Patterson had engaged in inappropriate conduct in accordance with section 150K of the *Local Government Act 2009* (LGA).

Details of the complaint and other relevant facts and documents pertaining to this matter, including a copy of the complaint were, at the direction of the Councillor Investigator, provided to Ashdale Investigators in order that an external investigation into the allegations be conducted by Investigator, [REDACTED]. Recommendations were also sought regarding appropriate disciplinary action. A copy of this investigation and its findings are provided as Attachment 1 to this report.

In accordance with the Policy, the Mayor is the Council Investigator unless otherwise resolved by Council. With regards to this matter, Councillor Donna Gates was Acting Mayor when the complaint was received and as such assumed the role of Council Investigator for the duration of the matter.

Noting the investigation is now finalised, Council must now consider the findings as outlined in this report and Attachment 1 and decide whether, on the balance of probabilities, the Councillor has engaged in inappropriate conduct and if so, what action it will take under section 150AH of the LGA. These potential disciplinary actions are outlined on page 13 of Attachment 1 and in the conclusion of this report.

### 5.1 Statement of Findings

A summary of the relevant facts relating to this complaint is contained in Ashdale's Investigation Report (Attachment 1) with the documentation relevant to this matter outlined in the table below:

Date	Relevant Details	Page #
21 February 2023	Correspondence from Donna Gates, Acting Mayor, to Ashdale in her capacity as Investigator of the complaint.	Page 30
Not applicable	Council's Investigation (Inappropriate Conduct of Councillors) Policy	Pages 32-45
14 December 2022	OIA Notice and opportunity to respond to Councillor Patterson	Pages 47-49
5 December 2022	Complainant's online complaint to the OIA	Pages 51-52
6 December 2022	Complainant's email to Councillor Brooke Patterson	Pages 54-55
3 March 2022	Transcript of interview with Complainant	Pages 57-79

15 September 2022	City of Gold Coast correspondence to the complex body corporate	Page 81
9 December 2022	Email from Councillor Brooke Patterson to Michael Moran, City Development Manager	Pages 83-84
28 April 2023	Transcript of interview with Councillor Brooke Patterson	Pages 86-115
Not applicable	OIA's Inappropriate Conduct Disciplinary Action Guideline	Pages 117-119

Whilst Attachment 1 outlines the relevant facts in this matter, some relevant points of note are summarised below:

- 1 The complainant alleges that Councillor Patterson acted in an inappropriate manner towards the complainant and other body corporate owners, with this conduct distilled into two specific allegations, these are:
  - a Attending / entering the complex without providing notice or receiving an invitation, and
  - b Making comments regarding the quality and reliability of professional engineer's reports.
- 2 The Complainant's information regarding the background to the matter and Councillor's conduct is outlined on pages 4 – 6 of Attachment 1.
- 3 Councillor Patterson was interviewed by the Investigator on 28 April 2023, with a summary of this information provided on page 7 of Attachment 1. Councillor Patterson's statement includes an admission of some of the conduct as outlined in the complaint made by the Complainant.
- 4 Ashdale Investigators have determined that should Council agree with the analysis of the matters investigated in the Investigation Report, then on the balance of probabilities it can be found that the allegations are substantiated for the purposes of a finding of inappropriate conduct of the Councillor in accordance with section 150K of the LGA.
- 5 On the basis of the information provided in Attachment 1, Council must now, in accordance with section 150AG(1) of the LGA, determine whether Councillor Patterson has engaged in inappropriate conduct and if so, what action the Council will take in accordance with section 150AH in order to discipline the Councillor.
- 6 Ashdale Investigators recommendations are outlined on page 14 of Attachment 1, but in summary are:
  - a That, should Council accept the analysis in the Investigation Report, a finding of inappropriate conduct should be made.
  - b There are some mitigating factors that Council may consider in determining any disciplinary action to be taken in accordance with section 150AH of the LGA, specifically:
    - i. the alleged inappropriate conduct took place during Councillor Patterson's first term of office,
    - ii. Councillor Patterson has no previous record of inappropriate conduct (as at 2 May 2023),

- iii. Councillor Patterson made admissions regarding some of the alleged conduct and cooperated with the investigation, and
- iv. Councillor Patterson demonstrated some insight into the inappropriate nature of her conduct.
- c. That should Council determine a finding of inappropriate conduct, in light of the mitigating factors above, an order that no action be taken against the Councillor be made.

Should Council decide that the allegations are substantiated and a finding of inappropriate conduct is made, Council is to consider section 150AH of the LGA, which outlines the orders (or combination of orders) that the Council may make is disciplining Councillor Patterson. The disciplinary options available are outlined in section 150AH as follows:

- (a) order that no action be taken against the councillor; or
- (b) make 1 or more of the following orders –
  - (i) an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
  - (ii) an order reprimanding the councillor for the conduct;
  - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
  - (iv) an order that the councillor be excluded from a stated local government meeting;
  - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;
  - (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
  - (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.

It is considered that the Council Investigator has met all statutory and policy requirements in completing this investigation.

## **6 ALIGNMENT TO THE COUNCIL PLAN, CITY STRATEGIES AND OPERATIONAL PLAN**

This report is consistent with the Council Plan 2022-2027 and ensures that Council manages the City responsibly by implementing a robust management and control environment, supported by key functions including Legal Services; Integrity and Ethics, Corporate Policies; Internal and External Audit and the City's Audit and Risk Committee.

## **7 FUNDING AND RESOURCING REQUIREMENTS**

Councillors are able to be reimbursed for legal representation as per the Council's Insurance Policy. As at the time of writing this report, Councillor Patterson had not submitted documentation seeking reimbursement of legal expenses incurred to date that may be subject to reimbursement in accordance with the Policy.

Council resources were involved in investigating this matter and providing advice and administrative support to the Office of the Deputy Mayor. In addition, Ashdale Investigators costs in investigating this matter totalled \$7,340.25.

**8 RISK MANAGEMENT**

Not applicable.

**9 STATUTORY MATTERS**

This report and the associated investigation comply with Council's legislative obligations, as outlined in this report, to investigate complaints where it is suspected that a Councillor may have engaged in inappropriate conduct, determine an outcome and take any disciplinary action deemed appropriate as per section 150AH of the LGA.

**10 COUNCIL POLICIES**

This report and the associated investigation comply with Council's *Investigation (Inappropriate Conduct of Councillors) Policy*.

**11 DELEGATIONS**

Not applicable.

**12 COORDINATION & CONSULTATION**

In accordance with the Policy, this investigation has been overseen and completed by the Deputy Mayor. In completing the investigation, the Deputy Mayor sought technical assistance in accordance with section 170A of the Act (Acceptable Requests Guidelines), via the CEO, and the Manager, Office of the CEO.

**Right to Information (RTI) and Information Privacy (IP) Legislation 2009**

The privacy of complainants has been protected as per the Policy.

**13 STAKEHOLDER IMPACTS**

Not applicable.

**14 BRISBANE 2032 OLYMPIC AND PARALYMPIC GAMES IMPACT**

Not applicable.

**15 TIMING**

Whilst this matter has not been finalised within the ten-week timeframe suggested under the Policy, it is noted that there were additional steps required in offering alternate dispute resolution and waiting for responses to this offer before an investigation report could be concluded. There were also delays in the external investigator scheduling a time with Councillor Patterson's lawyers in order to undertake an interview and thus complete the investigation report.

**16 CONCLUSION**

Councillor Brooke Patterson is alleged to have engaged in conduct which amounts to inappropriate conduct in accordance with section 150K of the LGA through both entering a body corporate complex without invitation and providing comments regarding the cause of overland waterflow and the associated deficiency and unreliability of the engineer's report regarding same.

By engaging in this conduct, it was alleged that Councillor Patterson contravened the *Code of Conduct for Councillors in Queensland*. The *Code of Conduct for Councillors in Queensland* sets out the principles, values and standards of behaviour expected of Councillors when carrying out their roles, responsibilities, and obligations as elected

representatives for their communities. Having specific regard to the allegations against Councillor Patterson, the Code states that Councillors will:

- Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness (Behavioural Standard 2.1),
- Ensure conduct does not reflect adversely on the reputation of Council (Behavioural Standard 3), and
- At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity (Behavioural Standard 3.3).

Pursuant to section 150K(1) of the LGA, the conduct of a Councillor is inappropriate conduct if the conduct contravenes:

- (a) a behavioural standard; or
- (b) a policy, procedure, or resolution of the local government.

Section 150AG of the LGA provides that where an allegation of inappropriate conduct has been referred by the OIA to Council for investigation, the local government must decide:

- 1 whether or not the Councillor has engaged in inappropriate conduct; and
- 2 what action the local government will take under section 150AH of the LGA to discipline the Councillor if they have been found to have engaged in inappropriate conduct.

Should it be the case that Council decides that the complaint is not upheld, then Council should take no further action.

However, should Council decide that the complaint is upheld, Council is to consider section 150AH of the LGA, which outlines the orders (or combination of orders) that the Council may make. The disciplinary options available are outlined in section 150AH as follows:

- (a) order that no action be taken against the councillor; or
- (b) make 1 or more of the following orders:
  - i. an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
  - ii. an order reprimanding the councillor for the conduct;
  - iii. an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
  - iv. an order that the councillor be excluded from a stated local government meeting;
  - v. an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;
  - vi. an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
  - vii. an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.

Taking into account the information and analysis undertaken by Ashdale Investigators in the Investigation Report (Attachment 1), it is open to Council to decide that Councillor Patterson has engaged in inappropriate conduct. Further, given the nature of the allegation, the Council must also consider any appropriate disciplinary action subject to any finding of inappropriate conduct in accordance with section 150AH of the LGA .

**17 RECOMMENDATION**

It is recommended that Council resolves as follows:

- 1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (4) of the *Local Government Act 2009*.
- 2 That in relation to Office of the Independent Assessor Councillor Conduct Complaint C/22/00868 involving Councillor Brooke Patterson:
  - a Having regard to the material available and the investigation conducted, there is sufficient evidence to make a finding of inappropriate conduct as defined in section 150K of the *Local Government Act 2009*.
  - b Pursuant to section 150AG(1)(a) of the *Local Government Act 2009* Councillor Brooke Patterson has engaged in inappropriate conduct.
  - c In accordance with section 150AH(1)(a) of the *Local Government Act 2009* an order be made that no action be taken against Councillor Brooke Patterson.
- 3 That the Chief Executive Officer undertake all measures necessary in accordance with the *Investigation (Inappropriate Conduct of Councillors) Policy* to finalise this matter including updating the Councillor Conduct Register and advising the complainant of the outcome of their complaint.

**ATTACHMENT 1 HAS BEEN REDACTED  
IN ITS ENTIRETY**

Item 16.2 Attachment 1

**CONFIDENTIAL**

Thursday 15 June 2023

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the Local Government Act 2009 and other legislation and could result in disqualification from office and a penalty of up to 100 units.