

SPECIAL MEETING OF THE ECONOMIC AND CULTURAL DEVELOPMENT NO. 2024(02)**20 JUNE 2024**

REPORT

COUNCILLORS' ATTENDANCE:

Councillor Pye Augustine (Chairperson); Councillors David Cullen (Deputy Chairperson), Mayor Teresa Harding, Andrew Antonioli, Jim Madden (Observer), Marnie Doyle (Observer), Paul Tully (Observer) and Jacob Madsen (Observer)

COUNCILLOR'S APOLOGIES:

Deputy Mayor Nicole Jonic

OFFICERS' ATTENDANCE:

Chief Executive Officer (Sonia Cooper), General Manager Community, Cultural and Economic Development (Ben Pole), General Manager Corporate Services (Matt Smith), Acting General Manager Planning and Regulatory Services (Alisha Connaughton), Precinct Director – Nicholas Street Precinct (James Hepburn), Leasing Manager – Nicholas Street Precinct (Melissa Annis), Chief of Staff – Office of the Mayor (Melissa Fitzgerald), Precinct Governance Manager (Mitchell Grant) and Theatre Technician (Harrison Cate)

LEAVE OF ABSENCE – DEPUTY MAYOR NICOLE JONIC

That a leave of absence be granted for Deputy Mayor Nicole Jonic.

RECOMMENDATION

Moved by Councillor Pye Augustine:

Seconded by Councillor Andrew Antonioli:

AFFIRMATIVE

Councillors:

Augustine

Cullen

Harding

Antonioli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY

Councillor Pye Augustine (Chairperson) invited Councillor David Cullen to deliver the Acknowledgement of Country

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Andrew Antoniulli informed the meeting that he has a declarable conflict of interest in Item 1 titled Nicholas Street Precinct – Approval of an Agreement for Lease for Tenancy T5 and Tenancy T6 Venue (37 Nicholas Street) and Item 2 titled Nicholas Street Precinct – Approval for Agreement for Lease for Tenancy MM2 Venue (37 Nicholas Street).

The nature of the interest is that Councillor Antoniulli is the holder of a real estate certificate issued under the Property Occupations Act. As the certificate cannot be enacted unless he is attached to a licenced principal agent, he cannot perform any duties as a real estate salesperson.

Councillor Andrew Antoniulli invited the other councillors to determine if he can continue to participate in the decision process.

It was moved by Mayor Harding and seconded by Councillor Cullen that Councillor Antoniulli does not have a declarable conflict of interest in the matters on the agenda because there is no personal or financial benefit to the councillor and therefore a reasonable person would trust that the final decision is made in the public interest.

The eligible councillors present at the meeting decided that Councillor Andrew Antoniulli may participate in the meeting in relation to the matter, including by voting on the matter.

AFFIRMATIVE

Councillors:

Augustine

Cullen

Harding

NEGATIVE

Councillors:

Councillor Andrew Antoniulli did not take part in the vote.

The motion was put and carried.

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Andrew Antoniulli informed the meeting that he may have a declarable conflict of interest in Item 1 titled Nicholas Street Precinct – Approval of an Agreement for Lease for Tenancy T5 and Tenancy T6 Venue (37 Nicholas Street).

The nature of Councillor Antoniulli's conflict of interest was relevant to two of his related persons. Councillor Antoniulli advised that as the attachment to the report was confidential, he invited the Chairperson to close the meeting to allow him to declare his conflict while protecting commercial in confidence information.

MOVE INTO CLOSED SESSION

RECOMMENDATION

Moved by Councillor Pye Augustine:
Seconded by Councillor David Cullen:

That in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Councillor Antonioli's declarable conflict of interest.

The meeting moved into closed session at 8.23 am.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Augustine	Nil
Cullen	
Harding	
Antonioli	

The motion was put and carried.

MOVE INTO OPEN SESSION

RECOMMENDATION

Moved by Councillor Pye Augustine:
Seconded by Mayor Teresa Harding:

That the meeting move into open session.

The meeting moved into open session at 8:29 am.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Augustine	Nil
Cullen	
Harding	
Antonioli	

The motion was put and carried.

It was moved by Mayor Harding and seconded by Councillor Cullen that Councillor Antonioli does not have a declarable conflict of interest in Item 1 titled Nicholas Street Precinct – Approval of an Agreement for Lease for Tenancy T5 and Tenancy T6 Venue (37 Nicholas

Street) because there is no personal or financial benefit to the councillor and therefore a reasonable person would trust that the final decision is made in the public interest.

The eligible councillors present at the meeting decided that Councillor Andrew Antonioli may participate in the meeting in relation to the matter, including by voting on the matter.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Augustine	
Cullen	
Harding	

Councillor Andrew Antonioli did not take part in the vote.

The motion was put and carried.

BUSINESS OUTSTANDING

Nil

OFFICERS' REPORTS

MOVE INTO CLOSED SESSION

RECOMMENDATION

Moved by Councillor Pye Augustine:
Seconded by Councillor David Cullen:

That in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 1 titled Nicholas Street Precinct – Approval of an Agreement for Lease for Tenancy T5 and Tenancy T6 Venue (37 Nicholas Street) and Item 2 titled Nicholas Street Precinct – Approval of an Agreement for Lease for Tenancy MM2 Venue (37 Nicholas Street).

The meeting moved into closed session at enter 8.32 am.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Augustine	Nil
Cullen	
Harding	
Antonioli	

The motion was put and carried.

MOVE INTO OPEN SESSIONRECOMMENDATION

Moved by Councillor Pye Augustine:

Seconded by Councillor Andrew Antonioli:

That the meeting move into open session.

The meeting moved into open session at 9:07 am.

AFFIRMATIVE

Councillors:

Augustine

Cullen

Harding

Antonioli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

1. NICHOLAS STREET PRECINCT - APPROVAL OF AN AGREEMENT FOR LEASE FOR TENANCY T5 AND TENANCY T6 VENUE (37 NICHOLAS STREET)

This is a report concerning an Agreement for Lease for Council's consideration associated with Tenancy T5 and Tenancy T6 on Level 1 of the Venue building (at the corner of Brisbane and Ellenborough Street and running east along Brisbane Street) at 37 Nicholas Street, Nicholas Street Precinct, Ipswich.

"The attachment/s to this report are confidential in accordance with section 254J(3)(c), (g), (i) of the Local Government Regulation 2012."

RECOMMENDATION

Moved by Councillor Pye Augustine:

Seconded by Councillor David Cullen:

- A. That Council enter into an Agreement for Lease and associated documentation of the Agreement for Lease with the proposed lessee for Tenancy T5 and Tenancy T6 in Level 1 of the Venue Building (impacting part of Lot 1 on RP209886) ("Tenancy T5 and Tenancy T6") within the Nicholas Street Precinct (under the commercial terms detailed in the confidential report and attachments by the Leasing Manager dated 14 June 2024).**
- B. That conditional upon Council satisfactorily executing the Agreement to Lease with the proposed lessee, (contained in recommendation A of this report), Council enter into a lease for Tenancy T5 and Tenancy T6 with the proposed**

lessee (as detailed in the confidential report and attachments by the Leasing Manager dated 14 June 2024).

- C. That Council note, in relation to Council’s disposal of its leasehold interest in the Tenancy T5 and Tenancy T6 to the proposed lessee, that the Ministerial exemption under s236 1(f) of the *Local Government Regulation 2012* applies to the disposal of Council’s interest in Tenancy T5 and Tenancy T6 (Ministerial exemption contained in Attachment 1 of this report).
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision at Recommendation A and B.
- E. That Council be kept informed as to the progress and outcome of the execution and publication of details.

AFFIRMATIVE

Councillors:

Augustine

Cullen

Harding

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

2. NICHOLAS STREET PRECINCT - APPROVAL OF AN AGREEMENT FOR LEASE FOR TENANCY MM2 VENUE (37 NICHOLAS STREET)

This is a report concerning an Agreement for Lease for Council’s consideration associated with Tenancy MM2 on the ground level of the Venue building at 37 Nicholas Street, Nicholas Street Precinct, Ipswich.

“The attachment/s to this report are confidential in accordance with section 254J(3)(c), (g), (i) of the Local Government Regulation 2012.”

RECOMMENDATION

Moved by Councillor Pye Augustine:

Seconded by Mayor Teresa Harding:

- A. That Council enter into an Agreement for Lease and associated documentation of the Agreement for Lease with the proposed lessee for Tenancy MM1 of the Venue Building (impacting part of Lot 1 on RP209886) (“Tenancy MM1”) within the Nicholas Street Precinct (under the commercial terms detailed in the confidential report and attachments by the Leasing Manager dated 14 June 2024).

- B. That conditional upon Council satisfactorily executing the Agreement to Lease with the proposed lessee, (contained in recommendation A of this report), Council enter into a lease for Tenancy MM2 with the proposed lessee (as detailed in the confidential report and attachments by the Leasing Manager dated 14 June 2024).**
- C. That Council note, in relation to Council’s disposal of its leasehold interest in the Tenancy MM2 to the proposed lessee, that the Ministerial exemption under s236 1(f) of the *Local Government Regulation 2012* applies to the disposal of Council’s interest in Tenancy MM2 (Ministerial exemption contained in Attachment 1 of this report).**
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision at Recommendation A and B.**
- E. That Council be kept informed as to the progress and outcome of the execution and publication of details.**

AFFIRMATIVE

Councillors:

Augustine

Cullen

Harding

Antoniolli

NEGATIVE

Councillors:

Nil

The motion was put and carried.

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 8.17 am.

The meeting closed at 9.13 am.
