



# Minutes

## Ordinary Meeting

**Tuesday, 24 January 2023**

**Time: 9.15 am**

Meeting adjourned at 9.20 am  
Meeting resumed at 9.45 am

Meeting adjourned at 10.41 am  
Meeting resumed at 11.00 am

Meeting adjourned at 12.30 pm  
Meeting resumed at 1.10 pm

**Location: Council Chambers**

**82 Brisbane Street**

**BEAUDESERT QLD 4285**

**Scenic Rim Regional Council**  
**Ordinary Meeting**  
**Tuesday, 24 January 2023**  
**Minutes**

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## 1 Opening of Meeting

The Mayor, Cr Greg Christensen, as Chair of the Meeting, declared the Meeting open and acknowledged the traditional owners of the lands of the Scenic Rim Regional Council area. The Mayor paid respect to their elders, past, present and future, and extended congratulations to them on their continued nurturing of their culture.

## 2 Attendance and the granting of leaves of absence

Cr G R Christensen, Mayor  
Cr R D Swanborough  
Cr J J S McConnell, Deputy Mayor  
Cr V A West  
Cr M J Enright  
Cr M J Chalk  
Cr D A McInnes OAM

### Executive Officers

D Keenan, Chief Executive Officer  
C McMahon, General Manager People and Strategy  
D Howe, General Manager Customer and Regional Prosperity  
C Gray, General Manager Asset and Environmental Sustainability  
O Pring, General Manager Council Sustainability

### Staff

G Stevenson, Advisor  
J Pukallus, Principal Specialist Governance and Assurance  
S Keepence, Business Support Officer, Office of the Mayor and Chief Executive Officer  
S Oberle, Desktop Support Officer, Information Services and Technology  
S Williams, Principal Specialist Internal Audit and Improvement (Item 10.5)  
B Walker, Manager Regional Prosperity and Communications (Items 10.6 and 11.1)  
L Phillips, Principal Specialist Cultural Services (Item 10.7)  
M Paddick, Cultural Officer Heritage, RADF and Public Art (Item 10.7)  
M Lohmann, Manager Regional Development, Health and Biodiversity (Items 10.8 and 10.9)  
J Kirkwood, Principal Specialist Development Assessment and Engineering (Items 10.8 and 10.9)  
K Rabbitt, Economic Development Officer - Events (Item 11.1)

## 3 Apologies

Nil

## 4 Prayers

Pastor Josh Cocks from Beaudesert Baptist Church attended, via teleconference, to offer prayers

## 5 Declarations of Prescribed or Declarable Conflict of Interest by Members

Cr Greg Christensen noted he had been advised there were declarations of conflicts of interest and he invited the Chief Executive Officer to table those declarations.

### Procedural Motion

That the meeting be adjourned to enable Cr Swanborough to seek advice from the Chief Executive Officer in relation to one of the declarations tabled, which requires revision.

Moved: Cr Derek Swanborough

Carried unanimously

Meeting adjourned at 9.20 am

Meeting resumed at 9.45 am

The Chief Executive Officer advised declarations of conflict of interest from Cr Derek Swanborough were accepted and noted.

Cr Greg Christensen advised that declarations would be dealt with as matters were considered on the Agenda.

## 6 Announcements / Mayoral Minutes

### 6.1 Announcement - Cr Duncan McInnes OAM - Ten Years of Service

Cr Greg Christensen:

*"Councillors,*

*You will be aware that it is normal practice for the Local Government Association of Queensland to recognise length of service milestones for Elected Members at their Annual Conference.*

*Our Councillor Duncan McInnes OAM, achieved the 10 year service milestone during 2022, however due to an administrative glitch, was not afforded such recognition on the occasion of the Annual Conference.*

*The Association has now forwarded Councillor McInnes' 10 year Service Certificate.*

*With your forbearance Councillors, I will ask Councillor McInnes to join me at the front of the room to present his certificate. I will then invite Councillors, Officers and those in the Gallery to recognise his service with acclamation once the presentation is complete."*

## 6.2 Mayoral Minute - Declarations and Suspicions of Conflicts of Interest

Cr Greg Christensen:

"Councillors,

*I draw your attention to correspondence that was provided by the Chief Executive Officer to all seven Councillors, including myself as Mayor, on Monday, 9<sup>th</sup> January 2023.*

*The correspondence was from the Office of the Independent Assessor (the OIA), regarding concerns over the conduct of Council meetings and in particular, the way suspicions of conflicts of interest are raised and subsequently resolved.*

*The purpose of providing the advice, and I quote directly from the correspondence, is 'to make it clear to all councillors that if, following the receipt of this correspondence, individual councillors continue to engage in conduct that may be misconduct that the OIA will, moving forward, deal with all conduct that raises a reasonable satisfaction of misconduct on a disciplinary basis'.*

*I consider it pertinent that all Councillors have not only read but fully understand and accept the advice provided by the Office of the Independent Assessor in conjunction with the Department of State Development, Infrastructure, Local Government and Planning.*

*To facilitate Councillors' dealing with any suspicions of conflicts of interest, I believe it useful to highlight a couple of the key points identified in the correspondence that I believe will strengthen the maintenance of proper meeting protocols and legislative compliance when dealing with these issues.*

1. *It is suggested that at least for inappropriate conduct matters that conflicts of interest should be dealt with immediately before and as part of Council's consideration of the substantive matter.*

*As such, you will notice a slight change in the sequencing of the raising of conflicts of interest today in that potential conflicts of interest will be noted but will not be dealt with until the relevant agenda item is tabled.*

2. *Where a Councillor is a referrer or notifier but does not have a personal interest in relation to the matter then:*
  - *A Councillor is not required to declare a declarable conflict of interest; and*
  - *Should not be excluded from participating in the matter following a suspected conflict of interest being reported under section 150EW.*

*It is a matter for Council to determine, but it is recommended that both a subject Councillor in an inappropriate conduct matter, and a notifier or referrer that also has a personal interest in relation to the matter; should leave the room and not be present for the discussion or decision in relation to the matter (including dealing with conflicts of interest in relation to the matter).*

*Additionally, it is referenced in the correspondence that 'It is accepted by the SRRC that a subject councillor in an inappropriate conduct matter has a clear declarable conflict of interest in relation to the consideration of that matter', which is consistent with Council's Standing Orders and Meeting Procedures.*

*In closing, it is my expectation that all Councillors would accept the advice and adhere to the underlying legislative obligations bestowed upon us all."*

Moved: Cr Greg Christensen

That Council note and receive the Mayoral Minute.

Carried unanimously

**7 Reception of Deputations by Appointment / Presentation of Petitions**

Nil

**8 Confirmation of Minutes****Recommendation**

That the Minutes of the Ordinary Meeting held on 6 December 2022, be adopted.

Moved: Cr Michael Enright

Seconded: Cr Virginia West

Carried unanimously

**9 Business Arising from Previous Minutes****9.1 Ordinary Meeting Minutes, 6 December 2023, Item 5.3, "Declaration - Cr Greg Christensen re Suspicion of Conflict of Interest against Cr Jeff McConnell in Item 10.1"**

Cr Greg Christensen advised that he was tabling redacted copies of two items of correspondence from the Office of the Independent Assessor, in response to the request from Cr Jeff McConnell at the Ordinary Meeting held on 6 December 2023 that the correspondence be tabled.

**Procedural Motion**

That the personal information that is contained in the documents tabled by Cr Greg Christensen be removed immediately, prior to them being tabled to the Council.

Moved: Cr Derek Swanborough

For: Crs Derek Swanborough, Jeff McConnell, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Against: Cr Greg Christensen

Carried 6/1

**Attachments**

- 1 Letter from the Office of the Independent Assessor dated 7 November 2022 to Cr Christensen (redacted)
- 2 Letter from the Office of the Independent Assessor dated 23 November 2022 to Cr Christensen (redacted)

Office of the **Independent Assessor**



Our ref: C/22/00786

7 November 2022

Cr Greg Christensen  
Mayor  
Scenic Rim Regional Council  
PO Box 25  
BEAUDESERT Queensland 4285

By email: [greg.c@scenicrim.qld.gov.au](mailto:greg.c@scenicrim.qld.gov.au)

Dear Mayor Christensen

I refer to your self-referral, dated 14 October 2022, received by the Office of the Independent Assessor (OIA) pursuant to Chapter 5A Division 3 of the Local Government Act 2009 [the Act], about your conduct as a Councillor of the Scenic Rim Regional Council (SRRC).

Your self-referral was based on allegations raised by [REDACTED] in a hard copy statement provided to the CEO and all SRRC councillors prior to a council meeting on 11 October 2022 and a news article in the Fassifern Guardian published during that council meeting.

The thrust of the allegations made by [REDACTED] were that you knowingly made vexatious complaints to the OIA about the conduct of [REDACTED], you misused the role as Chair of the SRRC and you fostered a culture of vexatious action within the SRRC.

#### **Notice of Decision**

Having considered all the information available, I have decided to take no further action in relation to the referral pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act].

#### **Reasons for decision**

In making this decision, I considered the following information:

- The self-referral
- The statements made by [REDACTED]
- The Fassifern Guardian article, dated 11 October 2022
- Previous notifications from you about the conduct of [REDACTED]
- Relevant provisions of the Act
- Queensland Human Rights Act 2019

I decided to take no further action in respect of your self-referral because the conduct as alleged does not raise a reasonable suspicion of inappropriate conduct or misconduct by you.

The OIA has not considered that you have made any notification to the OIA vexatiously.

Office of the Independent Assessor  
PO Box 15031  
City East Qld 4002





[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The Local Government Act 2009 (the Act) provides that a councillor has an obligation to inform the OIA about suspected improper conduct by another councillor. The Act provides two relevant sections:

- Section 150P of the Act requires that when a local government entity (councillor) “receives a complaint about the conduct of a councillor”, they **must** “refer the complaint to the assessor”.
- Section 150R of the Act requires that if a local government official (councillor) “becomes aware of information indicating a councillor may have engaged in conduct...the local government official **must** give the assessor a notice about the councillor’s conduct”.

Given the obligations placed on local government officials to raise conduct matters with the OIA, it is not surprising that most notifications to the OIA come from local governments. When a councillor refers a matter to the OIA under a statutory obligation it would not be correct to say that the councillor is the “complainant”, or that they have made a complaint.

In relation to your role as Chair of SRRC meetings, section 12 of the Act provides that local government mayors have extra responsibilities to those of a councillor. Subsection 4(a) provides that one of those extra responsibilities is, “leading and managing meetings of the local government at which the mayor is chairperson, including managing the conduct of the participants at the meetings”.

The ‘Model Meeting Procedures’ published by the Department of State Development, Infrastructure, Local Government and Planning provides guidelines for meeting Chair’s. Relevantly, it provides:



**Note:** Chairpersons of a meeting are carrying out a statutory responsibility under the LGA and City of Brisbane Act 2010 (COBA) to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct.

In order for a meeting Chair to properly and effectively carry out the role of managing local government meetings, a reasonable degree of latitude must be given to them to deal with the behaviour of other meeting participants. It would not be correct to say that a meeting Chair had, during a meeting, behaved improperly toward another councillor unless the Chair's conduct amounted to a breach of trust. A breach of trust requires proof that the conduct by the meeting Chair was so serious that it would undermine public confidence in the integrity of the Chair in the role the Chair was undertaking.

There is no reasonable evidence before the OIA that would raise a reasonable suspicion that had occurred. Certainly, the allegation that the Chair, "speaks to me [REDACTED] is [sic] such a way and unreasonably interrupts me in Council meetings" would not amount to a breach of trust.

In relation to the comment by [REDACTED] that the SRRC to which you are "the elected head of" had been responsible for over 65 complaints against him, which "casts a suspicion on the possible vexatious motives...", I make the following points:

- I refer you to my previous comment that local government officials have a low-threshold statutory obligation to notify the assessor about councillor conduct. Those notifications should not be referred to as 'complaints'.
- No notifications to the OIA directly from SRRC elected officials or the local government entity have been considered to be vexatious.
- There is no evidence of your involvement in notifications to the OIA that have come from other councillors or other local government employees.

[REDACTED]

[REDACTED]

If you have any questions about the outcome of this complaint, please contact Darryl Reynolds on [REDACTED] or by email at [REDACTED] quoting reference number C/22/00786.

Yours sincerely



**Charles Kohn**  
Deputy Independent Assessor  
Office of the Independent Assessor



Office of the **Independent Assessor**



Our ref: C/22/00821

23 November 2022

Cr Greg Christensen  
Mayor  
Scenic Rim Regional Council  
PO Box 25  
BEAUDESERT Queensland 4285

**By Email:** [greg.c@scenicrim.qld.gov.au](mailto:greg.c@scenicrim.qld.gov.au)

Dear Mayor Christensen

On 7 November 2022, the Office of the Independent Assessor (OIA) received a complaint or notification in relation to your conduct as a Councillor of Scenic Rim Regional Council.

It was alleged you influenced the CEO and other executive officers to give advice that denied Councillor [REDACTED] right to express his suspicion of you having a conflict of interest, with his statement regarding you having a conflict of interest in relation to items 11.2, 11.3, & 11.4 at the 11 October 2022 ordinary council meeting.

#### **Notice of Decision**

Having considered all the information available, I have decided to take no further action in relation to the complaint or notification against you pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act].

#### **Reasons for decision**

In making this decision, I considered the following information:

- The complaint or notification
- The recording of the 11 October 2022 ordinary council meeting
- Statement by [REDACTED] regarding you having a conflict of interest in relation to items 11.2, 11.3, & 11.4 at the 11 October 2022 ordinary council meeting.
- Previous enquiries by the OIA
- Relevant provisions of the Act
- Queensland Human Rights Act 2019

I decided to take no further action as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.

Office of the Independent Assessor  
PO Box 15031  
City East Qld 4002





**9.2 Ordinary Meeting Minutes, 11 October 2022, Items 11.2 and 11.3 and Ordinary Meeting Minutes, 8 November 2022, Items 10.2 and 10.3**

Cr Derek Swanborough:

*"Mr Mayor, I am required to, to read a statement to the meeting from previous meetings and that statement is that, I read the following statement in accordance with Council resolution 11.2, 11.3 of the Ordinary Meeting of the 11th of October and amended at the Ordinary Meeting of 8th of November Item 10.2 and 10.3, which included provision for an apology from Council to myself for claiming I harmed employees and again considered in part at the Ordinary Meeting of the 6th of December in a Notice of Motion at the Ordinary Meeting, Item 10.2 and I apologise."*

Cr Greg Christensen advised he did not believe the statement satisfied the requirements of the resolution of Council, noting he did not hear an acknowledgement by Cr Swanborough that he behaved inappropriately. Cr Christensen read part of the amended version of the resolution, as follows:

*"... such an admission must include, but not limited to, a statement that is to be read at the next available Ordinary Meeting acknowledging that the Councillor behaved inappropriately;*

- c) That a reprimand be recorded against the councillor for the conduct;*
- d) That if the councillor engages in the same type of conduct again it will be treated as misconduct;"*

Cr Derek Swanborough responded that he had done exactly as ordered. Cr Greg Christensen sought guidance from the Councillors. Cr Michael Enright noted that paragraph 2(a) of the resolution is required to be met, being:

*"a) That the Councillor makes a public admission that the Councillor has engaged in inappropriate conduct"*

Cr Derek Swanborough responded that he believed the words of his statement were in accordance with the requirements.

Cr Greg Christensen advised he was not sure that Cr Derek Swanborough's statement satisfies the expectation of the resolution and asked that the Chief Executive Officer pursue the matter.

### **9.3 Ordinary Meeting Minutes, 6 December 2023, Question taken on notice re Beaudesert Pig and Calf Saleyard**

Cr Derek Swanborough referred to a question taken on notice at the Ordinary Meeting held on 6 December 2022, in relation to the costs to date of Council's legal involvement in the Beaudesert Pig and Calf Saleyard. Cr Swanborough asked that the information be provided.

The General Manager Asset and Environmental Sustainability responded that officers are working through the actual total cost of the legal proceedings so he was not in a position to provide that information.

Cr Swanborough queried whether the costs were included in the budget statement released by Council. The General Manager responded that some of the costs were included in the budget document, but not clearly identified within the document.

Cr Swanborough queried whether the costs so far identified in relation to the matter, could be provided when the budget document on this Ordinary Meeting Agenda is considered. The General Manager advised he was not in a position to provide a detailed answer to the question.

Cr Greg Christensen advised the matter would be dealt with at a future Ordinary Meeting.

## **10 Consideration of Business of Meeting**

The Chief Executive Officer advised:

*"Over the last 48 hours I have received new information relating to the inappropriate conduct matters listed at items 10.13, 10.14, 10.15, 10.16 and 10.17 of the meeting Agenda. This information is presently of a highly confidential nature and I am seeking further advice as to how Council should deal with these five items of business, as a consequence of receipt of this new information. I have taken legal advice on this recent development and the advice that I have received is that the only course to adopt today, to both preserve Cr Swanborough's entitlement to natural justice, and the ability of Council (at some time in the future) to deal with these five items of business, is to defer consideration of these five items of business to a future Council meeting.*

*I accordingly recommend that a resolution be passed at tomorrow's meeting, pursuant to section 4.2 of the Standing Orders, that the order of business for this meeting be altered by withdrawing items 10.13, 10.14, 10.15, 10.16 and 10.17 from the meeting agenda."*

Cr Derek Swanborough:

*"Mr Mayor, I will declare a conflict of interest in this motion and won't be participating in the decision-making."*

Cr Greg Christensen and the Chief Executive Officer requested that Cr Derek Swanborough advise the type of conflict he was declaring. Cr Derek Swanborough requested advice from Governance as to the type of conflict. The Chief Executive Officer advised that if the Councillor was in doubt, he should leave the meeting room while the matter was decided. Cr Derek Swanborough advised it was his intention to leave the room. Cr Greg Christensen started to explain to the members of the gallery the two types of conflicts of interest.

At 10.18 am, Cr Swanborough called a point of order:

*"Mr Mayor, I am well aware of all of this and it is condescending for you to sit here and tell me what they are. I know what they are. I have it here in front of me and I'm taking the time to look it up so that I can comply but it is condescending for you to read out to me, you know, what we've been dealing with for the last three years."*

Cr Christensen advised Cr Swanborough that he was explaining to the gallery the importance of clarification about conflict of interest declarations.

Cr Derek Swanborough:

*"We'll just go through the process Mr Mayor. Prescribed conflicts of interest definitions. It's nothing to do with close associates. ... I'm just going through the situations. I'll declare, it's a declarable conflict of interest Mr Mayor."*

Cr Derek Swanborough advised he would not be remaining in the meeting room.

At 10.21 am, Cr Derek Swanborough left the meeting.

### **Procedural Motion**

That Items 10.13, 10.14, 10.15, 10.16 and 10.17 be withdrawn from this Meeting Agenda.

Moved: Cr Jeff McConnell

Carried unanimously

At 10.23 am, Cr Derek Swanborough returned to the meeting.

Cr Greg Christensen advised Cr Derek Swanborough that Council's decision was to withdraw Items 10.13, 10.14, 10.15, 10.16 and 10.17 from the Agenda.

## Executive

### 10.1 The Council of Mayors (SEQ) North America Business Mission

**Executive Officer:** Chief Executive Officer

**Attachments:** Nil

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## Recommendation

That:

1. Council note the participation of the Mayor, Cr Greg Christensen, in The Council of Mayors (SEQ) North America Mission scheduled for 2 to 11 February 2023;
2. Council note that, including return travel, Cr Christensen will be absent from the region from Thursday, 2 February 2023 to Monday, 13 February 2023 inclusive;
3. Council grant Cr Christensen leave of absence from the Ordinary Meeting scheduled for Tuesday, 7 February 2023, should telecommunications connectivity not prove reliable enough to allow him to participate remotely in that meeting; and
4. Council grant Cr Christensen leave of absence from the Councillor and Executive Workshop scheduled for Wednesday, 8 February 2023.

At 10.30 am, during discussion on Item 10.1, Cr Derek Swanborough called a point of order:

*"Mr Mayor this is, you're deviating into not answering my question. My question specifically was, is this company providing financial support to the Council of Mayors for the Mayors to travel to their operations."*

Cr Greg Christensen:

*"Well Councillor you made a number of other comments, so I note your point of order."*

At 10.36 am, during discussion on Item 10.1, Cr Derek Swanborough called a point of order in relation to Cr Michael Enright's query "Mayor, could I ask a question more relevant to the Agenda item?":

*"A question more relevant'; is that not a slight on me, to this meeting?"*

The Chief Executive Officer cautioned Councillors on the calling of points of order.

Moved: Cr Virginia West  
Seconded: Cr Jeff McConnell

That the Chief Executive Officer's recommendation be adopted

Carried unanimously



Meeting adjourned at 10.41 am

Meeting resumed at 11.00 am

**10.2 Notice of Motion by Cr Swanborough proposing the relocation of the Doughty Park Information Centre, Tamborine Mountain**

**Executive Officer:** Chief Executive Officer

**Attachments:** Nil

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**Recommendation**

That Council consider Cr Swanborough's Notice of Motion proposing the relocation of the Doughty Park Information Centre on Tamborine Mountain.

**Motion**

That:

1. In view of the Council's recent purchase of land with considerable road frontage to Gallery Walk, that as a matter of priority, Council consider the opportunities to relocate the Tamborine Mountain Visitor Information Centre currently located in Doughty Park, into one of the purchased buildings, or alternatively set aside land for the future construction of a purpose built facility, included in a future master plan, in view of the considerable economic benefits to the Scenic Rim Regional economy, identified in Council's consultant reports; and
2. A report be brought back to Council in a reasonable timeframe.

Moved: Cr Derek Swanborough

Seconded: Cr Michael Enright

Carried unanimously

**10.3 Notice of Motion by Cr Swanborough re online Disclosure Log****Executive Officer:** Chief Executive Officer**Attachments:** Nil**Recommendation**

That Council consider Cr Swanborough's Notice of Motion proposing the implementation of an online Disclosure Log.

Moved: Cr Derek Swanborough

Seconded: Cr Jeff McConnell

**Motion:**

That, in accordance with Council's Customer Charter adopted in 2020, that reads inter alia:

*"We'll be open and honest always - we won't hide facts from you, or keep you in the dark ... we will always tell you the truth",*

that as a matter of urgency, Council implement an on-line Disclosure log under section 78A of the *Right To Information Act 2009*, and that all previous accessed and released 'confidential information' 'in the public interest', in this term of Council, be uploaded to the Disclosure Log so that the public including the media are aware of the information and can immediately and readily access it.

**For:** Crs Derek Swanborough and Jeff McConnell**Against:** Crs Greg Christensen, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Lost 2/5

**Motion**

That officers bring back a report in a timely manner, before the end of March 2023, to consider the implementation of an online Disclosure Log under all applicable sections of the *Right to Information Act 2009*, that will include all previous accessed and released confidential information in the public interest in the current term of this Council.

Moved: Cr Michael Enright

Seconded: Cr Duncan McInnes

Carried unanimously

**10.4 Notice of Motion by Cr Swanborough - Request for review of Council Policy: Providing Draft Conditions for Development Assessments****Executive Officer:** Chief Executive Officer**Attachments:** Nil

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**Recommendation**

That Council consider Cr Swanborough's Notice of Motion requesting a review of Council Policy: Providing Draft Conditions for Development Assessments.

Moved: Cr Derek Swanborough

Seconded: Cr Jeff McConnell


That Policy RF04.02GL.01 'Providing Draft Conditions for Development Assessments' be reviewed as a priority following community concerns that this Policy, despite its disclaimers, potentially sends a signal to developers of the likely approval of development applications and may make it more difficult for assessment officers to support changes or refusals, prior to Councillors considering and deciding the applications.

Carried unanimously

**10.5 Audit and Risk Committee Meeting 17 November 2022**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. Report to Council - Audit and Risk Committee 17 Nov 2022 
- 

**Recommendation**

That Council note the report provided on the Audit and Risk Committee Meeting held on 17 November 2022.

Moved: Cr Jeff McConnell  
Seconded: Cr Virginia West

That the General Manager Council Sustainability's recommendation be adopted



Carried unanimously

## Customer & Regional Prosperity

### 10.6 Scenic Rim Tourism Strategy 2017-2021 - Final Report

**Executive Officer:** General Manager Customer and Regional Prosperity

**Attachments:**

1. Scenic Rim Tourism Strategy 2017-2021 
2. Scenic Rim Tourism Strategy 2017-2021 Summary of Outcomes delivered against Action Plan 

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### Recommendation

That:

1. Council note the conclusion of the Scenic Rim Tourism Strategy 2017-2021 and acknowledge the initiatives undertaken and outcomes delivered to the benefit of the Scenic Rim region; and
2. Council acknowledge, in lieu of producing a new broad-based tourism strategy, key tourism actions are contained within the Scenic Rim Regional Prosperity Strategy 2020-2025, with a focus on developing relevant sub-strategies, such as Scenic Rim Agri-tourism and Agribusiness 10-Year Roadmap 2022-2032, and the Scenic Rim Nature-based Tourism Strategy scheduled for adoption early in 2023.

Moved: Cr Michael Enright

Seconded: Cr Virginia West

That the General Manager Customer and Regional Prosperity's recommendation be adopted

Carried unanimously

Meeting adjourned at 12.30 pm

Meeting resumed at 1.10 pm

**10.7 2022-2023 Scenic Rim Regional Arts Development Fund Program - Grant Round 1**

**Executive Officer:** General Manager Customer and Regional Prosperity

**Attachments:** Nil

**Recommendation**

That Council approve the allocation under the 2022-2023 Scenic Rim Regional Arts Development Fund Program - Grant Round 1, as recommended by the Scenic Rim Arts Reference Group, for a total of \$25,000 in grant funding towards four projects totalling \$303,823, as outlined in the table below:

<b>Individual/Group</b>	<b>Project</b>	<b>Amount Allocated</b>
Amy Parry	A Lifetime of Impossible Days	\$10,250
Bronwyn Davies	If Trees Could Talk	\$6,121
Tamborine Mountain Orchestral and Choral Society	Queensland Symphony Orchestra Education and Community Program	\$7,048
Gary Moloney	The Scenic Rim Experience: A Lifetime Perspective	\$1,581
<b>Total</b>		<b>\$25,000</b>

Moved: Cr Virginia West  
 Seconded: Cr Jeff McConnell



That the General Manager Customer and Regional Prosperity's recommendation be adopted

Carried unanimously

**10.8 MCU19/027 Development Permit for Material Change of Use - Service Station at 2571 Beaudesert-Beenleigh Road, Tamborine Lot 144 RP151365**

**Executive Officer:** General Manager Customer and Regional Prosperity

**Attachments:**

1. MCU19/027 - Changed Proposal Plans 
2. SARA Changed Referral Agency Response with conditions 

**Recommendation**

That:

1. Council receive and note the report titled "MCU19/027 Development Permit for Material Change of Use - Service Station at 2571 Beaudesert-Beenleigh Road, Tamborine Lot 144 RP151365".
2. Council resolve to refuse development application MCU19/027 for the following reasons:
  - (a) The proposed development conflicts with the following provisions of the relevant local planning instrument being the Beaudesert Shire Planning Scheme 2007:
    - (i) Section 2.1.3 Desired Environmental Outcomes (2) (j)(ii) and (iii), (l), (p)(viii), and Desired Environmental Outcomes (3)(b) and (c);
    - (ii) Rural Zone Code - Table 3.3.11 Specific Outcomes SO1 and SO2;
    - (iii) Rural Zone Code - Table 3.3.10 Overall Outcomes OO2, OO4, OO6, OO7, OO17, OO24, OO42 and OO51;
    - (iv) Construction and Infrastructure Code - Table 5.3.8 Specific Outcomes SO3 and SO12;
    - (v) Construction and Infrastructure Code - Table 5.3.9 Specific Outcomes SO14 and SO147; and
  - (b) The proposed development conflicts with the following provisions of a relevant Temporary Local Planning Instrument being TLPI 01/2019 (Flood Hazard):
    - (i) Item 3: Development Constraints Overlay Specific Outcomes SO1, SO3 and SO4.
  - (c) The applicant has not demonstrated sufficient grounds to support the proposed development despite the abovementioned conflicts; and
  - (d) The proposed development could not otherwise be conditioned to achieve compliance with the abovementioned conflicts.

**Moved:** Cr Duncan McInnes

**Seconded:** Cr Marshall Chalk



That the General Manager Customer and Regional Prosperity's recommendation be adopted

**For:** Crs Greg Christensen, Jeff McConnell, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

**Against:** Cr Derek Swanborough

Carried 6/1

**10.9 Adopted Infrastructure Charges Resolution Version 14****Executive Officer:** General Manager Customer and Regional Prosperity**Attachments:**

1. Adopted Infrastructure Charges Resolution V14 (with tracked changes) 
  2. Adopted Infrastructure Charges Resolution V14 Final 
- 

**Recommendation**

That Council adopt the Adopted Infrastructure Charges Resolution (Version No.14), as provided in Attachment 2, to take effect on the commencement date of 1 February 2023.

Moved: Cr Michael Enright

Seconded: Cr Marshall Chalk

That the General Manager Customer and Regional Prosperity's recommendation be adopted

Carried unanimously



## Asset & Environmental Sustainability

### 10.10 Bridges Renewal Program: Hinchcliffe Bridge and Kengoon Bridge Replacement

**Executive Officer:** General Manager Asset and Environmental Sustainability

**Attachments:** Nil

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#### Recommendation

That:

1. Council withdraw from the Bridges Renewal Program Round Five and Heavy Vehicle Safety and Productivity Program Round Seven funding agreement with the Australian Government, for Hinchcliffe Bridge replacement project;
2. Council withdraw from the Bridges Renewal Program Round Five and Heavy Vehicle Safety and Productivity Program Round Seven funding agreement with the Australian Government, for Kengoon Bridge replacement project; and
3. Council make application to the Australian Government's annual Bridges Renewal Program 2021, agreeing to match as a minimum the Australian Government funding requirements of the program, for the Hinchcliffe Bridge replacement project and the Kengoon Bridge replacement project.

Moved: Cr Jeff McConnell

Seconded: Cr Derek Swanborough

That the General Manager Asset and Environmental Sustainability's recommendation be adopted

Carried unanimously

## **Council Sustainability**

### **10.11 Council Monthly Financial Report for November 2022**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. Financial Performance and Position Progress Report November 2022 
- 

### **Recommendation**

That Council receive the unaudited financial statements for the period ended 30 November 2022 for the Financial Year 2022-2023.

Moved: Cr Virginia West  
Seconded: Cr Marshall Chalk


That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

**10.12 Council Monthly Financial Report for December 2022**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. Financial Performance and Position Progress Report December 2022 
- 

**Recommendation**

That Council receive the unaudited financial statements for the period ended 31 December 2022 for the Financial Year 2022-2023.

Moved: Cr Michael Enright  
Seconded: Cr Marshall Chalk


That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

**10.13 WITHDRAWN Inappropriate Conduct Matter C-20-00696**

**Executive Officer:** General Manager Council Sustainability


**Attachments:**

1. Investigation Report C-20-00696 - Confidential
  2. Investigation Summary C-20-00696 
  3. Statement by Subject Councillor - Confidential
  4. Investigator's Response to Councillor's Statement - Confidential
- 

**10.14 WITHDRAWN Inappropriate Conduct Matter C-21-00201**

**Executive Officer:** General Manager Council Sustainability


**Attachments:**

1. Investigation Report C-21-00201 - Confidential
  2. Investigation Summary C-21-00201 
  3. Statement by Subject Councillor - Confidential
  4. Investigator's Response to Councillor's Statement - Confidential
- 

**10.15 WITHDRAWN Inappropriate Conduct Matter C-21-00223**

**Executive Officer:** General Manager Council Sustainability


**Attachments:**

1. Investigation Report C-21-00223 - Confidential
  2. Investigation Summary C-21-00223 
  3. Statement by Subject Councillor - Confidential
  4. Investigator's Response to Councillor's Statement - Confidential
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**10.16 WITHDRAWN Inappropriate Conduct Matter C-21-00250**

**Executive Officer:** General Manager Council Sustainability




**Attachments:**

1. Investigation Report C-21-00250 - Confidential
  2. Investigation Summary C-21-00250 
  3. Statement by Subject Councillor - Confidential
  4. Investigator's Response to Councillor's Statement - Confidential
- 

**10.17 WITHDRAWN Inappropriate Conduct Matter C-21-00336**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. C 21 00336 Referral from OIA - Confidential
  2. Referral Attachments - Confidential
  3. Report from Ray Burton Consulting - Confidential
  4. Preliminary Concerns by Subject Councillor - Confidential 
  5. Preliminary Concerns addressed by Ray Burton - Confidential 
  6. Statement by Subject Councillor - Confidential
  7. Supplementary Report from Ray Burton Consulting - Confidential 
-

Cr Derek Swanborough:

*"Mr Mayor, I thought this particular item was just an advice item but I notice that it mentions my name, so I'll declare a conflict of interest and leave the meeting for this particular item."*

Cr Greg Christensen requested that Cr Swanborough advise the type of conflict he was declaring.

Cr Derek Swanborough:


*"I, Councillor Swanborough, inform the meeting that I have a declarable conflict of interest due to my name being mentioned in the report."*

At 2.24 pm, Cr Derek Swanborough left the meeting.

**10.18 Resolution from the Ordinary Meeting held on 8 November 2022 - Request for Ministerial review of suspected conflicts of interest raised re Item 10.1 (Inappropriate Conduct Matters - C/20/00919 and C/20/00870)**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. Department of State Development, Infrastructure, Local Government and Planning letter dated 5 December 2022 

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**Recommendation**

That Council acknowledge the advice on suspected declarable conflicts of interest dated 5 December 2022, provided by the Department of State Development, Infrastructure, Local Government and Planning.

Moved: Cr Jeff McConnell

Seconded: Cr Virginia West

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

At 2.28 pm, Cr Derek Swanborough returned to the meeting.

Cr Greg Christensen advised Cr Derek Swanborough of Council's decision in relation to Item 10.18.

At 2.29 pm, Cr Derek Swanborough left the meeting.

**10.19 Notice of Motion by Cr McConnell re Item 11.2, Ordinary Meeting held on 11 October 2022 - Inappropriate Conduct Matter - C/20/00919 and C/20/00870 [Closed s.254J(3)(f)]**

**Executive Officer:** General Manager Council Sustainability

**Attachments:** Nil

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### **Recommendation**

That Council consider Cr McConnell's Notice of Motion in relation to the resolution of Council in Item 11.2 of the Ordinary Meeting held on 11 October 2022, "Inappropriate Conduct Matter - C/20/00919 and C/20/00870 [Closed s.254J(3)(f)]".

Cr Jeff McConnell queried a suspicion raised by Cr Derek Swanborough, that another Councillor had a conflict of interest in this matter. The General Manager Council Sustainability referred to information provided to the meeting by Cr Derek Swanborough in relation to section 150EZ of the *Local Government Act 2009* and a suspicion of a conflict of interest against Cr Greg Christensen.

At 2.32 pm, Cr Greg Christensen invited Cr Jeff McConnell to take the Chair while he responded to the matter.

Cr McConnell took the Chair.

Cr Greg Christensen:

*"I'm in the vexed position where there's a, a whole raft of comments here that don't actually relate to me. All I can, all I can respectfully say today, Councillors have seen the advice in the correspondence that I tabled this morning that relates to, the allegations against me have been referenced previously in supposed reasonable suspicions. The OIA have confirmed that there was no basis to those on a prior occasion even though they may have formed the basis for a determination that I was conflicted on an occasion where I repeatedly said with the matter at hand I have no conflict. I simply say again to Councillors today, rather than go through in detail, there is no element of fact or truth or substance in the material that was provided to the CEO that raises a prospect of a conflict of interest, a personal interest or a conflict of interest for me with regard to the matter we're considering at this point in the meeting."*

**Motion**

That in relation to Item 10.19, Council resolve that Cr Greg Christensen does not have a declarable conflict of interest in this item.

Moved: Cr Michael Enright  
 Seconded: Cr Virginia West

For: Crs Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Against: Cr Jeff McConnell

Cr Greg Christensen did not vote due to a conflict of interest

Carried 4/1

At 2.41 pm, Cr Greg Christensen took the Chair.

Moved: Cr Jeff McConnell  
 Seconded: Cr Marshall Chalk

That the following order, itemised as 2e) of the resolution adopted under Item 11.2 at the Ordinary Meeting held on 11 October 2022, be repealed:

*'That Councillor Swanborough reimburse the local government for 30% of the costs of the investigation arising from this councillor's inappropriate conduct.'*

For: Crs Jeff McConnell, Marshall Chalk and Duncan McInnes

Against: Crs Greg Christensen, Virginia West and Michael Enright

Equal

The Chair issued his casting vote against the motion.

Lost

At 3:10 pm, Cr Derek Swanborough returned to the meeting.

Cr Greg Christensen advised Cr Derek Swanborough of Council's decision in relation to Item 10.19.



**10.20 Notice of Motion by Cr McConnell re Item 9.1, Ordinary Meeting held on 20 September 2022 - amended by Council resolution at the Ordinary Meeting held on 8 November 2022**

**Executive Officer:** General Manager Council Sustainability

**Attachments:** Nil

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**Recommendation**

That Council consider Cr McConnell's Notice of Motion in relation to the resolution of Council in Item 9.1 of the Ordinary Meeting held on 8 November 2022, "*Item 10.1, Ordinary Meeting Minutes, 7 June 2022 - amended by Council resolution at the Ordinary Meeting held on 20 September 2022*".

Moved: Cr Jeff McConnell  
Seconded: Cr Michael Enright

That the current matter, in relation to the transition to revised meeting and committee schedule, be placed on hold until such time the Chief Executive Officer (in consultation with the Governance Advisor) provides an updated report to Council on potential meeting and committees options.

An amendment to the motion was proposed by Cr Derek Swanborough:

That the current matter, in relation to the transition to revised meeting and committee schedule, be placed on hold until such time the Chief Executive Officer (in consultation with the Governance Advisor) provides an updated report to Council on potential meeting and committees options being cognisant of the Council's intent in proposing this change previously.

The amendment was accepted by the mover and seconder of the motion.

The motion, as amended:

That the current matter, in relation to the transition to revised meeting and committee schedule, be placed on hold until such time the Chief Executive Officer (in consultation with the Governance Advisor) provides an updated report to Council on potential meeting and committees options being cognisant of the Council's intent in proposing this change previously.

was then put and

Carried unanimously

## 11 Confidential Matters

At 3.23 pm, Council resolved into closed session, in accordance with Council's Meetings and Other Forums Procedure relating to closed Council Meetings and the provisions of Section 254J(3) of the *Local Government Regulation 2012*, to discuss confidential items relating to:

- (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

Moved: Cr Virginia West  
Seconded: Cr Duncan McInnes

Carried unanimously

At 4.00 pm, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Jeff McConnell  
Seconded: Cr Virginia West

Carried unanimously

**11.1 Scenic Rim Eat Local Week 2022 outcomes and Event Evaluation and Future Direction [Closed s.254J(3)(g)]****Executive Officer:** General Manager Customer and Regional Prosperity**Recommendation**

That:

1. Council recognise the outcomes of Scenic Rim Eat Local Week 2022, with its 125 events held over nine days, economic contribution of just under \$2 million, 34,499 visitors across all activations, many from outside the region, and the significant impact in terms of awareness and brand building generated for the Scenic Rim region with the value of media coverage earned at circa \$3 million;
2. Council acknowledge and extend appreciation to the Scenic Rim region's farmers, makers and growers who actively participated in, and the Regional Events team who delivered, Scenic Rim Eat Local Week 2022;
3. Council acknowledge and thank Tourism and Events Queensland for the Queensland Destination Events Program funding received (since 2015) and note Scenic Rim Eat Local Week has reached the highly sought-after 'Significant Event' status;
4. Council acknowledge and thank the other businesses involved including sponsors Urban Utilities, Kalfresh Vegetables, Moffatts Fresh Produce, the Community Bank Kalbar and District (Bendigo Bank), and media partner Queensland Newspapers (The Courier Mail);
5. Council endorse the transition from Scenic Rim Eat Local Week to Scenic Rim Eat Local Month (ie. a month-long activation in June each year) and note planning for the 2023 event has commenced, in line with the 2022-2023 operational budget, incorporating recommendations from the strategic review conducted by J2 Creative Industries Pty Ltd;
6. Council endorse releasing this Council report, along with Attachments 1 and 2; and
7. In accordance with clause 22.6.3 of the Scenic Rim Regional Council Standing Orders Procedure CM03.01PR.01, Council endorse and maintain confidentiality over the Scenic Rim Eat Local Week Event Evaluation and Future Directions Report (Attachment 3), and that it not be released due to the commercial-in-confidence information, which if made public, could eradicate Council's competitive advantage and prove detrimental to the event's future.

Moved: Cr Duncan McInnes

Seconded: Cr Virginia West

That the General Manager Customer and Regional Prosperity's recommendation be adopted

Carried unanimously

The Ordinary Meeting ended at 4.05 pm.

To be confirmed on 7 February 2023.

**Cr Greg Christensen**

**Mayor**