



Agenda

Ordinary Meeting

Tuesday, 7 February 2023

Time: 9.15 am
Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

**Scenic Rim Regional Council
Ordinary Meeting
Tuesday, 7 February 2023
Agenda**

1	Opening of Meeting	5
2	Attendance and requests for leave of absence	5
3	Apologies	5
4	Prayers	5
5	Declarations of Prescribed or Declarable Conflict of Interest by Members.....	5
6	Announcements / Mayoral Minutes	5
7	Reception of Deputations by Appointment / Presentation of Petitions	5
8	Confirmation of Minutes.....	5
9	Business Arising from Previous Minutes	5
10	Consideration of Business of Meeting	6
	Executive.....	6
10.1	Notice of Motion by Cr Swanborough re Nomination of Hartley Road, Tamborine Mountain to The Roads and Transport Alliance for consideration of funding	6
	Customer & Regional Prosperity	8
10.2	Scenic Rim Arts Reference Group Terms of Reference Update 2022	8
10.3	Infrastructure Charges - Request to Waive Charges for a Charitable Organisation - Wongaburra Society (MCU22/025)	36
10.4	Tourist Accommodation - Safety Compliance Program	47
	Asset & Environmental Sustainability.....	53
10.5	Local Roads of Regional Significance.....	53
10.6	Pig and Calf Saleyard Heritage Listing Appeal - Court Decision	58
11	Confidential Matters	107
11.1	Finalisation of Appeal - MCU20/050 SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors - Planning and Environment Court Appeal No.BD2001 of 2021, 1-11 Eagles Retreat Place, Tamborine Mountain [Closed s.254J(3)(e)].....	107

**11.2 Notice of Motion by Cr Swanborough re Recovery of Court Costs -
MCU20/050 SDA Property Nominees Pty Ltd v Scenic Rim Regional
Council and Ors - Planning and Environment Court Appeal No.BD2001 of
2021, 1-11 Eagles Retreat Place, Tamborine Mountain
[Closed s.254J(3)(e)] 107**

1 Opening of Meeting

2 Attendance and requests for leave of absence

3 Apologies

4 Prayers

Pastor Dennis Lumley from Fassifern Christian Church will offer prayers

5 Declarations of Prescribed or Declarable Conflict of Interest by Members

6 Announcements / Mayoral Minutes

7 Reception of Deputations by Appointment / Presentation of Petitions

8 Confirmation of Minutes

Ordinary Meeting - 24 January 2023

9 Business Arising from Previous Minutes

10 Consideration of Business of Meeting

Executive

10.1 Notice of Motion by Cr Swanborough re Nomination of Hartley Road, Tamborine Mountain to The Roads and Transport Alliance for consideration of funding

Executive Officer: Chief Executive Officer

Item Author: Business Support Officer - Office of the Mayor and Chief Executive Officer

Attachments: Nil

Executive Summary

The Chief Executive Officer has received a written Notice of Motion from Cr Derek Swanborough, advising of his intention to propose a motion in relation to the nomination of Hartley Road, Tamborine Mountain to The Roads and Transport Alliance for consideration of funding.

Recommendation

That Council consider Cr Swanborough's Notice of Motion in relation to the nomination of Hartley Road, Tamborine Mountain to The Roads and Transport Alliance for consideration of funding.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

Cr Derek Swanborough has given written notice of his intention to propose the following motion:

"That Council nominate Hartley Road Tamborine Mountain to the Roads and Transport Alliance for consideration of funding as a local road of regional significance. This road is considered not fit for purpose and is likely one of the highest trafficked local Roads in the Scenic Rim as it is an arterial link servicing tourists and locals between the major north west arterial roads in the highest population centre. Traffic, including buses is generated to the high school of up to 1100 students, three wineries, Cedar Creek Wines, Mason Wines and the Cauldron Distillery, the SES, Fire and Ambulance rear entrances, a Helipad, a landscape supply business, Air P&B's, two water utilities involving substantial truck movements and the Cedar Creek Glow-worm caves, catering on average to 250,000 visitors per year. Post Covid and nomination as Queensland top Tourism Town has increased visitation and the usage of this road."

Budget / Financial Implications

Not applicable.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council’s practice and processes

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Lack of open and transparent communication.	3 Moderate	Likely	High	Due consideration of requests from Elected Members relating to the proposal of motions at Ordinary Meetings.	Low

Consultation

Chief Executive Officer

Conclusion

The Chief Executive Officer recommends that Council give consideration to Cr Derek Swanborough's motion.



Customer & Regional Prosperity

10.2 Scenic Rim Arts Reference Group Terms of Reference Update 2022

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Principal Specialist Cultural Services

Attachments:

1. Arts Reference Group Terms of Reference 2016 [↓](#) 
2. Arts Reference Group Terms of Reference 2023 (updated) [↓](#) 

Executive Summary

The Scenic Rim Arts Reference Group (ARG) has been in operation since 2016, and is administered by its Terms of Reference (refer Attachment 1).

This report provides an updated ARG Terms of Reference (refer Attachment 2) for consideration.

Note, due to the many changes made to the Terms of Reference only the original version (2016, Attachment 1) and a clean copy of the updated version (2023, Attachment 2) have been provided (not a tracked changes version).

Recommendation

That:

1. Council endorse the updated Scenic Rim Arts Reference Group Terms of Reference 2023;
2. Council acknowledge the Scenic Rim Arts Reference Group Chair, being an appointed Elected Member of Council, is a non-voting member of the group;
3. Council acknowledge the major Regional Arts Development Fund Program Big Idea applications will change from two rounds to one commencing in 2023 - 2024 financial year, reducing the number of Scenic Rim Arts Reference Group meetings to two per year to assess these grants;
4. Council acknowledge the Scenic Rim Arts Reference Group will continue to assess the minor Regional Arts Development Fund Launch Pad and Express Lane applications, as a rolling program;
5. Council note the new format of the Scenic Rim Arts Reference Group is proposed to commence in July/August 2023, once an expression of interest process has been conducted, and the new group is formed (noting current members are welcome to re-apply); and
6. Council extend its gratitude to all community members who have given of their time and expertise as members of the Scenic Rim Arts Reference Group since its inception, and particularly the current members who have continued to support Council and the region's creative and artistic community.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 24 May 2022, Councillor Enright was nominated and appointed as Chair of the Scenic Rim Arts Reference Group.

At the Corporate and Community Services Committee Meeting held on 18 July 2016 (Item 3.1), the Committee considered the Arts Reference Group Terms of Reference and recommended that "*Council endorse the Arts Reference Group to assess applications for Public Art and Regional Arts Development Fund*". The Committee's recommendation (as contained in the Corporate and Community Services Report) was adopted at the Ordinary Meeting held on 25 July 2016.

Report / Background

The ARG is an important consultative group of volunteer community members who provide valuable insight into arts across the Scenic Rim, and contribute to supporting and delivering arts through the Scenic Rim Regional Council's (Council) Cultural Services program.

The ARG supports Council in promoting the arts as a tool for cultural expression and development and building community engagement.

The ARG works in conjunction with the Council's Public Art and Collection Policy and Procedure to realise three main goals:

- Build community capacity through arts and culture;
- Enable the region to appreciate, realise and articulate its heritage and identity; and
- Promote and generate creative excellence;

The ARG oversees the promotion and delivery of the Regional Arts Development Fund (RADF) Program and assesses grant applications, making recommendations to Council for consideration. The ARG is also involved in reviewing public art proposals, for example, commissioning of new public artworks, public art gifts, bequests and donations.

The current Scenic Rim Arts Reference Group Terms of Reference were developed in 2016 (refer Attachment 1), when the ARG was originally established.

As part of a regular review process, and to address reduced membership numbers and flagging attendance at ARG meetings, four specific changes have been made to the updated Terms of Reference as highlighted below:

1. The membership has been reduced from nine, to seven members, with a quorum of four to enable the ARG to operate more efficiently.
2. In 2023-2024, the Big Idea Community Grant will change from two rounds to one round per year, reducing the number of meetings ARG members are required to attend from four to two.
3. Under 3.1 non-voting has been added to the Chair's position. In practise, at meetings the Chair does not vote and for clarity this has been added to the Terms of Reference.
4. Section 4.2 Decisions outside a meeting, has been added to identify the process for decisions which require a quick response or for when a meeting can't be arranged (this relates to the minor RADF Launch Pad and Express Lane grant applications to operate as a rolling program).

Significant changes have also been made to increase clarity of the ARG Terms of Reference to simplify and update them to bring them in line with other similar Council documents.

Finally, to ensure the ARG continues to be enthusiastic and provide a fresh perspective to arts and progressing arts and culture within the region, the members' term of office will be for three years. Every three years an Expression of Interest (EOI) process will be advertised through local media and Council's website. Existing members are welcome to apply should they wish to be considered to continue their involvement on the ARG.

This is in accordance with the Terms of Office section in the new ARG Terms of Reference.

All members will be aware of this when submitting their initial EOI through a Membership Information pack providing perspective members with relevant information of members responsibilities and the purpose of the ARG.

The new ARG membership format and terms of reference is proposed to commence in July/August 2023, once an expression of interest process has been conducted over the coming months, and a new ARG is formed.

The new format for the assessments of the RADF grants is proposed to commence in 2023-2024, financial year, once the RADF Program operational budget has been adopted and the funding from Arts Queensland has been confirmed.

Council extends its gratitude to all community members who have given of their time and expertise as members of the Scenic Rim Arts Reference Group since its inception, and particularly the current members who have continued to support Council and the community.

Budget / Financial Implications

Through the RADF program, Council receives a \$39,500 funding allocation from the Queensland Government through Arts Queensland. As a requirement of the partnership agreement with Arts Queensland, Council provides a matched funding contribution of \$30,500 equalling a total of \$70,000 funding per annum.

A balance of \$37,135 of committed grant funds were carried over from 2021-2022, bringing the total allocation of funds for the 2022-2023 RADF Program to \$107,135.

The RADF Program's typical annual budget funds the following initiatives each year:

- \$50,000 - "Big Ideas" Community Grant Rounds 1 and 2;
- \$5,000 - "Express Lane" Quick Response Grants;
- \$5,000 - "Launch Pad" Young Creatives Grant;
- \$10,000 - Strategic Initiative. A council initiated, community-run professional development program for local artists, cultural and arts workers.

Secretariat and other support for the ARG is provided through officer time contained within the Cultural Services adopted operational budget.

Strategic Implications

Operational Plan

Theme: 7. Healthy, Engaged and Resourceful Communities

Key Area of Focus: Enduring social connectedness that drives positive community participation and contribution

Legal / Statutory Implications

Council must adhere to the RADF Funding Agreement terms and conditions.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Councillor on committee deciding on grant funding, perceived and/or actual conflict	3 Moderate	Possible	Medium	Amend Councillor's role, as elected Chair, to have no voting rights.. Manage through clear communication, transparent expression of interest process and well documented decision-making processes.	Low

Consultation

Consultation has been undertaken with the General Manager Customer and Regional Prosperity, Acting Manager Customer, Community and Culture, Principal Specialist Governance and Assurance, Principal Specialist Community Development, Principal Specialist Cultural Services, and Cultural Projects Officer: Public Art, RADF and Heritage.

The General Manager Customer and Regional Prosperity has liaised with Cr Michael Enright, Chair of the Scenic Rim Arts Reference Group, regarding the proposed changes.

Councillors have also been briefed on the proposed changes to the ARG Terms of Reference and the RADF Program.

Conclusion

A key intention of the review of the Scenic Rim ARG's Terms of Reference is to update the template and refresh content to address reduced membership and flagging attendance at ARG meetings and to improve the RADF grant assessment processes.

Once the new Terms of Reference have been endorsed, an EOI process will be conducted to fill positions on the ARG with the view to the newly formed ARG commencing in July/August 2023. The new format for the assessments of the RADF grants is proposed to commence in 2023-2024, once the operational budget has been adopted and the funding from Arts Queensland has been confirmed.

10.3 Infrastructure Charges - Request to Waive Charges for a Charitable Organisation - Wongaburra Society (MCU22/025)

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Technical Officer Planning and Infrastructure Charges

Attachments:

1. MCU22/025 - Infrastructure Charge Notice issued to Wongaburra Society  

Executive Summary

Council is in receipt of a request to waive the infrastructure charges issued to Wongaburra Society as part of their development approval, MCU22/025 - Development Permit for Material Change of Use (involving a Residential care facility) Preliminary Approval that includes a Variation Approval to vary the effect of the Scenic Rim Planning Scheme 2020, on the basis they are a charitable organisation. The total amount of infrastructure charges issued at time of approval under MCU22/025 was \$66,737.20.

Under Section 11.3 of Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), infrastructure charges may be considered for discount upon request and such applications would be assessed on a case-by-case basis, and in accordance with any relevant Council policies. Limits may apply as to the percentage and maximum value of such waivers.

Recommendation

That Council approve the waiver of infrastructure charges for MCU22/025, by way of donation and via an Infrastructure Agreement, as issued in the Infrastructure Charge Notice to Wongaburra Society dated 15 November 2022, as provided for in Section 11.3 of Adopted Infrastructure Charges Resolution (version no. 13) 30 November 2021.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 25 October 2022 (Item 10.7), MCU22/025 - Development Application for Wongaburra Re-development and Variation Approval - 210-218 Brisbane Street, Beaudesert, Council resolved that:

1. Council receive and note the report titled "MCU22/025 - Development Application for Wongaburra Re-development and Variation Approval - 210-218 Brisbane Street, Beaudesert";
2. Council approve development application MCU22/025, subject to imposition of reasonable and relevant conditions in Appendix A; and
3. Council note that any subsequent requests for a negotiated decision notice and/or change applications to the approval (MCU22/025) will be processed via delegated authority where the changes would not significantly alter the original decision.

Report / Background

Wongaburra Society is a registered charitable organisation was established to provide aged care and nursing home. Wongaburra was created as a caring gesture by the people of Beaudesert to enable the elderly to remain and live within their community.

On 29 October 1965, the Beaudesert Chamber of Commerce proposed the development and establishment of a home for aged people. The proposal immediately attracted the support of the community and within five years, in June 1970, the building was completed and furnished and was officially opened by Dame Annabel Rankin on 22 August 1970.

Wongaburra has since evolved into a highly sophisticated community-based centre, and is a non-denominational, not-for-profit, fully accredited aged care residence developed by the people of Beaudesert purely to serve the elderly within the community. Today, the diverse services offered by Wongaburra, means the lifestyle choices are many for the elderly of the community and surrounding areas.

On 19 May 2022, a development application (MCU22/025) for the purposes of Material Change of Use - (involving a Residential care facility) Preliminary Approval that includes a Variation Approval to vary the effect of the Scenic Rim Planning Scheme 2020, was lodged on Wongaburra Society's behalf by Mecone. The primary purpose of the application was to allow for the redevelopment of the existing facilities which are now dated. While there is a minor increase in the number of bedrooms, the actual additional demand on trunk services is minimal.

The application was subsequently approved with conditions at the Ordinary Meeting held on 23 November 2022, and in accordance with Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), attracted an infrastructure charge totalling \$65,737.20 (issued on 15 November 2022).

On 12 December 2022, Council received a written request from Mrs Kathryn Jones, Mecone acting on behalf of the Wongaburra Society requesting Council waive all or part of the infrastructure charges issued on 15 November 2022 on the basis they are a charitable organisation.

Section 11 of Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), provides 100% discount for community groups building infrastructure on Council controlled land. In this instance the proposed development does not meet this criteria as the land is privately owned and not council controlled. As such the waiver, or part thereof, will fall under Section 11.3 of Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), which states infrastructure charges may be considered for discount upon request and such applications would be assessed on a case-by-case basis and in accordance with any relevant Council policies. Limits may apply as to the percentage and maximum value of such waivers.

A search of Council records indicate that a request of this nature has not been received previously by this applicant. In relation to the proposed residential care facility at 60 North Street, Harrisville (Item 10.4 of the Ordinary Meeting held on 7 June 2022), Council resolved to waive 25% of the infrastructure charges, capped to \$50,000.

Council does not have a specific policy or procedure which indicate a maximum value/percentage of such waivers, so applications need to be considered on a case-by-case basis, on merit.

As Wongaburra Society, is a registered charitable organisation established by the community to provide aged care and nursing home, exists solely for the purposes of providing local care, it is therefore proposed to allow the maximum waiver of 100% of the infrastructure charges. This will recognise the development's benefit to the local community against its minimal impact on infrastructure demands.

Budget / Financial Implications

In accordance with Section 11.3 of Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), infrastructure charges may be considered for discount upon request from community organisation. Wongaburra Society is a registered charitable organisation.

The Development Application approved with conditions at the Ordinary Meeting held on 23 November 2022, and in accordance with Council's Adopted Infrastructure Charges Resolution (v13 - November 2021), attracted an infrastructure charge totalling \$65,737.20 (issued 15 November 2022). It is therefore proposed to allow the maximum waiver of 100% of the infrastructure charges.

Any waiver of charges will reduce income which is directed toward trunk infrastructure, which would need to be funded through the general rate base.

Strategic Implications

Operational Plan

Theme: 6. Accessible and Serviced Region

Key Area of Focus: A sustainable program of local, higher order infrastructure delivery necessary to support population and economic growth

Legal / Statutory Implications

It is confirmed that Wongaburra Society is a registered charitable organisation and therefore meets the definitions of a community organisation within the Council's Adopted Infrastructure Charges Resolution (v13 - November 2021).

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Financial/Economic Reduce revenue for trunk infrastructure	2 Minor	Almost certain	Low	Funding to occur by the wider community via the general rate base.	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Wavering and reduction of infrastructure charges in accordance with Section 11.3 and 12 of the AIRC V13	2 Minor	Possible	Low	To process and undertake the applicants request in accordance with Council's Adopted Infrastructure Charges Resolution V13 and action via an Infrastructure Agreement for Non-trunk Infrastructure	Low

Consultation

Councillors have been briefed previously on this development and the request for wavier of infrastructure charges.

Conclusion

Wongaburra Society is somewhat unique in that it exists solely to provide local aged care services within the Scenic Rim region, and is not part of a larger multi-disciplinary organisation.

The undertaking of this redevelopment is a beneficial community activity which has had continued community support since its official opening on 22 August 1970.

Given that this is primarily a redevelopment of the existing development with minimal additional demand on trunk infrastructure, a full waiver of 100% of infrastructure charges is considered appropriate in this case and is recommended for Council's consideration.

10.4 Tourist Accommodation - Safety Compliance Program**Executive Officer:** General Manager Customer and Regional Prosperity**Item Author:** Team Leader Compliance Services**Attachments:** Nil

Executive Summary

Growth in the Scenic Rim region's tourist accommodation sector has for the most part, provided high quality developments that meet or exceed Council's planning and safety requirements, however, a small percentage of offered tourist accommodation may have health and safety shortcomings.

This report provides an overview of a safety compliance program by the Regulatory Services team targeting unlawful high risk tourist accommodation providers.

The compliance program will target camping grounds and tourist accommodation, which are identified as posing a health, safety and amenity risk to customers and/or nearby residents. Non-compliant accommodation has a potential reputational risk to the Scenic Rim region's tourism credentials and nationally and internationally recognisable brand.

This issue was also raised by concerned tourism operators several years ago and was presented to the Scenic Rim Tourism Advisory Committee, who formed sub-committee in August 2019 to review 'non-compliant short stay accommodation' within the Scenic Rim. This advice was presented to Council for further consideration on how to address the compliance issues.

Recommendation

That:

1. Council note the commencement of the Tourist Accommodation - Safety Compliance Program for unlawful camping and tourist accommodation which pose a high risk to health, safety and amenity;
2. Council note the Tourist Accommodation - Safety Compliance Program implementation stages outlined in the report, commencing with Stage 1 Communications and Information Strategy; and
3. Council note Officers will work with Destination Scenic Rim in support, and implementation, of the Safety Compliance Program.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

The Scenic Rim region is experiencing an increase in the number of camp grounds and tourist accommodation providers in the region. This direction is supported by the Scenic Rim Planning Scheme 2020 (Planning Scheme) and the Scenic Rim Regional Prosperity Strategy 2020-2025. The majority operate in accordance with the various laws governing these uses and provide a beneficial service to visitors to the region. It is becoming apparent however, that a growing number of operators do not have the required approvals, and potentially provide accommodation which does not meet health, safety or amenity standards.

This issue was also raised by concerned tourism operators several years ago and was presented to the Scenic Rim Tourism Advisory Committee, who formed a sub-committee to undertake a review 'non-compliant short stay accommodation' within the Scenic Rim. This information has assisted with the development of the Safety Compliance Program.

It is considered appropriate to pro-actively investigate this type of activity to ensure it meets Council's standards and community and tourism operators expectations.

Potential concerns associated with tourist accommodation include:

- Unhygienic facilities,
- Non-potable water supplies,
- Unsafe buildings and structures,
- Fire safety and smoke alarms,
- Unfenced swimming pools,
- Road and access standards,
- Locational issues such as flood, bushfire risk and landslide hazard area, and
- Impacts on neighbours from noise, traffic and privacy.

The purpose of the Tourist Accommodation - Safety Compliance Program (the Program) is to:

1. increase the knowledge of operators as to their legislative responsibilities,
2. ensure persons utilising these accommodations, are assured of the appropriate level of health and safety standards, and
3. ensure the off-site amenity is not unreasonably affected.

Activities to be Prioritised

- Camping and caravan parks (tourist parks) have dramatically increased in popularity and number in recent years. While the Planning Scheme allows for minor camping (up to five sites) on certain large rural properties as Accepted Development, all tourist parks must be licenced by Council's Health Services irrespective of size.
- Shared Accommodation such as Bed and Breakfasts may require a Shared Facilities approval and a Food Licence.
- Accommodation in structures that do not meet building or fire regulations are of particular concern. Such structures present a real risk to the safety of persons being accommodated. This also includes unfenced swimming pools.

The letting of complete dwellings to a single group (holiday home) will not form part of the Program as this is mostly Accepted Development under the Planning Scheme, however, the program would consider dwelling houses used as a 'Party House', multiple dwelling or Bed and Breakfast.

Co-ordinated Approach - Tourist Accommodation - Safety Compliance Program

The Program will be a co-ordinated pro-active approach across various Council teams including:

- Compliance Services team for development related matters,
- Health Services team for licencing of operators where required,
- Development Assessment and Engineering team to advise operators on development approvals,
- Strategic Planning team to provide fact sheets,
- Customer Care and Engagement team to field enquiries
- Regional Prosperity team, in conjunction with Destination Scenic Rim, to provide connection to industry and concierge service and support, and
- Communications and Marketing team to assist in awareness and promotion of the program activities and ensure up to date information is available on Council's website.

The legislation Council's Regulatory Services team enforces and the potential requirements of tourist accommodation operators are detailed in the table below:

Regulatory Services team	Legislation	Potential approval/Licensing requirements
Health Services	<i>Food Act 2006</i>	Food Licence (If food preparation is occurring)
Health Services	<i>Public Health Act 2005</i>	Compliance of acceptable health standards.
Health Services	<i>Local Law 1 (Administration) 2011</i>	Camp Ground/Caravan Park Approval Operation of Shared Facility Accommodation
Compliance Services	<i>Planning Act 2016</i>	Development Approval
Compliance Services	<i>Building Act 1975</i>	Development Approval (Certification of buildings, structures, swimming pools and swimming pool barriers).

Current figures for Licensed Facilities:

Activity	Number Approved
Camp ground	20
Caravan Park	11
Shared Accommodation	31

Implementation Stages - Tourist Accommodation - Safety Compliance Program*Stage 1 - Communications and Information Strategy*

The initial stage of the Program will be a concerted community awareness program via the Communications and Marketing team, in conjunction with the Regional Prosperity team and Destination Scenic Rim. Communications will occur via:

- Council's website, media and social media platforms,
- Visit Scenic Rim website, database and industry resources portal
- Contact with industry representative groups,
- Destination Scenic Rim via membership e-newsletters and networking events, and
- Chambers of Commerce via membership e-newsletters and networking events.

Operators will be encouraged to review Fact Sheets, seek information from Council, and where necessary, meet with Council to assist them to progress to a solution.

Stage 2 - Desktop Preliminary Investigation

The desktop investigation will review accommodation activities found primarily on websites against Council's records.

Stage 3 - Prioritisation of Risk

Each activity noted for investigation will be rated for risk. Prioritisation will be given to those activities with a high health and safety risk to persons such as unfenced swimming pools, unsafe structures and fire safety concerns. Activities will then be actioned by priority as resources allow.

Stage 4 - Site Based Investigations

Investigations may include any or all of the following depending on the individual circumstances:

- Initial contact by telephone or letter to confirm the activity is occurring as suspected.
- Issue of a Show Cause or Compliance Notice which essentially provides the operator the opportunity to bring the activity in to compliance.
- Enforcement Notices or Penalty Infringement Notices will be issued where serious breaches are identified. This will occur particularly if unlawful swimming pools and safety barriers are identified.

Council actions will continue until the activity:

- Demonstrates existing compliance with Council requirements,
- Achieves compliance with Council requirements, or
- Ceases to operate.

Messaging

There is a risk that in some quarters the program will be perceived as an unfair 'crackdown' on people with a tourism enterprise. Accordingly, it is important that key stakeholders are briefed to ensure the intent of the program is understood. The Communications and Marketing team, Regional Prosperity team and Destination Scenic Rim will be key in assisting to provide appropriate messaging on the program.

The messaging is:

- The Program is aimed at those operations that pose a significant health or safety risk.
- High risk operations do not fit with the destination branding Council and Destination Scenic Rim, with industry, is seeking to achieve for tourism/visitor economy in the region.
- Lawful operators will not be affected and should be supportive of the Program.

Budget / Financial Implications

The program is not intended to involve additional staff resources, however, program work and existing workloads will need to be prioritised to ensure resources are applied relative to the risks associated with the individual matters raised.

The activities of Compliance Services are funded within the adopted 2022-2023 Operational Budget, including an allowance for costs associated with any legal matters. This Program will be funded under the current budget. The provision of support from other teams across council will be largely funded from their adopted 2022-2023 Operational Budgets.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: 3.1.2 Provide streamlined and practical regulatory services that deliver improved access for the community

Legal / Statutory Implications

Legal and statutory implications will be managed in line with Council's Risk Management Framework.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.
- SR59 Non-compliance with legislation and/or procurement policies and procedures resulting in successful claim against Council beyond limit insured for.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Council has a responsibility to effectively investigate allegations of breaches of legislation of which it is empowered to enforce.	2 Minor	Likely	Medium	Council resources the Compliance Services Team to satisfactorily investigate all customer requests and to conduct proactive audits on high risk developments.	Low

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership Council must investigate allegations of breaches to ensure the community has confidence in Council effectively regulating the legislation it is empowered to monitor.	2 Minor	Likely	Medium	Council resources the Compliance Service Team to satisfactorily investigate all customer requests and to conduct proactive audits on high risk developments.	Low

Consultation

Consultation has occurred with the teams identified in the report to ensure co-ordinated planning and implementation of the Tourist Accommodation - Safety Compliance Program. Regional Prosperity have been consulted on the Program and messaging to the local tourism industry and the community. Destination Scenic Rim will also be consulted in the delivery of this Program.

Conclusion

The proposed pro-active action to investigate non-compliant tourist accommodation services in the Scenic Rim region arises from community and tourism industry concerns and anecdotal evidence of an increase in unapproved accommodation activities which are potentially unsafe.

Implementation of the Program will seek to ensure accommodation activities undertaken in the region are meeting health, safety and amenity standards, and value-adding to the destination brand and tourism product offering in the Scenic Rim region.

Asset & Environmental Sustainability

10.5 Local Roads of Regional Significance

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: General Manager Asset and Environmental Sustainability

Attachments:

1. Scenic Rim Regional Council Local Roads of Regional Significance Register [↓](#) 

Executive Summary

The Local Roads of Regional Significance network is a network of lower-order state-controlled roads and higher-order local government-controlled roads that perform a similar function.

Local Roads of Regional Significance are determined by Regional Roads and Transport Groups to focus Transport Infrastructure Development Scheme investment on roads of strategic importance, although other road infrastructure classes are eligible for Regional Road and Transport Group/s consideration.

Recommendation

That

1. Council support a review of its register of Local Roads of Regional Significance, in consultation with the Scenic Valleys Regional Roads and Transport Group;
2. Any proposed changes to Council's register of Local Roads of Regional Significance be presented to Council for endorsement; and
3. Hartley Road be considered in the Council's review of its register of Local Roads of Regional Significance.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 24 May 2022 (Item 10.1), it was resolved that:

1. Council appoint Councillors as Councillor representatives on internal and external committees and forums for the period May 2022 to May 2023, as shown on Table A;
2. Council note the attendance of the Mayor, Deputy Mayor and divisional Councillors to various committees and forums for the period May 2022 to May 2023, as shown on Table B;
3. Council acknowledge that these appointments will continue to be reviewed annually; and
4. Council advise the organisations of the respective appointed Councillor representatives, as appropriate.

NB. Attachment A to the report states Cr West as the Council-Appointed Representative for the Scenic Valleys Regional Roads and Transport Group.

Report / Background

On 14 October 2022, TMR Director-General Neil Scales provided advice to all Regional Roads and Transport Group (RRTG) Chairs regarding changes to the Roads and Transport Alliance. TMR have moved away from the Memorandum of Understanding with LGAQ. The relationship with LGAQ is now managed by an accord. There are no changes to the RRTG framework or TIDS funding allocation.

The changes necessitated an update of Alliance governance documents, including:

- TIDS Policy 2022;
- Operational Guidelines 2023; and
- SCDF Guidelines 2023.

The updated documents and new website content can be accessed via this web address - <https://www.tmr.qld.gov.au/rrtg>.

The main focus of RRTGs continues to be their Local Roads of Regional Significance (LRRS) network. LRRS network is a network of lower-order state-controlled roads and higher-order local government-controlled roads that perform a similar function. As a general rule, LRRS fit within the state strategic road classification which includes the state-controlled road network and national network.

Scenic Rim Regional Council is a member of the Scenic Valleys Regional Roads and Transport Group (SVRRTG), together with Ipswich City Council, Lockyer Valley Regional Council, and the Department of Transport and Main Roads (TMR) (South Coast, Metropolitan, and Darling Downs Districts).

RRTGs are encouraged to review their LRRS network every two years at a minimum. The SVRRTG Technical Committee collectively reviews its LRRS network annually. Any changes to the LRRS must be approved by the RRTG and submitted to the Roads and Transport Alliance Board for processing.

As outlined in the Operational Guidelines, in establishing the eligibility criteria appropriate for the LRRS network, the RRTG may use one or more of the following criteria as a guide, for example, the road:

- a) forms an important part of the economic development strategy of the region, including access to natural resources, agricultural areas, industrial zones and attractions of regional significance;
- b) provides access to rail heads, freight depots, ports and major airfields from a higher order road;
- c) connects shires, towns, cities and regions and provides travel time and distance savings;
- d) provides a connecting function across a local government boundary;
- e) acts as a significant commuter route, that is, urban roads providing travel and distance savings;
- f) provides access to regionally significant institutions like community health, education, recreation, youth, aged care and entertainment facilities;
- g) provides the only access to a remote community; and
- h) provides emergency access.

Below is a list of local roads within Scenic Rim local government area contained on the SVRRTG LRRS Network Register, as at 7 July 2022. In some instances, the network contains segments of road and not the entire road length.

- Alpine Terrace;
- Beechmont Road;
- Brisbane Street;
- Burnett Creek Road;
- Christmas Creek Road;
- Head Road;
- Kerry Road;
- Kooralbyn Road;
- Mount Greville Road;
- Mount Walker West Road;
- Munbilla Road;
- Roadvale Road;
- Rosevale Road;
- Sandy Creek Road;
- School Road;
- Spicers Gap Road;
- Tarome Road;
- Wellington Bundock Drive;
- Greys Plains Road; and
- Mount Flinders Road.

A review of SVRRTG LRRS network is scheduled for completion by 30 June 2023 by the SVRRTG.

The notice of intention to propose a motion to include Hartley Road as a LRRS is acknowledged. For a road to be included on the LRRS network, it must meet the criteria as outlined in this report, before being submitted to the SVRRTG for approval.

Budget / Financial Implications

Council's 2022 - 2023 budget allocation for direct investment in LRRS roads via TIDS is \$743,983. This value is to be matched, as a minimum, of the same amount by Council ie. 50:50 state and local government funding.

Strategic Implications

Operational Plan

Theme: 6. Accessible and Serviced Region

Key Area of Focus: A sustainable program of local, higher order infrastructure delivery necessary to support population and economic growth

Legal / Statutory Implications

Transport Infrastructure Act

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Infrastructure, Assets & Service Delivery Inadequate or lack of planning for delivery of infrastructure	4 Major	Unlikely	High	10-Yar Capital Works Program; Long-term financial plan development and review.	Medium

Consultation

Cr West is the Council-Appointed Representative for the Scenic Valleys Regional Roads and Transport Group, and is Chair of the Group. Council's General Manager Asset and Environmental Sustainability is the Chair of the Scenic Valleys Regional Roads and Transport Group Technical Committee. While Acting Manager Capital Works and Asset Management is an active member of the Technical Committee. From time to time, other members of the Asset and Environmental Sustainability team participate in RRTG working groups and forums in support of the RRTG and its Statement of Intention.

Conclusion


A periodic review of the Council's register of Local Roads of Regional Significance is to be undertaken. Any proposed changes to the register will be presented to Council for endorsement before being presented to the SVRRTG for approval.

10.6 Pig and Calf Saleyard Heritage Listing Appeal - Court Decision

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: General Manager Asset and Environmental Sustainability

Attachments:

1. Scenic Rim Regional Council vs Queensland Heritage Council Judgment (28 October 2022) [↓](#) 

Executive Summary

In the matter of *Scenic Rim Regional Council vs Queensland Heritage Council*, set before the Planning and Environment Court, a judgment by Her Honour Judge Kefford was handed down on 28 October 2022.

The decision of the Queensland Heritage Council to enter the Beaudesert Pig and Calf Saleyard on the Queensland Heritage Register as a State Heritage Place was set aside and replaced with a decision not to enter the saleyards on the Register.

Recommendation

That:

1. Council acknowledge the Judgment by Her Honour Judge Kefford ordering that the decision of the Queensland Heritage Council to enter the Beaudesert Pig and Calf Saleyard on the Queensland heritage register as a State heritage place be set aside and replaced with a decision not to enter the Beaudesert Pig and Calf Saleyard on the Queensland heritage register; and
2. Council acknowledge that further consideration is required to ascertain the future of the Beaudesert Pig and Calf Saleyard site.

Previous Council Considerations / Resolutions

Councillors were briefed in 9 November 2022 and 10 November 2021 regarding the progress of the Pig and Calf Saleyard Heritage Listing appeal.

At the Ordinary Meeting held on 23 February 2021 (Item 10.6), it was resolved that:

1. Council lodge an appeal to the Planning and Environment Court to the inclusion of the Beaudesert Pig and Calf Saleyards in the Queensland Heritage Register;
2. When further information regarding the impact and implication of the Heritage Council listing is available, the matter be brought back to Council for consideration of further legal action;
3. Council acknowledge that further investigations are required to fully understand the implications of inclusion of the Beaudesert Pig and Calf Saleyards in the Queensland Heritage Register on future upgrades, improvements and ongoing maintenance of the saleyards;
4. Council acknowledge that further investigations are required to fully understand the implications of inclusion of the Beaudesert Pig and Calf Saleyards in the Queensland Heritage Register on the ongoing operations of the pig and calf sales and associated leasing arrangements;

5. In conjunction with the appeal to the Planning and Environment Court, Council engage with community members responsible for the Beaudesert Pig and Calf Saleyards heritage application, to achieve an amicable compromise based around building a Beaudesert Pig and Calf Saleyards heritage display; and
6. Following the results of the appeal, if lost or withdrawn, consideration be given by Council in the 2021-2022 budget for upgrading the Beaudesert Pig and Calf Saleyards to the appropriate standards of building, environment and safety, as required.

At the Ordinary Meeting held on 12 October 2020 (Item 11.6), it was resolved that Council endorsed the submission made the Department of Environment and Science in response to an application made to place the Beaudesert Pig and Calf Saleyards on the Queensland Heritage Register.

At the Ordinary Meeting held on 21 September 2020 (Item 11.3), it was recommended that:

1. Council acknowledge advice from the Department of Environment and Science of an Application for the Beaudesert Pig and Calf Saleyards to be included into the Queensland Heritage Register; and
2. Council lodge a submission to the Department of Environment and Science, advising that the proposed inclusion of the Beaudesert Pig and Calf Saleyards into the Queensland Heritage Register is not supported. Council does not consider the Beaudesert Pig and Calf Saleyard has state-level heritage significance.

At the Ordinary Meeting held on 17 August 2020 (Item 11.7), it was resolved that Council extend the current lease with Hayes & Co Pty Ltd over part of Lot 32 on SP113955, situated at Helen Street, Beaudesert, under current terms and conditions, until 31 December 2020.

Report / Background

In response to the inclusion of the Beaudesert Pig and Calf Saleyards into the Queensland Heritage Register as a State of Place, Council lodged an appeal in the Planning and Environmental Court (the Court).

Council's legal representatives appeared before His Honour Judge Jones for the first mention of the Pig and Calf Saleyards Heritage Listing appeal on 26 May 2021. From that mention an Order was given, with a court date in September 2021 tentatively set to hear the matter; if mediation resulting in an acceptable outcome or withdrawal by either party had not occurred prior to this time.

Council's appeal was heard before the Court on 15 and 16 November 2021, 28 and 29 March 2022, and 2 June 2022. On 28 October 2022, Her Honour Judge Kefford delivered a judgment to the appeal, which included the following order:

I order that the decision of the Queensland Heritage Council to enter the Beaudesert Pig and Calf Saleyard on the Queensland heritage register as a State heritage place is set aside and replaced with a decision not to enter the Beaudesert Pig and Calf Saleyard on the Queensland heritage register.

The Queensland Heritage Council can appeal the decision with the leave of the Court of Appeal, but is limited to an appeal on the grounds of error or mistake in law or jurisdictional error. The Queensland Heritage Council must apply for leave to appeal to the Court of Appeal within 30 business days after receiving the decision (ie by 9 December 2022). This date has now passed.

While the future of the facility is yet to be determined, consultation with relevant stakeholders will occur as and when required.

A further report is to be presented to Council providing an update on costs incurred to date as well as future options for the site. It is envisaged this report will be presented within a three-month timeframe.

Budget / Financial Implications

The costs associated with the Pig and Calf Saleyards Heritage Listing appeal are yet to be finalised.

There is currently no budget allocation to undertake any work at the site and it is acknowledged that any work to be carried out on site will require a future budget allocation once realised.

Strategic Implications

Operational Plan

Theme: 5. Vibrant Towns and Villages

Key Area of Focus: Re-invigoration of town and village centres through significant vibrancy projects

Legal / Statutory Implications

Queensland Heritage Act 1992

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

SR51 Ineffective, inaccurate and/or inappropriate communication and relationship/stakeholder management impacting Council's ability to fulfil its strategic objectives.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership Adverse risk to the community due to ineffective, inaccurate and/or inappropriate communication and relationship/ stakeholder management impacting Council's ability to fulfil its strategic objectives.	4 Major	Possible	High	Communication strategy, community consultation.	Medium

Consultation

Throughout the proceedings, Council has engaged with its legal representatives and other specialised persons; as well as representative from the Queensland Heritage Council, Crown Law and their experts.

In response to the application to include the Pig and Calf Saleyard on the Queensland Heritage Register, and the subsequent appeal, Council's Property Management team has liaised with various internal stakeholders, including the Capital Works and Asset Management, Regional Development, and Maintenance and Operations teams.

It is envisaged that further engagement with the community will be undertaken with regard to any review of the future options for the site.

Conclusion

Council has been successful in its appeal set before the Planning and Environment Court, for the decision of the Queensland Heritage Council to enter the Beaudesert Pig and Calf Saleyard on the Queensland Heritage Register as a State Heritage Place.

The cost of this appeal and options for this site are yet to be determined.

11 Confidential Matters**11.1 Finalisation of Appeal - MCU20/050 SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors - Planning and Environment Court Appeal No.BD2001 of 2021, 1-11 Eagles Retreat Place, Tamborine Mountain [Closed s.254J(3)(e)]**

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Manager Regional Development, Health and Biodiversity

This report is **CONFIDENTIAL** in accordance with Section 254J(3)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

11.2 Notice of Motion by Cr Swanborough re Recovery of Court Costs - MCU20/050 SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors - Planning and Environment Court Appeal No.BD2001 of 2021, 1-11 Eagles Retreat Place, Tamborine Mountain [Closed s.254J(3)(e)]

Executive Officer: Chief Executive Officer

Item Author: Business Support Officer - Office of the Mayor and Chief Executive Officer

This report is **CONFIDENTIAL** in accordance with Section 254J(3)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.