



Minutes

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
Minutes

1	Opening of Meeting	4
2	Attendance and the granting of leaves of absence	4
3	Apologies	4
4	Prayers	4
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	7
10.2	Scenic Rim Arts Reference Group Terms of Reference Update 2022	7
10.3	Infrastructure Charges - Request to Waive Charges for a Charitable Organisation - Wongaburra Society (MCU22/025)	8
10.4	Tourist Accommodation - Safety Compliance Program	9
	Asset & Environmental Sustainability.....	10
10.5	Local Roads of Regional Significance.....	10
10.6	Pig and Calf Saleyard Heritage Listing Appeal - Court Decision	11

11 Confidential Matters 12

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)]..... 13

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)] 14

1 Opening of Meeting

The Deputy Mayor, Cr Jeff McConnell, as Chair of the Meeting, declared the Meeting open and acknowledged the traditional country of the Mununjali, Wanggeriburra and Ugarapul Peoples of the Scenic Rim.

"We recognise that the Scenic Rim continues to have connections to cultural, spiritual, environmental, and economic importance and respect connection to country.

We pay our respects to Elders past, present and emerging, acknowledging the important role Aboriginal and Torres Strait Islander peoples play in shaping the future of our region.

I would also like to acknowledge and pay respects to all the Defence Force veterans who have passed and those who presently reside within the Scenic Rim. Your loyal service to the Defence of this country is what has enabled us all to have the life that we have today."

2 Attendance and the granting of leaves of absence

Cr G R Christensen, Mayor - approved leave of absence
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

S Keepence, Business Support Officer, Office of the Mayor and Chief Executive Officer
J Pukallus, Principal Specialist Governance and Assurance
M Carter, GIS Officer, Information Services and Technology
L Phillips, Principal Specialist Cultural Services (Item 10.2)
J Kirkwood, Principal Specialist Development Assessment and Engineering / Acting Manager Regional Development, Health and Biodiversity (Items 10.3, 10.4 and 11.1)
M Duncan, Principal Specialist Regulatory Services (Item 10.4)

3 Apologies

Nil

4 Prayers

Cr Duncan McInnes offered prayers

5 Declarations of Prescribed or Declarable Conflict of Interest by Members

Nil

6 Announcements / Mayoral Minutes

Nil

7 Reception of Deputations by Appointment / Presentation of Petitions

Nil

8 Confirmation of Minutes

Recommendation

That the Minutes of the Ordinary Meeting held on 24 January 2023, be adopted, with the following amendment:

That the second paragraph in Item 9.1 on page 7 of the Ordinary Meeting Minutes, be deleted.

Moved: Cr Marshall Chalk

Seconded: Cr Virginia West

Carried unanimously

9 Business Arising from Previous Minutes

Nil

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

Attachments: Nil

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.

Moved: Cr Derek Swanborough

Seconded: Cr Virginia West

That the Notice of Motion, as proposed, be received and considered at Item 10.5 on this Agenda.



Carried unanimously

Customer & Regional Prosperity

10.2 Scenic Rim Arts Reference Group Terms of Reference Update 2022

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

1. Arts Reference Group Terms of Reference 2016 
2. Arts Reference Group Terms of Reference 2023 (updated) 

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.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes

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

Carried unanimously

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

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

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

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.

Moved: Cr Michael Enright

Seconded: Cr Virginia West

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

Carried unanimously

10.4 Tourist Accommodation - Safety Compliance Program

Executive Officer: General Manager Customer and Regional Prosperity

Attachments: Nil

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.

Moved: Cr Marshall Chalk

Seconded: Cr Virginia West

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

Carried unanimously

Asset & Environmental Sustainability**10.5 Local Roads of Regional Significance**

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Scenic Rim Regional Council Local Roads of Regional Significance Register 
-

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.

Moved: Cr Derek Swanborough

Seconded: Cr Virginia West


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

Carried unanimously

10.6 Pig and Calf Saleyard Heritage Listing Appeal - Court Decision

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Scenic Rim Regional Council vs Queensland Heritage Council Judgment (28 October 2022) 

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.

Moved: Cr Michael Enright

Seconded: Cr Duncan McInnes

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

Amendment

That, in the motion, second paragraph, the word "consideration" be deleted and the word "consultation" be inserted.

Moved: Cr Derek Swanborough

Seconded: Cr Duncan McInnes

Carried unanimously

The motion, as amended,

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 consultation is required to ascertain the future of the Beaudesert Pig and Calf Saleyard site.

was then put and

Carried unanimously

11 Confidential Matters

At 10:39 am, 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:

- (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

Moved: Cr Virginia West
Seconded: Cr Marshall Chalk

Carried unanimously

At 12:00 pm, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Virginia West
Seconded: Cr Marshall Chalk

Carried unanimously

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

Recommendation

That:

1. Council note the Judgement - 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 and the finalisation matter including conditions imposed on the development approval;
2. Council note the Judgement comments that the co-respondents' persistence with their refusal cases resulted in a waste of public and private resources and that Council has incurred significant costs to be represented at the hearing, and the actions to date in recovery of costs;
3. Council note that should the co-respondents seek an alternate agreement, this matter will be referred to Council for consideration; and
4. Pursuant to clause 22.6.3 of the Scenic Rim Regional Council Standing Orders Procedure CM03.01.PR.01, confidentiality be maintained and that the report on this matter and attachments not be released to the public, until the conclusion of the process with the co-respondents regarding the costs orders.

Moved: Cr Michael Enright

Seconded: Cr Duncan McInnes

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

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

Against: Cr Derek Swanborough

Carried 5/1

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

Recommendation

That Council consider Cr Swanborough's Notice of Motion in relation to the recovery of Court costs in the matter of 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.

Moved: Cr Derek Swanborough
Seconded: Cr Marshall Chalk

That, in view of high community concern, and the hardship to be caused on the 107 year old Tamborine Mountain Progress Association and longstanding volunteer and community member Amanda Hay, that Council take no further action in relation to the costs order to recover Court costs from the Tamborine Mountain Progress Association and Ms Amanda Hay, handed down on 9th December 2022 by His Honour Judge Williamson and lodged in the court by Scenic Rim Council and the Appellant. Amanda Hay and the Progress Association were co respondents by election in relation the P&E Court Appeal Eagles retreat SRRC MCU 20/050, and worked tirelessly at their own expense for over 12 months with Council to oppose the application, which was a deemed refusal, and highly opposed in the community. Both co respondents have continued to work on the case and have, by their own initiative successfully negotiated conditions on the developer to mitigate the impacts of the development, for which the community is grateful.

For: Cr Derek Swanborough

Against: Crs Jeff McConnell, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Lost 1/5

The Ordinary Meeting ended at 12.12 pm.

To be confirmed on 21 February 2023.

Cr Jeff McConnell

Deputy Mayor