



# Agenda

## Ordinary Meeting

**Tuesday, 21 March 2023**

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

**Scenic Rim Regional Council  
Ordinary Meeting  
Tuesday, 21 March 2023  
Agenda**

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- 1 Opening of Meeting**
- 2 Attendance and requests for leave of absence**
- 3 Apologies**
- 4 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 - 7 March 2023
- 9 Business Arising from Previous Minutes**

## 10 Consideration of Business of Meeting



### Customer & Regional Prosperity

#### 10.1 2022 Northern Rivers Joint Organisation Board Meetings Update

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

**Item Author:** Economic Development Officer - Agribusiness and Workforce Development

**Attachments:**

1. NRJO Ordinary Board Meeting Minutes 19 August 2022 [↓](#) 
2. NRJO Ordinary Board Meeting Minutes 2 December 2022 [↓](#) 

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### Executive Summary

The Northern Rivers Joint Organisation (NRJO), which was formed in June 2018, is the peak representative group for the six local government areas of the Northern Rivers region in Northern New South Wales. It aims to address matters of regional significance through collaboration with its members and six associate members, of which Scenic Rim Regional Council is one.

This report provides copies of the business and activities of the NRJO and presents the Minutes from the Ordinary Board Meetings held on 19 August 2022 and 2 December 2022 (refer to Attachments 1 and 2).

Cr Jeff McConnell is the appointed Council representative on the NRJO Board.

### Recommendation

That:

1. Council note the Northern Rivers Joint Organisation Ordinary Board Meeting Minutes for meetings held in August 2022 and December 2022; and
2. Council note the activities and initiatives being undertaken by the Northern Rivers Joint Organisation as they pertain to the Scenic Rim region.

### Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 20 September 2022 (Item 10.1), the 2022 NRJO activities for February 2022 and May 2022 were endorsed.

At the Ordinary Meeting held on 24 May 2022, (Item 10.1), Cr Jeff McConnell was appointed as representative on the Northern Rivers Joint Organisation, such a nomination being included in the resolution that:

1. In accordance with the respective nominations list, 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.

At the Ordinary Meeting held on 22 February 2022, Council acknowledged the Northern Rivers Joint Organisation Ordinary Board Meeting Minutes for meetings held in July 2021 and November 2021; and acknowledged the activities and initiatives being undertaken by the Northern Rivers Joint Organisation as they pertain to the Scenic Rim region.

At the Ordinary Meeting held on 17 August 2021, Council acknowledged the Northern Rivers Joint Organisation Ordinary Board Meeting Minutes for meetings held in February and May 2021 and acknowledged the activities and initiatives being undertaken by the Northern Rivers Joint Organisation as they pertain to the Scenic Rim region.

At the Ordinary Meeting held on 25 May 2021, Cr Jeff McConnell was appointed as representative on the Northern Rivers Joint Organisation, such nomination being included in the resolution that:

1. In accordance with the respective nominations list above, the Councillors be appointed Council's representatives on the internal and external committees and forums;
2. Council endorse the amendment of the schedule of Councillors Representation on Committees and Forums (Attachment 1 to this report) for the Ordinary Minutes, to include the duly nominated Councillor representatives;
3. Council acknowledge that these appointments will be reviewed annually in accordance with Council's resolution from the Ordinary Meeting held on 25 May 2020; and
4. Council advise the organisations of the respective appointed Councillor representatives.

At the Ordinary Meeting held on 19 January 2021, previous updates on NRJO activities throughout 2019 were endorsed.

At the Ordinary Meeting held on 25 May 2020, Cr Derek Swanborough was appointed to represent Council on the Northern Rivers Joint Organisation, replacing Cr Virginia West.

At the Ordinary Meeting held on 9 March 2020, Council acknowledged the Northern Rivers Joint Organisation Ordinary Board Meeting Minutes for meetings held in February, May, August and November 2019, and acknowledged the activities and initiatives being undertaken by the Northern Rivers Joint Organisation as they pertain to the Scenic Rim region.

## **Report / Background**

The NRJO was formed on 22 June 2018 and consists of six Member Councils (Ballina Shire Council, Byron Shire Council, Kyogle Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council) and six Associate Member Organisations (New South Wales Office of Local Government, New South Wales Department of Premier and Cabinet, Regional Development Australia Northern Rivers, Rous County Council, Scenic Rim Regional Council and Destination North Coast New South Wales).

As the current appointed representative of Council, Cr Jeff McConnell is charged with attending quarterly meetings, either in person or via teleconference as necessary, depending on the location and purpose of the meeting.

The organisation aims to address matters of regional significance and identifies the following five priorities:

- biodiverse natural environments;
- improved community wellbeing;
- a connected region;
- sustainable energy, water and waste; and
- a diverse regional economy.

The majority of agenda items discussed at these meetings pertain to the business, activities and initiatives being undertaken in northern New South Wales, however Council's continued participation in the NRJO ensures that activities and initiatives being undertaken in, or relevant to, the Scenic Rim are included in discussions.

To assist Cr McConnell, the Regional Prosperity team prepare a report on a range of activities and initiatives being undertaken by Scenic Rim Regional Council, as they pertain to the NRJO.

The most recent NRJO Board Meeting took place on 17 February 2023, where the Meeting Minutes from 2 December 2022 were endorsed by the group. The Meeting Minutes for February will be presented at a future Ordinary Meeting, once provided by the NRJO Secretariat.

### **Budget / Financial Implications**

Council's participation in the NRJO is at an Associate Member Organisation level and does not incur any membership fees.

NRJO meetings are held at various locations across northern New South Wales and, due to the distance of some locations and COVID-19 restrictions, the Councillor's attendance at the Ordinary Board Meetings is usually via teleconference. On occasion, the appointed Councillor may attend meetings in person, which will incur some travel costs.

### **Strategic Implications**

#### *Operational Plan*

Theme: 1. Spectacular Scenery and Healthy Environment

Key Area of Focus: 1.1.2 Partner and collaborate with agencies, community groups and private landholders to provide a coordinated approach to protecting biodiversity within the region

#### *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:

SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.

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  Cross-border relationship with neighbouring local government authorities to progress the Scenic Rim region and maintain the integrity of Council.	Insignificant	Unlikely	Low	Active participation with our neighbouring regions ensures Council's reputation is not adversely affected and the regional partnerships are productive.	Low

**Consultation**

Generally, after the Councillor representative attends the NRJO Ordinary Board Meetings, it has been customary for the Councillor to provide an update to the Chief Executive Officer and, if required, to the General Manager Customer and Regional Prosperity and General Manager Asset and Environmental Sustainability, where the content is relevant to their portfolios.

**Conclusion**

The NRJO is the peak representative group for the six local government areas of the Northern Rivers region in northern New South Wales which aims to address matters of regional significance through collaboration with its members and associate members.

This information is provided to ensure Councillors are apprised of the business, activities, functions and initiatives being undertaken by the NRJO Board and are informed of Council's continued collaboration with the organisation.

This report serves to provide an update on the NRJO meetings held in August and December 2022, and endeavours to report back to Council as an Associate Member of the NRJO.

The most recent NRJO Board Meeting took place on 17 February 2023, and the Minutes of the meeting will be presented to Council once provided by the NRJO.

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Meeting of Northern Rivers Joint Organisation

19 August 2022

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**MINUTES OF THE ORDINARY MEETING OF  
THE NORTHERN RIVERS JOINT ORGANISATION  
HELD AT KYOGLE COUNCIL CHAMBERS**

**FRIDAY 19 August 2022**

In attendance:

Councillors:

- Cr Sharon Cadwallader, Ballina Shire Council (Chair)
- Cr Kylie Thomas, Kyogle Council (Deputy Chair)
- Cr Chris Cherry, Tweed Shire Council
- Cr Steve Krieg, Lismore City Council
- Cr Michael Lyon, Byron Shire Council
- Cr Robert Mustow, Richmond Valley Council

General Managers:

- Mark Arnold, Byron Shire Council
- Vaughan Macdonald, Richmond Valley Council
- Paul Hickey, Ballina Shire Council
- Graham Kennett, Kyogle Council
- Troy Green, Tweed Shire Council
- John Walker, Lismore City Council

Other Attendees:

- Anita Gambhir (OLG)
- Tim Williamson (RDA NR)
- Louise McMeeking (Dept Regional NSW)
- Phillip Rudd (NRJO)
- Megan Gibbons (minute taker)

Presenters:

- James McTavish (Cross Border Commissioner), Amy Mouafi, via Team Meets

Meeting Commenced 9:42am

## 1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the Chair



## 2 APOLOGIES

NIL

## 3 DECLARATIONS OF INTEREST

No declarations were made.

## 4 NOTICES OF MOTION

Nil received.

## 5 ADDRESS BY OFFICIAL VISITOR(S)

James McTavish, Cross Border Commissioner and Amy Mouafi, Deputy Director Border Response and Recovery, provided the meeting with an update on activities of the agency.

## 6 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM THE MINUTES

### 6.1 MINUTES OF NRJO BOARD MEETING HELD 4 FEBRUARY 2022

**19082022/2 RESOLVED**

**MOVED: Cr Thomas/Mustow**

*THAT the minutes of the NRJO Board meeting held 20 May 2022 be accepted as a true and accurate record of proceedings of the meeting.*

**CARRIED**

**FOR VOTE:** All voted unanimously

#### **ACTION:**

PRudd – Distribute letter regarding Voluntary House programs.

PRudd – Follow Up 2022 Letter to Regional Working Group letter/response.

PRudd – Send/or distribute advocacy letter to the Local Member regarding local infrastructure contributions.

## 7 REPORTS

### 7.1 ASSOCIATE MEMBER REPORT - DESTINATION NORTH COAST

**19082022/3 RESOLVED**

**MOVED: Cr Cherry/Mustow**

*THAT the report from Destination North Coast be received and noted.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**ACTION:**

TWilliamson - Seek feedback if the North Coast Festival of Flavour was an engaging event and where the communications for the event were focused.

**7.2 ASSOCIATE MEMBER REPORT – RDA NORTHERN RIVERS**

**19082022/4 RESOLVED**

**MOVED: Cr Thomas/Lyon**

*THAT the report from RDA Northern Rivers be received and noted.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**ACTION:**

TWilliamson - Update RDA report to reflect that the growth management and housing strategy will have the first meeting in the near future.

TWilliamson – Update RDA report to reflect that Industrial Land Audit successful consultants have not been notified.

PRudd – NRJO to write to premier, minister and local members to increase physical TAFE services and face to face learning in regional NSW as opposed to online learning. Very disappointed in the response from the Minister at the Country Mayors Skills forum.

**7.3 ASSOCIATE MEMBER REPORT – SCENIC RIM REGIONAL COUNCIL**

**19082022/5 RESOLVED**

**MOVED: Cr Mustow/Lyon**

*THAT the report from Scenic Rim Regional Council be received and noted.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**ACTION:**

PRudd – Present the NRJO Board an Executive Officer options report for their consideration.

**7.4 NORTHERN RIVERS JOINT ORGANISATION STRATEGIC REGIONAL PRIORITIES**

**19082022/6 RESOLVED**

**MOVED: Cr Cherry/Lyon**

*THAT the:*

1. *Report from the NRJO Strategic Regional Priorities be received and noted.*
2. *NRJO General Managers review strategic regional priorities add a priority of flood recovery, homelessness issues/community wellbeing and report back to the NRJO Board November meeting.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**7.5 AUDIT RISK IMPROVEMENT COMMITTEE UPDATE**

**19082022/7 RESOLVED**

**MOVED: Cr Cadwallader/Mustow**

*THAT the report and minutes from the ARIC be received and noted.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**7.7 NORTHERN RIVERS INDUSTRIAL AND EMPLOYMENT LANDS AUDIT**

**19082022/8 RESOLVED**

**MOVED: Cr Thomas/Mustow**

*THAT the Board receive and note the Industrial and Employment Lands Audit report.*

**CARRIED**

**FOR VOTE** – All voted unanimously

**7.8 NORTHERN RIVERS RAIL TRAIL GRANT APPLICATION**

**19082022/9 RESOLVED**

**MOVED: Cr Mustow/Kreig**

*THAT the:*

1. *Northern Rivers Rail Trail report be received and noted.*
2. *NRJO board endorses the application for the business case NRRT and the business case to explore council led governance structures.*
3. *NRJO seek an extension for the grant application.*

**CARRIED**

**FOR VOTE** - All voted unanimously.

**7.9 FINANCIAL REPORTS**

















## 10.2 Strategic Planning Program and Growth Management Strategy Implementation 2022-2027

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

**Item Author:** Principal Specialist Strategic Planning

**Attachments:**

1. Strategic Planning Program 2022-2027 [↓](#) 

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### Executive Summary

The Strategic Planning Program 2022-2027 (the Program) has been developed to outline the scheduling of key projects and planning scheme amendments undertaken by the Strategic Planning team that:

- implement the Scenic Rim Growth Management Strategy 2041; and
- uphold Council's commitment to maintain the Scenic Rim Planning Scheme 2020 as a living policy instrument that evolves to meet community expectations and responds to emerging issues.

The Program is intended to provide information about the indicative timing of key amendments and projects and assist informing future Budget and Operational Plan initiatives. Its preparation is identified as an initiative in the 2022-2023 Operational Plan.

### Recommendation

That:

1. Council endorse the Strategic Planning Program 2022-2027; and
2. Council consider the Strategic Planning Program 2022-2027 to inform future budgets and Operational Plans.

### Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 9 December 2019, Council resolved to:

1. endorse the proposed Strategic Land Use Planning Program 2020-2025, including the preparation of a region-wide Growth Management Strategy to commence in 2020; and
2. consider the Strategic Land Use Planning Program 2020-2025 to inform the forthcoming 2020-2021 budget submission and deliberation process.

## Report / Background

### Current Strategic Land Use Planning Program 2020-2025

The current Strategic Land Use Planning Program 2020-2025 was endorsed by Council on 9 December 2019, prior to the adoption of the Scenic Rim Planning Scheme 2020. The Program provided for the scheduling of planning scheme amendments and projects to ensure the continuing development of a robust planning framework that delivered on the objectives of Council's Community Plan and Corporate Plan.

In the three years since its endorsement, key projects identified in the program have been delivered, including:

- Adoption of the Scenic Rim Growth Management Strategy 2041;
- The publication of the Planning Scheme on the ePlan platform;
- The first Major Amendment to the Planning Scheme (awaiting Minister's final approval);
- Adoption of two Minor Amendments to incorporate improved flood hazard information in the Planning Scheme, as well as two Administrative Amendments.

### Updated Strategic Land Use Planning Program 2022-2027

Since the endorsement of the current (2020-2025) program, there is a need to review the key initiatives and timing of delivery in order to reflect:

- priorities identified in the Growth Management Strategy;
- planning scheme amendments that have been identified through the implementation of the instrument; and
- updated Queensland Government planning policy (for example, changes to the *Planning Regulation 2017*).

The proposed Program (refer to Attachment 1), updates and extends on the current program until June 2027 and its preparation is identified as an initiative in the 2022-2023 Operational Plan.

### Growth Management Strategy Implementation

The development of the Growth Management Strategy informed the priorities for planning policy for the region to ensure the Planning Scheme supports growth in a way that protects important features valued by the community, including the protection and enhancement of the natural environment and the unique character of towns and villages. The need for greater alignment between planned infrastructure and growth was also identified.

The following key projects aligned with these objectives are scheduled in the Program and will inform future amendments to the Planning Scheme:

- Review of the Local Government Infrastructure Plan (LGIP Amendment)
- Review of Matters of Environmental Significance, including identification of biodiversity linkages
- Identification of character precincts and the development of built form guidelines to protect and enhance the unique character and built form of valued streetscapes in the Scenic Rim
- Review of the Scenic Rim Local Heritage Register.

The planning scheme amendments that are identified in the Growth Management Strategy are broken up into three parts as shown in Table 1 below. Amendment 6 delivers the Matters of Environmental Significance Amendment, which was identified as the first priority in the Growth Management Strategy and other planning scheme amendments are planned to be prepared over two phases.

**Table 1: Planning Scheme Amendments to implement the Growth Management Strategy**

Strategic Planning Program Amendment Ref:	Amendment	Timing
Amendment 6 (Matters of Environmental Significance and Water Resource Catchments)	<ol style="list-style-type: none"> <li>1. Undertake a review of Matters of Environmental Significance and a region-wide investigation into mechanisms to protect and enhance important biodiversity corridors for implementation through an amendment to the Environmental Significance Overlay in the Scenic Rim Planning Scheme 2020.</li> <li>2. Investigate policy options to increase domestic water supply capacity for new dwellings in the region that are not connected to reticulated (on-grid) water supply.</li> </ol>	September 2022 - December 2024
Major Amendment (Phase 1 Implementation) <span style="float: right;">GMS</span>	<ol style="list-style-type: none"> <li>1. Review the master planning requirements in the Scenic Rim Planning Scheme 2020.</li> <li>2. Review the zoning of existing Residential Care Facilities in Beaudesert to ensure their ongoing use and expansion is supported and consider incentives to encourage further development of these land uses.</li> <li>3. Investigate potential locations for additional employment zoned land in the Canungra Study Area.</li> <li>4. Investigate rezoning Emerging Community zoned land around the Kooralbyn Resort to a zone that reflects the constraints of the land and its unsuitability for future urban purposes.</li> <li>5. Identify and encourage development of Retirement Facilities and Residential Care Facilities at suitable locations. Identified locations include:                         <ol style="list-style-type: none"> <li>a) Lot 20 RP206025, 209-247 Beacon Road</li> <li>b) Lot 1 RP45268, 30 Kidd Street</li> <li>c) Lot 16 RP32167, 24-34 Macdonnell Road; and Lot 4 SP145316, 2- 10 Cook Road</li> <li>d) Lot 6 SP137576, 122-128 Long Road; and consider other incentives such as reduced levels of assessment, infrastructure charge reductions to encourage development of Residential Care Facilities and Retirement Facilities at the abovementioned locations.</li> </ol> </li> </ol>	June 2023 - December 2024
Major Amendment (Phase 2 Implementation) <span style="float: right;">GMS</span>  Note: Amendments proposed in Phase 2 are dependent on the outcomes of the Major Amendment to update Matters of Environmental Significance and the project involving the identification of character precincts and design guidelines.	<ol style="list-style-type: none"> <li>1. Review land in the Urban Footprint in Beaudesert and consider rezoning for residential purposes in the Planning Scheme based on the Growth Management Strategy Map for Beaudesert.</li> <li>2. Amend the Planning Scheme to enable further infill development in the existing rural residential areas through subdivision at Tamborine Mountain and Tamborine in the Rural Residential Zone.</li> <li>3. Amend the planning scheme to incorporate character precincts and design guidelines.</li> </ol>	June 2025 - June 2027

The implementation of the Growth Management Strategy also involves initiatives led by other sections and portfolios in Council, as outlined in Table 2 below.

**Table 2: Other initiatives (not implemented through the Planning Scheme)**

Growth Management Strategy implementation	Responsible Portfolio/Section	Indicative Timing
Review of the Local Government Infrastructure Plan to encourage growth in coordination with planned infrastructure.	Asset and Environmental Sustainability/Capital Works and Asset Management	Commenced. In alignment with the review of the Local Government Infrastructure Plan required by June 2025.
Investigate opportunities to implement streetscape improvements and improved amenities to encourage a more activated village centre and stronger sense of place in various study areas identified in the Growth Management Strategy.	Asset and Environmental Sustainability/Capital Works and Asset Management	Ongoing and in alignment with the priorities of Council's Vibrant and Active Towns and Villages Program.
Undertake a review of Matters of Environmental Significance and a region-wide investigation into mechanisms to protect and enhance important biodiversity corridors for implementation through an amendment to the Environmental Significance Overlay in the <i>Scenic Rim Planning Scheme 2020</i> .	Customer and Regional Prosperity/ Biodiversity and Climate Change  (Note: Biodiversity and Climate Change team is leading the project involving the identification of Biodiversity Corridors and is a key stakeholder in the amendment to update Matters of Environmental Significance)	Commenced late 2022.
Preparation of a Transport Strategy (including transport modelling), which will provide direction for the transport system through to 2041, which can be used to proactively advocate with other key stakeholders.	Asset and Environmental Sustainability/Capital Works and Asset Management	Commencing 2023/2024
Continued advocacy for critical State and Federal Government provided infrastructure upgrades, through platforms including the: <ul style="list-style-type: none"> <li>• SEQ Regional Planning Committee;</li> <li>• SEQ City Deal;</li> <li>• review of the SEQ Regional Transport Plan;</li> <li>• Federal infrastructure funding initiatives.</li> </ul>	Customer and Regional Prosperity/ Asset and Environmental Sustainability	Ongoing

The Strategic Planning team continues to work with these stakeholders to ensure the implementation of the Growth Management Strategy is appropriately prioritised and planned for.

### Other Planning Scheme amendments and initiatives

It is important to note that the Program aims to outline a general program for the timing and projects to implement identified priorities until June 2027, but it does not incorporate the full range of ongoing tasks that the Strategic Planning team is responsible for in order to manage Council's planning policy for the region.

The program includes an additional Major Amendment to allow for an operational amendment for policy matters not related to the Growth Management Strategy (from July 2024), however, it does not include the preparation of Minor and Administrative planning scheme amendments, which will be required and are likely to coincide with the adoption of Major Amendments. The Major Amendments proposed to implement the Growth Management Strategy are likely to also include other amendment items that have been identified through the implementation of the Planning Scheme.

### **Budget / Financial Implications**

The proposed program of work in the Program is intended to form the basis of future budget submissions, including for the 2023-2024 financial year.

### **Strategic Implications**

#### *Operational Plan*

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: Advocacy for outcomes that are compatible with the clear and comprehensive vision for the region

#### *Legal / Statutory Implications*

The process for the preparation of planning instruments is outlined in the Minister's Guidelines and Rules (MGR) made under the *Planning Act 2016*. The MGR will guide the statutory process applied to all relevant projects outlined in the proposed program of work, including minimum consultation requirements and the requirement for a State Interest Review or Ministerial approval.

### **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.
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.
- SR52 Ineffective and/or unrealistic strategic plans which are not appropriately scoped or resourced, resulting in missed opportunities, re-work, failure to deliver objectives and loss of confidence by community.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership  Failure to appropriately prioritise and implement required policy	4 Major	Possible	Medium	Establishment and implementation of a program that prioritises the development of further planning policy informed by Council's Community and Corporate Plans and the Growth Management Strategy	Low
Infrastructure, Assets & Service Delivery  Failure to manage growth resulting in increased pressure on Council and State infrastructure and amenity expectations	3 Moderate	Possible	Medium	Ensure the planning scheme is continually reviewed to respond to emerging demographic trends indicating the need for urban growth and community infrastructure through appropriate land use allocation and infrastructure planning.	Low

**Consultation**

The Strategic Planning team has worked with relevant stakeholders in the planning of proposed future projects, including:

- the review of the Local Government Infrastructure Plan (Asset Management and Capital Works); and
- the review of Matters of Local Environmental Significance and identification of Biodiversity Linkages (Biodiversity and Climate Change).

**Conclusion**

The Program is proposed to ensure the continuing development of a robust framework that delivers on the objectives of Council's Scenic Rim Community Plan, Corporate Plan Scenic Rim 2026 and the implementation of the Scenic Rim Growth Management Strategy 2041.

The proposed program of projects and amendments upholds Council's commitment to maintain the Scenic Rim Planning Scheme 2020 as a living policy instrument that evolves to meet community expectations and is responsive to emerging issues.





## Asset & Environmental Sustainability

### 10.3 Council consent to new trustee lease over reserve land at Lot 163 SP310614

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

**Item Author:** Manager Resources and Sustainability

**Attachments:**

1. Aerial photo 2021 showing current camp grounds and extended reserve [↓](#) 
2. Registered plan - SP258926 [↓](#) 
3. Registered plan - SP310614 [↓](#) 

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### Executive Summary

The current lessee of the campgrounds known as James Sharp Memorial Park has approached Council with a request to sell their leasehold interest over the campgrounds, to a new campground manager.

Since issue of the original lease in 2012, additional land has been added to the campgrounds, due to closure of road corridor land, that adjoins the campgrounds road frontage.

For the lessee's sale of the campground lease to proceed, a new trustee lease is required to be entered into showing the new area of land containing the campgrounds. The new trustee lease is to be on similar terms to the existing lease, with the exception of the area of land to be leased, which is to be increased to account for the road realignment (road corridor closure) land that has since been added into the reserve.

### Recommendation

That:

1. Council acknowledge the need to create a new trustee lease as a result of a road realignment and road closure activities adjoining Lot 163 on SP310614, consents (as trustee) to the surrender of the existing trustee lease, dealing number 714687916, over Reserve 1247 described as part Lot 163 on SP310614;
2. Council, as trustee, resolve to consent to dispose of the whole of Lot 163 on SP310614 as a valuable non-current asset in accordance with the exemption provisions of section 236(1)(c)(iv)(A) to (D) of the *Local Government Regulation 2012*. Disposal is to be in the form of a new trustee lease on similar terms and conditions as the existing trustee lease with amendments for the increased lease area as a result of the areas of closed road, and *Land Regulation 2020* requirements. The new trustee lease commencement date is to be the day following the surrender date of the existing trustee lease referred to in Recommendation 1 above; and
3. The applicant is to reimburse costs associated with the surrender of the existing trustee lease and creation of a new trustee lease.

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 27 June 2000 (Item 2.9) it was resolved that:

1. Council advise Mr and Mrs Sutherland that their submission for the management, maintenance and development of James Sharp Memorial Park, in conjunction with Council's freehold property described as Lot 23 on RP145257, Parish Witheren has been approved at a negative tender of \$18,000.00;
2. Mr and Mrs Sutherland be issued with a 10 year lease bearing the same conditions as those as those previously issued to the Lessees of Council's Darlington, Burgess, Andrew Drynan and Flanagan Parks, inclusive of the following:
  - (a) The Tenant to be paid a total of \$5,000.00 per annum for the maintenance of Lot 23 on RP145257, Parish of Witheren based on 13 slashings between October to March and 6 slashings based between April and September each year.
  - (b) The Tenant shall be responsible for the regular pumping out of public toilet septic tanks at the Premises and will accept responsibility for the cost of 2 septic pump outs per toilet block per annum.
3. Mr and Mrs Sutherland be advise that the request for inclusion of an option to renew this lease for a further 10 year period would be given consideration by the Council at the time, and upon agreement by both parties to this option.
4. Mr and Mrs Sutherland be appointed as "caretaker managers" from 1 July 2000 until formal lease documentation can be executed and registered and in readiness for anticipated holiday makers.

At the Ordinary Meeting held on 25 May 2010 (Item 2.6) it was resolved that:

1. Council resolve to award the management lease of James Sharp Memorial Park to Phil and Lynne Sutherland; and
2. Council authorise the Chief Executive Officer to negotiate the terms and conditions of the lease, with the term of the lease to be 20 years from 1 July 2010.

**Report / Background**

In accordance with Council's resolution from the Ordinary Meeting held on 25 May 2010, Council entered into new leases over the Sharp Park reserve land and freehold land commencing 1 June 2012 and expiring 31 May 2032. A delay to commencement date was encountered due to land title office requisitions.

The site is collectively known as River Bend Country Bush Camping ('Sharp Park') located at 3069 Beechmont Road, Witheren.

Sharp Park comprises a total of 5ha of leased campgrounds, and an additional 1.4ha of adjoining reserve land that was created in 2014 from the surrender of 1.4ha of road reserve and its incorporation into this Park and Recreation reserve.

Existing leases over the campground are currently described as follows:

- Trustee lease over part of Lot 163 on SP310614, (1.5ha out of a total 2.9ha reserve land area); and
- Lease over Council freehold land described as Lot 23 RP145257 that is 3.5ha in area.

Refer annexed aerial map (Attachment 1) showing current camping grounds and extended reserve area.

In 2011, Council lodged an application with the State to close 1.4ha of road reserve along Beechmont Road and to incorporate this area into the adjoining Park and Recreation reserve land that comprises part of the Sharp Park campgrounds. In 2013, this park and recreation reserve was increased in area from 1.5ha to a total of 2.9ha. Refer annexed registered plan SP258926 (Attachment 2) showing the enlarged Lot 163 on SP258926 reserve area.

In 2014, Council consented to the transfer of the business and assignment of the leases from the original lessees, to new lessees. The associated Deed of Assignment was subsequently registered on title and the current lessees of the park have managed the campgrounds since 2014.

In 2019, Council took 2,555m<sup>2</sup> from the park and recreation reserve for road purposes that enabled the upgrade of the nearby Sharp Bridge. Refer annexed registered plan SP310614 (Attachment 3) showing the effect of the 2,555m<sup>2</sup> of land take for road purposes.

### Request for Assignment

In February 2022, Council was approached by the lessee of the camping grounds regarding the transfer of the management and assignment of the existing leases. The existing lessee intends to sell their interest in the lease to a new campground manager. Under the terms of the lease, the assignment is permitted to occur with Council's written consent and such consent is not to be unreasonably withheld.

Council's file review along with legal advice indicates that to progress the sale on behalf of the lessee, Council is required to create a new trustee lease over the whole 2.9ha of reserve land under State delegation to Council, subject to:

- the surrender of the existing trustee lease;
- the new trustee lease continuing to use the reserve for campground purposes; and
- the new trustee lease terms and conditions complying with the *Land Act 1994* and *Land Regulation 2020*.

A new lease over the freehold component of land identified as Lot 23 on RP145257 is not required.

### Exception Section 236 for whole reserve lease

In order to create a new trustee lease for the whole 2.9ha of reserve land, Council can rely upon section 236(1)(c)(iv)(A) to (D) of the *Local Government Regulation 2012* that would enable disposal of the land without the need to tender or auction.

The relevant wording for Section 236 (1)(c)(iv)(A) to (D) with Council officers' comments are as follows:

#### *236 Exceptions for valuable non-current asset contracts*

- (1) *Subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if-*
- (c) *for the disposal of land or an interest in land-*

Comments: A Council trustee lease is considered an interest in land.

- iv) *the land is disposed of to a person who owns adjoining land if-*

Comments: The existing lessee has leases over the only adjoining land, being Council's freehold land Lot 23 on RP145257 and part of the reserve that currently comprise the Sharp Park campgrounds.

- (A) *the land is not suitable to be offered for disposal by tender or auction for a particular reason, including, for example, the size of the land or existence of particular infrastructure on the land;*

Comments: The land, specifically the 1.4ha of reserve not leased, does not have appropriate infrastructure on site to operate as a campground in accordance with the reserve purpose. There are existing toilet blocks with appropriate on-site waste treatment facilities on both the currently leased adjoining freehold and reserve land areas but not on this land. The land is also severed by the existing road access for campers entering and exiting the freehold leased section of Sharp Park.

- (B) *there is not another person who owns other adjoining land who wishes to acquire land; and*

Comments: The land only adjoins Council's freehold Lot 23 on RP145257 that is already leased as part of the Sharp Park campground operation. There is no other person who currently owns land adjoining this land.

- (C) *it is in the public interest to dispose of the land without a tender or auction; and*

Comments: From a management perspective, it is better that all the available land for campground purposes in this area is leased to the one lessee/manager. Leasing to the one lessee negates the need for additional amenities and associated waste treatment, another on-site caretaker premises and another kiosk (selling basic food and camping essentials) for campers, as these are already available within the existing Sharp Park campgrounds.

- (D) *the disposal is otherwise in accordance with sound contracting principle; or*

Comments: The new trustee lease for the land will be on the same terms and conditions as the existing trustee lease with some minor amendments, being a new commencement date to coincide with the surrender date of the existing trustee lease, a whole of land lease with the new real property description and clauses to comply with the *Land Regulation 2020*.

On completion of creation of new leasing documentation, Council may progress the current lessee's request for transfer of the management and assignment of the leases.

Council's agreement to the assignment request along with necessary land title/lease adjustments will result in Council having a new manager/lessee for the Sharp Park camping grounds, that includes the whole of the reserve land described as Lot 163 on SP310614 and freehold land as Lot 23 on RP145257. Refer annexed survey plan SP310614 (Attachment 3).

### **Budget / Financial Implications**

Existing budget is available within Council's Property Management budget for engagement of a Council appointed solicitor for drafting and reviewing the relevant documents.

It is considered appropriate that costs in this matter, considered over and above normal operational costs, including all legal costs, are reimbursed by the lessee.

**Strategic Implications**

*Operational Plan*

Theme: 6. Accessible and Serviced Region

Key Area of Focus: Advocacy and partnerships that ensure the community’s access to essential social services and infrastructure

*Legal / Statutory Implications*

Compliance with Section 57A of the *Land Act 1994*, and Sections 227 and 236 of the *Local Government Regulation 2012*.

**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

<b>Category</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Inherent Risk Rating</b>	<b>Treatment of risks</b>	<b>Residual Risk Rating</b>
Infrastructure, Assets & Service Delivery  Adverse impact to the community due to inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications	4 Major	Possible	High	Asset Management Framework, Maintenance and inspection schedule	Medium

**Consultation**

Council officers from the Property Management team, and the Maintenance and Operations business unit, were consulted in relation to the transfer of managers/lessees and the creation of a new trustee lease.

State officers from the Department of Resources provided written and verbal advice in relation to the requirement to surrender the existing trustee lease and create a new trustee lease and current State delegations available to Council.

McCullough Robertson Lawyers, have been appointed to review existing leases and the draft Contract for Sale for the business with the intention to provide satisfactory legal documents to effect the transfer of the management and assignment of the leases.

Council's Governance team provided advice supporting the seeking of an exception under 236(1)(c)(iv)(A) to (D) of the *Local Government Regulation 2012* for the purposes of this report.

**Conclusion**

Council has received from the existing lessee a request for consent to the transfer of the management and assignment of the associated leases for the River Bend Country Bush Camping ('Sharp Park') grounds located at 3095 Beechmont Road, Witheren, being better described as Lot 23 on RP145257 and part of Lot 163 on SP310614.

To proceed, Council is to agree the surrender of the existing trustee lease over part of Lot 163 on SP310614 and the further creation of a new trustee lease based on an increase in the lease area over the whole of the reserve land from 1.5ha to 2.9ha.

Upon registration of a new trustee lease for the 2.9ha of reserve land, Council will have appropriate registered leases (being the original freehold lease over Lot 23 on RP145257 and the new trustee lease over Lot 163 on SP310614) over the whole of the reserve and freehold lands that comprise the Sharp Park campgrounds until the leases expire on 31 May 2032. Council can then also progress the current lessee's request for transfer of the management and assignment of the leases.













**11 Confidential Matters**

Nil