



Minutes

Ordinary Meeting

Tuesday, 20 June 2023

Time: 9.15 am

Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

Scenic Rim Regional Council
Ordinary Meeting
Tuesday, 20 June 2023
Minutes

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1 Opening of Meeting

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

2 Attendance and the granting of leaves of absence

Cr G R Christensen, Mayor
Cr A J Hay
Cr J J S McConnell, Deputy Mayor (on approved leave)
Cr V A West
Cr M J Enright
Cr M J Chalk
Cr D A McInnes OAM

Executive Officers

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

Staff

J Pukallus, Principal Specialist Governance and Assurance
S Keepence, Governance Officer
M Carter, GIS Officer, Information Services and Technology
C Thomas, Economic Development Officer - Agribusiness and Workforce Development / Acting Principal Specialist Regional Prosperity (Item 10.2)
M Lohmann, Manager Regional Development Health and Biodiversity (Item 10.3)
H Nelson, Principal Specialist Strategic Planning (Item 10.3)
A Totenhofer, Disaster Management Coordinator (Item 10.9)
V Pardeshi, Manager Capital Works and Asset Management (Item 11.1)
J Sinnamon, Principal Specialist Property Management (Item 11.1)

3 Apologies

Nil

4 Prayers

Fr Ken Spreadborough from St Thomas' Anglican Church, Beaudesert, attended to offer prayers.

5 Declarations of Prescribed or Declarable Conflict of Interest by Members

5.1 Declarations re Items 10.7 and 10.10

Cr Greg Christensen noted three declarations of conflicts of interest:

- re Item 10.10 for himself; and
- re Items 10.7 and 10.10 for Cr Amanda Hay.

Cr Christensen advised the declarations would be dealt with at the appropriate time.

6 Announcements / Mayoral Minutes

6.1 Bereavement - Passing of a Local Elder

Cr Greg Christensen:

"Councillors

Today we pause to acknowledge the passing of an Indigenous Elder, whose recent loss is being felt by our region's Mununjali traditional owners as well as the Scenic Rim's cultural community.

We extend our deepest sympathies to the many family members and friends mourning her passing.

As a mark of respect, on Thursday the day of the funeral, Council will fly the Indigenous flag at half-mast at the Beaudesert Administration Building.

I will make a further more detailed announcement in the future, when appropriate."

7 Reception of Deputations by Appointment / Presentation of Petitions

Nil

8 Confirmation of Minutes

Recommendation

That the Minutes of the Ordinary Meeting held on 6 June 2023, be adopted.

Moved: Cr Virginia West
Seconded: Cr Michael Enright

Carried unanimously

9 Business Arising from Previous Minutes

9.1 Ordinary Meeting Minutes, 6 June 2023, Item 10.2 - Procurement Exception under Section 235 Local Government Regulation 2012

The General Manager Customer and Regional Prosperity referred to her response to a question from Cr Amanda Hay at the Ordinary Meeting held on 6 June 2023, regarding the costs structure and tiered funding arrangements in place in relation to the region's Visitor Information Centres.

Cr Hay had queried as to the top two Visitor Information Centres in the tier system and the General Manager had responded, "Tamborine Mountain and Beaudesert". The General Manager acknowledged her response was incorrect and that the Tamborine Mountain and Boonah Visitor Information Centres are the top two, being classed as the 'gateways' to the Scenic Rim region.

10 Consideration of Business of Meeting

Executive

10.1 Show or Special Holiday 2024

Executive Officer: Chief Executive Officer

Attachments:

1. Letter - Office of Industrial Relations - 15 May 2023 
-

Recommendation

That:

1. Council note the community feedback of May 2022 that the first Monday of the annual Royal Queensland Show is the preferred public holiday for the Scenic Rim region; and
2. Council therefore nominate Monday, 12 August 2024 as a public holiday for the Scenic Rim region for 2024.

Moved: Cr Marshall Chalk

Seconded: Cr Amanda Hay

That the Chief Executive Officer's recommendation be adopted

Carried unanimously

Customer & Regional Prosperity

10.2 Scenic Rim Economic Snapshot 2021-2022

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

1. Scenic Rim Economic Snapshot 2021-2022 

Recommendation

That:

1. Council acknowledge the progress of the implementation of the Scenic Rim Regional Prosperity Strategy 2020-2025 that has contributed to the region's growing prosperity as evidenced in the Scenic Rim Economic Snapshot 2021-2022;
2. Council note the Scenic Rim Economic Snapshot 2021-2022 will be published on Council's website; and
3. Council delegate authority to the Chief Executive Officer to make minor grammatical and formatting changes to the Scenic Rim Economic Snapshot 2021-2022, if required, after its adoption, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes




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

Carried unanimously

10.3 Adoption of a Major Amendment (Amendment No. 3) and Administrative Amendment (Amendment No. 7) to the Scenic Rim Planning Scheme 2020

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

1. Letter from Hon Steven Miles MP giving approval to adopt Amendment No.3 
2. Scenic Rim Planning Scheme Amendment No.3 
3. Scenic Rim Planning Scheme Amendment No.7 

Recommendation

That:

1. Council adopt the proposed Major Amendment to the Scenic Rim Planning Scheme 2020 (Amendment No.3) for commencement on 30 June 2023, in accordance with the *Planning Act 2016* and the Minister's Guidelines and Rules; and
2. Council adopt the proposed Administrative Amendment to the Scenic Rim Planning Scheme 2020 (Amendment No. 7) for commencement on 30 June 2023, in accordance with the *Planning Act 2016* and the Minister's Guidelines and Rules.

Moved: Cr Greg Christensen

Seconded: Cr Amanda Hay

That Council table and receive the updated version of Attachment 2, Scenic Rim Planning Scheme Amendment No.3, for inclusion in the Ordinary Meeting Minutes.

Carried unanimously

Moved: Cr Amanda Hay

Seconded: Cr Michael Enright

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

Carried unanimously

Attachment (under separate cover)

- 1 Updated version of Attachment 2 - Scenic Rim Planning Scheme Amendment No.3

Asset & Environmental Sustainability

10.4 Community and Recreational Asset Recovery and Resilience Program

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments: Nil

Recommendation

That Council acknowledge the funding from the Community and Recreational Asset Recovery and Resilience Program, jointly funded by the Australian and Queensland government, for the following projects:

- Land slip on fire trail in reserve behind Meridian Way, Beaudesert;
- Land slip on fire trail in Guanaba Park, Tamborine Mountain;
- Land slip in The Shelf Rd Reserve, Tamborine Mountain;
- Land slip at Lahey Tunnel, Canungra;
- Removal of silt from ponds at Tamborine Mountain Botanical Gardens;
- Car park surfacing at Moriarty Park Dog Agility Facility, Canungra;
- Road reconstruction at Tom Enright Drive, Beaudesert; and
- Access road surfacing at Hayes Oval, Harrisville.

Moved: Cr Amanda Hay

Seconded: Cr Virginia West

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

Carried unanimously

10.5 Emergency Response Fund - Price Creek Bridge, Illinbah

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments: Nil

Recommendation

That Council acknowledge the funding provided by the Australian Government through the Emergency Response Fund for construction of a new concrete bridge over Price Creek, on Upper Coomera Road, Illinbah.

Moved: Cr Virginia West

Seconded: Cr Duncan McInnes

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

Carried unanimously

10.6 Flood Management Funding Update

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments: Nil

Recommendation

That Council acknowledge the funding provided by the Australian and Queensland Governments through the Queensland Reconstruction Authority to supplement Council's budget in identifying and reducing risk caused by flooding.

Moved: Cr Marshall Chalk

Seconded: Cr Virginia West

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

Carried unanimously

In relation to Item 10.7, Cr Amanda Hay declared:

"I, Councillor Amanda Hay, inform the meeting that I have a declarable conflict of interest due to the fact that I signed a petition in relation to the Heritage Listing Appeal of these premises 34 months ago. I do wish to remain in the meeting and have the eligible Councillors decide if I may participate despite my declarable conflict of interest and my reasons for seeking that approval is that the petition signature happened 34 months ago, the appeal has been finalised and the Agenda item today is purely acknowledging some additional information by way of court costs, and I don't think that a reasonable person would perceive that I have a conflict of interest in this Agenda item."

Motion

That Councillor Hay be allowed to stay in the meeting for this item.

Moved: Cr Duncan McInnes

Cr Greg Christensen advised there are two parts for Councillors to decide; whether there is a conflict of interest and how Councillors determine to deal with the conflict of interest.

Motion

That Cr Hay does not have a conflict of interest for the matter before us today.

Moved: Cr Greg Christensen

Seconded: Cr Marshall Chalk

Carried unanimously

Cr Amanda Hay did not vote.

Cr Greg Christensen advised there was no requirement to consider Cr Duncan McInnes' motion.

10.7 Pig and Calf Saleyards Heritage Appeal Update

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments: Nil

Recommendation

That Council acknowledge the further information provided with regard to the Judgement 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.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes

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


Carried unanimously

Council Sustainability

10.8 Council Monthly Financial Report for May 2023

Executive Officer: General Manager Council Sustainability

Attachments:

1. Monthly Financial Report May 2023 
-

Recommendation

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

Moved: Cr Duncan McInnes

Seconded: Cr Virginia West

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

Additional Items

10.9 LATE ITEM - 2023 Scenic Rim Local Disaster Management Plan version 10.0

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

1. Scenic Rim Disaster Management Plan version 10.0 

Recommendation

That:

1. Council adopt the 2023 Scenic Rim Local Disaster Management Plan version 10.0, which has been endorsed by the Local Disaster Management Group, and approve its publication on Council's website;
2. Council produce a limited number of A4 hard copies to be distributed to key stakeholders involved in its development;
3. Council delegate authority to the Chief Executive Officer to make minor grammatical and formatting changes to the 2023 Scenic Rim Local Disaster Management Plan version 10.0, if required, after its adoption, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing; and
4. Council acknowledge and thank all key stakeholders and government agencies for their contributions, which have resulted in the development of the 2023 Scenic Rim Local Disaster Management Plan version 10.0.

Moved: Cr Virginia West

Seconded: Cr Michael Enright

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

Carried unanimously

In relation to Item 10.10, Cr Greg Christensen declared:

"I have a declarable conflict of interest in this matter as I am the subject Councillor for the referral and I will be leaving the meeting for the consideration thereof."

At 10:24 am, Cr Greg Christensen left the meeting.

In the absence of the Deputy Mayor, the Chief Executive officer call for nominations for a Councillor to chair the meeting.

Cr Virginia West nominated Cr Michael Enright take the Chair for the consideration of Item 10.10.

Cr Michael Enright accepted the nomination.

Motion

That Cr Enright take the Chair for the consideration of Item 10.10.

Moved: Cr Virginia West
Seconded: Cr Marshall Chalk

Carried unanimously

10.25 am Cr Michael Enright took the Chair.

Cr Michael Enright invited Cr Amanda Hay to address the Chamber.

Cr Amanda Hay declared a declarable conflict of interest in Item 10.10:

"I, Councillor Amanda Hay, inform the meeting that I have a declarable conflict of interest due to the fact that some time ago I signed a petition calling for the removal of Mayor Greg Christensen and the appointment of an administrator. The sponsoring member for that petition was the Clerk of Parliament. The petition attracted 970 signatures, including my own, and I signed the petition long before former Councillor Swanborough resigned and I was elected as Councillor for Division 1.

I wish to remain in the meeting and have eligible Councillors decide if I may participate despite my likely declarable conflict of interest. The reason why I seek that approval is that I don't believe that I could be perceived by a reasonable person as having a conflict of interest which would unduly influence my decisions in this matter."

Cr Michael Enright invited Councillors to ask questions of Cr Amanda Hay.

Cr Duncan McInnes queried the approximate date of the petition. The Chief Executive Officer noted it was in approximately January 2023. Cr Amanda Hay advised it may have been December 2022 or early January 2023.

Cr Michael Enright asked Cr Amanda Hay to read the wording of the petition. Cr Amanda Hay advised it was a lengthy petition, which called for the removal by the State Government of Mayor Greg Christensen and the appointment of an administrator.

The Chief Executive Officer read the content of the petition.

Motion

That Cr Hay has a declarable conflict of interest regarding Item 10.10 and should not participate in discussion on this matter.

Moved: Cr Michael Enright
Seconded: Cr Virginia West

Equal

Cr Amanda Hay did not vote.

The Principal Specialist Governance and Assurance advised that with a conflict of interest vote, if Councillors do not determine a majority decision, the default position is that the subject Councillor is considered to be conflicted and must therefore leave the meeting room.

At 10:41 am, Cr Amanda Hay left the meeting.

10.10 LATE ITEM - Referral of Inappropriate Conduct Matter C-23-00238

Executive Officer: General Manager Council Sustainability

Attachments:

1. Office of the Independent Assessor - Referral Notice and Attachments C-23-00238 - Confidential

Recommendation

That Council decide how to investigate the referral of inappropriate conduct matter C-23-00238.

Moved: Cr Duncan McInnes
Seconded: Cr Marshall Chalk

That for inappropriate conduct matter C-23-00238:

1. The Chief Executive Officer engage an independent external investigator to investigate the complaint; and
2. The Chief Executive Officer provide an investigation report to a subsequent Ordinary Meeting of Council, for determination of the complaint; and
3. The reason, pursuant to section 150AF(3) of the *Local Government Act 2009*, for the decision to not following Council's Investigation Policy is that the engagement of the Councillor Conduct Tribunal is likely to be more costly and less timely than engaging an independent external investigator.

Carried unanimously

At 10:53 am, Cr Amanda Hay returned to the meeting.

At 10:55 am, Cr Greg Christensen returned to the meeting and resumed the Chair.

11 Confidential Matters

At 10:55 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 item relating to:

- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967

Moved: Cr Virginia West
Seconded: Cr Duncan McInnes

Carried unanimously

At 11:30 am, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Virginia West
Seconded: Cr Michael Enright

Carried unanimously

11.1 Land Acquisition for Infrastructure Upgrade Purposes [Closed s.254J(3)(h)]**Executive Officer:** General Manager Asset and Environmental Sustainability**Recommendation**

That:

1. Council approve the compulsory acquisition of land for road purposes over part of the property as identified in this report, shown in Attachment 2, which will facilitate the upgrade to identified infrastructure;
2. Council exercise its powers to compulsorily acquire the identified property by issuing a Notice of Intention to Resume under section 7 of the *Acquisition of Land Act 1967*; and
3. In accordance with clause 22.6.3 of the Scenic Rim Regional Council Standing Orders Procedure CM03.01PR.01, Council maintain confidentiality over the content of the report, and attachments, due to negotiations relating to the taking of land under the *Acquisition of Land Act 1967*.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes

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

Carried unanimously

The Ordinary Meeting ended at 11.35 am.

To be confirmed on 4 July 2023.

Cr Greg Christensen

Mayor