



Minutes

Ordinary Meeting

Tuesday, 4 July 2023

Time: 9.15 am

Meeting adjourned at 10:32 am
Meeting resumed at 10:50 am

Location: Council Chambers

82 Brisbane Street

BEAUDESERT QLD 4285

Scenic Rim Regional Council

Ordinary Meeting

Tuesday, 4 July 2023

Minutes

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1 Opening of Meeting

The Mayor, Cr Greg Christensen, as Chair of the Meeting, declared the Meeting open.

In recognition of National Aborigines and Islanders Day Observance Committee (NAIDOC) Week, the Mayor invited Aunty Gerry (Geraldine Page) as Chair of the Mununjali Elders to deliver Welcome to Country.

Aunty Gerry, Chair of the Mununjali Elders, delivered Welcome to Country.

1.1 Acknowledgement to Country and National Aborigines' and Islanders' Day Observance Committee Week

Cr Greg Christensen:

"Councillors,

We, as a Council, are glad to join in the recognition and celebration of NAIDOC Week - and just to add to that for those who may be listening in the digital gallery that NAIDOC Week is indeed the National Aborigines' and Islanders' Day Observance Committee Week, and it is an important event on the calendar each July celebrating the history, culture and achievements of Aboriginal and Torres Strait Islander peoples.

It does not just celebrate Indigenous community members but also it is celebrated by Australians across the country, who appreciate the culture and contribution of those with ancient ties to this land.

This year's national NAIDOC Week theme is For Our Elders - in recognition of, across every generation, Elders have played, and continue to play, an important role and hold that special place of honour in communities and families.

It is through their commitment they have kept alive the memories and traditions of their ancestors to be passed on to the children of tomorrow.

As holders of cultural knowledge, they have guided generations and paved the way for those following in their footsteps.

Indeed it's a privilege to recognise that in politics, health, education, the arts and fields too numerous to mention, Elders have shown what can be achieved and, through their struggles, have helped others to move forward and find their place in the world.

On behalf of Scenic Rim Regional Council, I thank all of the Elders of our community, past, present and emerging, for their contribution to our region and wish everyone an enjoyable celebration of NAIDOC Week."

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
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

J Pukallus, Principal Specialist Governance and Assurance
S Keepence, Governance Officer
S Oberle, Desktop Support Officer, Information Services and Technology
M Lohmann, Manager Regional Development Health and Biodiversity (Items 10.2 and 11.1)
J Baker, Principal Specialist Biodiversity and Climate Change (Item 10.2)
V Pardeshi, Manager Capital Works (Item 10.3)

3 Apologies

Nil

4 Prayers

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

5 Declarations of Prescribed or Declarable Conflict of Interest by Members

5.1 Declarations re Items 10.9 and 11.1

Cr Greg Christensen noted declarations of conflicts of interest:

- re Item 10.9 for himself; and
- re Item 11.1 for Cr Amanda Hay.

Cr Christensen advised the declarations would be dealt with before the items are considered.

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 Special Meeting held on 19 June 2023, be adopted.

Moved: Cr Virginia West
Seconded: Cr Michael Enright

Carried unanimously

Recommendation

That the Minutes of the Ordinary Meeting held on 20 June 2023, be adopted.

Moved: Cr Duncan McInnes
Seconded: Cr Marshall Chalk

Carried unanimously

9 Business Arising from Previous Minutes

9.1 Special Meeting Minutes, 19 June 2023, Item 6.11 - Concessions to Rates and Charges [Closed s.254J(3)(c)]

The General Manager Customer and Regional Prosperity referred to a question taken on notice, from Cr Amanda Hay at the Special Meeting held on 19 June 2023, regarding whether part four of the General Manager's recommendation applies to Land for Wildlife participants. The General Manager advised that the rate rebate identified in that part of the recommendation does not apply to Land For Wildlife participants, who would need to enter into a conservation agreement or conservation covenant with Council to receive a rate rebate.

The General Manager advised that conservation agreements and conservation covenants have a higher threshold of eligibility, eg rare and/or threatened species, and therefore not all Land For Wildlife properties would be eligible. It was noted that this approach is consistent across local government areas in south east Queensland which administer Land For Wildlife programs, conservation agreements and conservation covenants.

Further, the General Manager advised there is not any formal restriction on Council in relation to such a rebate that officers are aware of, but a change would require consideration of legislative compliance, administrative requirements, budget revenue implications and resourcing from Council.

Council's Biodiversity team have indicated a review of the Land For Wildlife program arrangements could be undertaken to ensure that Council offering a rebate would not conflict with a strategic direction or potentially diminish the current program, noting that a change may have some ramifications for the program across south east Queensland. The team have committed to researching the matter and reporting back to Council.

10 Consideration of Business of Meeting

Customer & Regional Prosperity

10.1 Register of Active Grants and Subsidies

Executive Officer: General Manager Customer and Regional Prosperity

Attachments: Nil

Recommendation

That:

1. Council acknowledge adequate and relevant information on external grants and subsidies received by Council is provided via several channels such as, Council's Annual Report, Ordinary Meeting reports, 'Let's Talk Scenic Rim', media releases and social media platforms; and
2. Council endorse ceasing the labour-intensive publication of the Register of Active Grants and Subsidies on Council's website.

Moved: Cr Jeff McConnell
 Seconded: Cr Michael Enright

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

Carried unanimously

10.2 Flying-fox Roost Management Planning - Beaudesert and Canungra

Executive Officer: General Manager Customer and Regional Prosperity

Attachments:

1. Canungra Creek Lions Park Flying-fox Roost Management Plan 
2. Beaudesert Lions Bicentennial Park Flying-fox Roost Management Plan 

Recommendation

That:

1. Council adopt the Canungra Creek Lions Park Flying-fox Roost Management Plan for a pilot period of six months with the intent to undertake time critical works in the meantime;
2. Council adopt the Beaudesert Lions Bicentennial Park Flying-fox Roost Management Plan for a pilot period of six months with the intent to undertake time critical works in the meantime; and.
3. Council note the intent is to undertake further community consultation for each Roost Management Plan in conjunction with consultation for the Scenic Rim Regional Council Flying-fox Management Strategy.

Moved: Cr Virginia West

Seconded: Cr Michael Enright

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



Carried unanimously

Asset & Environmental Sustainability

10.3 Black Spot Funding Submission 2024-2025

Executive Officer: General Manager Asset and Environmental Sustainability

Attachments:

1. Concept Design - Kooralbyn Road, Kooralbyn CH0-1320 
2. Concept Design - Intersection Albert Street and Anna Street, Beaudesert 

Recommendation

That:

1. Council endorse the application of the following projects to improve driver and road user safety for funding under the Australian Government 2024-2025 Black Spot Program:
 - Kooralbyn Road Ch 0.0 - Ch 1320, Kooralbyn; and
 - Intersection Albert Street and Anna Street, Beaudesert; and
2. Council note a contribution of \$60,000 would be required if the Kooralbyn Road Ch 0.0 - Ch 1320, Kooralbyn, project was approved for inclusion in the Australian Government 2024-2025 Black Spot Program.

Moved: Cr Michael Enright

Seconded: Cr Jeff McConnell

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

Carried unanimously

Council Sustainability

10.4 Proposed Ordinary Meeting Dates October 2023 - February 2024

Executive Officer: General Manager Council Sustainability

Attachments: Nil

Recommendation

That:

1. Council endorse a new meeting schedule, by holding one Ordinary Meeting per month to be held generally on the fourth Wednesday of each month commencing from 1 October 2023;
2. Council adopt the following October 2023 - February 2024 dates for Ordinary Meetings, with the meetings to commence at 9.00am:
 - Wednesday, 25 October 2023;
 - Wednesday, 22 November 2023;
 - Wednesday, 20 December 2023;
 - Wednesday, 31 January 2024;
 - Wednesday, 28 February 2024; and
3. Council acknowledge that Ordinary Meetings scheduled in October 2023 - February 2024, will be held in the Council Chambers, 82 Brisbane Street, Beaudesert.

Moved: Cr Jeff McConnell

Seconded: Cr Virginia West










That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

10.5 Review of Standing Orders - Policy and Procedures

Executive Officer: General Manager Council Sustainability

Attachments:

1. Standing Orders - Policy as adopted 19 January 2021 
2. Standing Orders - Procedure as adopted 19 January 2021 
3. Standing Orders - Administration and Conduct as adopted 19 January 2021 
4. New Draft Standing Orders Model Rules (with tracked changes) 
5. New Draft Standing Orders Model Rules 
6. Meetings and Other Forums - Council Policy as adopted 14 December 2020 
7. Meetings and Other Forums - Administration and Participation Procedure as adopted 14 December 2020 
8. Draft revised Meeting and other Forums Administration and Participation (with tracked changes) 
9. Draft revised Meeting and other Forums Administration and Participation Procedure 

Recommendation

That:

1. Council rescind the Council Policy - Standing Orders CM03.01CP;
2. Council rescind the Council Procedure - Standing Orders CM03.01PR.01;
3. Council rescind the Council Procedure - Standing Orders - Administration and Conduct CM03.01PR.02;
4. Council rescind the Council Policy - Meeting and Other Forums - Administration and Participation CM03.07CP;
5. Council adopt the Council Policy - Standing Orders for Council Meetings CM03.01CP; and
6. Council adopt the revised Council Procedure - Meeting and Other Forums - Administration and Participation CM03.07PR.01.

Moved: Cr Jeff McConnell
Seconded: Cr Marshall Chalk

That the General Manager Council Sustainability's recommendation be adopted

Amendment

Cr Michael Enright proposed that an additional paragraph, numbered 7, be added to the motion, as follows:

7. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, including an abbreviation and definition schedule, to the Council Policy - Standing Orders for Council Meetings CM03.01CP and Council Procedure - Meeting and Other Forums - Administration and Participation CM03.07PR.01, if required, after adoption, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Cr Jeff McConnell, as mover of the motion, agreed.

The motion, as amended:

That:

1. Council rescind the Council Policy - Standing Orders CM03.01CP;
2. Council rescind the Council Procedure - Standing Orders CM03.01PR.01;
3. Council rescind the Council Procedure - Standing Orders - Administration and Conduct CM03.01PR.02;
4. Council rescind the Council Policy - Meeting and Other Forums - Administration and Participation CM03.07CP;
5. Council adopt the Council Policy - Standing Orders for Council Meetings CM03.01CP;
6. Council adopt the revised Council Procedure - Meeting and Other Forums - Administration and Participation CM03.07PR.01; and
7. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, including an abbreviation and definition schedule, to the Council Policy - Standing Orders for Council Meetings CM03.01CP and Council Procedure - Meeting and Other Forums - Administration and Participation CM03.07PR.01, if required, after adoption, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

was put and

Carried unanimously





Meeting adjourned at 10:32 am

Meeting resumed at 10:50 am

10.6 Councillor Administrative Support Policy and Review of Acceptable Requests Policy and Procedure

Executive Officer: General Manager Council Sustainability

Attachments:

1. Councillor Administrative Support Policy 
2. Acceptable Requests Policy as adopted 9 November 2020 
3. Acceptable Requests Procedure as adopted 9 November 2020 
4. Draft New Acceptable Request Guidelines Policy 

Recommendation

That:

1. Council adopt the Council Policy - Councillor Administrative Support;
2. Council adopt the new Council Policy CM03.17CP - Acceptable Request Guidelines, which will replace the previous version adopted on 9 November 2020;
3. Council rescind the Acceptable Requests Procedure CM3.17PR.01 which was adopted on 9 November 2020; and
4. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, to the Council Policy - Councillor Administrative Support and Council Policy CM03.17CP - Acceptable Request Guidelines, if required, after 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 Virginia West

Seconded: Cr Marshall Chalk

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

10.7 Council Policy - Live Streaming of Council Meetings**Executive Officer:** General Manager Council Sustainability**Attachments:**

1. Draft Council Policy - Livestreaming of Council Meetings 

Recommendation

That:

1. Council adopt Council Policy - Live Streaming of Council Meetings CM03.37CP; and
2. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, to the Council Policy - Live Streaming of Council Meetings CM03.37CP, if required, after 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 Amanda Hay

Seconded: Cr Jeff McConnell

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

10.8 Establishment of a Councillor Portfolio System**Executive Officer:** General Manager Council Sustainability**Attachments:**

1. Draft Council Policy - Councillor Portfolios CM03.35CP 
-

Recommendation

That:

1. Council adopt the Council Policy - Councillor Portfolios CM03.35CP; and
2. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, to the Council Policy - Councillor Portfolios CM03.35CP, if required, after 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 Marshall Chalk

Seconded: Cr Amanda Hay

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

In relation to Item 10.9, Cr Greg Christensen declared:

"As indicated earlier, I am advising a prescribed conflict of interest in relation to this item as I am the requesting Councillor and I hand the chair now to the Deputy Mayor and I will leave the meeting."

At 11:09 am, Cr Greg Christensen left the meeting.

Cr Jeff McConnell, Deputy Mayor, took the chair.

10.9 Request for Legal Assistance

Executive Officer: General Manager Council Sustainability

Attachments:

1. Legal Assistance Policy 
2. Legal Assistance Guideline 
3. Application for Legal Assistance - C-23-00238 - Confidential

Recommendation

That:

1. Council decide whether to grant legal assistance to the applicant Councillor; and
2. If granted, Council determine the amount to be provided along with any conditions that the assistance is subject to.

Moved: Cr Marshall Chalk
Seconded: Cr Duncan McInnes

That Council, in accordance with the Legal Assistance Policy and Guideline:


1. Approve the provision of legal assistance to Councillor Christensen for inappropriate conduct matter C-23-00238; and
2. Limit the amount of legal assistance provided to a maximum cost of \$15,000; and
3. Require Councillor Christensen to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00238.

Carried unanimously

At 11:16 am, Cr Greg Christensen returned to the meeting and resumed the Chair.

Cr Jeff McConnell advised Cr Greg Christensen that the request for legal assistance was approved by Council resolution.

10.10 Rateable Land Annual Valuation Effective 30 June 2024**Executive Officer:** General Manager Council Sustainability**Attachments:**

1. Correspondence from Valuer-General, Department of Resources re "Proposed inclusion in the revaluation program effective 30 June 2024" 
-

Recommendation

That Council provide correspondence to the Valuer-General, Department of Resources, endorsing the State Valuation Service proposal to undertake the annual valuation of rateable land for the Scenic Rim region effective 30 June 2024.

Moved: Cr Amanda Hay
Seconded: Cr Jeff McConnell




That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

10.11 Review of Security Bonds and Bank Guarantees Policy

Executive Officer: General Manager Council Sustainability

Attachments:

1. Security Bonds and Bank Guarantees Policy as adopted 27 January 2016 
2. Revised Security Bonds and Bank Guarantees Policy (with tracked changes) 
3. Revised Security Bonds and Bank Guarantees Policy 

Recommendation

That:

1. Council adopt the Security Bonds and Bank Guarantees Policy, which will replace the previous version adopted on 27 January 2016; and
2. Council delegate to the Chief Executive Officer to make minor grammatical and formatting changes, to the Security Bonds and Bank Guarantees Policy, if required, after 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 Virginia West
Seconded: Cr Duncan McInnes



That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

10.12 Queensland Audit Office Publications Relevant to Council

Executive Officer: General Manager Council Sustainability

Attachments:

1. Local Government 2022 - Financial Audit Report 
2. Queensland Audit Office Forward Work Plan 2023-2026 

Recommendation

That:

1. Council receive the Local Government 2022 Report and note the recommendations contained in the report; and
2. Council receive the Queensland Audit Office Forward Work Plan 2023-2026.

Moved: Cr Jeff McConnell
Seconded: Cr Michael Enright

That the General Manager Council Sustainability's recommendation be adopted

Carried unanimously

In relation to Item 11.1, Cr Amanda Hay declared:

"I need to make a full disclosure in relation to Agenda Item 11.1, in two parts.

I, Cr Amanda Hay, inform the meeting that I have a prescribed conflict of interest in relation to Confidential Agenda Item 11.1. My conflict arises from the fact that I am one of the two subjects of the recovery of costs of the Planning and Environment Court appeal relevant to MCU20/050.

The second part being, I, Cr Amanda Hay, inform the meeting that I have a second prescribed conflict of interest in relation to that same item. My conflict arises from the fact that a close associate is an office holder of the Tamborine Mountain Progress Association Incorporated, which is the other party subject to the recovery of costs of the Planning and Environment Court appeal relevant to MCU20/050.

As a result of these prescribed conflicts of interest, I will now leave the room and take no part in the discussion or vote on this item."

At 11:45 am, Cr Amanda Hay left the meeting.

11 Confidential Matters

At 11:45 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 Jeff McConnell
 Seconded: Cr Michael Enright

Carried unanimously

At 1:45 pm, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Jeff McConnell
 Seconded: Cr Virginia West

Carried unanimously

11.1 Update - Recovery of Costs 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 consider the offer of settlement for costs and representations made by the co-respondents, as outlined in this report;
2. Council note the comments in the Judgement, 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 delegate authority to the Chief Executive Officer to engage King and Company to finalise negotiations with the co-respondents in relation to the outstanding costs, giving due consideration to the interests of the wider rate-paying community;
4. A further report detailing the outcomes of the negotiations be brought back to Council for consideration at the earliest Ordinary Meeting; and
5. In accordance with clause 22.6.3 of the Scenic Rim Regional Council Standing Orders Procedure CM03.01PR.01, Council continue to keep the information contained in this report, including the attachments, as confidential.

Moved: Cr Michael Enright
Seconded: Cr Duncan McInnes

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

Carried unanimously

At 1:47 pm, Cr Amanda Hay returned to the meeting.

The Ordinary Meeting ended at 1:47 pm.

To be confirmed on 18 July 2023.

Cr Greg Christensen

Mayor