

Minutes

Ordinary Meeting

Wednesday, 24 January 2024

Time: 9.00 am

Meeting adjourned at 10.27 am
Meeting resumed at 10.50 am

Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

Scenic Rim Regional Council
Ordinary Meeting
Wednesday, 24 January 2024
Minutes

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**12.1 Final 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)] 26**

12.2 Ten-Year Capital Works Program [Closed s.254J(3)(c)] 27

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
Cr V A West
Cr M J Enright
Cr M J Chalk
Cr D A McInnes OAM

Executive Officers

D Keenan, Chief Executive Officer
J Rutledge, Manager General Manager People and Strategy / Acting General Manager People and Strategy
M Lohmann, Manager Regional Development, Health and Biodiversity / Acting 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
L Solyma, Biodiversity Officer - Planning / Acting Principal Specialist Biodiversity and Climate Change (Item 11.2)
G Larsen, Biodiversity Officer - Land Sustainability (Item 11.2)
J Kirkwood, J Kirkwood, Principal Specialist Development Assessment and Engineering / Acting Manager Regional Development, Health and Biodiversity (Item 11.3)
C Dolereit, Business Systems Analyst (Item 11.4)
M Quast, Team Leader Revenue (Item 11.5)
S Williams, Principal Specialist Internal Audit and Improvement (Item 11.7)
S Osman, Manager Maintenance and Operations (Item 12.2)
S Gillett, Coordinator Asset Management (Item 12.2)

3 Apologies

Nil

4 Prayers

Cr Greg Christensen offered prayers

5 Public Question Time

Nil

6 Declarations of Prescribed or Declarable Conflict of Interest by Members

Cr Greg Christensen advised there were conflicts of interest for Cr Amanda Hay, in relation to Items 11.3 and 12.1, which would be dealt with prior to the consideration of the matters.

7 Announcements / Mayoral Minutes

Nil

8 Reception of Deputations by Appointment / Presentation of Petitions

Nil

9 Confirmation of Minutes

Recommendation

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

Moved: Cr Michael Enright
Seconded: Cr Virginia West

Cr Michael Enright noted the date on the front cover of the Ordinary Meeting Minutes was incorrectly shown as "2 December 2023".

Cr Greg Christensen confirmed the date on the front cover would be changed.

Carried unanimously

10 Business Arising from Previous Minutes

Nil

11 Consideration of Business of Meeting

Customer & Regional Prosperity

11.1 Procurement Exception under Section 235 Local Government Regulation 2012 Our Community Pty Ltd

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Attachments: Nil

Recommendation

That Council resolve to engage the following supplier under section 235 of the *Local Government Regulation 2012*:

Supplier	Services	Exception	Expiry
Our Community Pty Ltd	Access to the SmartyGrants Online Grant Management Platform for the administration of Council's various Grant and Funding programs	235(b)	30 June 2025

Moved: Cr Michael Enright
Seconded: Cr Jeff McConnell

Motion

That Council resolve to engage the following supplier under section 235 of the *Local Government Regulation 2012*:




Supplier	Services	Exception	Expiry
Our Community Pty Ltd	Access to the SmartyGrants Online Grant Management Platform for the administration of Council's various Grant and Funding programs	235(b)	30 June 2025

Carried unanimously

11.2 Scenic Rim Climate Change Roadmap 2024-2034, 3 Year Action Plan 2024-2026 and community engagement survey results

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Attachments:

1. Climate Change Roadmap 2024-2034 Survey Report (under separate cover) 
2. Scenic Rim Climate Change Roadmap 2024-2034 (under separate cover) 
3. Scenic Rim 3 Year Action Plan 2024-2026 (under separate cover) 

Recommendation

That:

1. Council adopt the Scenic Rim Climate Change Roadmap 2024-2034;
2. Council note the Scenic Rim Climate Change 3 Year Action Plan 2024-2026;
3. Council acknowledge the outcomes of the community engagement input into finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026;
4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Scenic Rim Council Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026, if required, 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 Duncan McInnes

Seconded: Cr Michael Enright

Motion

That:

1. Council adopt the Scenic Rim Climate Change Roadmap 2024-2034;
2. Council note the Scenic Rim Climate Change 3 Year Action Plan 2024-2026;
3. Council acknowledge the outcomes of the community engagement input into finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026;
4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Scenic Rim Council Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026, if required, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Carried unanimously

Cr Amanda Hay:






"Unfortunately I am required to declare that I have a prescribed conflict of interest in this Agenda Item. The conflict arises as I made a submission to Council in respect of this Development Application, back when it was advertised for public submissions and I intend to leave the room, and take no part in the discussion or the vote."

At 9:20 am, Cr Amanda Hay left the meeting.

11.3 Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites) 36 Young Street, Tamborine Mountain L96 WD1000

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Attachments:

1. MCU22/121 - Minor change assessment report 
2. MCU18/154 - Minor change approval 
3. MCU20/077 - Proposal plans 
4. MCU20/077 - Revised parking plan 
5. Appendix A - MCU20/077 Conditions of Approval 

Recommendation

That:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council note the attached assessment for development application MCU22/121 (Attachment 1) will be determined by delegated authority, following a Council resolution to approve development application MCU20/077;
3. Council approve development application MCU20/077, and grant a development permit for Material change of use, subject to the conditions contained in Appendix A (Attachment 5); and
4. Council note that any subsequent requests for a negotiated decision notice and/or change applications to the approval (MCU20/077) will be processed via delegated authority where the changes would not significantly alter the original decision.

Motion

That:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council not approve development application MCU20/077, for reasons presented below:
 - a) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 in particular Table 3.4.2, Element 'Mountain Community', Strategic Outcomes SO2, and SO6;
 - b) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 Strategic Framework in particular Table 3.5.2, Element 'Tourism and Recreation', Strategic Outcomes SO11;
 - c) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 Strategic Framework in particular Table 3.6.2, Element 'Natural Hazards, Risk and Resilience', Strategic Outcomes SO1 and SO2;
 - d) The proposed development does not achieve the purpose of the Rural Zone Code (Rural Escarpment Protection Precinct) for the Scenic Rim Planning Scheme 2020, in particular Rural Zone Code, Section 6.2.17.2, Overall Outcomes (3)(a)(i), (3)(b)(ii) and (iv), (3)(c)(ii) and (3)(d)(iii);
 - e) The proposed development conflicts with the performance outcomes of the Rural Zone Code (Rural Escarpment Protection Precinct) for the Scenic Rim Planning Scheme 2020, in particular:
 - i. Rural Zone Code, Section 6.2.17.3.3, Performance Outcome PO1; and
 - ii. Rural Zone Code, Section 6.2.17.3.4, Performance Outcome PO1, PO3 and PO4;
 - f) The proposed development does not achieve the purpose of the Landslide Hazard and Steep Slope Overlay Code for the Scenic Rim Planning Scheme 2020, in particular Landslide Hazard and Steep Slope Overlay Code, Section 8.2.7.2 Overall Outcomes (2)(a) to (f), and (h) to (k); and
 - g) The proposed development conflicts with the performance outcomes of the Landslide Hazard and Steep Slope Overlay Code for the Scenic Rim Planning Scheme 2020, in particular Landslide Hazard and Steep Slope Overlay Code, Section 8.2.7.3.2 Performance Outcomes PO1, PO2 and PO7.

Moved: Cr Jeff McConnell

Seconded: Cr Marshall Chalk

Procedural Motion

That the additional reference pages to the relevant Strategic Framework components, be included in the Ordinary Meeting Minutes.

Moved Cr Jeff McConnell

Carried unanimously

The motion that:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council not approve development application MCU20/077, for reasons presented below:
 - a) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 in particular Table 3.4.2, Element 'Mountain Community', Strategic Outcomes SO2, and SO6;
 - b) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 Strategic Framework in particular Table 3.5.2, Element 'Tourism and Recreation', Strategic Outcomes SO11;
 - c) The proposed development departs from the policy direction of the Strategic Framework for the Scenic Rim Planning Scheme 2020 Strategic Framework in particular Table 3.6.2, Element 'Natural Hazards, Risk and Resilience', Strategic Outcomes SO1 and SO2;
 - d) The proposed development does not achieve the purpose of the Rural Zone Code (Rural Escarpment Protection Precinct) for the Scenic Rim Planning Scheme 2020, in particular Rural Zone Code, Section 6.2.17.2, Overall Outcomes (3)(a)(i), (3)(b)(ii) and (iv), (3)(c)(ii) and (3)(d)(iii);
 - e) The proposed development conflicts with the performance outcomes of the Rural Zone Code (Rural Escarpment Protection Precinct) for the Scenic Rim Planning Scheme 2020, in particular:
 - iii. Rural Zone Code, Section 6.2.17.3.3, Performance Outcome PO1; and
 - iv. Rural Zone Code, Section 6.2.17.3.4, Performance Outcome PO1, PO3 and PO4;
 - f) The proposed development does not achieve the purpose of the Landslide Hazard and Steep Slope Overlay Code for the Scenic Rim Planning Scheme 2020, in particular Landslide Hazard and Steep Slope Overlay Code, Section 8.2.7.2 Overall Outcomes (2)(a) to (f), and (h) to (k); and
 - g) The proposed development conflicts with the performance outcomes of the Landslide Hazard and Steep Slope Overlay Code for the Scenic Rim Planning Scheme 2020, in particular Landslide Hazard and Steep Slope Overlay Code, Section 8.2.7.3.2 Performance Outcomes PO1, PO2 and PO7.

was then put and

Carried unanimously

Attachments

6. Reference pages to the relevant Strategic Framework components

STRATEGIC FRAMEWORK

1.5 Hierarchy of Assessment Benchmarks

- (1) Where there is inconsistency between provisions in the planning scheme, the following rules apply:
- (a) the relevant assessment benchmarks specified in the Regulation prevail over the planning scheme to the extent of any inconsistency;
 - (b) the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment;
 - (c) overlays prevail over all other components (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency;
 - (d) zone codes prevail over use codes and other development codes to the extent of the inconsistency;
 - (e) notwithstanding (c) and (d), where there is an inconsistency between a provision in a development code, zone code or overlay code, the provision requiring the highest standard prevails (e.g. the furthest setback distance); and
 - (f) provisions of Part 10 may override any of the above.

Source: <https://www.scenicrim.qld.gov.au/downloads/file/3485/scenic-rim-planning-scheme-part-1-about>

The site is in the Mountain Community and in the Escarpment Protection Precinct. The proposal does not accord with the strategic direction for the location and scale of tourism activities intended for that zone.

3.4 Communities and Character

3.4.1 Strategic Intent - Mountain Community

P6 para 2: The **development intent** and the **level of amenity** reasonably expected in zones (and variations in precincts) are not compromised by **development of an inappropriate type, scale, intensity or impact**.

P8 para 1: A mix of rural and tourism opportunities will continue to be facilitated where they are of a **scale and intensity** consistent with the area's **existing semi-rural and natural landscape setting**.

P8 para 2: The regionally significant scenic **amenity values** of the escarpment surrounding Tamborine Mountain will be protected for the landscape values that the area provides to **residents** and visitors.

3.4.2 Strategic Outcomes - Mountain Community

SO(1) If not Nature based tourism, the proposal is not to be accommodated in the EP zone.

SO(2) Development is **not consistent** with the predominant built form, **scale and intensity, landscape character** and natural environment values of the **escarpment, which provides the locality with a strong sense of place**.

SO(6) The **scale and intensity** of the proposal does not resemble a 'very low intensity tourism activity' within the EP Zone.

- (a) it is not of a **small scale and low intensity** and located to protect the natural landscape character and scenic amenity values of the escarpment;

- (d) Does not avoid impacts on the amenity and privacy of nearby properties and

3.5 Growing Economy

3.5.1 Strategic Intent - Tourism and Recreation

P20 para 5: Opportunities for **small-scale tourism opportunities** on the escarpment may be supported where consistent with the existing natural environment, **landscape setting and character** of the areas and **located on appropriately sized properties to avoid impacts on the residential amenity and privacy of nearby properties.**

3.5.2 Strategic Outcomes - Tourism and Recreation

SO(5) The proposal is of a significant **scale, nature and intensity that is inappropriate for the landscape setting and does not conserve and enhance natural values of the site and its surrounds.**

SO(11) The proposal is **not small-scale and:**

- (a) is not located on a site with a sufficient area to manage any impacts within the site;
- (b) does not preserve the landscape and natural values of the site and its surrounds;
- (c) does not maintain the **privacy and amenity of nearby sensitive receivers** and the **character of the area.**
- (d) If not nature-based tourism, is not identified in 'Table 6.2.17.2.2 Consistent Uses and Potentially Consistent Uses in the Rural Zone - Rural Escarpment Protection Precinct'

In a recent P&E court ruling, Judge Keffard stated: *It will be necessary to examine the verbiage of the planning scheme to ascertain the planning policy or purpose of relevant provisions and the degree of importance the planning scheme attaches to them.* <https://www.sclqld.org.au/caselaw/QPEC/2023/41>

There is clear intent between the use of the term 'mitigate' and the term 'avoids':-

In respect of tourism development the EP Zone, 'mitigation' of impacts is omitted in favour of 'avoids impacts'. 'Mitigation' of impacts is used in respect of development in the Minor Tourism Zone:-

3.5.1 Strategic Intent - Tourism and Recreation

P20 para 6: **'The expansion of existing tourist uses in the Minor Tourism Zone .. where it is demonstrated that the potential impacts can be **avoided or appropriately mitigated**'.**

3.4.2 Strategic Outcomes, Mountain Community

SO 6 (d).. development may be supported if it 'avoids' impacts on the amenity and privacy of nearby properties'

The authors of the Planning Scheme have considered the variation in intensity of development intended within and between Zones and the expected impacts.

- 'Mitigation' of impacts has not been included as an option in the Rural - EP Zone.
- 'Mitigation' of impacts is allowed in Minor Tourism Zone.

Clear intent is conveyed via the use of the terms 'mitigate' and 'avoid'.

3.6 Environment and Natural Hazards

3.6.1 Strategic Intent - Natural Hazards, Risk and Resilience

P30 Para 2: **Development is avoided** in areas of significant natural hazard risk.

The proposal, being a vulnerable use in a high hazard area, can be avoided. There is no planning evidence that this development MUST occur on this site.

3.6.2 Strategic Outcomes - Natural Hazards, Risk and Resilience

SO(1) The development potentially increases the exposure of people and property to natural hazards and

SO(2) The development is proposed in a natural hazard area and

- (a) directly or indirectly and cumulatively increases the extent or severity of a natural hazard
- (b) being a *vulnerable use* is incompatible with the nature of the hazard.
- (d) through constrained access, hinders disaster management capacity and capabilities.
- (e) Via documented extensive land clearing, does not maintain the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard.

6.2.17 Rural Zone Code – Rural Escarpment Protection Precinct

6.2.17.3 Purpose and Overall Outcomes

(3) The purpose of the **Rural Zone Code - Rural Escarpment Protection Precinct** will be achieved through the following **overall outcomes**:

Overall Outcomes

OO(3)(a) **Development**:

- (i) the proposal is not a very low intensity activity and does not protect the regionally significant natural landscape and environmental values of the precinct.

OO(3)(b) **Land Uses**:

(iv) the development:

- (A) does not protect or enhance the **landscape values** of the precinct.
- (B) does not maintain or enhance **vegetation cover**
- (C) is **not small scale and of a very low intensity**; and
- (D) **detracts from the amenity and privacy** of adjoining premises.

OO(3)(vi):

- (A) If **not** nature-based tourism, is not a consistent use. The combination of uses described, particularly the 'meeting room' where there is a stated intent for guests to congregate for celebrations, cannot be reconciled with the list of consistent/potentially consistent uses for the EP Zone.

(B) If nature-based tourism, the development is **not appropriate having regard to its location, nature, scale and intensity**. Also, the development negatively impacts the high level of residential amenity expected in the adjacent RRA Zone. ^{3.4.2 SO(7)}

The proposal is located on an inappropriate site where development is corralled within a small area of the block, within reduced setbacks to numerous neighbouring RRA blocks –

concentrating impacts on neighbouring blocks where homes are built towards their rear boundaries for amenity and privacy.

This specific proposal is of a nature, scale and intensity incompatible with the site and its surrounds.

OO(3)(c) Character:

- (i) the overdeveloped site will not be in a predominantly natural state and the regionally significant natural landscape value of the precinct will not be protected, and
- (ii) the development is not very low intensity and does not protect and/or complement the natural landscape value of the precinct and does not maintain existing vegetation cover.

OO(3)(d) Built form:

- (i) the dense layout is not located and designed to complement and protect the natural landscape setting of the precinct; and
- (iii) is **not small scale** and is **not setback** from property boundaries and **does not maintain the low density character** of the zone and **does not maintain the amenity and privacy** to adjoining premises.

6.2.17 Rural Zone Code – Rural Escarpment Protection Precinct

Performance Outcomes

Table 6.2.17.3.3—Accepted and Assessable Development - Rural Zone - Rural Escarpment Protection Precinct

PO1 Setbacks.

The reduced setbacks proposed:

- (1) do not maintain the **low density character of the zone**
- (2) do not protect the **amenity and privacy** of adjoining premises
- (3) do not allow for landscaping around the building
- (4) do not contribute to the **natural landscape character of the precinct.**

PO2 Height

Buildings entirely visible from adjoining premises, above the top of a 1.8m fence:

- (2) detract from the amenity and privacy of adjoining premises

Table 6.2.17.3.4 — Assessable Development - Rural Zone – Rural Escarpment Protection Precinct

6.2.17.3.4

Built form

568m2 of cabins and 409m2 main structure in 120m stretch of the site:

PO1

- (1) development is not small scale

Amenity

PO3 The development detracts from the amenity and privacy of nearby land in a *residential zone*.

Land Uses

PO4

- (1) development does not complement the natural landscape setting
- (2) is not of small scale and low intensity to protect the natural landscape values of the precinct and
- (3) does not maintain or enhance the vegetation cover of the site.

8.2.7 Landslide Hazard and Steep Slope Overlay Code

8.2.7.2 Overall Outcomes

OO(2)(c) **The development can be avoided.** No evidence has been presented that this proposal MUST be built on this site.

(2)(h) The development involves the establishment or intensification of vulnerable uses **within or near areas that are subject to risk of landslide;**

(2)(k) Visual amenity is adversely affected by development;

2(m) The development has constrained emergency vehicle access which may unduly burden disaster management response or recovery capacity and capabilities.

2(n) Extensive clearing to date with more required, negatively affects the protective function of vegetation in the landslide hazard area and

2(o) Vegetation clearing and excavation is likely to create a landslide risk on a site classified as 'subject to rotational instability'.

Table 8.2.7.3.2 — Landslide Hazard and Steep Slope Overlay Code - for Assessable Development Landslide Hazard and Steep Slope Constraints (**Slope Hazard over 25%** and Landslide Hazard Area - **High and Very High**)

PO1 The development site has been classified as subject to 'rotational instability'. Development should not be undertaken. The geotechnical reporting fails to certify that the development 'is located so that it is geologically stable in the long term and not at risk from landslide' ^{AO(2)(b)} and 'that the risk of landslide adversely affecting the subject lot, adjoining properties and the proposed development is at a low level'. ^{AO(2)(d)}.

PO(2) Specific Land Uses

The development is a vulnerable use.

- (1) The site has been classified as subject to instability. The AO states that a vulnerable use is not to be established or expanded in the high risk zone.
- (2) The site has constrained access which is likely to burden disaster management.
- (3) The development increases the number of people at risk from **land instability** or landslide.

PO(5) Built Form – The development features a tight cluster of cabins in a high risk zone – increasing the risk for the development site.

PO7 – Wastewater

The wastewater zones are on the same basalt shelf as the cabins. The site is subject to instability due to perched groundwater. The wastewater zones either **create or increase the likelihood of instability** of the site.

PO(9) – Operational Works are significant – it is impossible to state that operational works will not adversely affect slope stability or cause geological instability or create erosion potential or create a risk to structures or personal safety.

PO(10) There has been extensive, documented vegetation clearing in recent time with more necessary if the proposal is to proceed. No substantial revegetation of cleared, high-risk parts of the site is proposed.

9.3.17 TOURISM USE CODE:

9.3.17.2 Purpose

The development:

- (1)(b) does not protect environmental and landscape values
- (1)(c) does not protect the amenity of surrounding premises and
- (1)(d) does not avoid land use conflicts.

(2) Overall Outcomes

(a) The *tourism activities* proposed:

- (i) are not appropriately sited and operated according to the type of proposed use and surrounding existing uses.
- (iv) does not integrate visually with the surrounding built and natural environment.
- (v) are not of a scale and intensity compatible with the preferred character identified in the relevant zone code and predominant use of the local area.
- (vii) would adversely impact on the amenity of the adjacent residential area.

9.3.17.3 Assessment Benchmarks

Table 9.3.17.3.1 – Criteria for Accepted and Assessable Development

PO1 – the proposal is not located to avoid land use conflicts with residential activities on surrounding properties.

PO5 *Tourist accommodation sites:* 11 lettable spaces in six buildings:

- (1) are not of an intensity and scale that retain the predominant natural character and amenity of the site and surrounding area;

(2) do not complement the environmental or landscape setting of the site and surrounding area;

(4) impacts adversely on the privacy and amenity of the surrounding area.

Acceptable Outcomes: site 0-20 hectares – maximum 6 tourist accommodation sites. A tourist accommodate site is described as an individual cabin site. The 11 cabins proposed indicates the excessive intensity of the proposal while the small area of the site demonstrates excessive density.

PO6 – Traffic and noise associated with the development has been conceded by the Developer and the Planning Department as causing nuisance to surrounding properties.

PO7 – the development is of a scale that is not compatible with the character and amenity of the area.

The dense layout of the cabins results in excessive scale. 80% of the cabins are in 60m of the site.

AO is cabins 100m2 but building 10 in 60metres is excessive. The majority of the total built form is visible to impacted neighbours. The loss of landscape character and impact on visual amenity would be a significant and cumulative amenity impact to surrounding residences.

Cumulative impacts are significant and not able to be mitigated in any meaningful way. Hiding it behind a fence and a hedge is not Council's job.

PO8 – The proposed development:

(1) the development dominates the landscape setting of the site and detracts from the environmental character of the surrounding area

(2) is sited so as to be visually prominent and intrusive to adjoining to the adjoining RRA zone.

(3) detracts from the environmental and landscape character of the local area

PO7 – The Development is not of a small scale and, having 1000m2 of built form in 0.5ha of the 4.36 ha site, is not compatible with the character and amenity of the area

PO8 – Development:

(1) is designed to complement the environmental or landscape setting of the surrounding area;

1000m2 of built form and associated infrastructure in a 180m stretch of the subject block < 15-16m from rural residential boundaries does not complement the environmental or landscape setting of the surround area.

(2) is sited so as not to be visually prominent or intrusive; and

The Development has been demonstrated to be visually prominent and intrusive – being visible 3.5-4.5m above the 1.8m fence.

(3) does not detract from the environmental or landscape character of the local area.

1000m2 of built form and associated infrastructure in a 180m stretch of the subject block < 15-16m from rural residential boundaries does not complement the environmental or landscape setting of the surround area.

PO10 – the development does not provide sufficient car parking to satisfy the projected needs of the development. The Tourism Use Code states that ‘Parking – all uses’ *must be read in conjunction with the Parking and Access Code where it applies*. The latter specifically mentions *nature-based tourism*, which definition includes ‘cabins’, the development requires 19 car parking spaces. The Parking Code clearly states that the specifics of each case must be allowed for. In this case 19 car spaces are required as; the development has been designed for accommodate up to 36 guests in six buildings of 568m2 TUA. The Hierarchy of Assessment states that, where there is inconsistency between codes, the highest standard prevails.

At 9:52 am, Cr Amanda Hay returned to the meeting.

Additional Items

11.4 LATE ITEM - Presentation of Council's Service Catalogue 2022-2023

Executive Officer: Manager Human Resources /
Acting General Manager People and Strategy

Attachments:

1. Service Catalogue 2022-2023 

Recommendation

That:

1. Council note the Service Catalogue 2022-2023; and
2. Council endorse publication of the Service Catalogue 2022-2023.

Moved: Cr Virginia West
Seconded: Cr Duncan McInnes

Motion

That:

1. Council note the Service Catalogue 2022-2023; and
2. Council endorse publication of the Service Catalogue 2022-2023.

Amendment

That a new paragraph 3 be added to the motion:

3. Council consider for inclusion phase two of the Service Catalogue project as a new initiative in the drafting of the 2024-2025 budget.

Moved: Cr Marshall Chalk
Seconded: Cr Jeff McConnell

Carried unanimously

Amendment

That a new paragraph 4 be added to the motion:

4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Service Catalogue 2022-2023, if required, prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Moved: Cr Greg Christensen

Seconded: Cr Marshall Chalk

Carried unanimously

The motion, as amended, as follows:

That:

1. Council note the Service Catalogue 2022-2023;
2. Council endorse publication of the Service Catalogue 2022-2023;
3. Council consider for inclusion, phase two of the Service Catalogue project as a new initiative, in the drafting of the 2024-2025 budget; and
4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Service Catalogue 2022-2023, if required, prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

was then put and

Carried unanimously

11.5 LATE ITEM - Financial Hardship - Rates Assistance

Executive Officer: General Manager Council Sustainability

Attachments: Nil

Recommendation

That:

1. Council create a class of ratepayers under section 122(1)(b) of the *Local Government Regulation 2012*, for the purpose of enabling a concession to defer the payment of rates for residents and local businesses that were directly impacted as a result of the following Natural Disaster event:

- Christmas Night South East Queensland Severe Storm, 25 December 2023.

The conditions of the concession are:

- a) the ratepayer must apply in writing for the concession;
 - b) the ratepayer must satisfy the authorised person assessing the application that physical damage caused by the applicable event has:
 - i. impacted the liveability of their residences; or
 - ii. seen the commercial operations directly affected due to physical assets being severely damaged and/or lost; or
 - iii. impacted the capability of the land to garner revenue-making opportunities generally associated with the prescribed description that the land is rated for;
 - c) the ratepayer must provide the authorised person with particular information or documents, as requested, as evidence to support the claim; and
 - d) the class of ratepayers and the concession is a temporary arrangement available only up to 28 June 2024; or
2. Council delegate authority to the Chief Executive Officer to undertake any actions required to give effect to the rates and charges concessions.

Moved: Cr Greg Christensen

Seconded: Cr Jeff McConnell

Motion

That:

1. Council create a class of ratepayers under section 122(1)(b) of the *Local Government Regulation 2012*, for the purpose of enabling a concession to defer the payment of rates for residents and local businesses that were directly impacted as a result of the following Natural Disaster event:
 - Christmas Night South East Queensland Severe Storm, 25 December 2023.

The conditions of the concession are:

- a) the ratepayer must apply in writing for the concession;
 - b) the ratepayer must satisfy the authorised person assessing the application that physical damage caused by the applicable event has:
 - i. impacted the liveability of their residences; or
 - ii. seen the commercial operations directly affected due to physical assets being severely damaged and/or lost; or
 - iii. impacted the capability of the land to garner revenue-making opportunities generally associated with the prescribed description that the land is rated for;
 - c) the ratepayer must provide the authorised person with particular information or documents, as requested, as evidence to support the claim; and
 - d) the class of ratepayers and the concession is a temporary arrangement available only up to 28 June 2024; and
2. Council delegate authority to the Chief Executive Officer to undertake any actions required to give effect to the rates and charges concessions.

Carried unanimously

Meeting adjourned at 10:27 am

Meeting resumed at 10:50 am

11.6 LATE ITEM - Council Monthly Financial Report for December 2023

Executive Officer: General Manager Council Sustainability

Attachments:

1. Monthly Financial Report December 2023 

Recommendation

That Council receive the unaudited financial statements for the period ended 31 December 2023 for the Financial Year 2023-2024.

Moved: Cr Greg Christensen

Seconded: Cr Michael Enright

Motion

That Council receive the unaudited financial statements for the period ended 31 December 2023 for the Financial Year 2023-2024.

Carried unanimously

11.7 LATE ITEM - Audit and Risk Committee Meeting 29 November 2023

Executive Officer: General Manager Council Sustainability

Attachments:

1. Report to Council - Audit and Risk Committee - 29 November 2023 

Recommendation

That Council note the Report to Council on the Audit and Risk Committee Meeting held on 29 November 2023.

Moved: Cr Jeff McConnell
Seconded: Cr Marshall Chalk

Motion

That Council note the Report to Council on the Audit and Risk Committee Meeting held on 29 November 2023.

Carried unanimously

Cr Amanda Hay:

"I declare that I have a prescribed conflict of interest in this Agenda Item, which has arisen as a result of me being a co-respondent by election in that particular court case. If anyone feels that there's anything else that I should declare, could they say so now rather than saving it up for another OIA complaint please."

12 Confidential Matters

At 11:03 am, Council resolved into closed session, with the following motion:

That:

1. For Agenda Item 12.1 Final 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, Council close the meeting to the public pursuant to Section 254J(3)(e) of the *Local Government Regulation 2012*, as discussions will be held about the appeal and recovery of costs which relates to legal proceedings involving Council; and
2. For Agenda Item 12.2 Ten-Year Capital Works Program, Council close the meeting to the public pursuant to Section 254J(3)(c) of the *Local Government Regulation 2012*, as discussions will involve matters relating to Council's budget.

Moved: Cr Greg Christensen

Seconded: Cr Michael Enright

Carried unanimously

At 11:03 am, Cr Amanda Hay left the meeting, prior to discussion on Item 12.1.

At 11:06 am, Cr Amanda Hay returned to the meeting, following discussion on Item 12.1.

At 11:15 am, following discussion in closed session, Council resumed in open session for the proposal of resolutions.

Moved: Cr Jeff McConnell

Seconded: Cr Amanda Hay

Carried unanimously

At 11:15 am, Cr Amanda Hay left the meeting, prior to the vote on Item 12.1.

12.1 Final 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: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Recommendation

That Council note the finalisation of cost recovery for Appeal - MCU20/050 *SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors* - Planning and Environment Court Appeal No.BD2001 of 2021.

Moved: Cr Marshall Chalk
Seconded: Cr Jeff McConnell

Motion

That Council note the finalisation of cost recovery for Appeal - MCU20/050 *SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors* - Planning and Environment Court Appeal No.BD2001 of 2021.

Carried unanimously

At 11:16 am, Cr Amanda Hay returned to the meeting, following the vote on Item 12.1.

Cr Greg Christensen advised Cr Amanda Hay of Council's resolution in relation to Item 12.1.

12.2 Ten-Year Capital Works Program [Closed s.254J(3)(c)]**Executive Officer:** General Manager Asset and Environmental Sustainability

Recommendation

That Council endorse the draft 2024–2025 to 2033–2034, Ten-Year Infrastructure Capital Works Program (for Roads, Bridges, Footpaths, Drainage and Stormwater, Waste, Facilities, Parks, Gardens, Fleet and Cemeteries, and Other Projects) for planning purposes, grant applications and future budget considerations.

Moved: Cr Amanda Hay
Seconded: Cr Michael Enright

Motion

That Council endorse the draft 2024–2025 to 2033–2034, Ten-Year Infrastructure Capital Works Program (for Roads, Bridges, Footpaths, Drainage and Stormwater, Vibrant and Active Towns and Villages, Facilities, Parks, Gardens, and Cemeteries, Waste, Fleet, and Other Projects) for planning purposes, grant applications and future budget considerations.

Carried unanimously

The Ordinary Meeting ended at 11:18 am.

To be confirmed on 28 February 2024.

Cr Greg Christensen

Mayor