



**SCENIC RIM REGIONAL COUNCIL**

**Ordinary Meeting of Council**

# **Minutes**

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 27 October 2015

Commenced at 10.30 am

All correspondence to  
be addressed to the  
Chief Executive Officer

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**SCENIC RIM REGIONAL COUNCIL  
ORDINARY MEETING  
27 OCTOBER 2015  
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## ORDINARY MEETING OF COUNCIL

### MINUTES

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**Please note:** Minutes Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

**Section 275(1)** A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
  - (b) industrial matters, affecting employees; or
  - (c) the local government's budget; or
  - (d) rating concessions; or
  - (e) contracts proposed to be made by it; or
  - (f) starting or defending legal proceedings involving it; or
  - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
  - (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.
-

**SCENIC RIM REGIONAL COUNCIL**  
**ORDINARY MEETING**  
**27 OCTOBER 2015**  
**MINUTES**

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**OPENING OF MEETING**

The Mayor, Cr Brent, as Chairman of the Meeting, declared the Meeting open and welcomed all in attendance.

**ATTENDANCE**

Cr J C Brent, Mayor  
Cr N J Waistell  
Cr N O'Carroll  
Cr V A West, Deputy Mayor  
Cr J J Sanders  
Cr R J Stanfield  
Cr D A McInnes  
Mr C R Barke, Chief Executive Officer  
Mr A M Magner, Director Regional Services  
Mr C Gray, Acting Director Infrastructure Services  
Ms K Stidworthy, Chief Finance Officer

**APOLOGIES**

Nil

**1. PRAYERS**

Pastor Josh Cocks from Beaudesert Baptist Church offered prayers.

**2. DECLARATIONS OF INTEREST BY MEMBERS**

Nil

**3. RECEPTION OF DEPUTATIONS BY APPOINTMENT**

Nil

**4. CONFIRMATION OF MINUTES**

- Minutes of the Ordinary Meeting held on Tuesday, 22 September 2015

Moved Cr West, seconded Cr McInnes, that the Minutes of the Ordinary Meeting held on 22 September 2015, as previously circulated to Councillors, be taken as read and confirmed.  
CARRIED

**5. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

**6. RECEPTION AND CONSIDERATION OF COMMITTEE REPORTS**

- Finance Committee Meeting held on Tuesday, 13 October 2015

The Report of the Finance Committee meeting dated 13 October 2015, was presented, this being recorded on Minute Sheet Nos

**ADOPTION REPORT**

Moved Cr O'Carroll, seconded Cr Stanfield, that the Report of the Finance Committee Meeting dated 13 October 2015, be adopted.

CARRIED

- Corporate & Community Services Committee Meeting held on Tuesday, 13 October 2015

The Report of the Corporate and Community Services Committee meeting dated 13 October 2015, was presented, this being recorded on Minute Sheet Nos

**ADOPTION REPORT**

Moved Cr Waistell, seconded Cr Stanfield, that the Report of the Corporate & Community Services Committee Meeting dated 13 October 2015, be adopted.

CARRIED

- Planning & Development Committee Meeting held on Tuesday, 13 October 2015

The Report of the Planning & Development Committee meeting dated 13 October 2015, was presented, this being recorded on Minute Sheet Nos

**3.5 MC.Bd212/00043 Request for a Negotiated Decision Notice Reel Planning Pty Ltd Lots 1 & 2 RP32048 Lot 2 RP32047 Lots 1 & 2 RP59599 Lot 8 RP842318 Lot 16 RP842318 & Lot 3 SP223751**

Moved Cr O'Carroll, seconded Cr Stanfield, that Condition 24 in Item 3.5 of the Report of the Planning and Development Committee Meeting held on 13 October 2015, be amended to read:

- 24) **VEGETATED BUFFER** - The applicant is responsible for the provision of a ten (10) metre wide vegetated buffer incorporating an earth bund on the alignment as shown in the correspondence lodged with Council on 30 September 2015. Provision must be made for adequate access to the bund toe for maintenance purposes. The vegetated buffer must be planted with hardy, low maintenance, fast growing, dense screening, bank binding trees and shrubs. The plantings are to consist of row plantings at a minimum of two (2) metres apart and comprise under storey, mid storey and upper storey species to provide an integrated and comprehensive screen to the development. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. The establishment of the earth bund and the planting of the suitable trees and shrubs are to occur within three months of the date of this approval.

CARRIED

**ADOPTION REPORT**

Moved Cr Sanders, seconded Cr Stanfield, that the Report of the Planning and Development Committee Meeting dated 13 October 2015, as amended, be adopted.

CARRIED

**7. CONSIDERATION OF BUSINESS OF MEETING****7.1 Closedown 2015/2016****Executive Officer: Chief Executive Officer****File Reference: 02/11/001**

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**Chief Executive Officer's Recommendation**

That Council endorse the closedown for 2015/16:

1. From Friday, 25 December 2015 up to and including Friday, 1 January 2016, reopening on Monday, 4 January 2016 for the Council offices; and
2. From Friday, 25 December 2015 up to and including Monday, 11 January 2016, reopening on Tuesday, 12 January 2016 for the mobile library

Moved Cr Stanfield, seconded Cr West, that the Chief Executive Officer's recommendation be adopted.

CARRIED

**Attachments**

Nil.

**7.2 Leave of Absence - Cr Duncan McInnes****Executive Officer: Chief Executive Officer****File Reference: 13/04/006**

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**Chief Executive Officer's Recommendation**

That Council resolve to grant Cr McInnes leave of absence from Council Committee Meetings to be held on 17 November 2015.

Moved Cr Sanders, seconded Cr Stanfield, that the Chief Executive Officer's recommendation be adopted.

CARRIED UNANIMOUSLY

*Cr McInnes declared a conflict of interest in this item and abstained from voting.*

**Attachments**

Nil.

**7.3 Proposed Council Meeting Dates 01.01.2016 to 18.03.2016****Executive Officer: Chief Executive Officer****File Reference: 02/11/002**

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**Chief Executive Officer's Recommendation**

That Council adopt the proposed 2016 Meeting Calendar, for meetings to be held between 1 January 2016 and 18 March 2016.

Moved Cr Stanfield, seconded Cr Sanders, that the Chief Executive Officer's recommendation be adopted.

CARRIED

**Attachments**

1. Draft 2016 Meeting Calendar (attached separately).
-

**7.4 Gondwana Rainforests of Australia World Heritage Area Community Advisory Committee****Executive Officer: Chief Executive Officer****File Reference: 04/03/006**

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**Chief Executive Officer's Recommendation**

That Council endorse the nomination of Cr Nadia O'Carroll to represent local government interests on the Gondwana Rainforests of Australia World Heritage Area Community Advisory Committee for the three-year period commencing 1 January 2016.

Moved Cr Stanfield, seconded Cr West, that the Chief Executive Officer's recommendation be adopted.

CARRIED UNANIMOUSLY

***Cr O'Carroll declared a conflict of interest in this item and abstained from voting.***

**Attachments**

1. Department of Environment and Heritage Protection letter.
2. Gondwana Rainforests of Australia World Heritage Area Community Advisory Committee Terms of Reference (attached separately).

## Attachment 1 - Department of Environment and Heritage Protection letter



12 October 2015

Mayor John Brent  
Scenic Rim Regional Council  
PO Box 25  
Boaudesert QLD 4285

Dear Mayor Brent

**Re: Call for Expressions of Interest for Members and the Chair of the Gondwana Rainforests World Heritage Area Community Advisory Committee**

The Department of Environment and Heritage Protection is seeking expressions of interest for members and the chair of the Gondwana Rainforests Community Advisory Committee.

The role of the Committee is to provide advice to the management agencies, and Federal and State Ministers responsible for World Heritage, on matters relating to the identification, protection, conservation, presentation and management of the Gondwana Rainforests from the viewpoint of the community.

Copies of the advertisement inviting Expressions of Interest from suitable persons are attached for your information and consideration. If you are interested in becoming a member or chair please visit our website [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) or if you have any queries please contact Joan Balson, Executive Officer, World Heritage Management on (07) 3330 5888 or email [world.heritage@ehp.qld.gov.au](mailto:world.heritage@ehp.qld.gov.au).

I encourage you to forward this information to others who may also be interested.

Yours sincerely,

  
Nick Weinert  
A/Director, Strategic Environmental Programs  
Department of Environment and Heritage Protection

Page 1 of 1

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ABN 46 640 294 485

**7.5 Transfer of Land to Department of Natural Resources and Mines****Executive Officer: Director Regional Services****File Reference: 16/01/001**

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**Director's Recommendation**

That Council resolve to transfer the property known as Lot 56 RP148177 to the Department of Natural Resources and Mines in accordance with section 236(b)(i) of the *Local Government Regulation 2012* and section 54(1) of the *Land Title Act 1994*.

Moved Cr McInnes, seconded Cr Sanders, that the Director Regional Services' recommendation be adopted.

CARRIED

**Attachments**

Nil.

**7.6 Culvert Replacement - Murray Grey Road [Closed s.275(1)(c)]****Executive Officer: Director Infrastructure Services****File Reference: St Id 40096; 28/03/002**

Council resolved into closed session in accordance with the provisions of Section 275(1) of the Local Government Regulation 2012 and Council's Meetings and Other Forums Policy relating to closed session meetings to discuss this and another closed item.

Moved Cr Waistell  
Seconded Cr Sanders

CARRIED

Following discussion in closed session of Item 7.7, Council resumed in open session for the proposal of resolutions.

Moved Cr West  
Seconded Cr McInnes

CARRIED

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**Director's Recommendation**

That Council endorse the commencement of the Murray Grey Road Culvert Replacement project; with the allocation of appropriate funding to be determined at Council's December 2015 budget review.

Moved Cr O'Carroll, seconded Cr West, that the Director Infrastructure Services' recommendation be adopted.

CARRIED

**Attachments**

Nil.

**7.7 Provision of Hosted Server Infrastructure [Closed s.275(1)(e)]****Executive Officer: Chief Finance Officer****File Reference: 12/18/010**

Council resolved into closed session in accordance with the provisions of Section 275(1) of the Local Government Regulation 2012 and Council's Meetings and Other Forums Policy relating to closed session meetings to discuss this and another closed item.

Moved Cr Waistell  
Seconded Cr Sanders

CARRIED

Following discussion in closed session of this item, Council resumed in open session for the proposal of resolutions.

Moved Cr West  
Seconded Cr McInnes

CARRIED

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**Chief Finance Officer's Recommendation**

That Council accept the proposal submitted by Digital Sense for the provision of Hosted Server Infrastructure (Cloud Services) as per the costs outlined in the report.

Moved Cr Sanders, seconded Cr O'Carroll, that the Chief Finance Officer's recommendation be adopted.

CARRIED

**Attachments**

Nil.

**8. MISCELLANEOUS BUSINESS****8.1 Petition - Scenic Rim Rate Payers Association Inc**

**File Reference: 13/03/003; 02/09/005; 02/18/001; 13/04/007; 13/08/001; MCBd14/053**

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Cr Waistell presented a petition to Council on behalf of the Scenic Rim Rate Payers Association Inc. The petition contains 12 signatures.

The petition states:

"This petition of Scenic Rim Rate Payers Association Inc (SRRPA) draws to Council's attention the lack of transparency and open accountability afforded to its ratepayers.

**Principal Petitioner:**

David Henderson  
Hon Secretary  
SRRPA

As a consequence of the removal of ratepayers' ability to confidently request a reception of a delegation at a council meeting following the Mayor's motion (seconded by Cr Sanders) recorded in the minutes of the SRRC Corporate and Community Services Report of 19 June 2012 to delete subsections 41 and 44 in Division 8 of the Standing Orders Policy, which effectively ensures mayor has power to veto all requests, we, the undersigned, therefore submit this petition.

**Your petitioners respectfully request council to provide a written response to the following community issues as a matter of urgency:**

1. SRRC espouses the value of, and its commitment to, proper community consultation. It also states the objectives of the agenda item 'reception of Deputations by appointment/visitors' to be to provide for community participation in the local government system and to demonstrate council's commitment to open and accountable governance (refer Corporate and Community Services Committee meeting, minutes of 19 June 2012 - attachment 1). We request that the former subsections 41 and 44 in Division 8 of Standing Orders Policy be re-instated in the interests of fairness and that the current subsection 17 (Deputations) be amended to remove (2) The CEO must notify the mayor who must determine whether the deputation may be heard, and (3) The CEO must inform the deputation of the determination;

2. Please provide an explanation of the process utilized by council's planning department when considering the Guanaba Experience development application (DA) MCBd.14/053 and the weighting/consideration applied to the existing (a) Planning Scheme provisions, (b) Tamborine Mountain Zone, and (c) Tamborine Mountain Escarpment Protection Precinct;

3. Please advise why Council accepted and determined a development application which is, by the developer's own admission, (reference: 'Strategic Government Policy Alignment & Regional Economic Contribution' document prepared by the developer) an entirely *tourism-based* development under the guise of a Development Application for a Material Change of Use for an Outdoor Sports/Recreation (Community Services Use) (Mountain Bike Trails and Outdoor Recreation Park), Camping Ground (Community Services Use) (up to 300 persons) & Food Establishment/Reception Centre (Business Use) in three (3) Stages on land located at 98-106 Guanaba Road, Tamborine Mountain Qld. Council is well aware of the road access requirements for all tourism-based DAs;
4. Please advise and explain the justification used by council to over-ride the protection afforded the escarpment via the existing Tamborine Mountain Escarpment Protection Precinct;
5. Please advise the weighting council applied to the significant number of objections lodged by local residents versus the submissions of support lodged by non-locals including overseas residents;
6. Please provide the specific details of the currently 'undefined special events' contained in the Guanaba Experience DA approval. Council has an obligation to its ratepayers, particularly those resident in the immediate vicinity of the approved activity, to provide a specific approval for these events, as an 'undefined special event' approval is open to abuse by the developer;
7. Please provide public access to all documents considered by council in relation to its negotiated decision/approval for Guanaba Experience re noise limitation given that council has seen fit to amend its original decision/approval;
8. Please advise why a technical report by Acoustics RB Pty. Ltd. submitted to Council and Councillors by Tamborine Mountain Progress Association Inc in relation to noise concerns was not considered by Council;
9. Please advise how council intends to implement the monitoring of the noise condition and all other conditions contained in the Negotiated Decision Notice Approval granted;
10. Please advise council's stance on the 'Precautionary Principle' as it applies to all development applications lodged;
11. Please advise why council did not require an 'Economic Needs' report in relation to the Guanaba Experience DA. The DA would need to demonstrate that the 'needs' addressed in the DA are not adequately met via existing facilities providing similar activities elsewhere. We understand the question of 'needs' was significantly absent from Council's deliberations;
12. Please advise the details of all preliminary/pre-lodgement meetings held between Council and the developer and/or its representatives prior to the submission of the DA (as these are not publicly available via PD Online);
13. Please advise the total funds set aside in the current SRRC budget for compliance monitoring activities relevant to the approved Guanaba Experience DA and also commercial groundwater extraction activities on Tamborine Mountain;

14. Please advise the compliance mechanism established via council (other than the Complaints Register required to be maintained on the site) to monitor and ensure adherence to the conditions imposed via the Guanaba Experience DA approval;

15. Please advise what action SRRC has taken to date to investigate the developer's apparent flouting of the commencement condition which states that no work is to commence as per requirements contained in the preliminary approval conditions issued by the SRRC. It is apparent that significant clearing has taken place on the site, contrary to the approval granted. Has council approached the current property owner to establish the nature of the activities currently underway? If not, why not?

16. The SRRPA respectfully requests its council to be open and accountable to its ratepayers. To this end, SRRPA Inc requires council - in relation to the approved Guanaba Experience development application - to immediately maintain and make available to its Finance Committee and ratepayers the costs of (a) all compliance activities undertaken in relation to the Guanaba Experience development approval, and (b) all costs associated with:

- engagement of experts
- engagement of solicitors/legal representatives
- engagement of barristers via councils solicitors

on a monthly basis.

Ratepayers have the right to be informed of how their council is spending their funds.

17. The SRRPA Inc also requests that council adopt 'best practice' in relation to the conduct of its ordinary meetings - ie that questions on notice from the public be an agenda item during the meeting, replacing the current practice of allowing questions only following the formal closure of the meeting thus ensuring that questions are not recorded in the minutes (as an example, Council may wish to adopt the approach used by Bass Coast Shire Council (Victoria) which encourages community input, leaves its ratepayers fully informed and fully reports on questions from constituents). Whilst SRRC's approach is no doubt acceptable under the present *Local Government Act 2009* provisions, it falls short on the intent to be inclusive, transparent and accountable.

18. We refer to Council's published Register of Interests - Councillors. As required under *Local Government (Operations) Regulation 2010*, please ensure that the Register of Interests is updated as and when required (and regularly), for example on the occasion of the receipt of a gift or the entry into a financial liability such as a loan, borrowings or a personal guarantee. The current Public Extract available on Council's website is as at 09 June 2015 which may not accurately reflect the current situation relevant to particular councillors."

Moved Cr Waistell, seconded Cr O'Carroll, that the petition be received, recorded in full and referred to the Chief Executive Officer for action.

CARRIED

### Attachments

Nil.

The Ordinary Meeting then closed at 11.12 am.  
To be confirmed on 24 November 2015.

**Cr John Brent**  
**MAYOR**