



SCENIC RIM REGIONAL COUNCIL

Ordinary Meeting of Council

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Monday, 5 August 2019

Commencing at 9.00 am

All correspondence to
be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL

ORDINARY MEETING

5 AUGUST 2019

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ORDINARY MEETING OF COUNCIL

AGENDA

Please note: Agenda 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
5 AUGUST 2019
AGENDA**

OPENING OF MEETING

ATTENDANCE

APOLOGIES

1. PRAYERS

**2. DECLARATIONS OF INTEREST BY MEMBERS
{UPDATES FOR REGISTER OF INTERESTS}**

3. ANNOUNCEMENTS

Nil

4. RECEPTION OF DEPUTATIONS BY APPOINTMENT

Nil

5. CONFIRMATION OF MINUTES

- Minutes of the Ordinary Meeting held on Monday, 22 July 2019

6. BUSINESS ARISING FROM PREVIOUS MINUTES

7. CONSIDERATION OF BUSINESS OF MEETING

Executive

7.1 Local Government Association of Queensland's 123rd Annual Conference

Executive Officer: Chief Executive Officer

Item Author: Councillor Support Officer

File Reference: 02/05/002

Attachments

Nil.

Executive Summary

The Local Government Association of Queensland's (LGAQ) 123rd Annual Conference will be held in Cairns from 14-16 October 2019.

Chief Executive Officer's Recommendation

That:

1. Council note the Local Government Association of Queensland 123rd Annual Conference information; and
2. The Mayor and Deputy Mayor be nominated as Council's delegates at the Conference, and other interested Councillors be endorsed as observers.

Previous Council Considerations / Resolutions

Not applicable.

Report/Background

The LGAQ 123rd Annual Conference will be held in Cairns from 14-16 October 2019.

The theme of the Conference is "*Taking it to the Streets*", which is reflective of a common denominator in local government. In one way or another, much of what Council does is linked to a street or road, sealed or otherwise. It also demonstrates the importance of taking our message to our communities and reinforcing the importance of their Council to community liveability and prosperity.

Council is entitled to be represented at the Conference by two delegates (pursuant to conference fees paid by Member Councils) and other Elected Members and Officers are able to attend as observers.

Two delegates and three observers have expressed interest in attending the Conference.

Budget/Financial Implications

Expenses of this kind are funded through the Councillor Training Mandatory provision in Council's 2019/20 Budget.

Estimated Expenses Per Person Attending	
Early Bird Conference Registration (As delegates, the Mayor and Deputy Mayor do not pay registration) NB: Registration increases to \$1,740 post 13 September 2019	\$ 1,540.00
Conference Dinner	\$ 175
Accommodation - 3 nights	\$ 825
Return Flights - Brisbane/Cairns, as at 24 July 2019	\$ 500

Strategic Implications*Operational Plan*

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: 2.1.1 Guide and optimise the future economic prosperity of the region

Legal / Statutory Implications

Not applicable.

RisksStrategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR54 Ineffectively managing the political and government departmental relationships/partnerships, resulting in Council not achieving its major strategic objectives.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Political Missed opportunity to progress Council's interests	Minor	Likely	Medium	Represent Council's interests by attending and participating in the Conference.	Low

Conclusion

The elected members are invited to express interest in attending the LGAQ 123rd Annual Conference to be held in Cairns from 14-16 October 2019.

Consultation

Councillors

People and Strategy

Nil

Customer and Regional Prosperity**7.2 Local Government Association of Queensland Submission - Extension Drought Communities Programme**

Executive Officer: General Manager Customer & Regional Prosperity

Item Author: Manager Community and Culture

File Reference: 14/06/001 15/04/005

Attachments

1. Submission to Local Government Association of Queensland - Extension to Drought Communities Programme

Executive Summary

The Australian Local Government Association (ALGA) asked the Local Government Association of Queensland (LGAQ) to provide input into a drought submission ALGA was preparing for the federal government.

The LGAQ then invited drought declared Local Government Areas (LGAs) to have the opportunity to provide input into their submission to the ALGA. Relevant Officers within Council met and formulated a response which included input from Councillors. The final submission was sent to the LGAQ on 10 July 2019.

General Manager's Recommendation

That Council note the Scenic Rim Regional Council submission to the Local Government Association of Queensland for consideration and inclusion in the response to the Australian Local Government Association's submission to the Federal Minister for Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, to extend the funding for the Drought Communities Programme.

Previous Council Considerations / Resolutions

Nil.

Purpose of Report

The LGAQ's Chief Executive Officer (CEO), Greg Hallam, invited the CEO of Scenic Rim Regional Council (SRRC), Jon Gibbons, to provide input into a submission for an extension of funding for the federal Drought Communities Programme which is funded by the Australian Government, Department of Industry, Innovation and Science. The LGAQ will then compile a response to ALGA for submission to the Federal Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Hon David Littleproud MP.

The request for input from SRRC by the LGAQ had very tight timeframes associated and required to be submitted to the LGAQ by 10 July 2019. Relevant officers from Community Development, Economic Development, Disaster Management, Environmental Policy and Health Building and Environment provided feedback and input to the submission response. Councillors also discussed topics for inclusion in the final response to LGAQ.

Attached is SRRC's final response provided to the LGAQ for input into the ALGA's submission for an extension to the Drought Communities Programme.

Budget/Financial Implications

Nil.

Strategic Implications*Operational Plan*

Theme: 7. Healthy, Engaged and Resourceful Communities

Key Area of Focus: 7.1.1 Build capacity to improve health and wellbeing in the community

Legal / Statutory Implications

Nil.

*Risks*Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR51 Ineffective, inaccurate and/or inappropriate communication and relationship/stakeholder management impacting Council's ability to fulfil its strategic objectives.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation Adverse impacts to the community due to lack of appropriate communication with key stakeholders.	Moderate	Unlikely	Low	Relevant and timely communication with key stakeholders.	Low

Conclusion

Attached is SRRC's final response provided to the LGAQ for input into the ALGA's submission for an extension to the Drought Communities Programme.

Consultation

Councillors
Executive Leadership Team
Manager Health Building and Environment
Acting Manager Community and Culture
Coordinator Community Development
Economic Development Officer
Natural Resources Officer
Natural Resources Officer
Coordinator Disaster Management

Attachment 1 - Submission to Local Government Association of Queensland - Extension to Drought Communities Programme

The Australian Local Government Association (ALGA) has asked the LGAQ to provide input into a drought submission that they are preparing to the Federal Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Hon David Littleproud MP. A particular focus of the submission is to seek an increase in/continuation of funding for the Commonwealth's Drought Communities Programme.

Response due to LGAQ 10 July

ALGA has asked for input on the following questions:

Overview

Agriculture is the biggest industry in the Scenic Rim, underpinning the region's identity and, together with tourism, contributing \$630M to GRP. Scenic Rim is a food bowl for Queensland and markets further afield producing vegetables, dairy, beef and boutique agriculture such as wine and cheese. Agriculture, forestry and fishing industry has the largest number of total registered businesses in the region comprising of 25.9% of all total registered businesses, compared to 9.2% in Queensland.

This data reinforces the level of potential impact the drought has on the region. In spite of this and the fact that the Scenic Rim Regional Council LGA have been drought declared since May 2019, it is not eligible to apply for funding under the Drought Communities Programme. Programmes such as this should have a mechanism where LGA's that are drought declared can be deemed eligible to apply for funding.

Within this programme, there appears to be no consideration for funding to focus on strategic and innovative solutions for long term sustainability. Drought will become more the norm and funding for pioneering original solutions (e.g. water usage, land and weed management, diversification of farming activities) is part of a long term solution for sustainable agriculture and needs to be included in this type of programme.

Q1. What are your experiences on the ground? Are there gaps in what is being done by the Commonwealth now to address drought and community resilience?

Within the current format of funding there seems to be little ability to build community resilience. A need for funds to develop a holistic approach to resilience through focussing on programs to address:

- Mental health due to ongoing financial stress and pressure put on farmers by themselves and family commitments not to fail.

- Scenic Rim has many secondary businesses that rely on primary Agri-business for survival and these businesses (e.g companies who truck stock, farm machinery sales, rural produce suppliers) are not considered.
- Planning for long term sustainability of the various forms of agriculture within the Scenic Rim through education of drought resistance farming practices, business continuity planning, and diversity of on farm activities.
- Application processes can be complex and arduous, application process could be streamlined and made easy and have a quick response.

Q2. What needs to be done in the short, medium and longer term to help drought affected communities during the response and recovery phase?

In the short term and medium:

Overall, there seems to be a lack of understanding and coordination of drought funding. Council has received a lot of feedback, particularly from farmers, on how difficult it is to access financial support. The process is often onerous and complex, which discourages members of the community to access support. All layers of government would benefit by collaborative consultation with peak bodies.

An immediate need has been identified for Resilience Officers and Rural Councillors within the region who can support at risk farmers with financial and mental health issues. It is crucial for these Officers and Councillors to have a strong local connection with the community. Communities are not homogenous and a "one size fits all approach" as in previous funding is not as successful as required.

Long term:

Scenic Rim Region supports a range of traditional and niche Agri-businesses including Agri-tourism. This requires programs that address a range issues caused by the drought and will support sustainable farming practices (land, water management) across all types of Agri-businesses in the Scenic Rim region. Many programs would be designed for those larger scale Ag operations further west and in central Qld.

An example of this is earlier this year, Scenic Rim Regional Council conducted a "Diversification within the Ag industry" - workshop. This proved to be very successful where many options of diversification were discussed, such as moving into Agri-tourism, and providing a story/brand to enhance the business along with options to value-add to existing products.

It should also be noted that the phrase "drought on the land is a drought in the sea" rings true. Research has shown that the inability for natural river streams to have adequate flows restricts the abilities in their revitalisation and hampers the eco-system and the fisheries industries.

Scenic Rim has some of the most fertile soil. Money spent on a regional agriculture to study and identify the type of agriculture which is best suited in a particular location would be beneficial. Again, this links to sustainable farming practices.

Q3. What are the emerging problems we need Commonwealth assistance with?

Indirect impact on business community and farm industry suppliers, loss of income through reduced spending from farming communities. Flow-on effects associated with the direct impacts - from the service providers to the agricultural industry to commercial sector.

Scenic Rim is a rural/regional community but being located in SE Qld and close to large metropolitan centres also places our community at a geographical disadvantage as we are not eligible for many rural funding programs.

Agriculture is critical to the Scenic Rim economy but we also need to protect our natural resources for future generations and how we plan to feed our growing populations with prolonged periods of drought and reduced rainfall.

Q4. Are you under pressure to give rate relief and how are you responding to this?

Whilst we have had requests for consideration on rates relief matters including concessions (waiving of actual charges), Council has to be considerate of all industries and the challenges they face coupled with the obligation by Council to maintain infrastructure and services that foster the ability of economic stability. Council has recently afforded the consideration on applicable drought-affected properties to extend the availing of the rates discount for an extended period. Council has also, as part of the 2019/2020 Budget process reviewed assistance (and relief) offered to eligible financial hardship applicants.

Q5. What is your feedback on the Drought Communities Programme? What is going to happen when the 1m is spent?

Although being drought declared in May 2019, Scenic Rim Regional Council is not eligible to apply for funding through this programme.

Summary

Local Government is the coalface of government for communities and is best positioned to understand their community needs. Elements have been identified by Scenic Rim Regional Council to be considered in the ALGA submission to the Commonwealth.

The issues associated with drought are complex, including mental health, land management practices and out local economy. Programs for ongoing education, awareness about drought, and how Council brings communities on the journey to better understand the long term, not just short term impacts. The funding in its current format seems to lack crucial elements of eligibility, such as, programs to build community resilience, develop strategies for sustainable farming practices and identifying and supporting mental health issues caused by the drought. The Scenic Rim Region has rich soil and excellent pastures producing a diverse range of quality food. Due consideration for funding to address environmental and natural assets through programs should be sought.

For Scenic Rim Regional Council, a key issue is that, though being drought declared does not enable immediate eligibility to apply for this funding. Although these issues may be specific to Scenic Rim Regional Council area, they could also be representative of other LGA's challenges faced by the drought.

The LGAQ will be drafting a response based on the input provided by councils at our recent Regional Drought Workshops, however any further input would be welcome. We would particularly welcome any case studies and/or data (e.g. jobs created etc.) that demonstrates the beneficial impact of Commonwealth funding on your communities and/or any concerns regarding the current drought program guidelines.

Please provide any input regarding these questions by 10 July 2019 c.o.b. Input should be provided to Kirsten Pietzner, Lead – Regional Development by email: kirsten_pietzner@lgaq.asn.au. If you have any questions, or would like to discuss this matter further, please contact Kirsten on phone 3000 2295.

7.3 Local Government Association of Queensland Annual Conference 2019 Motions

Executive Officer: General Manager Customer & Regional Prosperity

Item Author: Senior Governance Officer

File Reference: 14/06/001

Attachments

Nil

Executive Summary

Council may submit motions to the Local Government Association of Queensland (LGAQ) Annual Conference.

After consultation with Councillors, motions relating to the following matters have been proposed for endorsement by Council, for consideration at the LGAQ 2019 Annual Conference:

1. Annual Land Valuation;
2. Councils' access to Works For Queensland;
3. Financial Assistance Grants; and
4. State Development Areas- Loss of Infrastructure Charges.

General Manager's Recommendation

That Council endorse the following motions, for submission to the Local Government Association of Queensland 2019 Annual Conference:

1. Annual Land Valuation
That the Local Government Association of Queensland requests the State government to amend the *Land Valuation Act 2010* to ensure property valuations for rating purposes are conducted every year without exemption to ensure as far as possible rating fluctuations are minimised.
2. Councils' access to Works For Queensland
That the Local Government Association of Queensland requests the Queensland Government redefine the eligibility criteria for Works for Queensland to ensure all regional Queensland local governments can access this program regardless of their geographic location in interests of equity and to genuinely target unemployment in all regional councils.

3. Financial Assistance Grants
That the Local Government Association of Queensland requests the Queensland Local Government Grants Commission, to reconsider previous Association Annual Conference resolutions (08/2014,072/2016), requesting an alternative calculation method for the distribution of Financial Assistance Grants.
4. State Development Areas- Loss of Infrastructure Charges.
That the Local Government Association of Queensland requests that Economic Development Queensland partner with Local Government and or distributor-retailers (eg. QUU) to develop alternatives and identify a preferred solution, to prevent the costs associated with development within priority development areas from being transferred to the local government and distributor - retailer customers.

Previous Council Considerations / Resolutions

Every year Council considers what motions it may submit to the LGAQ Annual Conference.

Report/Background

The LGAQ has advised that Council may submit motions to the 2019 Annual Conference. Motions:

- Can be on any subject connected with the objects of the Association or pertaining to matters of common concern to Members;
- Must be submitted to the LGAQ by Monday 5 August 2019, to enable the Agenda Committee to review all submitted motions and provide a Preliminary Agenda for Member Councils four (4) weeks prior to the commencement of Conference;
- Should preferably be on a matter which is strategic, relevant to the business of local government and with state-wide impact; and
- Must be endorsed by a Council Meeting and submitted electronically in the LGAQ Motion Template.

After consultation with Councillors, motions relating to the following matters have been proposed for endorsement by Council, for consideration at the LGAQ 2019 Annual Conference:

1. Annual Land Valuation

That the LGAQ requests the State government to amend the *Land Valuation Act 2010* to ensure property valuations for rating purposes are conducted every year without exemption to ensure as far as possible rating fluctuations are minimised.

2. Councils' access to Works For Queensland

That the LGAQ requests the Queensland Government redefine the eligibility criteria for Works for Queensland to ensure all regional Queensland local governments can access this program regardless of their geographic location in interests of equity and to genuinely target unemployment in all regional councils.

3. Financial Assistance Grants

That the LGAQ requests the Queensland Local Government Grants Commission, to reconsider previous Association Annual Conference resolutions (08/2014,072/2016), requesting an alternative calculation method for the distribution of Financial Assistance Grants.

4. State Development Areas- Loss of Infrastructure Charges.

That the LGAQ requests that Economic Development Queensland partner with Local Government and or distributor-retailers (eg. QUU) to develop alternatives and identify a preferred solution, to prevent the costs associated with development within priority development areas from being transferred to the local government and distributor - retailer customers.

Motion 1, is also being submitted by Lockyer Valley Regional Council. It is expected that the LGAQ will make this a joint motion.

Once the motions have been endorsed by Council, the motion templates will be prepared and submitted by Governance in consultation with the Chief Executive Officer.

Budget/Financial Implications

Not Applicable

Strategic Implications*Operational Plan*

Theme: 3. Open and Responsive Government

Key Area of Focus: 3.1.1 Plan, develop and implement high-quality customer-focused services

Legal / Statutory Implications

Not applicable.

RisksStrategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Political Council does not take the opportunity to make submissions on policy positions relevant to the region.	Minor	Likely	Medium	Council makes submissions on relevant matters to the conference to advance Scenic Rim as a region.	Low

Conclusion

Council has the opportunity to advocate for change in a number of areas of regional and state wide interest, by advancing the above motions to the LGAQ conference.

Consultation

Councillors
Relevant Council portfolios
Local Government Association of Queensland
Lockyer Valley Regional Council

Asset and Environmental Sustainability**7.4 Upcoming Management Agreement Renewals**

Executive Officer: General Manager Asset & Environmental Sustainability

Item Author: Manager Maintenance & Operations

File Reference: 05/06/001

Attachments

1. Lease Plan - Moriarty Park.
 2. Lease Plan - Lions Club of Fassifern Inc.
-

Executive Summary

Council is requested to consider the possible extension of its current Management Agreement with Moriarty Park Community Sporting Centre Incorporated for 2-26 Monarch Drive, Canungra, and its Management Agreement with Lions Club of Fassifern Incorporated, for 78 George Street, Kalbar.

General Manager's Recommendation**That:**

1. Council extend the current Management Agreement with Moriarty Park Community Sporting Centre Incorporated, over part of Lot 90 on WD5627 situated at 2-26 Monarch Drive, Canungra, for a twelve month term with a further one year option commencing 1 December 2019; and
2. Council extend the current Management Agreement with Lions Club of Fassifern Incorporated over part of Lot 2 on RP80447 situated at 78 George Street, Kalbar, for a twelve month term with a further one year option commencing 1 July 2019.

Previous Council Considerations / Resolutions

Corporate and Community Services Committee held on 18 November 2014, Item 4.1 - The Committee recommended that Council and Moriarty Park Community Sporting Centre Incorporated enter into a Management Agreement over part of Lot 90 on WD5627, Parish of Tabragalba situated at 2-26 Monarch Drive, Canungra being Lease Area A for a term of five years from 1 December 2014.

The recommendation was adopted at the Ordinary Meeting held on 25 November 2014.

Corporate and Community Services Committee held on 20 May 2014, Item 4.5 - The Committee recommended that Council and the Fassifern Lions Club Incorporated enter into a management agreement over part Lot 2 on RP80447 (known as the Kalbar Civic Centre) for a term of five years from 1 July 2014.

The recommendation was adopted at the Ordinary Meeting held on 27 May 2014.

Report/Background

Council has two management agreements which are due to expire within the next six months. These are as follows:

1. Moriarty Park Community Sporting Centre Incorporated;
2. Lions Club of Fassifern Incorporated; and

Moriarty Park Community Sporting Centre Incorporated has been managing part of Lot 90 on WD5627 situated at 2-26 Monarch Drive, Canungra known as Moriarty Park, for over 30 years. The management agreement is due to expire on 30 November 2019.

Lions Club of Fassifern Incorporated has been managing part of Lot 2 on RP80447 situated at 78 George Street, Kalbar and known as the Kalbar Civic Centre, for the past five years. The management agreement expired on 30 June 2019.

For consistency of leases and management agreements for all entities, an extension of twelve months is required for Council to complete the Sports Infrastructure and Community Facilities strategic review and the Leases and Agistment review.

Budget/Financial Implications

These leases of public facilities attract a peppercorn rental of \$1.00 per annum. Operating budget for facilities maintenance is required as per the lease agreements maintenance matrix already adopted in the 2019/2020 budget.

Strategic Implications

Operational Plan

Theme: 7. Healthy, Engaged and Resourceful Communities

Key Area of Focus: 5.1.1 Provide vibrant and dynamic parks, open spaces and community infrastructure

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR41 Inadequate or lack of appropriately defined Service Levels in place resulting in failure to deliver or meet appropriate expectations of stakeholders.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Financial and Economic Adverse impacts to the community due to inadequate or lack of appropriately defined service levels in place, resulting in failure to deliver or meet appropriate expectations of stakeholders.	Major	Almost certain	Extreme	Service Level Framework (review, planning and documentation); Community Leasing Policy; Regulatory process	Medium

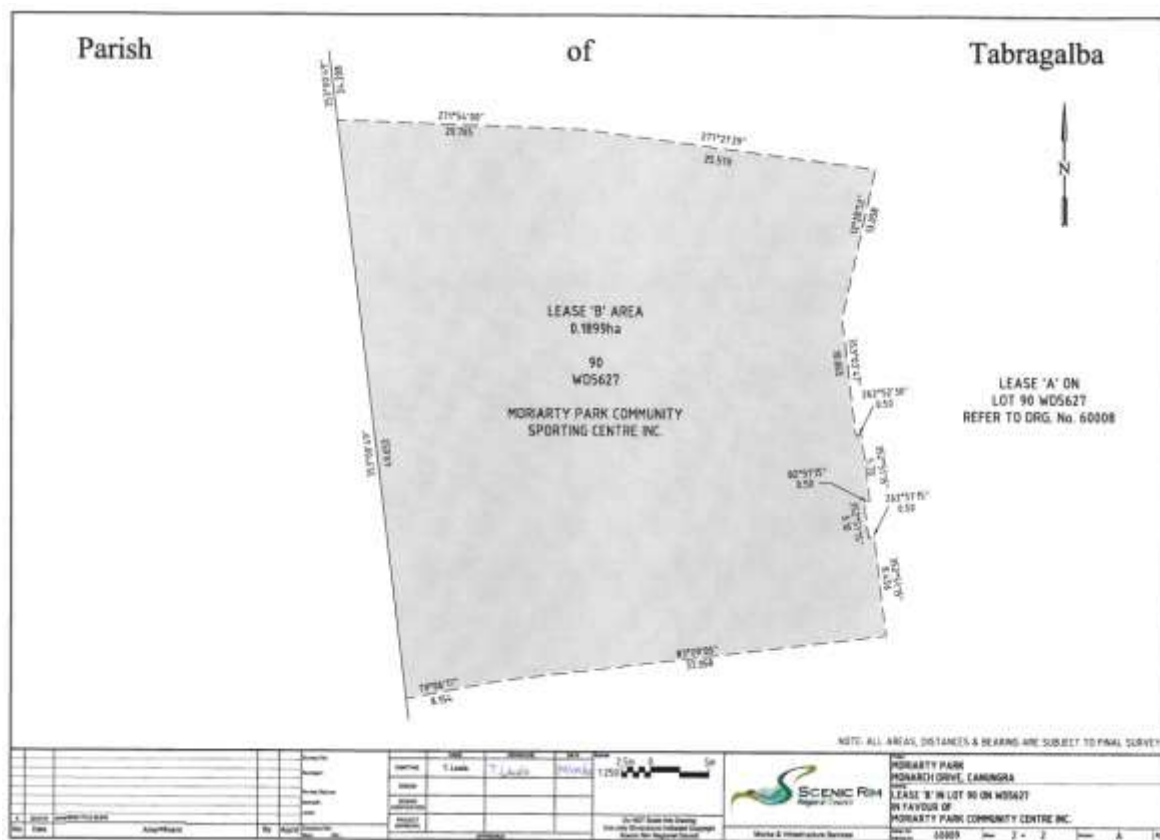
Conclusion

The Moriarty Park Community Sporting Centre Incorporated and the Lions Club of Fassifern Incorporated have both managed and maintained their respective sites to Council's satisfaction for the duration of the agreement terms. There is no foreseeable justification to not extend the management agreements in the short term, pending finalisation of the Sports Infrastructure and Community Facilities strategic review and the Leases and Agistment review.

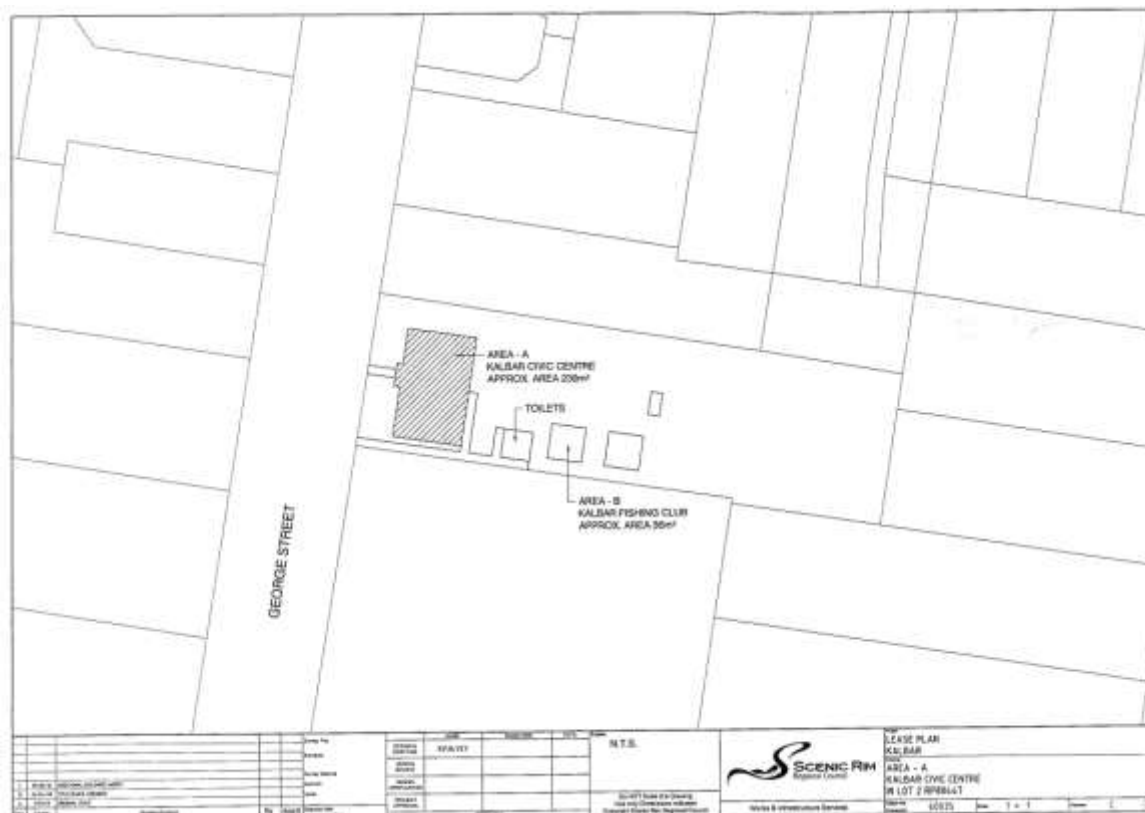
Consultation

Not applicable.

Attachment 1 - Lease Plan Moriarty Park



Attachment 2 - Lease Plan Lions Club of Fassifern Inc



7.5 Transfer of Unallocated State Land to Council as Trustee, Lot 101 SP302076 Wongawallan Road, Tamborine Mountain**Executive Officer:** General Manager Asset & Environmental Sustainability**Item Author:** Manager Maintenance & Operations**File Reference:** 02/09/009; L101 SP302076**Attachments**

1. Cadastral Map of Wongawallan Road, Tamborine Mountain Reserve.
 2. Aerial Map of Wongawallan Road, Tamborine Mountain Reserve.
 3. Response from Department of Natural Resources Mines and Energy to Corrs Chambers Westgarth.
-

Executive Summary

The Department of Natural Resources Mines and Energy wishes to finalise the holding tenure of Lot 101 SP302076 and formally requests Council consider accepting the appointment as trustee. Fire management is the main concern for this property.

General Manager's Recommendation**That:**

1. Council not accept trusteeship over Lot 101 on SP302076 due to the increased financial risk and liability associated with the initial fire management establishment costs and ongoing maintenance costs; and
2. Council request the Department of Natural Resources Mines and Energy consider the land for inclusion as National Park.

Previous Council Considerations / Resolutions

Not applicable.

Report/Background

A development application dating back to 1998 finally came to fruition in 2017 following a lengthy process including Court hearings and a planning scheme amendment process. As part of the reconfiguration of lots, a residual area of 92ha of bushland was to be dedicated to the Crown as a condition of the development approval (and requirement of the planning scheme). Council sought not to be trustee of this land due to its inaccessibility and maintenance liabilities. A cadastral map and aerial photo of the subject land are attached (refer Attachments 1 and 2).

In January 2018, Council endorsed a survey plan provided to it by Andrews & Hansen Pty Ltd, which was intended to correct a previous registration error and dedicate the Land to the Crown. The Land was subsequently registered as Unallocated State Land (USL).

On or around 17 July 2018, the Department of Natural Resources Mines and Energy (DNRME) issued Council with a 'final action advice' stating that the Land had become a reserve for environmental purposes, and Council the registered proprietor of the Land as trustee.

On 28 September 2018, Council through Corrs Chambers Westgarth (Corrs) issued DNRME with a letter requesting Council be removed as trustee of Lot 101.

On 22 March 2019, Council through Corrs, issued a second letter requesting a priority response regarding transfer of trusteeship of Lot 101.

On 11 April 2019, DNRME responded that correct statutory procedure was not followed and the invalid appointment would be revoked (refer Attachment 3). It further requested finalisation of the holding tenure for Lot 101 and formally requested Council consider accepting the appointment as trustee of the land as a reserve for environmental purposes.

Fire management is the main concern for this property, with further details as follows:

Vegetation - The property consists of a mixture of rainforest in the gully areas, but contains several dry ridges with west sclerophyll forest displaying fire history. The property also contains substantial fuel loads indicating roughly 20 tonnes per hectare across various landscapes consisting of adjoining private properties and National Park.

Topography - The property contains excessively steep areas (in excess of 20 degrees) resulting in a dramatic increase to any fire severity and intensity.

Assuming management of this property would consist of taking on a level of fire management for the existing 87 properties that border the site to the east and north. The majority of these properties serve as part of old developments and, unfortunately, predate modern building setbacks and construction standards for habitable dwellings in bushfire zones. To compound this problem, the site contains relatively no access or ability to create asset protection zones, bushfire trails, fuel management zones and other infrastructure. For this reason, fire management would be very limited and would be restricted to fuel management reduction through a highly regular burning regime.

Preferred Future Use of Land

The land contains significant vegetation and natural habitat and adjoins large areas of undeveloped land. It also adjoins the Panorama Point section of the Tamborine National Park and, as such, provides an ideal conservation area and should be considered for National Park status.

Budget/Financial Implications

The Environmental Policy and Services budget has insufficient funding to perform adequate management of this property through existing budgets. Additional budget funding would be required.

Strategic Implications

Operational Plan

Theme: 1. Spectacular Scenery and Healthy Environment

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

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR43 Inadequate or ineffective infrastructure planning and maintenance resulting in failure of infrastructure and associated risks to public and staff safety and subsequent potential financial implications.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Infrastructure & Assets Adverse impacts to the community due to inadequate or ineffective infrastructure planning and maintenance resulting in failure of infrastructure and associated risks to public and staff safety and subsequent potential financial implications	Major	Possible	High	Asset Management Framework (Plans, Policies, Procedures), Core asset management plans	High

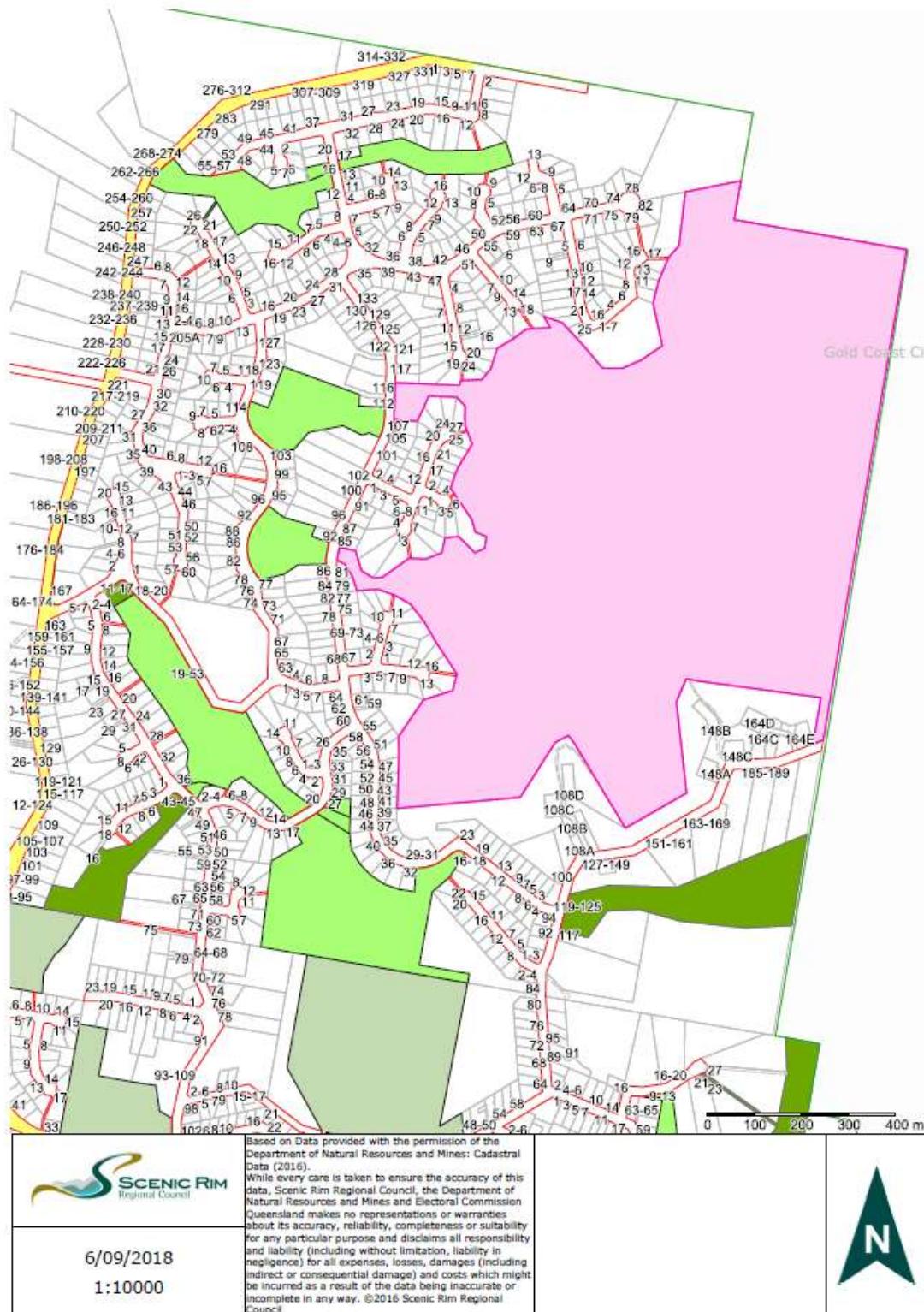
Conclusion

Subsequent to receipt of correspondence from the Department of Natural Resources Mines and Energy, offering Council trusteeship of Lot 101 SP302076 as a reserve for environmental purposes, Council has determined that the proposal exposes it to an increased financial risk and liability associated with fire management costs and ongoing maintenance costs.

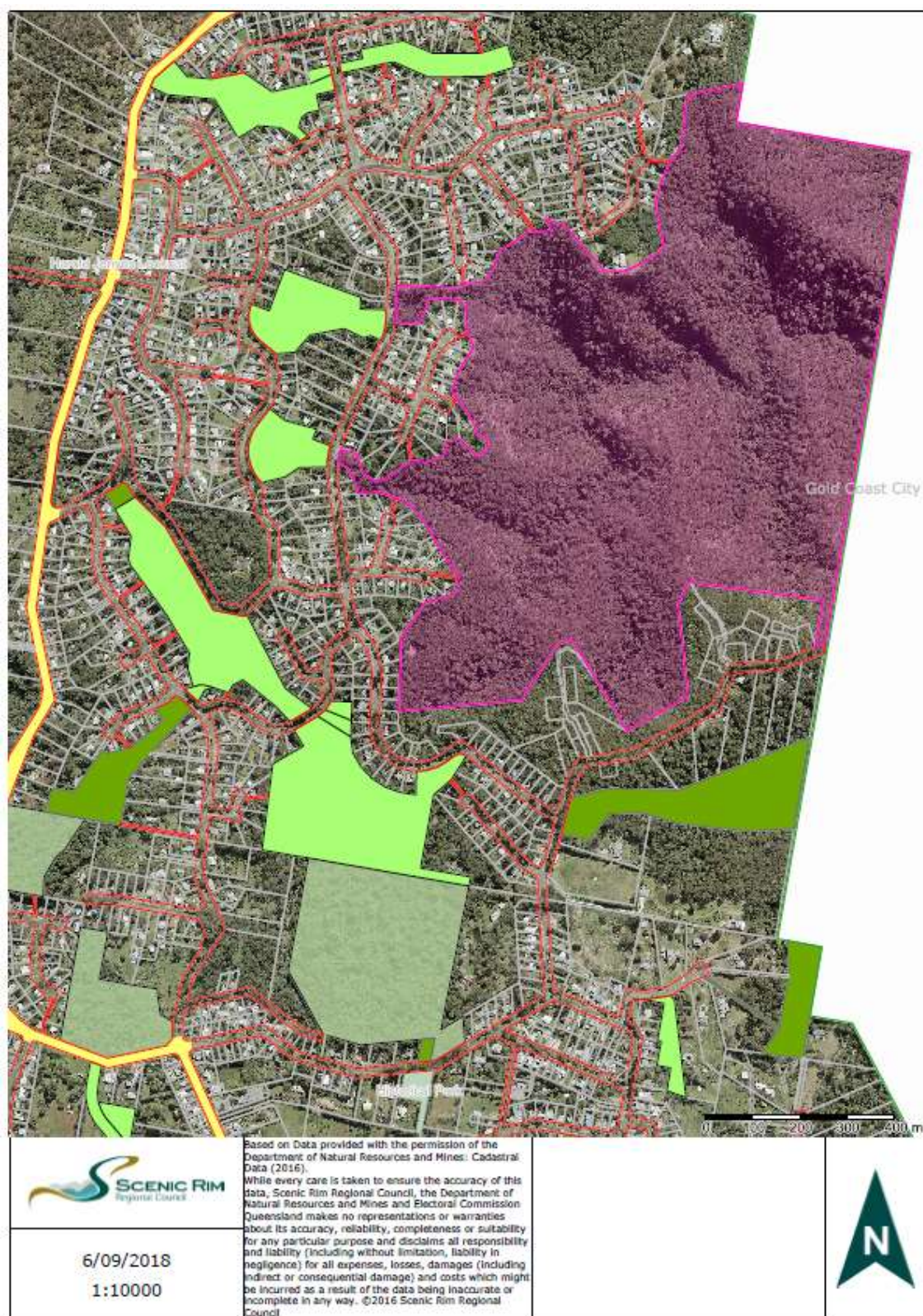
Consultation

Department of Natural Resources Mines and Energy
Planning and Development Department

Attachment 1 - Cadastral Map of Wongawallan Road, Tamborine Mountain Reserve



Attachment 2 - Aerial Map of Wongawallan Road, Tamborine Mountain Reserve



Attachment 3 - Response from Department of Natural Resources Mines and Energy to Corrs Chambers Westgarth

Your ref: ML/CT/SCEN 14207-91 38733
Our Ref: 2018/003766

11 April 2019

By email: Carolyn.taylor@corrs.com.au
Michael Leong
Partner
Corrs Chambers Westgarth Lawyers
GPO Box 9925
BRISBANE QLD 4001



Department of
Natural Resources,
Mines and Energy

Dear Michael

I refer to my letter of 6 December 2018 regarding your letter of 28 September 2018 concerning the dedication of reserve for environmental purposes over Lot 101 on SP 302076 (Lot 101) and appointment of Scenic Rim Regional Council (council) as trustees.

I apologise for the delay in providing a substantive response to you on this matter, consideration of which took longer than originally anticipated.

I can advise the action taken by the department was based on Lot 101 having been dedicated for public use in accordance with a condition imposed by a rezoning approval issued by the Planning and Environment Court in 2005. The former Beaudesert Shire Council was a party to that appeal. However, the department was not a party to the appeal, nor was it consulted about the conditions of the rezoning approval.

Since Beaudesert Shire Council was a party to the appeal to the Planning and Environment Court, and was therefore afforded an opportunity to have input into the formulation of the conditions of the rezoning approval, the department considered it could assume Beaudesert Shire Council supported the dedication of Lot 101 as public use land.

When Survey Plan 302076 was registered, Lot 101 did become unallocated State land as you have indicated. It appears the department, in taking action in accordance with their view as explained above, has inadvertently overlooked the requirement of section 44(4) of the *Land Act 1994* which requires written acceptance of an appointment of a trustee of trust land.

Accordingly, and on the basis it appears correct statutory procedure was not followed, the department will now take action to have this invalid appointment revoked and will advise you when this revocation has been effected.

In line with the department's view, and to allow the finalisation of a holding tenure for Lot 101, the department now formally requests Council to consider accepting the appointment as trustee of Lot 101.

The department would be grateful if you could please now seek instructions from council as to whether they would be amenable to formal acceptance of an appointment as trustee of the land as a reserve for environmental purposes.

Should you have any further enquiries, please do not hesitate to contact me on 3330 4454.

Yours sincerely

A handwritten signature in black ink, appearing to read "Annie Maccheroni".

Annie Maccheroni
Principal Land Officer

Level 18, 275 George Street
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www.dnrm.qld.gov.au
ABN 59 020 847 551

Council Sustainability

Nil

8. CONFIDENTIAL MATTERS**8.1 Outcomes of Audit and Risk Committee Meeting 13 June 2019
[Closed s.275(1)(h)]**

Executive Officer: Chief Executive Officer

Item Author: Corporate Strategy and Performance Officer

File Reference: 04/02/001

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with section 275(1)(h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**8.2 Expression of Interest - Leasing of 100 Brisbane Street, Beaudesert
[Closed s.275(1)(e)]**

Executive Officer: General Manager Asset & Environmental Sustainability

Item Author: Manager Maintenance & Operations

File Reference: 05/06/001; 12/18/003; SP113955L31

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (e) contracts proposed to be made by it.
-

9. MISCELLANEOUS BUSINESS