



SOUTH BURNETT
REGIONAL COUNCIL

AGENDA

Late Reports

Ordinary Council Meeting

Wednesday, 23 November 2022

Date: Wednesday, 23 November 2022

Time: 9.00am

**Location: Warren Truss Chamber
45 Glendon Street
Kingaroy**

**Mark Pitt PSM
Chief Executive Officer**

Order Of Business

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| 10 | Portfolio - Corporate Governance & Strategy, People & Culture, Communication & Media, Finance & Sustainability, ICT & Business Systems, Community Representation and Advocacy, 2032 Olympics & Paralympics..... | 3 |
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10 PORTFOLIO - CORPORATE GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATION & MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION AND ADVOCACY, 2032 OLYMPICS & PARALYMPICS

10.7 MINISTERIAL DEPUTATIONS

File Number: 21-11-2022

Author: Chief Executive Officer

Authoriser: Chief Executive Officer

PRECIS

Deputation to Parliament House in Brisbane on 1 December 2022 organised through LGAQ.

SUMMARY

RESOLUTION 2022/140

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That South Burnett Regional Council authorise and support Mayor Otto and Cr Schumacher to present a formal deputation to Minister Furner, Minister DeBrenni and Minister Butcher about the work that has been progressed as part of phase two of the National Water Infrastructure Development Fund options analysis and business case for the South Burnett.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 7/0

COMMITTEE RESOLUTION 2022/18

Moved: Cr Kirstie Schumacher

Seconded: Cr Jane Erkens

That a meeting be scheduled with the Premier of Queensland to present the report on behalf of the people of the South Burnett with Mayor Otto and Cr Kirstie Schumacher.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

OFFICER'S RECOMMENDATION

That South Burnett Regional Council support the participation of the Mayor (or alternative Councillor delegate) in the LGAQ Deputation to Parliament House Brisbane on 1 December 2022.

BACKGROUND

Following on from the LGAQ Annual Conference in Cairns, and several policy resolutions endorsed by members on the policies needed to support a successful community transformation (social and economic) as we embark upon the decarbonisation of the economy, the LGAQ has managed to secure a delegation from Mayors (or alternative Councillor delegate) to speak further to the importance of these issues.

The motions from this year's State Conference are as follows –

- #73 (The Need for a Regional Transformation Authority);
- #74 (Resourcing of State Regulators of Major Resource and Renewable Projects);
- #75 (Establishment of a Contemporary Framework for Resource, Renewables and Clean Energy Sector)
- #78 (Renewable Energy Project Contributions and Engagement with Local Communities);
- #106 (Creation of a Sovereign Wealth Fund); and
- #80 from 2020 Annual Conference (Funding Methodology for Resources Communities) - which deals with the issue of non-resident workforce as that is still a significant and ongoing issue that hasn't been adequately addressed.

The LGAQ are seeking to have meetings with, the Premier, the Deputy Premier, the Energy Minister, the Regional Development and Water Minister and the Director-General of the Department of State Development, Infrastructure, Local Government and Planning.

The LGAQ is seeking to pursue these motions through a combined advocacy plan.

In preparation for the 1 December 2022 delegation, a pre-briefing was held on 21 November 2022 from 10:30am – 11:30am (on Microsoft Teams). This is to ensure that they have a coordinated, well-articulated narrative and set of key messages for the delegation and the meetings on 1 December.

The other councils involved are – Isaac Regional Council, Western Downs Regional Council, Banana Shire Council, Central Highlands Regional Council, Mount Isa City Council, Gladstone Regional Council and Barcaldine Regional Council.

ATTACHMENTS

Nil

15 PORTFOLIO - RURAL RESILIENCE & DISASTER RECOVERY, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, FIRST NATIONS AFFAIRS

15.9 TRUSTEE LEASE OF NANANGO SKATE RINK

File Number: 23-11-22

Author: Manager Community & Lifestyle

Authoriser: Chief Executive Officer

PRECIS

Request from the Queensland Blue Light Association Incorporated for a Trustee Lease for Part of Lot 346 on SP313160.

SUMMARY

The Queensland Blue Light Association Incorporated have been utilising the skate rink facility in Nanango since mid-1990's and would like to formalise tenure with a view to sub lease to another entity.

OFFICER'S RECOMMENDATION

That South Burnett Regional Council:

1. In accordance with *s236(1)(b)(ii) of the Local Government Regulation 2012*, enter into a Trustee Lease with Queensland Blue Light Association Incorporated for Part of Lot 346 on SP313160 for a term of ten (10) years for rental amount of \$75.00 per annum (GST exclusive).
2. Delegates to the Chief Executive Officer the power to negotiate finalise and execute the Trustee Lease between Council and the Queensland Blue Light Association Incorporated on term and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.
3. Notes that the Trustee Lease may be subject to approval from the Department of Resources in accordance with the *Land Act 1994 (Qld)*
4. Approves a sub-lease to Mr Peter Thomson for the purpose of operating a Recreational Facility for community benefit.

FINANCIAL AND RESOURCE IMPLICATIONS

The Queensland Blue Light Association Incorporated ("Association") began utilising the building in 1996. The proposed Trustee Lease would require the Association to be responsible for all outgoings, capital works and maintenance of the building. There may be a requirement of Council to undertake a Native Title assessment which will be funded through the 2022/23 operational budget.

LINK TO CORPORATE/OPERATIONAL PLAN

EC6: Appropriately support and encourage volunteers, advisory groups and community organisations to value add to Council's services and infrastructure.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

A request was received from the Association to search Council records for an existing agreement for the facility with a view to sub lease. The Association wishes to sub-lease the facility to a private individual for commercial venture. Further consultation with the Department of Resources will need to occur to ensure the offer of the Trustee Lease is in accordance with the Land Act 1994, ensure the sublease for this purpose is supported and discuss the implications of Native Title on the lease area.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

An offer of a lease to a community group is in accordance with s236 *Local Government Regulation 2012*. The terms offered will be consistent with recreational leases across the region. Under *section 52 (1) Land Act 1994*, general powers are granted to the Trustee (Council) and may take any necessary action necessary for the maintenance and management of the land. *Subsection 52 (3)* allows the Minister to approve an action that is inconsistent with the purpose of the Reserve if the Ministers is reasonably satisfied the inconsistent action will not (a) diminish the purpose of the Reserve and (b) adversely affect any business in the area surrounding the Reserve.

The land is a Reserve and does have a Native Title determination. The *Land Act 1994* states under *section 28 (1)*, that any action taken under the Act must not be taken in a way that is inconsistent with the *Native Title Action 1993 (Cth)* and the *Native Title Act 1993 (Qld)*. Therefore, implications of Native Title will need to be investigated.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

Offering the lease area to an incorporated not-for profit group without offering for tender or market valuation is in accordance with Council's Asset and Disposal Policy.

ASSET MANAGEMENT IMPLICATIONS

The assets within the proposed lease area are not listed on Council's asset register. The outcome of the preliminary investigation is that the Association have been paying rates due to a valuation being issued over part of the land. The Reserve purpose was changed after 1992 to incorporate Recreation. The Lease area is within the same parcel as Council's Nanango administration building and the Nanango Theatre Company.

REPORT

Property Details:

RPD: Lot 346 on SP313160

Address: 0 George Street Nanango Qld 4615

Tenure: Reserve

Background

Council has limited records on the site. Preliminary investigations have found:



- The Association has been the tenant for the Nanango Skate rink since mid 1996.
- Council applied for a building application in 1990 and was referred to as the building owner
- The Association proposed the initial project and Council had some involvement with the project, with some references to Council Community Loan to the Association for the funds, to build.
- At some point Council entered into a lease with the Association as a rates notice was issued for initially water and sewerage however, in 1999 the rates were for a fire levy only.
- Council's asset register does not have the skate rink listed

The proposed sub lease is to a private individual, Mr Peter Thomson with a view to manage the facility for recreational and community purpose.

ATTACHMENTS

1. **Proposed Lease Area** [↓](#) 



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|  | South Burnett Regional Council does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that SBRC shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. | Proposed Lease Area - Nanango Skate Rink | 21/11/2022 |  |
| | | | 1:1000 | |