

# Late Report

## **ITEM 8.3.3**

### **Ordinary Meeting**

**Thursday, 10 December 2015**

**commencing at 9.00 am**

**Council Chambers, Corner Currie and Bury Streets, Nambour**



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**8 REPORTS DIRECT TO COUNCIL****8.3 COMMUNITY SERVICES****8.3.3 CONONDALE MEMORIAL SPORTS AND RECREATION RESERVE****File No:** ECM 10 December 2015**Author:** Manager Community Facilities & Planning  
Community Services Department

**Attachments:**

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**PURPOSE**

The purpose of this report is to provide Council with site specific information and recent community feedback necessary to consider the future management of the Conondale Memorial Sports and Recreation Reserve.

**EXECUTIVE SUMMARY**

The Conondale Memorial Sports and Recreation Reserve (hereafter “the Reserve”) is located at 1156 Maleny-Kenilworth Road, Conondale.

The Reserve was formerly held in trust by the Conondale Memorial Sports and Recreation Reserve Inc. (hereafter ‘the Association’). The local Conondale community have expressed a strong connection to the Reserve dating back to 28 May 1928, when the Reserve was gazetted.

On 4 December 2014, the Department of Natural Resources and Mines (DNRM) sent formal correspondence (addressed to Council’s Chief Executive Officer) requesting that Council consider accepting Trusteeship of the Reserve.

In accordance with *section 51* of the *Land Act 1994*, the Minister of the time made a decision to remove the Association as Trustees of the Reserve on 2 September 2014. Trustee lease number 706496389 remains registered on part of the land to the Sunshine Coast Motorcycle Club Incorporated (SCMC) until 24 February 2020. The remaining parcel of the Reserve is unencumbered (as represented in Attachment 1).

In consideration of DNRM’s offer, Council wrote to the State noting a number of conditions to be considered prior to Council accepting Trusteeship. These conditions were denied. Council however agreed to accept the Trusteeship as it was thought at the time to be in the public interest to arrest community concern surrounding the Association’s state of affairs and the deterioration of relationships amongst user groups. From a strategic planning perspective, Council was also aware of the importance of the principal current use on the Reserve, with the *Difficult to Locate Sports Study 2009-2028* noting the value of the Reserve as a state level facility for motocross, trail bike riding, trials and enduro disciplines.

Council was formally appointed as Trustee on 15 January, 2015.

Council has undertaken significant community consultation since this date, including presentations to Council on the 5 November, 2015. Feedback from consultation has highlighted that:

- there are many unresolved historical issues and concerns associated with the Reserve
- there are concerns regarding the manner and method by which the former Trustees were dismissed
- a number of sections of the community do not support Council continuing to hold the position of Trustee and
- a significant amount of unfunded planning and operational activities will be required of Council as Trustee at this site.

Given the information provided in this report, it is necessary for Council to affirm its acceptance of Trusteeship of the Reserve, and in doing so note the resource implications associated with this decision.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled "Conondale Memorial Sports and Recreation Reserve"**
- (b) affirm its acceptance of Trusteeship of the Conondale Memorial Sports and Recreation Reserve**
- (c) request the Chief Executive Officer prepare a Master Plan for the Conondale Memorial Sports and Recreation Reserve**
- (d) request the Chief Executive Officer prepare the above Master Plan with a key principle of ensuring continued adherence with Council policy, namely the *Difficult to Locate Sports Study 2009-2028*, the *Open Space Strategy 2011* and the *Sunshine Coast Sport and Active Recreation Plan 2011-2026*, all of which articulate the protection of the existing reserve as a Motorcycle (off road) Precinct**
- (e) request the Chief Executive Officer prepare the above Master Plan with a key principle of ensuring continued and appropriate access for the community to the Reserve**
- (f) refer an amount of \$100,000 to Council's Budget Review 2 process to enable the preparation of a Master Plan for the Conondale Memorial Sports and Recreation Reserve**
- (g) endorse a comprehensive stakeholder and community engagement program, inclusive of all parties and individuals who have expressed an interest in the future management of the Reserve, or who do so in the immediate future and**
- (h) until such time that the above master planning activity has been completed and presented to Council for consideration, continue management of activities at the Reserve as per the status quo, with access to the Council Reserve to be in accordance with Council's local laws and event permit system, and the leased area managed in accordance with the lease currently held by the Sunshine Coast Motorcycle Club.**

## **FINANCE AND RESOURCING**

The indicative financial costs incurred by Council to date and implications for Council to continue as Trustee of the Conondale Memorial Sports and Recreation Reserve are as follows:

**Costs to date and ongoing under current tenure arrangement:**

Open space site maintenance	\$12,500	Includes slashing, arborist assessment and weed control. (To note: slashing occurs quarterly at the site, however, during the summer months it is apparent that the frequency of slashing needs to increase to facilitate use of the space by the community. It has also become apparent that greater weed control is needed at the site ie: control of Giant Rat Tail grass. This increase to maintenance will have an impact on budget)
Staff time/wages	\$45,000	Staff time/wages have been extensive since accepting Trusteeship of the Reserve. Conservative cost estimates based on last ten months of staff time includes Manager Community Facilities & Planning (0.5 day/fortnight), Coordinator Sport & Community Venues (1 day/ fortnight), and Sports Development Officer (2 days/week).

**Anticipated future costs associated with planning activities:**

Master Plan for the Conondale Memorial Sports & Recreation Reserve	\$100,000	Based on community feedback gathered to date and those issues identified by Council officers, the master plan should include, but not be limited to, the following assessments and documentation: <ul style="list-style-type: none"> <li>• Physical constraints assessment;</li> <li>• Infrastructure condition assessment, including road access;</li> <li>• Sports and recreation demand assessment;</li> <li>• Economic benefit assessment of events / activities;</li> <li>• Land Management Plan;</li> <li>• Environment Management Plan;</li> <li>• Traffic Management Plan, including concept planning for appropriate safe site access;</li> <li>• Noise impact assessment; and</li> <li>• Future tenure, governance and management recommendations.</li> </ul>
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Since accepting Trusteeship of the Reserve, a number of concerns and complaints have been received in relation to the environmental management of the Reserve. The Sunshine Coast Motorcycle Club Incorporated have received initial approval to utilise a portion of \$40,000 from Motorcycle Queensland to work in partnership with Landcare and a local community group to commence rehabilitation works, a basic tree planting program and to commence the development of Environmental Management or action planning for the Reserve and neighbouring Sunshine Coast Motorcycle Club Incorporated freehold land.

There are no other budget allocations allowed for the above works in current and future State Government or Sunshine Coast Council budgets.

**Potential Future Costs – subject to outcomes of above planning activities:**

*Traffic analysis, site access design and construction	\$1,250,000	\$530,000 attributable to turning treatments and intersection on State controlled Maleny-Kenilworth Road, and \$720,000 for internal property roadworks, drainage and sealing. Cost estimate provided by Council's Infrastructure Services (IS) Department based on designs developed by SCMC for 2014 funding application. Figures presented include anticipated internal costs based on Council contract delivery. IS have noted the possibility that SCMC could deliver the project for a lesser amount if they agreed to take it on and use their own network of contacts and resources. Final costs to be determined by outcomes of further analysis and endorsement of proposed works by Department of Transport and Main Roads (DTMR). Delivery of this infrastructure may include financial contribution from lessee. It has also been suggested that other alternatives, with less expense, to the above could be pursued to enhance road safety in this area on event days. This is yet to be confirmed with DTMR – see comment below**.
Works identified from facilities condition assessment	\$77,500	Cost estimate from building, plumbing and electrical assessments undertaken in October 2015 coordinated by Property Management Branch. Joint responsibility with SCMC responsible for maintenance and repairs associated with tenured parcel and Council responsible for works on non-tenured parcel assets.
Environmental works	Unknown	Costs dependent on outcomes of Environmental Management Plan and Land Management Plan.

There is currently no allocation in Council's budget for these works.

\*In relation to the traffic analysis, site access design and construction, a sight distance review was undertaken by Council in consultation with DTMR for the two existing vehicular access points to the Reserve. This demonstrated that neither of the two existing accesses meet sight distance requirements for the geometry and speed limit on the State controlled Maleny-Kenilworth Road. Additional design work is required to determine the most appropriate location for Reserve access and egress and the layout of such access. DTMR have made comment regarding a requirement for a channelised right turn into the site. As noted above\*\*, alternative responses to this matter are still to be determined with DTMR, however could include temporary traffic management measures and speed reductions during major events such as the installation of flashing signs that endeavour to alter driver behaviour.

Previous correspondence from the State indicated a requirement on Council to commence planning for improved site access within six months or access to the Reserve will be prohibited or restricted. Recent correspondence received from DTMR provides an extension to Sunshine Coast Motorcycle Club Incorporated's operating traffic management permit to provide time for Council to develop a master plan for the area.

**Revenue**

Trustee lease number 706496389 over part of the Reserve was transferred to Council direct from the State with Trusteeship. The lease with Sunshine Coast Motorcycle Club Incorporated is valid until 24 February, 2020. For the 2015 lease period, SCMC has paid Council the appropriate rent in the amount of \$2,583.90. The annual rent as stated in the lease is "Five per centum (5%) of the gross Entry Fees paid by the public in attending



*motocross meetings on the premises*". Future rental payments will continue to be monitored and managed by Council's Property Management Branch.

It should also be noted that under Clause 4.3 of the current Lease with the Sunshine Coast Motorcycle Club Incorporated, a rent review is due in the 16th year, which is 2016 and scheduled to be reviewed before the 24 February, 2016.

## **CORPORATE PLAN**

**Corporate Plan Goal:** *A strong community*  
**Outcome:** 2.1 - Safe and healthy communities  
**Operational Activity:** 2.1.3.1 - Manage the acquisition of sport and recreation facilities

## **CONSULTATION**

### **Internal Consultation**

Significant internal consultation has occurred since Council accepted Trusteeship of this Reserve in January 2015, including the following divisional Councillors and internal Branches:

- Division 5 Councillor
- Division 10 Councillor
- Community Facilities & Planning
- Legal Services
- Property Management
- Environment Operations
- Parks and Gardens
- Environment and Sustainability Policy
- Transport Infrastructure Management

It should be noted that the Divisional Councillor, Cr Jenny McKay, has indicated through this consultation process her desire for Council to maintain Trusteeship and to undertake a master planning exercise for the Reserve. Cr McKay has also indicated that she would like this master planning exercise to include a comprehensive stakeholder and community engagement program, inclusive of all parties and individuals who have expressed an interest in future uses or management of the Reserve.

### **External Consultation**

Significant external consultation has occurred with the following organisations since January 2015:

- Minister for Natural Resources and Mines, Dr Anthony Lynham MP
- The Honourable Andrew Powell MP
- Department of Transport and Main Roads
- Department of Natural Resources and Mines
- Queensland Police Service
- Sunshine Coast Motorcycle Club Incorporated
- Conondale State School and Parents and Citizens' Association
- Conondale Hall Committee Incorporated
- Mary River Catchment Coordination Association
- Conondale General Store
- Conondale Race Club
- Conondale Rural Fire Brigade
- Conondale Valley Association

- Conondale Pool Committee
- Maleny Trail Riders Incorporated
- Kenilworth First Response Incorporated
- Crystal Waters Eco Village
- Past Trustees of the Reserve
- Conondale community members, including neighbours of the Reserve.

### **Community Engagement**

In March and April 2015, key stakeholders in the Conondale Memorial Sports and Recreation Reserve were invited to attend two community engagement sessions. These sessions covered issues and concerns raised in relation to the Reserve including Council's role as Trustee of the Reserve, validity and interpretation of the existing legally binding lease with the Sunshine Coast Motorcycle Club, land history and purpose, Council's temporary event permit process, access to the Reserve including DTMR traffic management conditions, maintenance of the non-tenured land parcel within the Reserve, land infrastructure and ownership, environmental impacts, and potential ways forward.

In July 2015, a well-attended public meeting was held whereby Council provided the community and key stakeholders with updates on the Reserve and attempted to address community queries and discontent, providing opportunity for comments and questions to be raised in a public forum.

From March to date, a series of fact sheets have also been distributed to all interested community members and stakeholders forming part of Council's extensive community engagement process.

On 5 November 2015, councillors invited a selection of key stakeholders and members of the Conondale community to a session held at the Council Chambers in Caloundra. This session was designed to allow community stakeholders an opportunity to address Council in respect to the use and management of the Reserve and also provided an opportunity for councillors to ask questions and gather more information. Please note that this was not a statutory meeting of Council. Those who presented to Council at this session were:

- Steve Harrison - Sunshine Coast Motor Cycle Club
- Vivienne Bochow – Local resident
- Scott Woolbank – Conondale Valley Association
- David Sands - Mary River Catchment Coordinating Committee
- Shane Muller - on behalf of Green Family and former Trustees
- Joan Lane – on behalf of the Green Family and former Trustees
- Christine Mumford – Neighboring property owner and business owner
- Paul Beavis – Conondale Rural Fire Brigade
- Ashley Hamilton - Owner Conondale Store
- Rodney Henning – Maleny Trail Riders
- Ernie Ferriday / Kylie Tegan - Race Club and Picnic Races
- Roger Westcott – Local resident

Whilst there was no formal calling for submissions at this session, the Mayor invited attendees to put forward their views and further information to Council in writing. These submissions are included as Attachment 4 to this report.

Through the above forums, Council has been made well aware that some members of the community are averse to Council continuing to hold the position of Trustee and are unwilling to work with Council. Significant concern has also been expressed regarding the manner by

which the former Trustees were relinquished of their Trustee duties by the State Government. As a follow on from this, some members of the local community have strongly expressed their desire for a new group of local Trustees to be appointed to manage the Reserve through tenure direct with the State. Community members expressing concern regarding the role of the State Government and dealings with the former Trustees have been advised to take this matter up with the State Minister.

There have been some local residents and groups who have indicated their support of the State's decision to appoint Council as Trustee and are looking for Council leadership to enable the Reserve to fulfill its full potential.

## PROPOSAL

The Conondale Memorial Sports and Recreation Reserve is located at 1156 Maleny-Kenilworth Road, Conondale (Lot 264 on Crown Plan M371054) encompassing 36.422 hectares of land, including a section of Elaman Creek. Trustee lease number 706496389 remains registered on part of the land to the Sunshine Coast Motorcycle Club Incorporated (SCMC) until 24 February 2020. The remaining parcel of the Reserve remains unencumbered (as represented in Attachment 1).

The land is gazetted as a Reserve set aside for Memorial Park Purposes, sub-purpose Recreation. The *Land Act 1994* notes that trust land should be managed by the Trustees with the State's interest in mind for the benefit of the people of Queensland by having regard to principles of sustainability, protection, consultation and community purpose.

The Trustee lease allows the Sunshine Coast Motorcycle Club Incorporated to hold a maximum of 12 motocross events per annum in order to preserve the amenity of the Reserve.

The Reserve was formerly held in trust by the Conondale Memorial Sports and Recreation Reserve Inc. ('the Association'). The local Conondale community have expressed a strong connection to the Reserve dating back to 28 May 1928, when the Reserve was gazetted.

On 4 December, 2014 DNRM sent formal correspondence (addressed to Council's Chief Executive Officer) requesting Council consider accepting Trusteeship of the Conondale Memorial Sports and Recreation Reserve. In response, Council requested that the State assist with certain matters including:

- A condition audit, paid for by the State, to ascertain any liabilities associated with the property (including an infrastructure audit and a full environmental assessment and plan for the site)
- The State to contribute financially towards the DTMR recommendation to upgrade access to the site (urgent funding is required to review the most appropriate location for safe access to the site and to determine what the most appropriate design is for that access)
- Funding to undertake master planning of the Reserve (including DNRM's request to develop a Land Management Plan) to determine long term community uses, including community infrastructure requirements.

These requests were denied by the State. Notwithstanding this, Council agreed to accept the Trusteeship as at the time it was thought to be in the public interest to arrest community concern surrounding the Association's state of affairs and the deterioration of relationships amongst user groups.

Council was formally appointed as Trustee on 15 January, 2015.

Since this time, Council has undertaken significant community consultation by way of three community engagement sessions (6 March, 7 April and 5 November 2015) and a public meeting (20 July 2015), as well as attempting to address regular sources of disharmony registered through the Sport and Community Venues Team and Councillor's offices. Various communication methods (including two community fact sheets, Councillor column inclusions, emails, phone calls and letters), have been used during this time to keep the community informed and updated on matters pertaining to the Reserve. On 5 November 2015, Council invited a selection of key stakeholders and members of the Conondale community to a session held at the Council Chambers, Caloundra (non-statutory meeting)

Throughout this consultation period, it has become apparent that there are many unresolved historical issues and concerns associated with the Reserve. These issues and concerns have been strongly highlighted to Council after accepting Trusteeship of the Reserve.

In terms of Council's strategic planning position for hard to locate sports, the *Difficult to Locate Sports Study 2009-2028* was adopted by Council in October 2009. This study is a working document that informs future planning, protecting and enhancing venues for these sports.

In relation to the Conondale Memorial Sports and Recreation Reserve, the *Difficult to Locate Sports Study 2009-2028* (section 3.2.1 Motor – Motorcycle (Off road) Precinct 'Green Park', Conondale) notes the following actions:

- a) *protect the existing use of Green Park (Lots 264 M371054 and 243 MCH969) as a Motorcycle (off road) Precinct through the SCRC Planning Scheme, refer to Appendix H – Site Protection Advice for land planning objectives.*
- b) *advocate for the preparation of a Master Plan/Business Plan for the future management and development of Green Park, Conondale as a State level facility for motocross, trail bike riding, trials and enduro disciplines.*

The *Difficult to Locate Sports Study 2009-2028* subsequently informed the development of the *Open Space Strategy 2011*. The Reserve is identified in the *Open Space Strategy* as being for:

*'Specific purpose sports – Council controlled or managed open space that provides for specific sports that have highly specialised requirements or are difficult to locate (e.g. rifle range, motocross). The management model endorsed for the Reserve can be Council, State or private. Council values the Conondale Memorial Sports and Recreation Reserve retaining this purpose and will continue to work with local not-for-profit sporting and community organisations based at the Reserve to uphold Council's policy positions.'*

Council is aware that a significant amount of unfunded planning and operational activities will be required across the Reserve. Correspondence from Council to the Minister for Natural Resources and Mines sent on 14 August, 2015 indicated a willingness to work in partnership to resolve outstanding legacy issues (see Attachment 2). The response received from the Minister did not exhibit a willingness from the State to assist Council in these matters and seeks to absolve the State from any responsibility they have over this land (see Attachment 3).

## **Legal**

Significant engagement has occurred with Council's Legal Services and Property Management Branches since the Reserve was transferred to Council's Trusteeship in January 2015.

In regards to the validity of the existing tenure held by Sunshine Coast Motorcycle Club Incorporated over a portion of the site, in February 2015, Council's Property Management Branch advised that '*the lease in place to the SCMC cannot be terminated prior to its expiry, unless the Club are agreeable or the Club commit a major breach of the lease conditions and do not rectify the breach in the allocated timeframe*'. Following community discontent with this information, Legal Services Branch confirmed this advice as factual. The current SCMC lease remains valid until 24 February, 2020.

In relation to the interpretation of the lease with regard to use/s of the tenured area outside Sunshine Coast Motorcycle Club Incorporated events, Legal Services Branch have confirmed a lease is a grant of exclusive use of a site, and in this instance, for a term of 20 years. The Lessee is expected to go onsite and undertake maintenance and repairs in accordance with the requirements of the lease outside event periods. The only way another party could have a formal interest in this land is if the SCMC granted a sublease (which would require Council and the Minister's consent).

In July 2015, further advice was received from Council's Legal Services Branch stating that in accordance with s50. of the *Land Act 1994*, Council can make application (by letter signed by the Chief Executive Officer) to DNRM to relinquish the position of Trustee of the Reserve if it resolves to do so.

### **Policy**

The *Difficult to Locate Sports Study 2009-2028* forms Council's policy position on hard to locate sports activities. This study noted the following recommendation in relation to Conondale Memorial Sports and Recreation Reserve:

- a) *protect the existing use of Green Park (Lots 264 M371054 and 243 MCH969) as a Motorcycle (off road) Precinct through the SCRC Planning Scheme, refer to Appendix H – Site Protection Advice for land planning objectives.*
- b) *advocate for the preparation of a Master Plan/Business Plan for the future management and development of Green Park, Conondale as a State level facility for motocross, trail bike riding, trials and enduro disciplines.*

The *Open Space Strategy 2011* is Council's key policy document for the planning, development and management of Council controlled open space. This Strategy provides the following open space category definition for the Reserve:

- *"Type: Sport and recreation*
- *Category: Specific purpose sports.*
- *Definition: Council controlled or managed open space that provides for specific sports that have highly specialised requirements or are difficult to locate. Includes: golf courses, bowls clubs, water ski parks, motorsports facilities.*
- *Management: Council/State/private."*

The *Sunshine Coast Sport and Active Recreation Plan 2011-2026* informs Council's strategic position on sport and active recreation for the region. The following recommendations from this document relates to the Conondale Memorial Sports and Recreation Reserve:

- *Progressively implement the recommendations of the Difficult to Locate Sports Study 2009-2028 relevant to Locality 38 (Reeseville-Conondale-Kenilworth)*
  - *protect the existing use of Green Park (Lots 264 M371054 and 243 MCH969) as a Motorcycle (off road) Precinct through the SCRC Planning Scheme 2011*
  - *prepare a master plan/business plan for the future management and development of Green Park, Conondale as a State level facility for motocross, trail bike riding, trials and enduro disciplines.*

**Risk**

- Community perception of mismanagement amongst two tiers of government (State and Local).
- The raising of community expectations without adequate funding options available to manage the Reserve could result in community dissatisfaction.
- Inability to provide safe access to the Reserve without significant funding to plan, design and construct new entranceways.
- Significant unbudgeted impost could be placed on Council to resolve a number of issues identified at the site.
- Significant unplanned impost on Council staffing resources.
- Should Council not continue in the role of Trustee, the State Government may:
  - restrict usage of the Reserve
  - continue to honour the existing lease until expiry and allow other incorporated bodies to use the Reserve in a limited capacity
  - cease recreational use of the Reserve
  - seek one incorporated body to lease the whole Reserve.

**Previous Council Resolution****Confidential – Not for Public Release – Land Management Trusteeship – Ordinary Meeting 17 September, 2015  
Council Resolution (OM15/171)**

*That Council defer Item 11.3.2 – Confidential – Not for Public Release – land Management Trusteeship to the November 2015 Ordinary meeting of Council.*

**Open Space Strategy – Special Meeting 7 March, 2011  
Council Resolution (SM11/11)**

*That Council:*

- (a) *receive and note the report titled “Sunshine Coast Open Space Strategy 2011”;*
- (b) *adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) *request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils’ long term financial model and other revenue sources, for future consideration by Council; and*
- (d) *thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

**Sport and Active Recreation Plan – Special Meeting 7 March, 2011  
Council Resolution (SM11/9)**

*That Council:*

- (a) *receive and note the report titled “Sunshine Coast Sport and Active Recreation Plan 2011-2026”;*
- (b) *discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) *adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) *develop a detailed and prioritised multi-year implementation plan based on Councils’ long term financial model and other revenue sources;*

- (e) *delegate to the Chief Executive Officer to make appropriate amendments to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026” in consultation with Divisional Councillors in accord with established criteria and upgraded input information;*
- (f) *acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) *acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

**Difficult to Locate Sports Study 2009-2028 – Special Meeting 29 October, 2009  
Council Resolution (OM09/311)**

*That Council:*

- (a) *receive and note the report titled “Difficult-to-Locate Sports Study 2009-2028”;*
- (b) *adopt the Draft Sunshine Coast Difficult-to-Locate Sports Study 2009-2028 ( Appendix A as amended) as a working draft, noting that further work is required to identify feasibility and viability of meeting Difficult-to-Locate Sports needs not currently being provided for; and*
- (c) *request the Chief Executive Officer to prepare an appropriate implementation plan for Council's consideration taking into account the objectives of the corporate plan and Council's ability to fund or obtain funding for a number of the actions contained in the working draft.*

**Related Documentation**

- *Land Act 1994*
- *Sunshine Coast Council Planning Scheme 2014*
- *Sunshine Coast Corporate Plan 2014-2019*
- *Sunshine Coast Open Space Strategy 2011*
- *Sunshine Coast Sport and Active Recreation Plan 2011-2026*
- *Difficult to Locate Sports Study 2009-2028*
- *Sunshine Coast Social Infrastructure Strategy 2011*
- *Sunshine Coast Biodiversity Strategy 2010-2020*
- *Sunshine Coast Waterways and Coastal Management Strategy 2011-2021*

**Critical Dates**

DTMR have advised that they would like to see a commitment from Council to master plan the site, incorporating an access that is designed to the appropriate standards, noting that the interim traffic management for use at the Reserve will not be accepted in the longer term.

With this commitment, DTMR have advised they will continue to accept the interim traffic management plans for access to the Reserve by the Sunshine Coast Motorcycle Club Incorporated and others.

The existing Sunshine Coast Motorcycle Club Incorporated lease over a portion of the Reserve remains valid until 24 February, 2020.

Since accepting Trusteeship of the Reserve, Council's Sport and Community Venues team have been inundated with a number of complex and detailed requests to address issues at the Reserve. The dedication of resources to one Reserve has come at the detriment of other reserves and sporting clubs who have not been able to access support from Council staff. This requirement for staff resources is currently at a level which is not sustainable, thus the direction of Council is required to ensure appropriate resourcing arrangements can be made.

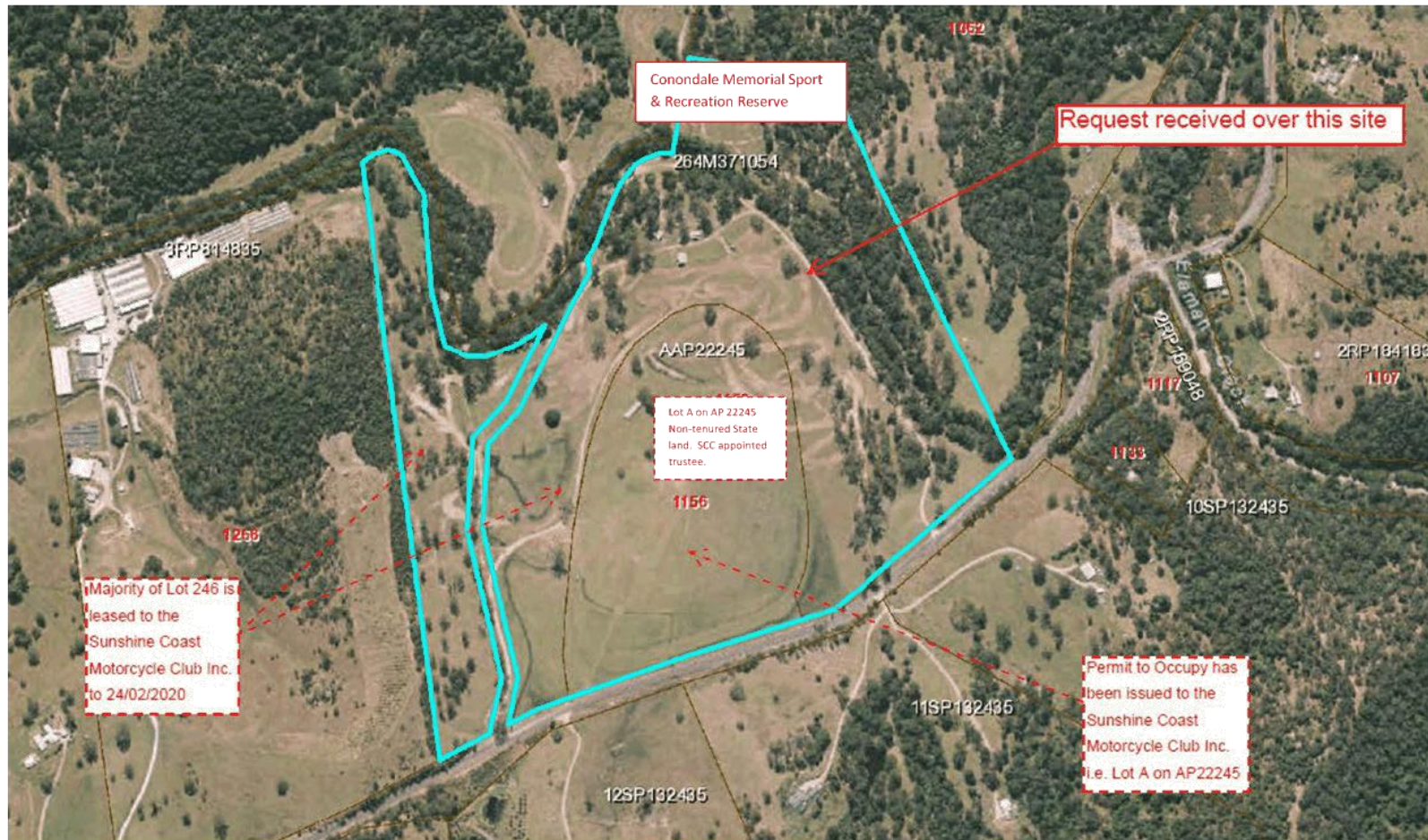
**Implementation**

Should Council endorse the proposed officer recommendation, Council will continue to work with local not-for-profit sporting, community organisations and individuals associated with the Reserve to uphold Council's policy and strategic planning positions.

Until such time that a master planning activity has been funded, completed and presented to Council for consideration, management of activities at the Reserve will be managed as per the status quo. Access to the Council Reserve will be provided in accordance with Council's local laws and event permit system, and the leased area managed in accordance with the lease currently held by the Sunshine Coast Motorcycle Club.

Council officers will develop and enact a communications plan to explain the endorsed position to the community and stakeholders.









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Your reference:

14 August 2015

Dr Anthony Lynham MP  
Minister for Natural Resources and Mines  
PO Box 15216  
CITY EAST QLD 4002

Dear Dr Lynham

#### CONONDALE MEMORIAL SPORTS AND RECREATION RESERVE

For many years, the Conondale Memorial Sports and Recreation Reserve (Lot 264 CP M371054) has been under the trusteeship of Conondale Memorial Sports and Recreation Reserve Inc. For convenience, it will be further referred to as 'the Association'.

A search of the ASIC website identifies the Association as still being a registered incorporated association and therefore bound by the Associations Incorporation Act 1981. Council had been led to understand that the Association had been wound up or was in the process of being wound up.

You may be aware that last year at the request of the State, council somewhat reluctantly agreed to take over the trusteeship of the Reserve from the Association. Council had, as a condition of taking over trusteeship, requested the State to assist with certain matters; but these requests were denied by the State. Notwithstanding this, council agreed to still accept the trusteeship as it was thought to be in the public interest to try and arrest the community disharmony surrounding the Association's state of affairs. Council was formally appointed as trustee on 12 January this year.

Through a series of communications over the last 6 months, council has engaged with the community and become aware that a proportion of the community are averse to council continuing to hold the position of trustee and are unwilling to work with council. Some members of the local community have strongly expressed their desire for a new group of local trustees to be appointed and for this group to work directly with the State. Council is also aware that a significant amount of unfunded planning and work will be required for the Reserve.

It is clear that sectors of the community are disillusioned that the Association has been allowed to 'walk away' without accounting for the moneys the Association took while acting as trustees of the Reserve. As you would understand, the Association has legal obligations to account for such money to the Office of Fair Trading under the Associations Incorporation Act 1981 and to the Department of Natural Resources and Mines under the Land Act 1994. Council understands that the State's demands on the Association to account for the

Association's finances have been unanswered. Aside from any perception that some community members may have of alleged fiscal impropriety (a perception not held by council), council is anxious to understand the Association's past application of rent received by them as the former trustees. Council is even more anxious to understand whether there are outstanding Association funds still to be acquitted to the upkeep of the Reserve land or for future planning of the Reserve. Section 63 of the Land Act requires rent received from a trust lease to be expended on the maintenance or enhancement of the trust land. The ongoing liquidity of the Association and the appropriation of any funds (remaining or otherwise) to the Reserve land is of utmost interest to council and the community generally.

As a result of the strong community sentiment, at its Ordinary Meeting in October, council will be considering its ongoing participation in the role of trustee.

By Wednesday 2 September, 2015 council asks that the Minister:

1. Advise the status of the Conondale Memorial Sports and Recreation Reserve Inc. and the progress, if any, with winding it up;
2. Advise whether the Conondale Memorial Sports and Recreation Reserve Inc. has provided financial statements outlining all revenue and expenditure and whether they have properly accounted for all funds and, if so, what those statements reveal;
3. Advise of any matters that may remain outstanding in respect to the Memorial Sports and Recreation Reserve Inc.'s removal as trustee.

To enable council to be better informed about any decision by it to continue on as Trustee, the State's reconsideration of council's original requests for assistance with –

4. A condition audit of current assets on site to determine future maintenance requirements and liabilities.
5. A financial contribution towards the development of a Land Management Plan including safe site access and environmental considerations.
6. Funding to undertake master planning of the Reserve.

Further to the above, council is also seeking funding to construct appropriate access and egress to the site, a matter which has been deemed by the Department of Transport and Main Roads as critically important for the continued future use of the site by any users.

In closing, council would like to note that it is highly cognisant of the significant importance to the local economy played by the Sunshine Coast Motorcycle Club and their use of the land at Lot 264 CP M371054. Funds raised by Club activities assist in supporting the local school, other community groups and businesses in the area.

Yours sincerely



Ray Turner  
A/Chief Executive Officer



The Hon Dr Anthony Lynham MP  
Minister for State Development and  
Minister for Natural Resources and Mines

-4 SEP 2015

Ref MO/15/2012  
CTS 19145/15

Level 17 QMEC Building  
61 Mary Street Brisbane QLD 4000  
PO Box 15216 City East  
Queensland 4002 Australia  
Telephone +61 7 3199 8215  
Email sdnrm@ministerial.qld.gov.au

Mr Ray Turner  
Acting Chief Executive Officer  
Sunshine Coast Council  
Locked Bag 72  
SUNSHINE COAST MAIL CENTRE QLD 4560

Dear Mr Turner

Thank you for your letter of 14 August 2015, concerning the decision made by the Department of Natural Resources and Mines (the department) to remove the Conondale Memorial Sports and Recreation Reserve Inc (the former trustees) as trustees of the reserve and place the reserve under the trusteeship of the Sunshine Coast Regional Council (the council).

On notification to the former trustees, the department requested that the former trustees provide bank statements outlining expenditure and revenue between 1 July 2013 and 31 August 2014, close the trust fund account and provide any remaining trust funds to the department. To date, no response has been received.

I can advise that the department is currently exploring both the status of the former trustees (if they continue to exist) and any applicable legal options to compel the former trustees to fulfil this request. Once information regarding this is at hand, the department will further advise the council on the relevant findings.

The council's request to seek funding assistance from the department for future planning and the construction of appropriate access to the site is unable to be accommodated, as the department does not budget to provide assistance to any local government across the State of Queensland for this nature of request.

However, the council may apply for community grants to assist in the future planning of the site through the Department of Infrastructure, Local Government and Planning. The website which outlines the details for applications is [www.statedevelopment.qld.gov.au/local-government/grants/local-government-grants-and-subsidies-program.html](http://www.statedevelopment.qld.gov.au/local-government/grants/local-government-grants-and-subsidies-program.html).

If you have any questions about my advice to you, Mr Adrian Noon, Acting Chief of Staff, will be pleased to assist you and can be contacted on telephone 3719 7365.

Yours sincerely



**Dr Anthony Lynham MP**  
Minister for State Development and  
Minister for Natural Resources and Mines



## Conondale Memorial Sports & Recreation Reserve – Community Submissions

### 1. Submission as provided by Paul Beavis

The Conondale Memorial Sports & Recreational Reserve (C.M.S.R.R.) has been a Conondale Community asset since 1927.

Primary purpose : Memorial

Secondary purpose: Recreation

The fact that the Reserve is a Memorial Reserve has been ignored by, the State member, Sunshine Coast Councillors (Division 5 & 10) and the Sunshine Coast Motor Cycle Club (SCMCC).

#### **Future Management**

The community would like to establish a permanent War Memorial in the Reserve.

The Reserve has a long history and attachment to the community and is the only parcel of land capable of hosting any sizable events.

The Conondale Community is in the process of establishing an incorporated association to act as an umbrella organisation to assist user groups in facilitating the Reserve. This would be of great benefit to those groups who would find public liability insurance prohibitive.

This incorporated association is interested in managing the unleased area of the Reserve and has expressed interest in acquiring a lease over this area from the present trustees.

#### **Leased Area**

Council is very aware of how little money is paid by the Sunshine Coast Motor Cycle Club Inc. under the lease agreement. As of the 25<sup>th</sup> August 2015 Council had received \$2,583.90 from the S.C.M.C.C. Refer to attached email from S.C.C.

This arrangement made it difficult for the previous trustees to make any improvements on the reserve. The majority of money trustees received was spent on slashing etc.

The S.C.M.C.C. has made it clear in two of their submissions that they have no objections to the Conondale community utilizing their leased area in non-event periods.

Given problems in the past with access to the lease area it would be good if the S.C.M.C.C. could formalise this commitment in writing to the present trustees (S.C.C.) and the incorporated association. There are a number of people in the community who would like to run events in the C.M.S.R.R. leased area on non bike event days.

#### **Environmental Damage**

The former trustees had agreed with the Mary River Catchment Coordinating Committee (MRCCC) on a restoration programme of the Elaman Creek river bank ( which is part of the headwaters of the Mary River) and the management of water quality in the CMSRR. The MRCCC has offered to assist with this task when the SCC gives approval.

The MRCCC has extensive knowledge of the Mary River catchment area and has a proven history of cooperation with land holders along the length of the Mary River and its tributaries.

Extensive work needs to be done to the amenities block located adjacent to Elaman creek .

**Conclusion**

The Conondale Community has always been interested in being fully involved in the management of the CMSRR.

The community acknowledges the Conondale State P&C find catering at the SCMCC events a wonderful source of income but it is contained within the State Education system. Very little money flows back to the reserve for improvements.

The majority of the Conondale Community believe that even if it was deemed necessary to remove the trustees the community should have been given the option to elect new trustees.

Paul Beavis  
Resident



## 2. Submission as provided by Vivienne Bochow

The Conondale Memorial Park and Recreational Reserve

This important piece of land has been part of the Conondale Community since before 1928, when it was determined to become the Conondale Memorial Park and Recreational Reserve.

As a child attending school in the 1960s, I can remember the sports days and afternoons that were held at this site. I did not even attend Conondale School- I went to Witta School. The site was used for Cricket and Tennis long before the Sunshine Coast Motorcycle Club (SCMC) came to the area. The Conondale community also held Picnic races at the CMPRR, but these stopped when the State Government made changes to the Racing Laws that made the running of these events impossible for small communities like Conondale .The Conondale Picnic Races were not the only casualties of these changes with several other race clubs unable to hold events.

The bike events held at Green Park (CMPRR) have become known nationally and internationally. But when I google "Conondale"-The Conondale National Park is one of the very first items to appear not Green Park and its Motorcycle events. The natural beauty of this area is also nationally and internationally known. There is an average of 4 thousand vehicle movements in the (and only) Booloumba creek campsite area a month. This would be vehicles coming and going, sometimes multiple times during a visit, but this still demonstrates the pressure and the ongoing need for natural open spaces.

The SCMC has used Green Park for its events that started out fairly small in the mid-1970s. These events have grown over the years .I remember catering 20 years ago for the P/C, and that \$600 profit for an event was considered a good outcome. Speaking to a school representative, this year's P/C gave the school \$17880, retaining a little over \$6000 for its running costs which include insurance, membership, audit fees, Tuckshop and uniform expenses, upgrading catering equipment. This money was raised by the catering for SCMC events and other motorcycle events held at Green Park including the Z Club and Vintage etc. Money is also raised in the school community from Disco's, the tuckshop and uniform sales.

The last few years have been difficult times for everyone concerned. Trust and communication in the community has been destroyed at many levels. There is a place here everyone to work towards rebuilding and enhancing the trust and communication within this community.

There is a bright future for CMPRR, as a site, were many different users can find a space. For this to come about a Master Plan should be developed that addresses the aspirations of the Conondale Community and others including SCMC.

A representative management group should be established – comprising including the Conondale Valley Association, Conondale community representatives, Conondale businesses, Sport and Recreation officers, and Environmental officers from the Sunshine Coast Regional Council (SCRC),the environmental community and user groups including SCMC. The management must consider the site as a whole.

Our community has changed once again over the last few years. People in the community want to have spaces to go walking, horse riding as well as organised group activities - cricket, archery, even drone events. The pressure is high for these outdoor activities. The Conondale community does have the capacity to contribute in many ways to the CMPRR, as volunteers, with many skills. Locally DNR has recognised the value of having someone mill

culled trees into usable timber, for tables, walkways, fencing etc. What a great way to use a resource, better turning it into chip or burning.

The integrity of CMPRR must also be preserved and rehabilitated; this is valued by the whole community. No one from the local, regional, state, national or international community would want to see CMPRR left in its present state – weed infested and in need of rehabilitation. Thank you for the work that is being undertaken at the present time.

A management plan could ensure that degradation of the site does not continue and the investment in infrastructure and facilities could be staged to advantage all users.

In all planning the effect on the environment must be paramount. This refers particularly to Elaman Creek and its riparian areas, remembering that Elaman Creek is the source of the Conondale's Town water supply. The Mary River Catchment Coordinating Committee is willing to work with the SCRC. MRCCC has worked the council previously. This is our local Catchment group for the Mary River, of which the Elaman Creek is a tributary.

I implore the Sunshine Coast Regional Council to think and reflect on the decisions it is about to undertake. There is a place at the Conondale Memorial Park and Recreational Reserve for many users and as well as involvement by the local community (Conondale) in the direction and planning of this important and valuable piece of land

Vivienne Bochow

### **3. Submission as provided by Ron Green**

GREEN PARK, LOCAL TRUSTEES  
CONONDALE ANZAC MEMORIAL  
SUBMISSION by; RON GREEN

#### **DESCRIPTION**

Memorial land granted to Conondale in honour and respect of the effort, sacrifice, loss and suffering resulting from the voluntary dedication by communities to their country during WW1.

#### **NAME**

Green Park as a result of the years of voluntary work done by my father Campbell Green. Officially named in the 1980s by Mike Ahern latter premier of Qld.

#### **INTENT**

Recreational land where singles, families or groups can get away free of control and expense. A place of peace, freedom and enjoyment, be it recreation or sport. A place where these necessities of life can be appreciated. A place where the time can be taken to remember at what great cost this land came.

Ownership, control and management is to be vested in local trustees. The Trustee appointment system is as far as possible from the adversarial system used in politics. This land is to be enjoyed - this land is not to be fought over.

#### **NOT INTENDED**

Not for politicians to steal the glory of the ANZAC courage. Not to be used as a football in the dirty game of politics (lying, misrepresentation, stacked meetings etc.) Not to be used to buy votes or appease voters from other areas who already have their own ANZAC Memorial Land. These things are a disgrace and are desecration of memorials.

#### **SECONDARY USE**

There has been talk of power grabs by secondary users over the years. The Act specifically states that a secondary use or sub-purpose can never override the primary purpose also with the honour and respect held for the ANZAC campaign, these things will never happen.

#### **IN HISTORY, NOW AND IN THE FUTURE**

The political dogma, the deceit, the power grabs, the fighting, the war. These things have passed for this memorial land, in the war to end all wars - LEST WE FORGET.

THEY SHALL NOT GROW OLD, AS WE THAT ARE LEFT GROW OLD.  
AGE SHALL NOT WEARY THEM, NOR THE YEARS CONDEMN.  
AT THE GOING DOWN OF THE SUN AND IN THE MORNING  
WE WILL REMEMBER THEM.

## REQUEST DIRECTED TO SUNSHINE COAST COUNCIL

Send recommendation to State Govt as Council did in 1920 worded;

---

**Sunshine Coast Council, local authority, recommends State Government (Anthony Lynham minister for SD&NRM) comply with the Conondale residents by appointing the duly elected and accepted Local Conondale Trustees to;**

**Conondale ANZAC Memorial Land, name Green Park;**

**File Ref; Res 4096. County (R) No: R809 MARCH. Lot: 264 CP: M371054**

**ATTACHED; Copies of; Duly elected and accepted Trustee nominations and work committee.**

---

### NOTES

**Documents can be supplied;**

- NRM history as to how and when the Peace Memorial Land was deeded to Conondale
- extracts from the land Act
- legitimacy of Conondale Trustee Green Park public meetings,
- minutes and advertisements in local papers etc
- due time frames for official nomination, election and acceptance of Trustees and workers

**Support for local Conondale Trustees from;**

- Conondale P&C
- Conondale Hall Committee
- Conondale Rural fire Brigade
- Mary Valley Association
- Mary River Catchment Coordination Committee
- Conondale Pool Committee
- Conondale Tennis Association
- Conondale Cricket Club
- Conondale Football Club
- Kenilworth First Response
- St Johns Ambulance
- Conondale Picnic Race and Rodeo Club
- Sunshine Coast Motorcycle Club
- PETITION - Save Green Park

**Note;** because of involvement Sunshine Coast Motorcycle Club were offered Trustee positions, Sunshine Coast Motorcycle Club respectfully refused but are happy to be on our work committee.

**ATTACHED: Copies of; Duly elected and accepted Trustee nominations and work committee.**

---

**Conondale wants local Trustees to own, manage and control Green Park.  
Conondale doesn't want Council interfering with ownership, management, control of Green Park.**

**DULY ACCEPTED WORK COMMITTEE**

- Les Bartlett
- Paul Beavis
- Shelly Besford
- Dan Boon
- Jane Brouet
- Peter Chipisuboff
- Corrina Cole
- Madison Cole
- Col Eastmure
- Ross Gilliland
- Jack Green
- Josh Jones
- John King
- Mary King
- Alan Lyon
- Lou Mason
- Rodney Mundt
- Emily Richardson
- Derrick Scarborough
- Dustin Scarborough
- David Walker
- Roger Westcott
  
- Conondale P&C
- Conondale Race and Rodeo Club
- Conondale Rural Fire Brigade
- Conondale Valley Association
- Kenilworth First Response
- Sunshine Coast Motorcycle Club

**GREEN PARK**  
Conondale Memorial Recreation Park

.GPTNF Thu 20- 8-15

**Trustee Position: Nomination Form**

**Nomination and Consent by Nominee**

I declare that I am a resident of Conondale parish or I am a duly authorised representative of a group with a major interest in Green Park (acceptance of nomination at the discretion of committee for Conondale trustees at Green Park) and that I accept nomination for Conondale.

If elected, I consent to act as a Trustee of the Conondale residents and undertake to fulfil all duties and obligations required of the position, including the obligations to attend meetings of the Trustees and meetings of Conondale residents and/or major stake holders/key interest groups of Green Park and to become appropriately conversant with the duties of Memorial Park Trustees.

*(Election will be by preferential system. After election the elected will be scrutinised by government before becoming an official trustee. If any initially elected are removed by this process, the next having the most votes will then replace the removed).*

**CONSENT (candidate for Trustee)**

**NB** The nomination may only be proposed and seconded by Conondale parish resident adults.

Please forward this nomination to the Secretary via: **144 Ahern Road Conondale 4552.**

*Received Jones*

The nomination must be received by the Secretary no later than **6pm Thu 10-9-15.**  
MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident?	Candidate <input checked="" type="radio"/> Yes / No	Nominator <input checked="" type="radio"/> Yes / No	2 <sup>nd</sup> <input checked="" type="radio"/> Yes / No
Associated Externals			
Major interest group accepted?	Yes / No	Date Received: <i>THU 10-9-15-2015</i>	

<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
Carelacker apt 61 Doelen Pgae Rd Conondale for 7 years + still there
Born in Madang Island Conondale Went to School at Conondale State School
My Parents lived & brought up 7 children & 90 more
<b>Interest in the work of the Volunteer Trustee:</b>
Yes
<b>Other Trustee Memberships/Directorships etc:</b>
No

**Conditions**

Nominations for positions of Trustee are open only to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**

In brief, Trustees are bound by common law, and where the Trustee is incorporated, by the *Associations Incorporation Act 2009* and the *Associations Incorporation Regulation 2010*.

Trustees are required to act diligently, competently, honestly and in good faith in what they consider to be in the best interests of Conondale and Green Park. Trustees are expected to attend Trustee meetings and acquire the skills and knowledge they need so they can effectively guide and monitor the management of Green Park. Trustees need to consider independently matters that come to the Committee, make informed decisions, avoid conflicts of interest, and not make improper use of information or their position. Trustees are required to prevent Green Park incurring a debt if there are reasonable grounds for suspecting that Green Park is insolvent at the time the debt is incurred or would become insolvent by incurring the debt and they must exercise their powers for proper purpose.

Trustees should note that:

- 1 They are expected to provide a firm undertaking to Conondale residents that they can and will attend almost all Trustee and associated meetings.
- 2 Trustees represent all Conondale residents and are required to act in the best interests of Conondale. Trustees are not permitted to participate in decisions about matters that would give rise to a conflict of interests.
- 3 Matters discussed by the Trustees may be confidential and information provided to Trustees should not be forwarded or generally divulged to other parties.
- 4 Trustees must be aware of their duties and responsibilities. Requirements of Trustees are outlined in the Qld Land Act 1994. Before lodging this nomination, candidates are expected to read the information provided by Qld DNRM.

**Nominations**

- a) The nomination must be proposed, seconded and signed by two adult Conondale parish residents.
- b) The nomination must be accepted and signed by the nominee.
- c) All details and declarations must be fully completed, signed and dated.
- d) The nomination must be lodged with the Secretary no later than 6pm Thu 10- 9-15. 144 Ahern Road Conondale 4552.

**GREEN PARK**  
Conondale Memorial Recreation Park

.GPTNF Thu 20- 8-15

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*(Election will be by preferential system. After election the elected will be scrutinised by government before becoming an official trustee. If any initially elected are removed by this process, the next having the most votes will then replace the removed).*

**CONSENT (candidate for Trustee)**

NB The nomination may only be proposed and seconded by Conondale parish resident adults.

Please forward this nomination to the Secretary via; **144 Ahern Road Conondale 4552.**

The nomination must be received by the Secretary no later than **8pm Thu 10-9-15.**  
MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident?	Candidate <input checked="" type="radio"/> Yes / No	Nominator <input checked="" type="radio"/> Yes / No	2 <sup>nd</sup> <input checked="" type="radio"/> Yes / No
Associated Externals			
Major interest group accepted?	Yes / No	Date Received: <u>FRI 10-9-2015</u>	



<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
Free to take on the responsibilities of Trustee.
Running a rural cattle stud property.
Medical research into nutrition and diet.
Worked with barung.
Work within the building industry.
Worked with Conondale Community Voluntarily inc With Green Park.
<b>Interest in the work of the Volunteer Trustee:</b>
I am a neighbour of Green Park.
Primarily to keep the park maintained as a Memorial.
Secondarily to accommodate a variety of recreational and sporting events.
<b>Other Trustee Memberships/Directorships etc:</b>
Ex Company director in the building industry.
Member of Maleny Credit Union. Member of Maleny Co op.
Member of Local Energy Trading System.

**Conditions**

Nominations for positions of Trustee are open only to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**

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Trustees should note that:

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- 2 Trustees represent all Conondale residents and are required to act in the best interests of Conondale. Trustees are not permitted to participate in decisions about matters that would give rise to a conflict of interests.
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**CONSENT (candidate for Trustee)**

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Associated Externals			
Major interest group accepted?	Yes / No	Date Received:	<u>THU 10-9-15 2015</u>

<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
INTEREST OF CONONDALE RACE CLUB.
<b>Interest in the work of the Volunteer Trustee:</b>
<b>Other Trustee Memberships/Directorships etc:</b>

**Conditions**

Nominations for positions of Trustee are open **only** to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**

In brief, Trustees are bound by common law, and where the Trustee is incorporated, by the *Associations Incorporation Act 2009* and the *Associations Incorporation Regulation 2010*.

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**Nominations**

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Conondale Memorial Recreation Park

.GPTNF Thu 20- 8-15

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*(Election will be by preferential system. After election the elected will be scrutinised by government before becoming an official trustee. If any initially elected are removed by this process, the next having the most votes will then replace the removed).*

**CONSENT (candidate for Trustee)**

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*Received [Signature]*

The nomination must be received by the Secretary no later than **6pm Thu 10- 9-15.**  
MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident?	Candidate <input checked="" type="checkbox"/> Yes / No	Nominator <input checked="" type="checkbox"/> Yes / No	2 <sup>nd</sup> <input checked="" type="checkbox"/> Yes / No
Associated Externals			
Major interest group accepted?	Yes / No	Date Received: <u>7/11</u>	<b>Wed 9- 9-2015</b>

<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
Earth moving, Saw milling, Mechanical, Fabrication, Building, Good knowledge of
Green Park. Great respect for Primary purpose Memorial ANZAC WW1. Secondary
Purpose recreation, been SSCMC member rode mx and won races at the inaugural mx
At Green Park 1977. Respected by SSCMC. Dad was a trustee for over 20 years.
Attended and participated Picnic Races, Rodeo, known and respected by race club.
Support and respected by P&C. Local Fire Warden, known and respected by CRFB.
Gunman known and respected by other gunmen and gunwomen. Anti Party Politics.
<b>Interest in the work of the Volunteer Trustee:</b>
Genuinely want to return ownership and control of Green Park to Conondale.
Genuinely want good working arrangements between Conondale and user groups.
Value and support clear open grassy useable Park (not a tree hugger) but do feel
Strongly about trees in correct places. Bulldozer, excavator and chainsaw man.
<b>Other Trustee Memberships/Directorships etc:</b>
2003 chair of Cono Hall, successfully planned the last major upgrade to the Cono Hall
And accessed the money. Do support sport and motor sport.
Done major clearing, burning, draining, road work, plumbing, building at Green Park.

### **Conditions**

Nominations for positions of Trustee are open **only** to Conondale parish Residents and/or approved major stake holders.

### **Duties of Trustees**

In brief, Trustees are bound by common law, and where the Trustee is incorporated, by the *Associations Incorporation Act 2009* and the *Associations Incorporation Regulation 2010*.

Trustees are required to act diligently, competently, honestly and in good faith in what they consider to be in the best interests of Conondale and Green Park. Trustees are expected to attend Trustee meetings and acquire the skills and knowledge they need so they can effectively guide and monitor the management of Green Park. Trustees need to consider independently matters that come to the Committee, make informed decisions, avoid conflicts of interest, and not make improper use of information or their position. Trustees are required to prevent Green Park incurring a debt if there are reasonable grounds for suspecting that Green Park is insolvent at the time the debt is incurred or would become insolvent by incurring the debt and they must exercise their powers for proper purpose.

Trustees should note that:

- 1 They are expected to provide a firm undertaking to Conondale residents that they can and will attend almost all Trustee and associated meetings.
- 2 Trustees represent all Conondale residents and are required to act in the best interests of Conondale. Trustees are not permitted to participate in decisions about matters that would give rise to a conflict of interests.
- 3 Matters discussed by the Trustees may be confidential and information provided to Trustees should not be forwarded or generally divulged to other parties.
- 4 Trustees must be aware of their duties and responsibilities. Requirements of Trustees are outlined in the Qld Land Act 1994. Before lodging this nomination, candidates are expected to read the information provided by Qld DNRM.

### **Nominations**

- a) The nomination must be proposed, seconded and signed by two adult Conondale parish residents.
- b) The nomination must be accepted and signed by the nominee.
- c) All details and declarations must be fully completed, signed and dated.
- d) The nomination must be lodged with the Secretary no later than 6pm Thu 10- 9-15. 144 Ahern Road Conondale 4552.

**GREEN PARK**  
Conondale Memorial Recreation Park

.GPTNF Thu 20- 8-15

**Trustee Position: Nomination Form**

**Nomination and Consent by Nominee**

I declare that I am a resident of Conondale parish or I am a duly authorised representative of a group with a major interest in Green Park (acceptance of nomination at the discretion of committee for Conondale trustees at Green Park) and that I accept nomination for Conondale.

If elected, I consent to act as a Trustee of the Conondale residents and undertake to fulfil all duties and obligations required of the position, including the obligations to attend meetings of the Trustees and meetings of Conondale residents and/or major stake holders/key interest groups of Green Park and to become appropriately conversant with the duties of Memorial Park Trustees.

*(Election will be by preferential system. After election the elected will be scrutinised by government before becoming an official trustee. If any initially elected are removed by this process, the next having the most votes will then replace the removed).*

**CONSENT (candidate for Trustee)**

**NB** The nomination may only be proposed and seconded by Conondale parish resident adults.

Please forward this nomination to the Secretary via; **144 Ahern Road Conondale 4552.**

The nomination must be received by the Secretary no later than **6pm Thu 10-9-15.**

MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident? Candidate  Yes / No Nominator  Yes / No 2<sup>nd</sup>  Yes / No

Associated Externals

Major interest group accepted? Yes / No Date Received: Thu 12-11 -2015

<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>	
Lecturer in Genetics & Plant Sciences - Uni. S.G. PhD in Environmental Science. working for state (QFRI, DAF) departments, Involved in genetics studies of endangered plant & animal species and bio discovery projects (N <sup>thn</sup> Quoll, & species relocated by Santos GRNG, QGC Pipeline Projects etc.	
Ecological & Population Genetics Consultant - Fraser Island	
<b>Interest in the work of the Volunteer Trustee:</b>	
I've lived near the reserve for 30 years and have become concerned at the ongoing degradation of the grounds in recent years. I would like to see a more sustainable use of the park with multiple	
<b>Other Trustee Memberships/Directorships etc:</b>	
Sunshine Coast Environmental Council Consultant Stockland Pty Ltd Consultants. SC Airport Expansion " - Evullo Flats Sand Mine	

Dirgees etc  
stakeholder not just the SCMC  
Royal Society of QLD!  
of British Ecologists Society

**Conditions** Ecological Society of Aust., Envir. Institute of AUS+NZ.  
Nominations for positions of Trustee are open only to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**  
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**CONSENT (candidate for Trustee)**

**NB** The nomination may only be proposed and seconded by Conondale parish resident adults.

Please forward this nomination to the Secretary via; **144 Ahern Road Conondale 4552.**

*Received Approved*

The nomination must be received by the Secretary no later than **6pm Thu 10-9-15.**

MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident?	Candidate <input checked="" type="radio"/> Yes / No	Nominator <input checked="" type="radio"/> Yes / No	2 <sup>nd</sup> <input checked="" type="radio"/> Yes / No
Associated Externals			
Major interest group accepted?	Yes / No	Date Received: <u>THU 10-9-15-2015</u>	



<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
I am a current resident of Conondale. My background is in law enforcement & I am currently a serving Police Officer. My interest in Green Park is because of the ANZAC and the history that surrounds Australia's Sacrifice at war.
<b>Interest in the work of the Volunteer Trustee:</b>
I've worked as a volunteer at Green Park for P & C catering.
<b>Other Trustee Memberships/Directorships etc:</b>
Nil

**Conditions**

Nominations for positions of Trustee are open only to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**

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MORE INFORMATION PH 54 944 692

**OFFICE USE**

Conondale residents/major interest group status check:

Conondale Resident?	Candidate <input checked="" type="checkbox"/> Yes / No	Nominator <input checked="" type="checkbox"/> Yes / No	2 <sup>nd</sup> <input checked="" type="checkbox"/> Yes / No
Associated Externals			
Major interest group accepted?	Yes / No	Date Received: <u>THU 10-9-15-2015</u>	

<b>Brief Summary of Current Responsibilities &amp; Background Career Details:</b>
FATHER .
MECHANIC
PLANT OPERATOR.
<b>Interest in the work of the Volunteer Trustee:</b>
EXCAVATOR + BOSSCAT + DOZER (SMALL) PRIVATE USE MACHINERY.
UPHOLDING TRADITION, THERE WHEN CALLED UPON + NEEDED
DEFENDING OUR HISTORY + PROTECTING OUR FUTURE.
<b>Other Trustee Memberships/Directorships etc:</b>
NON,

**Conditions**

Nominations for positions of Trustee are open **only** to Conondale parish Residents and/or approved major stake holders.

**Duties of Trustees**

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FULL COUNCIL MEETING Thu 5-11-15 2pm – 4 pm. 1 Omrah Ave Caloundra

By Ron GREEN  
Chairperson for Conondale Trustees for Green Park  
Elected Trustee for Green Park  
Son of the late Campbell Green previous dedicated Trustee for Green Park

Green Park is Peace and Memorial Land! That is its primary purpose!  
Conondale made its memorial what it is.

It is in the Deed that this is the Conondale People's Memorial Land. It was earned at War and the Conondale people gave up their children for it!

The Secondary purpose of the land is Recreation. Conondale accepted the bikes in the 70s. All went extremely well and the bikes also prospered for 30 years. Now the bond between the bikes and Conondale people is fragile. If broken, Conondale loses an income and the bikes lose the use of a very good piece of land.

**Note this - the Act states that the secondary purpose can never override the primary purpose.**

On studying the Act from the view point of the original founder of memorial land, there is the allowance there for Council as trustee IF AND ONLY IF the community to which the memorial was originally granted forgets and neglects the land and the memorial is let go to waste, the Council then has the task of maintaining it. ONLY IN THE EVENT OF AND FOR THE DURATION OF THE NEGLECT.

For almost a Century the Conondale people have gone to great lengths to look after their Memorial Land!

In 1920 Conondale was granted the Peace and Memorial Land to be administered by Conondale's own resident Trustees. This was granted in honour of the sacrifice Conondale made in WW1 by the ANZACS.

In 1927 the local Council wrote to the State and recommended compliance with Conondale's wishes in relation to Conondale's Memorial Park and that is how it became the wonderful park it is.

For the past 6 months Conondale Residents have been holding regular fortnightly meetings in relation to the future for Conondale's Memorial Park (Green Park).

These residents are passionate about their Memorial Land!

Meetings were advertised in the local paper and nominations open to the public.  
Conondale residents unanimously voted for 7 Trustees.

Does this not indicate they do not want Council as Trustees!

Newly elected Trustees are Ernie Ferriday, Shane Muller, Rita Boon, Joan Lane, Daphne Dent, Rob Lamont and Ron Green.

What has been the good reason and genuine need for politicians and council to interfere? What are the facts in support? The Facts against?

Glasshouse Memorial Land has Trustees why can't Conondale?

I suggest that Sunshine Coast Council has the respect, the honour and the courage that Council had in the 1920s and recommend the State Minister of SD&DNRM to comply with Conondale on the issue of Green Park – Conondale's WW1 Memorial ANZAC Land with regard to Conondale's recently elected Trustees. On the grounds of the primary purpose that the land was granted and in the centenary of their sacrifice and to remember, respect and honour the sacrifice this community of Conondale made through the ANZACS in WW1.

For this truly is Conondale's land, in every sense of the word, earned in the hardest and most atrocious possible way.

Remember this:

**“They shall not grow old, as we that are left grow old.  
Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning  
We will remember them.”**

## CONONDALE MEMORIAL PARK

During World War I many of Australia's young men were killed overseas and their bodies could not be returned to their home areas. Many years later the families of these young men were still grieving. The governments of the 1920s dedicated many local parks as Memorial Parks. These Memorial Parks are still used for remembrance for all of the young people sent off to wars.

The current agenda of the politicians (and/or their staff) is to take the Conondale Memorial Park from the people of Conondale and instead create a COMMERCIAL 365-DAY PER YEAR MOTORCYCLE PRECINCT, as shown in their 2007 "Difficult-to-locate sports" report.

The politicians (and/or their staff) have made no attempt to ask the people of Conondale, as is required by Qld state legislation.

In 2002 the Conondale Trustees signed a lease for the Sunshine Coast Motorcycle Club to use Conondale Memorial Park for 12 events per year. This lease was signed by the Conondale Trustees to help the SC Motorcycle Club to obtain a loan to purchase an adjoining block of land.

This lease was incorrectly written as the then-current council had imposed a limit of 8 DAYS per year for motorcycle use of Conondale Memorial Park. The most-previous set of Conondale Trustees' Minutes mentioning the motorcycles states that the motorcycles could use Conondale Memorial Park for only 8 days per year and the rodeo for 2 days per year. There were no restrictions for any other activity and the Conondale Trustees had made other clubs welcome, including tennis, cricket and horse racing.

A Brown, as Trustee secretary at the time of signing the lease with the SC Motorcycle Club, should have made this information available to the newer Conondale Trustees.

In 2010 more new Trustees were elected by the people of Conondale at a meeting which also gave a mandate to the Conondale Trustees to make the Conondale Memorial Park more available for more activities and for more local use.

In 2014 the SC Motorcycle Club claimed that they had exclusive 365-day per year control of Conondale Memorial Park, except for the barren carpark. SC Motorcycle Club claimed that the Conondale Trustees could not hold events/activities on any part of the park except the barren carpark.

No-where in the lease says 365 days or exclusive control for the SC Motorcycle Club.

In 2014 the SC Motorcycle Club **refused to pay their rent**. Under the terms of the lease the lease could be cancelled. This cancellation of the lease does not automatically result in the SC Motorcycle losing the ability to use the Conondale Memorial Park, and the SC Motorcycle Club had previously used the park without having a lease.

In 2014 the SC Motorcycle Club **refused to put out safety signs** as recommended by Qld Transport. This put our safety at risk as well as being negligent towards the safety of their own members.

At NO time have any Conondale Trustees cancelled anyone's events at Conondale Memorial Park. **The SC Motorcycle Club cancelled their own event/s.**

In 2014 the politicians, led by A Powell, held **secret meetings** without inviting the Conondale Trustees and then sacked the Conondale Trustees despite the Conondale Trustees following their mandate and following the Qld legislation.

**WHAT DO WE, THE PEOPLE OF CONONDALE PARISH WANT  
FOR THE CONONDALE MEMORIAL PARK?**

## Volume 1: Difficult-to-Locate Sports Strategy and Action Plan

**3.2.1 Motor - Motorcycle (Off road) Precinct 'Green Park', Conondale****Strategy: Protect and enhance 'Green Park'**

**Rationale:** 'Green Park' (Lot 264 M371054) is leased by the Sunshine Coast Motorcycling Club (SCMC) who hold regular competitions and training days at the site at a regional, state and national level. **The club also owns the adjacent land (Lot 243, MCH969)** which is used for trail bike riding events and as a buffer for activities. The venue is ideal for dirt track motorcycling activities, in particular motocross and is also well sited having been located within the unconstrained area of the land suitability mapping. It is regarded as one of the premier motocross facilities in Queensland, has strong links with the local community and makes a significant contribution to the tourism industry and local economy through hosting major events. It is essential that this site is protected as a venue that caters for dirt track motorcycle activities. The State owned land (Lot 264) is relatively free of constraints, although it is subject to the Cultural Heritage and Character Areas Overlay under the City Plan (owing to its historic recreational use in the district).

**Priority:** High

**Actions:** a) Protect the existing the use of Green Park (Lots 264 M371054 and 243 MCH969).as a Motorcycle (off road) Precinct through the SCRC Planning Scheme, refer to [Appendix H – Site Protection Advice](#) for land planning objectives.

**Timeframe:** Short      **Lead Agent:** SCRC      **Resources:** Low

b) Prepare Master Plan/Business Plan for the future management and development of Green Park, Conondale as a state level facility for motocross, trail bike riding, trials and endure disciplines.

**Timeframe:** Short      **Lead Agent:** SCMC      Support Agent/s: SCRC, SRS/ DERM  
**Resources:** Low

THIS DOES NOT ACKNOWLEDGE LEGAL RIGHTS OF THE PEOPLE OF CONONDALE NOR THE LEGAL RIGHTS OF THE CONONDALE TRUSTEES.

The Sunshine Coast Motorcycle Club have shown antagonism towards the local community, their events do not contribute to the local economy and the local P&C Assoc have already been excluded by the SC Motorcycle club from some of the catering activities.

#### 4. Submission as provided by Mary King

Hello

My name is Mary King. My spouse and I reside in and conduct a business in Conondale. We used to sell internationally until the Federal Gov signed Free Trade Agreements. At the moment we sell locally and predominately interstate. Our business has been licenced since year 2000 and we have interacted with and complied with requirements and legislation for all three levels of Government.

My spouse has been on a grants allocation panel for a Federal Government department, so we know the workings of grant schemes.

We have both been involved with setting up not-for-profit organisations and we have both previously undertaken executive roles on community organisations.

We have both worked in big business and I have worked for a large Federal Government department.

At a recent meeting attended by J McKay I was elected as interim Treasurer of the Conondale Valley Association with the express mandate to rejuvenate this Association to protect Conondale's amenity and prosperity.

We have found this step necessary because all of our attempts to work with the politicians (and staff) have been rejected or ignored by them.

The date of an AGM has been advertised and I have completed and balanced the financial accounts since the last audit in 2011 to the end of the financial year ended 30 June 2015. As the Conondale Valley Association finalised its agreement with the Qld government in 2011 and then became dormant, it currently fits into the category 3 since 2011, so the CVA does not currently require an audit. I will present these accounts to the CVA AGM.

Conondale Valley Association successfully managed the finances and actions required for the management of the local TV Black Box Tower for many years.

Local Conondale residents who have become aware of the problems at our Conondale Memorial Park have indicated strongly their desire to make our park available for more events and activities. I have collected many favourable ideas and suggestions from the local Conondale Community and these will greatly enhance well-being and opportunities for locals and visitors.

I have heard from no-one locally who wants the Conondale Memorial Park to be made into an exclusive-use motorcycle precinct as proposed by the politicians, the Sunshine Coast Council or as previously demanded by the Sunshine Coast Motorcycle Club.

The Conondale residents have previously helped the SC Motorcycle Club and we have previously shared Conondale Memorial Park.

It is the SC Motorcycle Club who have since 2014 very angrily and aggressively demanded sole and exclusive whole-year use of most of our Conondale Memorial Park.

I have prepared a comprehensive outline for a properly-constituted Management Plan for our Conondale Memorial Park and I expect the final document to be available for use very soon.

To follow due diligence, I have included all of the ideas already put forward by the Conondale residents and the Conondale Valley Association have set dates for all of Conondale residents to have the opportunity to add to and comment upon this document, as is the proper requirement under due process.

J McKay was made aware in July 2015 that there are residents in and near Conondale who are highly qualified to help prepare both the Management Plan and the Environment Plan and have offered to participate and guide the full process, with preliminary meetings being already held.

Our Management Plan and Environment Plan will be by the people of Conondale and for the people of Conondale, as it was intended when our Memorial Park was granted in 1926/7.

However, there are problems, and most of them seem to be from outside the Conondale community.

**PROBLEMS:**

Many Conondale residents are still unaware of Sunshine Coast Councillors' (and staff) intentions regarding the Conondale Memorial Park.

Council has not advertised locally any notices of meetings, any agendas, any minutes or called for any submissions regarding our Conondale Memorial Park.

Councillor/s (and/or staff) selectively appointing local Conondale representatives is not honest due process. Local 'representatives' being given inadequate time to prepare, inadequate information of reason for meeting, and inadequate information of format of meeting of 5 Nov 2015 has been typical of their antagonism towards the rights and well-being the local Conondale Community.

It is the Councillors' duty to ensure that communities elect their own representatives who must then be given time and opportunity to ascertain the opinion/s of that community.

A recent gathering was organised by J McKay at the Conondale Hall and attended by A Powell, J McKay, G Rogerson, and some staff. SC Council only put the information of this in the Woombye local paper. The only item presented on the agenda was for Council to give information. The only other person who had been asked to give a presentation was the president of the SC Motorcycle Club.

His presentation contained misinformation and incorrect claims. The Council staffer who chaired the event also gave incorrect information. Further, A Powell threatened that any legal process to make our politicians follow due process and to properly represent their constituents would be VERY expensive to us.

Rumour says that the Councillors are soon going to vote on the future of Conondale Memorial Park. About what are you going to vote?

Are the politicians trying to secretly include our Conondale Memorial Park into the study for the Maleny Precinct by stealth?

We have found by our own research that Conondale Memorial Park has been previously placed in other local government studies/plans without proper diligence or due process.

The only Conondale Memorial Park information that I could find on the Council's website was about a secret meeting that had been mis-named as 'Community Consultation', and which contained incorrect information.

Recently, J McKay and A Powell have admitted that they have not even read the proper legislation regarding our Conondale Memorial Park, and G Rogerson would not answer this question.

The bias and vested interests of politicians (and staff) is not recorded on the pecuniary interests registers on the Council's or Qld government's website.



The Nov 2015 statement from S Harrison, president of SC Motorcycle Club states that J McKay, G Rogerson and A Powell have all written letters of support for the SC Motorcycle Club.

G Rogerson has been actively lobbying on behalf of the SC Motorcycle Club and has orally presented himself as having a major vested interest for the SC Motorcycle Club.

So, when are the politicians going to even pretend to be honest?

At a recent gathering at our Conondale Memorial Park, G Rogerson became angry at local Conondale residents who said that we intended to properly locally compile the Management Plan and the Environment Plan for our Conondale Memorial Park.

J McKay was made aware in July 2015 that there are residents in and near Conondale who are highly qualified to help prepare both the Management Plan and the Environment Plan and have offered to participate and guide the full process. J McKay's response was a refusal, verging on slander.

A few months ago at a Conondale P&C meeting I asked A Vleig, School Principal, for a copy of the 'letter of support' that was sent on behalf of P&C to support the SC Motorcycle against the local Conondale Trustees. A Vleig stated that he had not written such a letter and then he proceeded to lie to the P&C meeting about the contents of a school newsletter where he criticised the Conondale Trustees. No-one from the Conondale P&C has publicly asked the community for their opinion regarding the current problems at Conondale Memorial Park.

A Vleig has been made aware that it was the SC Motorcycle Club who cancelled their own event/s and that the Conondale Trustees did not cancel any events. I don't understand why A Vleig would give support to SC Motorcycle Club's depletion of P&C funds. SC Motorcycle Club have already curtailed the P&C catering (and therefore income) at the SC Motorcycle Club's recent events and have already brought in outside catering vans. S Harrison has stated to my spouse that the SC Motorcycle Club intend to remove Conondale P&C catering from their events.

It appears that the 20% of Conondale P&C takings demanded by the SC Motorcycle Club is more than the little amount that the SC Motorcycle Club has, and still is, paying for use of Conondale Memorial Park. SC Motorcycle Club have also demanded quite a lot of free food from the Conondale P&C caterers.

In 2014 the SC Motorcycle Club refused to pay for the use of Green Park.

SC Motorcycle Club had been collecting a "Trustees Fee" in 2014 and the SC Motorcycle Club refused to pass this on to the Conondale Trustees. That's misappropriation.

A few months ago J McKay said in front of G Rogerson that she knew this fee collection was continuing and was still not being passed on to SC Council as it should have been. When is SC Council going to prosecute the SC Motorcycle Club for misappropriation? On 20 Sept 2015 P Bell, secretary of SC Motorcycle Club said this misappropriation is still continuing.

The Conondale Trustees (2010-2014) had finalised arrangements for, and mostly paid for, the full connection of electricity.

Why did SC Council abandon this project?

The Conondale Trustees (2010-2014) had started the process to improve the safety of the entry access to Conondale Memorial Park. Why did SC Council abandon this project?

Why did SC Motorcycle Club when intending to hold their event/s put their own members' safety at risk by their refusal to even put out traffic safety signs?

At the August 2015 SC Motorcycle Club event I witnessed an act of peeing on a tree, in the pits, near the creek, and it was also witnessed by a group of young children.

This creek downstream becomes the Conondale water supply, being used by residents, the shop, swimming pool and school.

At the Sept 2015 SC Motorcycle Club event I was forced to use the very narrow underpass and I was confronted by a pile of cattleshit in front of me and a young motorcyclist determined to continue riding his motorcycle through this very narrow pedestrian underpass. Other pedestrians were also using this narrow pedestrian underpass.

At both events, three times I was in danger of being run into by riders on motorcycles in the pits camping area.

I have seen, on non-event days, some minors riding unregistered motorcycles near and around machinery being used by members of the SC Motorcycle Club. This Club has had motorcycle use and noise continue at Conondale Memorial Park more than the 12-event condition.

SC Motorcycle Club's very observable previous environmental degradation of Conondale Memorial Park does not bode well for SC Motorcycle Club's future environmental plans or actions.

Neighbours have said that the noise level at SC Motorcycle Club events has increased considerably.

The Conondale Trustees' Minutes and Account Books show:

- it was the Gaythorne Motorcycle who used Conondale Memorial Park in 1976;
- it was the intention of the Conondale Trustees to allow Conondale Memorial Park be used only for 8 days per year for motorcycle use, and 2 days use for a Rodeo. The Conondale Trustees were also promoting other users at the same time;
- 8 days per year for motorcycle use was the restriction imposed by the then-current Council;
- SC Motorcycle Club are not shown as contributing anything (but a pittance rent payment) to Conondale Memorial Park or the Conondale Community during the times of Conondale Trusteeship;
- Conondale Trustees and other local groups paid for and constructed the original tracks, road entrance, roadway, fencing, toilets, canteen, sheds and other sporting facilities;
- Conondale Trustees paid for the maintenance, weed control and slashing until 2014.

Since 2014 residents of Conondale have seen threats, intimidation and antagonism against local Conondale residents, greed, invisible words and numbers (still unseen) quoted, misinformation, a dearth of goodwill, dereliction of civility, and a deliberate process of disenfranchisement.

Whatever happens, we will continue to follow proper legal requirements and we will continue to expect everyone else to also follow proper legal requirements and proper and honest process.

	Sunshine Coast Motorcycle Payment for usage	Conondale trustees paid for maintenance, mowing and improvements
1999	One paymt \$930	\$6,393
2000	One paymt \$1,760	\$2,764
2001	One paymt \$1,711	\$5,574
2002	No paymt \$nil	\$7,073

2003	No paymt	\$nil	\$1,837
2004	One paymt	\$1,000	\$3,299
2005	One paymt	\$1,138	\$9,907
2006	One paymt	\$2,500	\$3,725
2007	No paymt	\$nil	\$5,750
2008	One paymt	\$2,700	\$2,810
2009	One paymt	\$2,662	\$6,268
	One paymt	\$3,595	
2010	One paymt	\$2,980	\$6,082

2000-2010: no meetings, no minutes, no correspondence, no treasurer's reports  
no draft lease for Trustees to peruse, no discussions

August 2010: Conondale Trusteeship incorporated. New Trustees met monthly, kept full  
minutes and treasurer's reports and their accounts were audited.

Mary R King

**5. Submission as provided by Robert Lamont**

To whom it may concern,

I can't express the depth of my frustration, both at the lack of focus within the local community as well as the almost entirely fictitious submission, proffered by the SCMCC (a classic example of 'Never let the truth get in the way of a good story'). As for their claim of spending large amounts of money on Green Park, it is clear that this has only ever been on their own infrastructure, as my almost daily observations over three decades have not identified a single cent of expenditure ever having been spent on the preservation of the natural amenity, eg weed control, erosion etc.

A man who I knew and greatly respected for over 20 years, Campbell Green, would be rolling in his grave at the treatment the park has received at the hands of the SCMCC. Elamon Creek (eeel-a-mon, the local version of 'coolamon'; viz. it is not named after a Mr Ellaman) is at the very source of the ~300km Mary River system. I have literally hundreds of photos dating from 2012 detailing the environmental vandalism of the SCMCC, practically all of which constitute serious breaches of state legislation (eg. I was unaware that it was fine by DNRM to bulldoze cubic metres of sediment and cleared vegetation straight into the creek these days - i was also unaware that it was ok to clear large areas of riparian vegetation on alluvial flood plains to make creek band circuits, and I was similarly unaware that it was ok to steal a red cedar log owned by the crown - if it was indeed 'chipped' as the SCMCC profess, this would only serve to illustrate the absolute incompetence of their so-called 'improvement and maintenance works' even further).

I realise that trail bike riding is not popular with all members of the community, and it's apparent that the SCMCC are concerned that they will be dispossessed from holding events at the reserve. This is not the intention of many of their opponents in this matter. What we are asking for is some element of control (particularly as this land was set aside as a memorial park for the people of Conondale, following the carnage of 100 years ago) over their at-present, totally unrestrained and unsustainable destruction of the park's attributes. Issues such as this were among the concerns of the ex-trustees when they initiated the dispute which led eventually to their demise.

Apparently today is the date for 'submissions', a fact of which i was only made aware last night, such is the poor level of dissemination of information regarding this issue. As the details of the situation gradually emerge, I feel strongly that it is time for the management of Green Park to be subjected to some form of independent professional supervision, in the guise of a proper land management plan. In fact, I think it is high time for the SCMCC's grossly inept and unlawful land management practices bordering Elamon Creek to become the focus of both state, and potentially even federal, scrutiny.

This 'problem' can be overcome, but not by ceding control to the 'difficult to locate' depredations of the SCMCC, and certainly not by rushing through ill-considered solutions as quickly as possible.

Yours sincerely,

Dr Robert Lamont

**6. Submission as provided by Kathryn Rae**

I was invited to the 5th November Council meeting but was unable to attend. It was too short notice for me.

However I have been sent a copy of your email, see below, from a Conondale community member and understand that you/SCC are accepting written submissions on the future management of the Conondale Memorial Sports and Recreational Reserve by this Friday 13th November 2015.

**MY SUBMISSION ON THE FUTURE MANAGEMENT**

1. It must be obvious now, after all the recent meetings and consultations with SCC, that the Conondale Community is very interested in having full access to the Conondale Memorial Sports and Recreational Reserve (CMSRR) as soon as possible.
2. The Community is establishing an incorporated association now to make this possible, and so all members of the Conondale Community will be able to undertake whatever activities they want in the CMSRR. Subject of course to obtaining permits if required.
3. This incorporated association is interested in acquiring a lease over the entire unleased area of the CMSRR as soon as possible. The Conondale Community will then at least have access to a part of the CMSRR, albeit a very small part. Less than 30%.
4. War Memorial: Many members of the Conondale community would like a permanent War Memorial established in the CMSRR as soon as possible and are sad it was not done last year, the 100th anniversary of the First World War.

**Leased Area**

Under their current lease the Bike Club pay 5% of gate takings for each event. They are permitted to have 12 events. I understand this year, the money paid is less than \$4,000.

Their lease states the rent is to be reviewed in the 16th year which is next year, 2016. As they say in their submission they are such a profitable organisation, the new Trustees might consider increasing the rent the Bike Club pay.

In their submission they state they are making over \$150,000 from Green Park events. All the money they reinvest in the leased area of Green Park is entirely for their events and is of no benefit whatsoever to the Conondale Community. Why because the Community cannot use any of these facilities and has not been granted any permanent access to these amenities.

**Toilet Amenities Block in the Leased Area**

Should be closed down immediately, as it is both a health hazard to the people attending events, and a health hazard during and after Bike Club events to the people of Conondale, downstream, who do not have town water and pump water from Elaman Creek. A new modern toilet block is required as a matter of urgency

The Bike Club have a water permit to use water from Elaman Creek to dampen down the tracks. They do not have a permit to wash fifty or more bikes in the Creek during and after events. Bike Grease and Oil has been found in the water downstream after Bike Events.

**Contribution to the Community**

Apart from the Conondale School no money has been given by the Bike Club to the Conondale community. Donations and support could have been given to the Conondale community for the establishment of a permanent War Memorial area within the CMSRR; or a donation for the upkeep of the historical Conondale Hall; and given the number of camp fires

visible before, during and after events in the CMSRR a donation to the Conondale Fire Brigade would have been appreciated.

#### **ACCESS TO THE LEASED AREA**

However I see in the Bike Clubs submissions they are generously offering access to the Conondale community to the area they lease in CMSRR.

The Conondale community would like to take them up on this offer, WITH IMMEDIATE EFFECT. This offer should be made in writing to them, and the SCC as Trustees, so that they can arrange access this month for events.

The community would like to see a new toilet block for use by everyone; and would like to build a designated picnic area and a horse/walking track in the leased area as soon as possible.

As the Bike Club know a year in advance, the dates of their events it should be possible to co-exist with the Conondale community using parts of the leased area on non-event days - 353 days each year.

#### **Environmental Work**

This is a serious issue. Elaman Creek is part of the head waters of the Mary River and the MRCCC have an extensive professional River Catchment Management Plan which includes Elaman Creek.

MRCCC offered to help and wrote to the Bike Club in July 2015. They have had no reply. All the tracks being made by the Bike Club should only be done after consultation with professional environmental experts.

The reason is obvious. The new tracks on the western slope as you enter the Reserve are already degrading, destabilising and destroying the ecology of this area of the Reserve. Elaman Creek and its banks require, as a matter of urgency, a professional environmental restoration plan. There are a number of environmental experts living in Conondale who have offered to help with this work and a large number of volunteers ready to replant.

When approached the Bike Club said they had their own environmental consultants. However to date there is no evidence that they are taking any expert advice before cutting new tracks, or, that any restoration work is being undertaken along the banks of Elaman Creek.

When the Bike Club lease expires in early 2020 this area of the CMSRR will then be able to be returned to the Conondale community, for their full use, so it should be in the same condition, as when it was leased in 2000.

None of the work done to date by the Bike Club, making tracks, cutting into slopes and making tracks along the edge of Elaman Creek can be considered as improvements.

Unless environmental work is undertaken now as a matter of urgency it is going to be an expensive exercise for the Bike Club and the SCC as Trustees.

#### **CONCLUSION**

The Conondale Community has now made it clear on more than one occasion, that it has a clear vision for the Conondale Memorial Sports and Recreational Reserve.

The Reserve should be at the centre of the Conondale community providing a clean, safe, space for all members of the Conondale community, whether for walking their dogs, engaging in sporting events, cricket matches, family picnics or sitting quietly at the War Memorial remembering the sacrifice made by many local men.

Once the Conondale Community has all the CMSRR land back for its use then the Bike Club would be like any other event, eg Cricket which has a pitch, field and club buildings.

They have stated they only have 12 events each. Effectively one a month so they would require access to prepare the tracks, during the event and cleaning up after the event. Another event like the many the Conondale community are planning for in the CMSRR.

Kathryn Rae

**7. Submission as provided by David Sands**

I would like to draw attention to the multiple discrepancies in the speech given by the Sunshine Coast Motor Cycle Club President Steve Harrison at the Council Community consultation at the Conondale Hall and more recently in council chambers on the 5th November.

As you aware I was able to correct the assertion that the SCMCC help build the pool but as time was limited it was not the venue for further corrections.

Assertion: The trustees are kicking the SCMCC out of the reserve.

The former trustees never had any intention of removing the SCMCC from the reserve. The SCMCC ran a campaign based on this falsehood.

Assertion: The trustees never allowed the SCMC to come to trustee's meeting.

Find attached SCMCC minutes (Appendix A). A meeting held at Conondale 10/12/2013 with the Conondale Trustees.

Assertion: The trustees would not negotiate over issues.

Find attached copy of letter (Appendix B) from Lember and Williams 11/11/2015 substantiating details of mediation.

Appendix C letter from Lember and Williams 22/5/2014  
SCMCC attempts to circumvent the negotiation process.

Assertion: That the SCMCC has done all the slashing ,etc on the Reserve.

At no time has Andrew Powell or the Sunshine Coast Council requested clarification of this statement. Details of trustee expenditure over many years was readily available but neither Andrew Powell or SCC asked for clarification.

Dave Sands (Former C.M.S.R.R. Trustee)



**MINUTES OF MEETING BETWEEN SCMCC INC & CMSRR INC  
("THE CLUB" AND "THE TRUSTEES")  
AT CONONDALE FIREBRIGADE HALL  
10<sup>th</sup> DECEMBER 2013**

**Attendance:**

Steve Harrison SH  
Dave Garry DG  
Peter Dobe PD  
Allan Halley AL  
John Stark JS  
Peter Bell PB

Rodney Mundt RD  
Debbie Thorne DT  
Ashley Hamilton ASH  
Jamie Perriman JP  
Dave Sands DS  
Steve Gilliland SG

- DS was introduced as a new trustee.
- SH tabled clubs provisional calendar for 2014.
- DT noted that the trustees were having a hard time with the bike club and said the relationship "just wasn't working"- "Can't go on like this" Brought up issue of the pit entry gate and said the trustees told the club that the gate was dangerous in 2011.
- JP said that the trustees had met with Stuart Duncan and Anthony Bougere of TMR and Renee Grant of DERM and that TMR had said the gate must be shut.
- JP said that we had been advised that he was legally responsible if someone was killed and as far as he was concerned if he was going to lose his block through someone suing that gate would be shut.
- SH asked why the club was not invited to the meeting with TMR as per the outcome of AL's previous meeting or even as "stakeholders".
- DS said that the bike club were not "stakeholders" but "tenants".
- SH suggested that after 36 years of occupation and having built virtually all the infrastructure at Green Park the club were indeed stakeholders.
- SH asked why the club had been precluded from attending the most recent trustees meeting after having been invited by ASH.
- DT said the trustees hadn't met for some time and wanted to catch up.
- There was considerable discussion regarding the pit gate, signage and permit arrangements for the 2013 AMX, Ms Cowells letter etc.
- SH noted that the club had been negotiating with Main Roads and the local member for over a year regarding speed limits, signage, etc at the pit gate and tabled documents including:
  - Emails to TMR & Andrew Powel;
  - Records of phone conversations with TMR officers;
  - Traffic Management Plans, permits, applications, approvals, etc.



Mr David Sands  
21 Harper's Creek Road  
CONONDALE QLD 4552

Contact: Carolyn Williams  
Email: [admin@landw.com.au](mailto:admin@landw.com.au)  
Partners: Carolyn Williams & Michelle Lember  
Reply to: Caboolture Office  
Our Ref: CW:MS:512191  
Date: 11 November 2015

Dear David,

**Conondale Memorial Sports and Recreation Reserve Inc.  
Trustees of Green Park**

You have informed me that representatives of the Sunshine Coast Motorcycle Club recently quite improperly and wrongfully denied that any mediation had taken place between yourselves, the Trustees of Green Park and the Sunshine Coast Motorcycle Club.

I confirm that I was engaged by the Trustees and involved in protracted negotiations with the Sunshine Coast Motorcycle Club in respect of the Lease they held over Green Park endeavouring to resolve contentious and outstanding issues between the respective parties.

As part of those negotiations, the parties agreed that a mediation should occur in an endeavour to resolve these issues.

As a result, the parties jointly appointed Lee Nevison, a well-regarded Barrister and Mediator, to mediate the matters in dispute. Each party met payment of one-half of his fees.

The Club was represented by Thompson McNicol Lawyers and you, the Trustees, were represented by myself.

The **attached\*** correspondence discloses the Sunshine Coast Motorcycle Club's proposal regarding mediation and your agreement that there be a mediation and that Lee Nevison be engaged.

I also **attach\*** correspondence from the Mediator, Lee Nevison, confirming the mediation was adjourned after a day of protracted negotiation.

The mediation took place on 1 May 2014 at the Club's solicitor's offices on the Sunshine Coast. I have also **attached\*** the Mediation Agreement signed by both parties appointing the Mediator and authorising the mediation process to proceed.

The mediation was adjourned on the basis that any new Lease to be agreed between the parties would have to be approved by DNRM as the body responsible for the land.

That is when subsequently the DNRM officers attended on site, firstly with you and then with the Club and then subsequently, for reasons not understood by yourselves or us, your role as Trustees was

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terminated. This appeared to have occurred because the Club ceased negotiations and instead went directly to the Minister for the Environment at the time, Andrew Powell.

I trust the attached documents are of assistance in establishing the validity of your assertion that there was genuine effort to resolve the dispute; the matter was mediated for an entire day; the matter was adjourned to refer to DNRM who then, in conjunction with Andrew Powell took actions of their own volition without involving us further in deliberations and determined your role as Trustees would cease.

Yours faithfully



Carolyn Williams  
**LEMBER AND WILLIAMS**

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*This office will close at 5pm on Wednesday, 23 December 2015  
and re-open on Monday, 4 January 2016.  
We extend to you compliments of the season.*



Thompson McNichol  
 PO Box 552  
 MAROOCHYDORE QLD 4558  
 VIA EMAIL - paulm@tml.com.au

Contact: Carolyn Williams  
 Email: [admin@landw.com.au](mailto:admin@landw.com.au)  
 Partners: Carolyn Williams & Michelle Lember  
 Reply to: Caboolture Office  
 Our Ref: CW:KM:512191  
 Your Ref: PM:131033  
 Date: 22 May 2014

#### URGENT

Dear Colleagues

- **Our Client – Conondale Memorial Sports & Recreation Reserve Inc.**  
**Your Client – Sunshine Coast Motorcycle Club Inc.**

We refer to recent negotiations between our clients.

Your client has now endeavoured to circumvent the negotiation process by proceeding directly to the Minister for the Environment, Andrew Powell. This shows no genuine attempt by your client to endeavour to finally resolve the outstanding issues between the parties with a view to negotiating a new lease.

We understand your client has provided a very misleading chronology of events and outcomes to the Minister. In particular, having had discussions with DERM representatives who contacted our Firm directly today, it is clear that is the case.

They had no knowledge of the Mediation; your without prejudice letter to our Firm; our Firm's response and counter offer.

- The information DERM Officers received was simply that the Trustees were refusing to open the gate and your client would lose the National Titles as a result. We object in the strongest terms to the untruthful assertions made in that regard.

Even if negotiations failed altogether (which it appears they may now well have given your client's refusal to respond to our latest offer) our client's fallback position was still made clear to your clients namely that the gates would be open on application to DMR with our client's support for a further 3 months.

This behaviour on your client's part is indicative of the behaviour the Trustees have been subjected to that has resulted in the current stalemate. It is in the interests of your client to respond to the latest offer endeavouring to address the real concerns that have been raised and to continue the negotiation process. It does not require further assistance from the Mediator. We have put our client's counter offer and the ball is now in your client's court to come back with a reasonable counter proposal that addresses, in particular, the safety issues surrounding the method of cordoning off your client's

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exclusive area so that it is safe for other users of the reserve. Negotiation requires communication which appears your client has now ceased to engage in with our client.


The DERM Officers were unaware of the Mediation or ensuing correspondence until we informed them.

We have provided the DERM Officers with a copy of our correspondence to you of 13 May, 2014 but informed them that it is a matter for your client to determine whether it is prepared to provide a copy of your letter of 2 May, 2014, allowing the DERM full access to the communications that have proceeded between the parties. Please advise by return mail whether your client will consent to us forwarding a copy of that correspondence to DERM to ensure that they are fully across the issues.

Yours faithfully



**LEMBER AND WILLIAMS**

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