



**REGIONAL COUNCIL**

# **ORDINARY MEETING OF COUNCIL**

## **MINUTES**

**11 NOVEMBER 2015**



**ORDINARY COUNCIL  
MEETING MINUTES  
11 NOVEMBER 2015**

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**ATTENDANCE:**

**Councillors Present**

- Cr Steve Jones (Mayor) (Chairperson)
- Cr Tanya Milligan
- Cr Peter Friend
- Cr Jim McDonald
- Cr Kathy McLean
- Cr Derek Pingel
- Cr Janice Holstein

**Officers Present**

- Dan McPherson, Executive Manager Organisational Development & Planning
- Myles Fairbairn, Executive Manager Infrastructure Works & Services
- Jamie Simmonds, Executive Policy Advisor Mayor/CEO
- Jason Cubit, Manager Marketing, Communication & Events
- Rick Machin, Marketing & Communications Coordinator
- Stephen Hart, Manager Administration & Executive Operations
- Susan Boland, Council Business Support Officer

**Media Present**

- Ann Kirby, Valley Weekender

**Apologies**

- Ian Flint, Chief Executive Officer
- David Lewis, Executive Manager Corporate & Community Services





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**4.0 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS**

**4.1 Declaration of Material Personal Interest on any Item of Business**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

**4.2 Declaration of Conflict of Interest on any Item of Business**

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest in the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

*Cr McLean advised of a perceived conflict of interest in Item 10.4 "Regulation of Corflute Signage" (as defined in section 173 of the Local Government Act 2009), due to her family business interests being associated with printing and advertising.*



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## 5.0 MAYORAL MINUTE

### 5.1 Mayoral Minute

**Date:** 10 November 2015  
**Author:** Jason Cubit, Manager Marketing, Communications and Events  
**Responsible Officer:** Ian Flint, Chief Executive Officer

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#### *Dick Smith – Cannery Project*

Last week I travelled to Sydney to meet with Australian entrepreneur and businessman Dick Smith regarding the Lockyer Valley Cannery Project. This meeting proved very fruitful and has assisting in lifting the profile of the project and has creating much public interest in how people can become involved. Not only did Dick Smith confirm he was willing to invest some of his own money in the project, it was confirmed that he is willing to continue to publicly-back the project and assist in keeping it in the media. To cater for the many inquiries that have been received, Council has set-up a portal on its web site where the public can register their interest with the details then passed on to the group involved in the construction.

#### *Laidley Library Project State Government Funding*

In a letter I received recently from Deputy Premier Jackie Trad, it was confirmed that Council has been successful in obtaining \$264,000 in State Government funding as 40 per cent of the eligible costs to assist in the refurbishment of the Laidley Council Chambers into a library facility that Laidley can be proud of. Upon receipt of this funding, it is now imperative that Council gets the detailed design of the Laidley library right and it was an important move for Council not to rush in and start the physical works because we did not know this funding was going to be successful. Council remains 100 per cent committed to the Laidley library project and I thank the State Government for this significant contribution to the project.

#### *Imperial Hotel Fire Update*

Last Wednesday night the Imperial Hotel in Gatton's Railway Street was the scene of a major fire with the building burning to the ground and damaging neighbouring buildings including the Wyman's building and the Super Cheap Auto building. Council has worked in partnership with QFES and QPS as they undertook their investigative work in the days following the fire. In a media conference on the day after the fire on-site I praised the work of local auxiliary firefighters who potentially saved many buildings on the western side of Railway Street from being involved in the inferno. Regarding the clean-up of the site, Council needs to move a motion.

#### *Incident with workers at Steep Gully Produce*

This week I was contacted by the owners of Steep Gully Produce with regard to an incident on their farm where a large number of itinerant workers turned up looking for work following a post on social media. When these workers were not able to be accommodated on the day some of them became quite aggressive and the Police had to be called. I raise this issue here today on behalf of the owners of the property, and also on behalf of the owners of all farming properties across the Lockyer Valley who rely so heavily on the itinerant workforce. I want the highest levels of the Queensland State Government to be aware of this issue and take steps to ensure our farmers are protected from this



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sort of behaviour in the future. While I'm told the issue was dealt with by Police as a minor trespass incident, the owners of the property were obviously fearful for their own safety and that of other workers on the property. I call on the State to ensure our farmers are not subjected to this sort of behaviour in the Lockyer Valley in the future.

**RESOLUTION**  
It was **RESOLVED** that the **Mayoral Minute** be received and noted;

**RESOLUTION**  
**THAT Council forward correspondence to the Queensland Fire & Rescue Service commending the efforts of the Gatton Auxiliary Fire Service on the extraordinary efforts by the service during the historic Imperial fire last week in particular their swift response time.**

**Moved By:     Cr Holstein                                  Seconded By:     Cr Pingel**  
**Resolution Number: 4351**

**CARRIED**  
7/0

**RESOLUTION**  
**THAT Council forward correspondence to the Hon. Anastacia Palaszczuk MP, Premier of Queensland and Minister for Arts, requesting a meeting to discuss the Queensland Fire and Emergency Services in the Lockyer Valley Region in particular seeking permanent full time officers to be stationed in the region.**

**Moved By:     Cr Pingel                                                          Seconded By:     Cr Milligan**  
**Resolution Number: 4352**

**CARRIED**  
7/0

**RESOLUTION**  
**THAT Council authorise the Chief Executive Officer to undertake any necessary works at Lot 13 RP54842 that may be required to address public safety.**  
**And further;**  
**THAT the Chief Executive Officer seek to undertake necessary action to obtain costs from the owner of Lot 13 RP54842 in accordance with Council's adopted debt recovery process, which may include transferring overdue amounts to the rates account.**

**Moved By:     Cr McDonald                                                                                  Seconded By:     Cr McLean**





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**Resolution Number: 4353**

**CARRIED**

**7/0**

**RESOLUTION**

THAT Council forward correspondence to Hon. Anastacia Palaszczuk MP, Premier of Queensland and Minister for Arts, Hon. Jackie Trad MP, Deputy Premier and Minister for Transport, Minister for Trade, Minister for Infrastructure, Local Government and Planning and Hon. Jo-Ann Miller MP, Minister for Police, Fire and Emergency Services, and Minister for Corrective Services requesting that an investigation be undertaken into the incident which occurred at Steep Gully Produce and the outcome be reported back to Council.

**Moved By: Cr Jones**

**Seconded By: Cr Holstein**

**Resolution Number: 4354**

**CARRIED**

**7/0**

**RESOLUTION**

THAT Council forward correspondence to Hon. Peter Dutton MP, Minister for Immigration and Border Protection requesting that he receive a delegation on the setting up of a relevant regulation into farm contractor/labour hire.

**Moved By: Cr McDonald**

**Seconded By: Cr McLean**

**Resolution Number: 4355**

**CARRIED**

**7/0**

**6.0 CONFIRMATION OF MINUTES**

*No Confirmation of Minutes, the minutes of the 28 October 2015 meeting will be confirmed at the next Ordinary Meeting.*

**7.0 BUSINESS ARISING FROM MINUTES**



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*No Business Arising from Minutes*

**8.0 COMMITTEE REPORTS**

*No Reveal of Committee Reports as Minutes*

**9.0 DEPUTATIONS/PRESENTATIONS**

*No Deputations/Presentations*





## **ORDINARY COUNCIL MEETING MINUTES 11 NOVEMBER 2015**

A copy of the document is attached for Council adoption. The Annual Report contains information on the operations of Council over the report period. It can be seen that much has been achieved, however, the document is meant only to be a snapshot and as such does not contain information on everything actually done/planned over the year.

### **3. Report**

The report has been compiled by Corporate Communications with content provided from across the Council organisation on the achievements of each department throughout the year. These have been reported against the activities of the corporate and operational plans over the last 12 months. The form of the document builds on the success of last year's Annual Report and meets Council's statutory obligations. It also remains one of the key documents published by Council each year.

There have been a number of key achievements for this year, and these have been reflected through the development of case studies, that highlight in some detail these achievements.

The linkage between Council's strategic plans and the delivery of outcomes remains a key focus which this Annual Report highlights, and with the supporting data now available through improved systems, the quality of the reporting has improved as a result of the better measurement and recording of information.

This Annual Report represents a great team effort from the organization, and reflects the professional approach we have taken to deliver and report on this year's achievements.

Additional information has been added at the request of council, and this information seeks to provide greater transparency in Council's business and activity.

### **4. Policy and Legal Implications**

In order to meet the requirements of the Local Government Regulations 2012, Council must adopt an Annual Report within 30 days of the completion of the audited financial statements.

### **5. Financial and Resource Implications**

The Annual Report has been produced within approved budgets and is a significant change in style from previous years with a more professional and story based approach to encourage readership.

### **6. Delegations/Authorisations**

Should any further amendments be required, the Chief Executive Officer is authorised to make these changes in the finalisation of the production of the Annual Report.

### **7. Communication**

When the final report is complete it will be published on Council's website and hard copies will be available for inspection and purchase.



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**8. Conclusion**

That the Annual Report is to be received and adopted subject to any minor adjustments. Further that the Chief executive Officer be delegated authority to finalise any changes as directed.

**Attachments**

*An electronic copy of the Annual Report was provided to Councillors prior to the meeting and hard copies were provided on the day of the meeting.*



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October 2011 trusteeship of the land was vested in Queensland Urban Utilities as the authority with responsibility for water supply services.

The land comprises 745m<sup>2</sup> and contains a reservoir tank. It is situated on an odd location within Rosewood Laidley Road. Aerial Maps of the property are **attached** to this Report although it is noted that the land boundaries appear to be incorrect.

Queensland Urban Utilities have no future use for the reservoir and, on the advice of the Department of Natural Resources and Mines, have contacted Council to determine whether Council would be willing to accept trusteeship of the land.

### **3. Report**

Since Queensland Urban Utilities was established, all responsibility for water supply services and storage has been transferred from Council to Queensland Urban Utilities. As such, Council does not have any use or need for the land or the Laidley Reservoir.

Lot 467 on CC3152 is situated within the Rosewood Laidley Road reserve. It is some distance from the constructed road and as Rosewood Laidley Road is a State-controlled road, Council is will not require the land for future roads purposes.

Accepting trusteeship would further burden Council's resources to maintain and manage a land asset that Council has no use for. Therefore the Recommendation made in this Report is that Council advises Queensland Urban Utilities that it does not wish to accept trusteeship of the land.

### **4. Policy and Legal Implications**

If Council does not wish to accept trusteeship of the land, Queensland Urban Utilities will be required to demolish the reservoir located on the land. The trusteeship of the land will then be surrendered and it is likely that Lot 467 on CC3152 will become unallocated State land managed by the Department of Natural Resources and Mines.

### **5. Financial and Resource Implications**

If Council accepts the Recommendation made in this Report then no financial or resource implications have been identified.

### **6. Delegations/Authorisations**

The Chief Executive Officer, through the Legal Services Unit, will be authorised to advise Queensland Urban Utilities of Council's resolution.

### **7. Communication and Engagement**

Council's Infrastructure Works and Services and Planning and Development Services Units have been consulted in the preparation of this Report and have advised that they have no concerns in respect of the Recommendation made.

The Chief Executive Officer, through Council's Legal Services Unit, shall be responsible for advising Queensland Urban Utilities of Council's resolution in due course.



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**8. Conclusion**

The Recommendation in this Report will enable Queensland Urban Utilities to proceed to demolish the reservoir and surrender trusteeship of Lot 467 on CC3152 to the Department of Natural Resources and Mines.

**9. Action/s**

Provide written advice of Council's resolution to Queensland Urban Utilities.

**Attachments**

1 [View](#) Aerial Plans of the Laidley Reservoir on Lot 467 on CC3152











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## Report

### 1. Introduction

Term Lease 231528 is due to expire on 10 May 2017 and the Department of Natural Resources and Mines is considering further dealing with this land. The purpose of this Report is for Council to consider whether it has any objection to the renewal of the lease and any views or requirements that may affect the future use of the land that the Department of Natural Resources and Mines should consider when assessing the application.

### 2. Background

Term Lease 231528 commenced on 11 May 2007 over land described as Lot 102 on CP CC636 on the corner of Roches Road and Little Oakey Creek Road, Withcott. The **attached** SmartMap and Aerial Map show the subject land and the surrounding locality.

The lease area comprises approximately 8252m<sup>2</sup> and is used by The Scout Association of Australia, Queensland Branch for boy scout purposes.

The land contains a clubhouse and storage shed used by the Lessee. Under the terms of the Lease, the Lessee is responsible for the repair and maintenance of these improvements.

The Lessee has now applied to renew the lease to enable them to continue to use the land for the same purpose when their current lease expires.

By correspondence of 13 October 2015, Council has been requested to advise whether it has any objection to the renewal of the lease, and any views or requirements that may affect the future use of the land.

### 3. Report

In particular, Council has been requested to advise:-

- (a) the date to which rates have been paid; and
- (b) the present and/or proposed zoning of the land.

The application for renewal will be assessed in terms of Section 159 of the *Land Act 1994*, after considering the views of all interested parties and an inspection of the land undertaken. Relevant considerations include:-

- (i) whether the public interest will be adversely affected if the lease is renewed;
- (ii) whether part of the land is needed for environmental or nature conservation purposes;
- (iii) the condition of the land, including the extent and risk of land degradation;
- (iv) whether there is a more appropriate use for the land from a land planning perspective;
- (v) whether the land has any special features;
- (vi) whether the land is needed for a public purpose;
- (vii) whether a new lease is the most appropriate form of tenure; and
- (viii) the natural environmental values of the land.



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Investigations could result in an offer being made for an area smaller than the area of the current lease to enable the land to be secured for uses such as road or a reserve for community purposes etc. The Department's investigations may also determine that another form of tenure is a more appropriate form of tenure than a new lease, so a different tenure may be offered over the land.

If Council wishes to object to the renewal of the lease, a full explanation stating the reasons for the objection is required to be provided to the Department of Natural Resources and Mines.

The land is currently zoned as Community Purpose and the Manager Planning and Development Services has confirmed that there is no proposal to change this zoning. The use of the land by the Lessee provides a useful community benefit.

There is no evidence of land degradation and it is not identified on Council flood mapping overlays as being flood prone. The land has access from a sealed road and is situated in close proximity to Withcott. It has limited natural environmental values and the Manager Planning and Development Services has no objection to the renewal of the lease.

Council's Manager Finance and Customer Services has confirmed that the land is not currently rated.

The Executive Manager of Infrastructure Works and Services has been consulted in relation to the proposed renewal of the lease and has no objection to this occurring.

The Recommendation made in this Report is therefore that no objection be made to the proposed renewal of the lease.

**4. Policy and Legal Implications**

The Department of Natural Resources and Mines may alternatively decide to convert the lease to freehold tenure, in which event the Lessee will be required to purchase the land from the State. However as the use of the land is for a community purpose, it is unlikely that a conversion of tenure will be considered appropriate.

If the application for the renewal of the lease is approved, it is likely to continue on the same conditions. The current lease conditions include an indemnity in favour of Council for any claims relating to the Lessee's use and occupation of the land except to the extent the claim arises as a result of the negligence of Council.

**5. Financial and Resource Implications**

No Council financial or resource implications have been identified.

**6. Delegations/Authorisations**

No further delegations are required to manage the issues raised in this Report.

**7. Communication and Engagement**

Relevant Council officers have been consulted in relation to the proposed lease renewal and their comments included in the body of this Report.



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The Chief Executive Officer, through Council's Legal Services Unit, will advise the Department of Natural Resources and Mines of Council's resolution in writing by close of business on 12 November 2015 as required.

This information has been provided to Council by the Department of Natural Resources and Mines in confidence for the purpose of seeking Council's views on this matter. It is not to be used for any other purpose, or distributed further to any person, company or organisation, without the express written permission of the Department of Natural Resources and Mines unless required.

**8. Conclusion**

The Recommendation made in this Report will enable the application for the renewal of Term Lease 231528 made by the Lessee to be considered and progressed by the Department of Natural Resources and Mines as a matter of course.

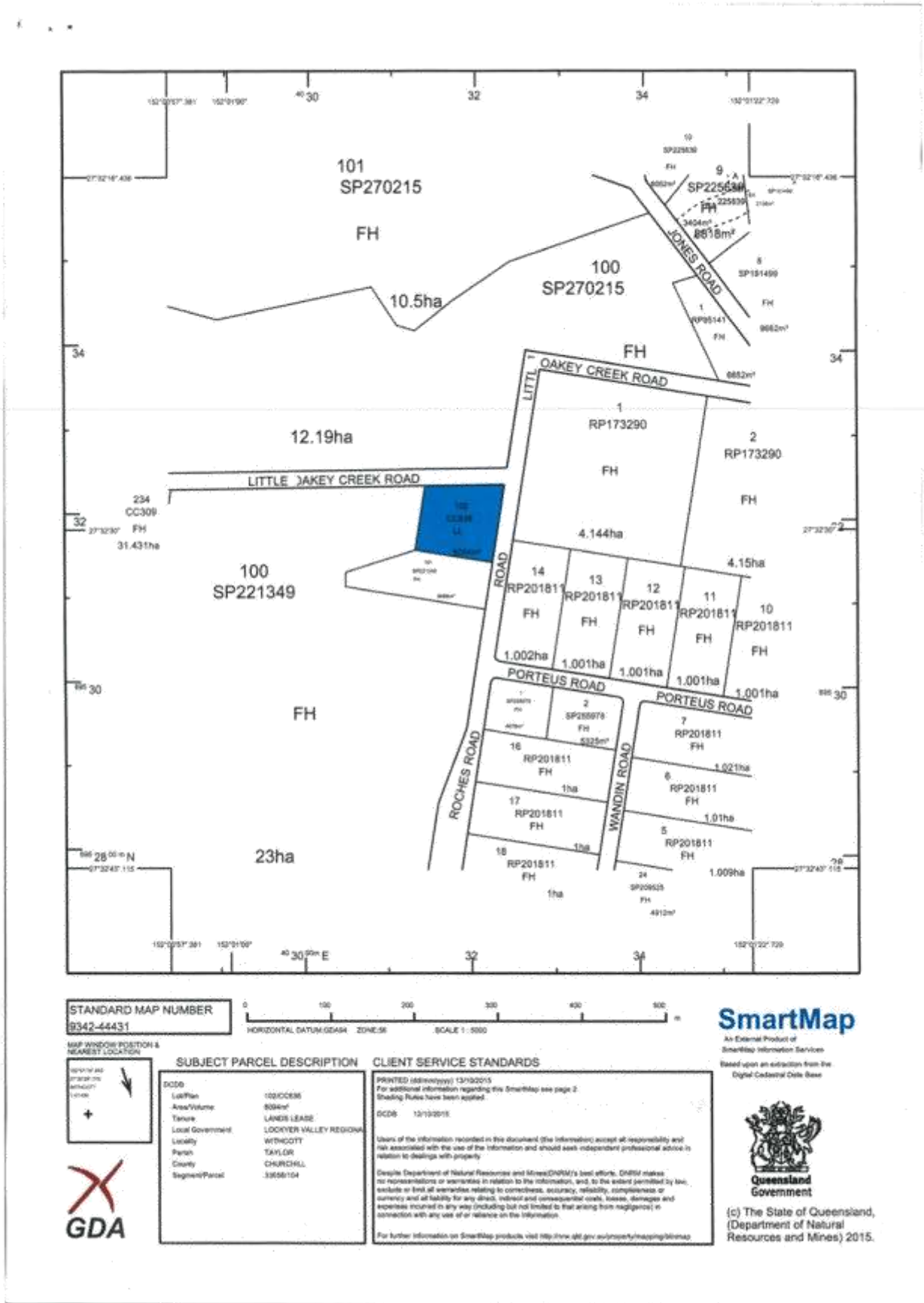
**9. Action/s**

1. Advise the Department of Natural Resources and Mines of Council's resolution by close of business on 12 November 2015.

**Attachments**

- 1 [View](#) Smart Map 1 Page
- 2 [View](#) Aerial Map 1 Page





STANDARD MAP NUMBER  
 B342-44431

HORIZONTAL DATUM: GDA84 ZONE: 56 SCALE: 1:5000

**SmartMap**

An External Product of  
 SmartMap Information Services  
 Based upon an extraction from the  
 Digital Cadastral Data Base



**SUBJECT PARCEL DESCRIPTION**

DODG	102/CC636
Lot/Plan	888m <sup>2</sup>
Area/Volume	LANDS LEASE
Taxation	LOCKYER VALLEY REGION
Local Government	WITHCOTT
Locality	TAYLOR
Parish	CHURCHILL
County	33658104
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED (dd/mm/yyyy) 13/10/2015  
 For additional information regarding this SmartMap see page 2.  
 Shading Rules have been applied.  
 DCDB 13/10/2015

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

For further information on SmartMap products visit <http://www.qld.gov.au/nrm/infomapping/smartmap>



(c) The State of Queensland,  
 (Department of Natural Resources and Mines) 2015.



 <p>REGIONAL COUNCIL</p>	<p><b>Disclaimer:</b>                  This information has been prepared for Council's internal purposes and for no other purpose. No account is made about the accuracy or suitability of the information for use for any purpose other than the purpose for which the person has been notified to Council or not. While every care is taken to ensure the accuracy of this data, neither the Lockyer Valley Regional Council nor the Department of Environment and Heritage Management makes any representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and the Council is not responsible and is liable for any loss (including without limitation, liability in negligence) for an expense, claim, damages (including interest or consequential damages) and costs which you might incur as a result of the data being incorrect or incomplete in any way or for any reason at the State of Queensland Department of Environment and Heritage Management 2015. © Lockyer Valley Regional Council 2015.</p>	<p><b>Application for Renewal of Lease</b>  <b>Lot 102 on CP CC636</b></p>	
	<p>Size: A4                  Scale: 1:1,869                  Projection: MGA94 Zone 56.</p>		<p>User: JM                  Date: 26 October 2015</p>





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**11.0 GOVERNANCE AND PERFORMANCE REPORTS**

*No Governance and Performance Reports*

**12.0 ORGANISATIONAL DEVELOPMENT AND ENGAGEMENT REPORTS**

*No Organisational Development and Engagement Reports*

**13.0 CORPORATE AND COMMUNITY SERVICES REPORTS**

*No Corporate & Community Services Reports*

**14.0 PLANNING AND DEVELOPMENT SERVICES REPORTS**

*No Planning and Development Services Reports*



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Investigations were undertaken by Council's Infrastructure Works and Services team and it was determined that stormwater runoff from Stieler Drive flows through Lot 28 on RP848631 along the western boundary to Porters Road. The flow is retained within the property by an existing bund that runs along the western boundary of the property. Refer to the Aerial Map *attached*.

The landowners have advised that the bund was originally constructed by the former Laidley Shire Council about 10 years ago to alleviate water problems at the adjoining property, 17 Stieler Drive, caused by the overland flow from Stieler Drive. No records have been found to confirm this and no easement exists over the flow path.

Since this time, a driveway has been constructed on 20 Stieler Drive which intercepts and directs considerable water flows to Stieler Drive. In addition, the outlet of the road culvert at the driveway to 21 Stieler Drive has been aligned to direct water flows onto 19 Stieler Drive.

The main issue for the owners of 19 Stieler Drive is that the amount of water that discharges from the table drain, via the driveway crossover of the adjoining property, flows across the front of their property creating a constantly wet and boggy area that the owners have to drive through to gain access to their property.

### **3. Report**

Investigations have revealed that the drainage issues arise as a combination of:

- (a) a path for the discharge of stormwater off Stieler Drive not being appropriately planned for;
- (b) the bund along the western boundary of the property; and
- (c) the alignment of the pipe under the driveway of 21 Stieler Drive directing flows towards 19 Stieler Drive. Normally, pipes are constructed parallel to the road edge however in this case the water would still end up in 19 Stieler Drive regardless.

It is the owners' preference that a new drain and bund be installed along the eastern boundary of 19 Stieler Drive. Please see Aerial Map **attached**.

The bund on the western side is minimal and the owners do not intend to remove it. There appears to be an appreciation from the owners that there could be legal ramifications if they were to remove the small bund, thereby allowing water to then transgress into the adjoining 17 Stieler Drive.

It is proposed that a 4 metre wide drainage channel and bund, contained within an easement, be constructed along the eastern boundary of 19 Stieler Drive. It is also proposed to construct a short table drain and concrete structure at the front of the property to direct the water within the road reserve along the easement.

The proposed drainage channel would have sufficient capacity to remove rain from low to medium rain events (approximately up to a 5% annual exceedance probability flow). The owner understands this and also understands that in a high rainfall event that water may overtop from the drain and flow across the property.

If the Recommendation made in this Report is accepted, it is proposed that a 4m wide easement along the eastern boundary of the property will be taken with the owners' acknowledgement that it will only have capacity for Q10 flows. There will still potentially be discharge onto the property in higher rainfall events, however it is anticipated that the current impacts at the front of the property will be substantially resolved.

#### **4. Policy and Legal Implications**

An easement will allow Council to direct water along the eastern boundary of the owners' property. The owners' understand that there will still be some discharge of stormwater onto their property in higher rainfall events, and that the easement will only have capacity for Q10 flows. This will be specifically provided for in the easement documents.

#### **5. Financial and Resource Implications**

Council will incur financial and resource costs to perform the following works:

- (a) construct a 4m wide open drain and bund along eastern boundary; and
- (b) construct a short table drain and concrete structure within road reserve at front of the property.

Construction costs are anticipated to be in the vicinity of \$5,000.00 to \$7,000.00. Additionally, the easement costs are anticipated to be in the vicinity of \$10,000.00 - \$15,000.00, including survey costs, valuation fees and compensation.

#### **6. Delegations/Authorisations**

The Chief Executive Officer, through the Legal Services Unit and the Coordinator Infrastructure Planning and Design, will be authorised to do all things necessary to give effect to Council's resolution.

#### **7. Communication and Engagement**

The Coordinator Infrastructure Planning and Design has undertaken negotiations with the landowners to determine an agreed solution as proposed in the body of this Report. On-site inspections have also been undertaken.

#### **8. Conclusion**

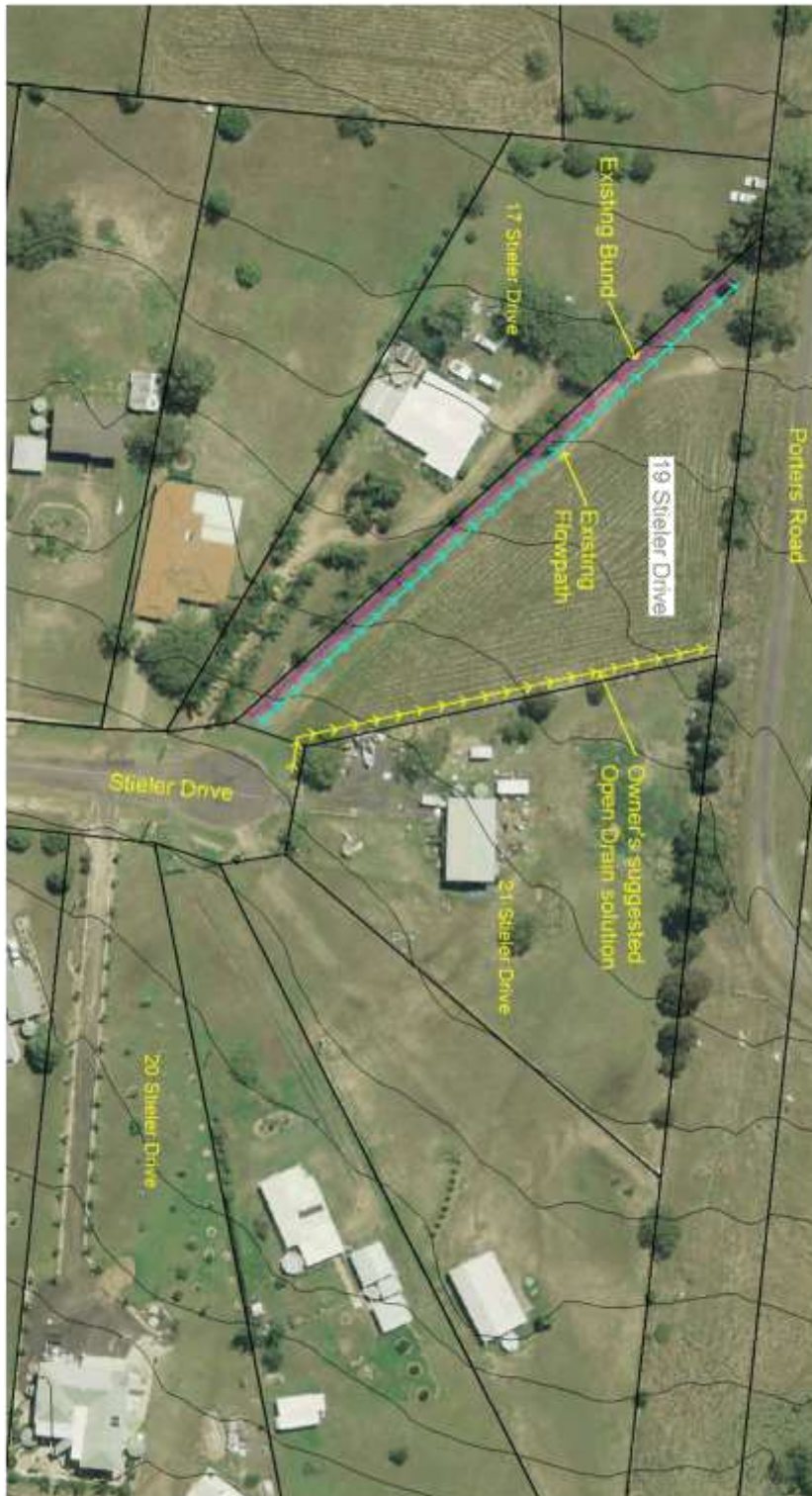
The Recommendation in this Report will enable construction works to commence and the easement to be taken to alleviate the drainage impacts from Q10 rainfall events on 19 Stielers Drive.

#### **9. Action/s**

1. Advise the owners of Council's resolution.
2. Prepare a survey plan of the easement.
3. Preparation and registration of the easement.
4. Delivery of agreed constructions works.

#### **Attachments**

1 [View](#) Aerial Plan 1 Page









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**3. Report**

In an attempt to address the Centre's falling attendance rates and accommodate community needs in the form of care for school aged children, Council submitted an application to the Department of Education and Training to amend the Service Approval for the Centre under Section 65 of the *Education and Care Services Act 2013*. An amended approval was granted on 6 October 2015 to provide for the education and care to 21 children from birth to and including school aged children.

A number other factors (outlined below) that also affect numbers at the Centre have been considered and are currently being addressed.

With most of the Centre's current business coming from word of mouth and with family numbers at or near low, we cannot rely on referrals as much as in the past. It is hoped that a number of improved information/communication initiatives may have a positive effect on overall attendances.

The Kensington Grove Community Kindy is located at 24 Bertrand Avenue, Kensington Grove in a very quiet area, with the very real possibility that its existence is not widely known outside of its immediate local area. As such, Centre information signage in key traffic areas away from the Centre's position will be installed.

An open day for prospective parents to come and inspect the facility and activities provided for children will also be held. This initiative will also give local families a chance to have a look and discuss their needs with Educators.

Council will also increase its media coverage by providing newspaper articles and additional Facebook and website promotions. Where programs are enhanced at the Centre, the community will also be advised through Council's corporate communication avenues.

Once these initiatives have been implemented, a further report will be provided to Council on any resultant changes to attendance rates at the Centre.



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**GENERAL BUSINESS**

It was **RESOLVED** that Council receive and note the following reports for Council's information only.

(Refer 16.2 – 16.5)

- 1. Installation of Power Factor Correction Equipment at the Lockyer Valley Cultural Centre and the Lockyer Valley Sports and Aquatic Centre**
- 2. Independent Chairman Report – Audit and Risk Management Committee**
- 3. NDRRA Funding Arrangements**
- 4. Weather Outlook**

**16.2** **Installation of Power Factor Correction Equipment at the Lockyer Valley Cultural Centre and the Lockyer Valley Sports and Aquatic Centre**

**Date:** 03 November 2015

**Author:** Mike Lisle, Manager Community Facilities and Services

**Responsible Officer:** David Lewis, Executive Manager Corporate & Community Services

**Summary:**

The increasing cost of the supply of electricity to all of its facilities is an ongoing challenge for Council. In order to meet this challenge Council has implemented a strategy that includes the installation of Power Factor Correction devices at our major locations.

**This document is for Council's information only.**

**RESOLUTION**

**This document is for Council's information only.**

**Report**

**1. Introduction**

Energex is the network distributor for the region and is responsible for the asset management of the network to ensure the ongoing delivery of electricity.

In 2014, Energex implemented the 2015/16 Large Customer Tariff Implementation Project which was introduced to offer a fairer, more equitable, user-pays pricing system for business customers such as Council that have an annual electricity consumption exceeding 100 MWh.

As part of this project, Energex reviewed the assignments and metering of all larger business customers and changed the charging methodology applied to demand-based network tariffs.





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On 1 July 2015, a new charging methodology was implemented whereby kilowatt (kW) based demand charging was replaced by kilovolt ampere (kVA) based demand charging.

### **2. Background**

Correspondence was received from Energex on 28 August 2014 advising of the abovementioned tariff changes that were coming into effect on 1 July 2015. This correspondence also advised of the actions that Council could take to address the impacts of the planned network tariff reassignments and how to obtain available funding assistance to undertake these actions.

A subsequent review of Council's electricity usage identified one of the major reasons for potential large increases in network costs for Council would be premises with a low power factor with this factor representing high inefficiencies within Council's premises.

A power factor is calculated by the distributor using complex formulae with a power factor of 1.00 indicating that there are no power use inefficiencies. However, a power factor of say 0.85 indicates that 15% of power is lost within the premises after passing through the customer's meter.

Power factor readings for Council assets that were initially identified as of major concern included the following:

- Lockyer Valley Cultural Centre – 0.87
- Indoor Sports & Aquatic Centre - 0.80
- Laidley Recreation Reserve – 0.81

Options available to Council regarding the tariff reassignments and low power factors were:

1. Do nothing
2. Lodge an objection
3. Work cooperatively with both Energex and Council's retail distributor
4. Assess individual circumstances, power use and costs for all sites
5. Reduce peak demand through internal system changes
6. Investigate the installation of Power Factor Correction (PFC) equipment.

### **3. Report**

In order to address these issues Council commenced an assessment process in late 2014 with the following actions undertaken:

1. Assessment of relevant electricity invoices
2. Ascertainment of power factor readings for each site
3. Determination of savings that could be made from PFC installation
4. Analysis of payback times and savings
5. Installation of PFC equipment by 30 June 2015 to lower the power factor and receive PFC funding assistance from Energex

To achieve these different milestones, ongoing discussions occurred between Council, Ergon, ERM Power and providers of PFC products and services. After careful analysis of all relevant



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information, it became apparent that considerable savings could be made with the installation of PFC equipment.

Estimates of ongoing savings were then calculated using specialist consultant programs and compared to the installation correction cost, payback period and annual savings over the life of the asset.

Below is a table showing correction costs and estimated annual savings at two major Council sites.

Location	Initial Power Factor (Average)	Installation Cost \$	Corrected Power Factor (Average)	Estimated annual Savings \$	Approx. Years for Payback
Lockyer Valley Cultural Centre	0.87	17,567	0.97	8,000	2.1
Indoor Sports & Aquatic Centre	0.80	17,955	0.98	16,000	1.2

Once the potential savings had been identified with certain levels of accuracy, it was decided to tender for the supply and installation of PFC equipment. The successful tender was awarded to CSE Uniserve Pty Ltd on the 14 April 2015 for the supply and installation of PFC equipment at both the Lockyer Valley Cultural Centre and the new Indoor Sports & Aquatic Centre.

Following installation and commissioning of PFC equipment at both sites on 17 June 2015, monitoring of power factors occurred into late June 2015 with visual observations indicating power factor readings fluctuating between 0.96 and 1.00.

These readings are considered extremely good and indicate that the PFC equipment is working:

- in accordance with design
- correcting electricity supply inefficiencies
- improving power factors within the premises.

The Laidley Recreation Reserve was not included in the PFC installation contract as the existing tariff structure at this location was not cost effective for PFC installation at that time.

Council has received approximately \$3,500 in funding from Energex under the Power Factor Correction Reward Program. It is considered that ongoing monitoring of the power consumption, demand and power factor for all sites including Laidley Recreation Reserve may provide further opportunities for savings in electricity costs. Future electricity cost reduction initiatives will subsequently be reported to Council.



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**16.3 Independent Chairman Report – Audit and Risk Management Committee**

**Date:** 04 November 2015  
**Author:** David Lewis, Executive Manager Corporate & Community Services  
**Responsible Officer:** David Lewis, Executive Manager Corporate & Community Services

**Summary:**

The Lockyer Valley Audit and Risk Management Committee met on four (4) occasions during the 2014/2015 financial year. Committee meetings were held on 21 August, 2014; 11 December, 2014; 19 February, 2015 and 21 May, 2015.

The first Annual Report by the current Independent Chairman of the Audit and Risk Management Committee for the period from 1 July, 2014 to 30 June 2015 is attached.

**This document is for Council's information only.**

**RESOLUTION**

**This document is for Council's information only.**

**Report**

**1. Introduction**

The Audit and Risk Management Committee acts as an advisory body (Committee of Council) and is directly responsible to Council.

The Committee operates within the legislative framework of the *Local Government Act 2009*; *Local Government Regulation 2012*; and the role, responsibilities, guidelines and operating procedures contained in the Audit and Risk Management Committee Charter and the Committee's Code of Conduct.

**2. Background**

The Lockyer Valley Audit and Risk Management Committee met on four (4) occasions during the 2014/2015 financial year. Committee meetings were held on 21 August, 2014; 11 December, 2014; 19 February, 2015 and 21 May, 2015.

**3. Report**

The current Independent Chairman of the Lockyer Valley Regional Council Audit and Risk Management Committee is Mr Graham Webb was appointed Independent Chairman by Council at its Ordinary Meeting held on 28 May 2014.

The first Annual Report by the current Independent Chairman of the Audit and Risk Management Committee for the period from 1 July, 2014 to 30 June 2015 is attached.



## ORDINARY COUNCIL MEETING MINUTES 11 NOVEMBER 2015

Without covering all issues from the four (4) Committee meetings, it is important nevertheless to report on the Committee's achievements and key deliverables in discharging its responsibilities by providing independent assurance and assistance to the Council.

In accordance with the Committee's charter, the Committee does not replace or replicate established management responsibilities and delegations; the responsibilities of other executive management groups within the Council; or the reporting lines and responsibilities of either internal audit or external audit functions.

Key issues canvassed in the Independent Chairman's report include:

- Dealings between Council and Queensland Audit Office (QAO)
- Queensland Audit Office Report to Parliament
- Internal audit function and key actions identified and implemented
- Financial update and report on 2011 and 2013 flood events
- Guidance for Audit Committee
- Achievements and acknowledgements

### Attachments

1 [View](#) Annual Report to Lockyer Valley Regional Council on Audit and Risk Committee for 2015

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Pages

28 September, 2015

Mr Graham Webb, PSM  
Independent Chairman  
Lockyer Valley Regional Council  
Audit and Risk Management Committee  
23 Tillbrook Street  
CHAPEL HILL Q4069  
Email: [graham.j.webb@bigpond.com](mailto:graham.j.webb@bigpond.com)

Councillor Steve Jones  
Mayor  
Lockyer Valley Regional Council  
PO Box 82  
GATTON QLD 4343

Dear Councillor Jones

**2015 Annual Report of Lockyer Valley Regional Council Audit and Risk Management Committee**

**Introduction:**

As Independent Chairman of the Lockyer Valley Regional Council Audit and Risk Management Committee, I have pleasure in presenting my first Annual Report for the period from 1 July, 2014 to 30 June 2015.

I was appointed Independent Chairman by Council at its Ordinary Meeting held on 28 May 2014. All Committee members are appointed for an initial term of two (2) years which, in my case, commenced on 1 July 2014. The Chairman and Committee members are eligible for extension or re-appointment for a further 2 years at Council's discretion.

Thank you and your Council for your confidence in the Committee members and my abilities and experience to serve the Council on this important Committee.

**Role of the Audit and Risk Management Committee and operation within legislative framework**

The Committee acts as an advisory body (Committee of Council) and is directly responsible to Council.

The Committee operates within the legislative framework of the *Local Government Act 2009*; *Local Government Regulation 2012*; and the role, responsibilities, guidelines and operating procedures contained in the Audit and Risk Management Committee Charter and the Committee's Code of Conduct.

**Meetings and Reports to Council**

The Lockyer Valley Audit and Risk Management Committee met on four (4) occasions during the 2014/2015 financial year. Committee meetings were held on 21 August, 2014; 11 December, 2014; 19 February, 2015 and 21 May, 2015.

Minutes of each of the Committee Meetings were presented to Council for consideration and confirmation of the recommendations contained therein.

### **Key deliverables during 2014/2015 financial year**

Without covering all issues from the four (4) Committee meetings, it is important nevertheless to report on the Committee's achievements and key deliverables in discharging its responsibilities by providing independent assurance and assistance to the Council.

Prior to my first meeting on 21 August 2014, my research and enquiries to Council members/senior executives and independent Committee members revealed that Lockyer Valley Regional Council had a well-established, Governance, Financial Management and Internal Audit framework. I established that compliance issues regarding the Register of Interests for Councillors and their related persons and the review of the Disaster Management Plan had been actioned. Matters arising from the last external audit for 2012/13 had been actioned and Council was proactive in ensuring compliance with relevant legislation.

As per the Committee's charter, the Committee does not replace or replicate established management responsibilities and delegations; the responsibilities of other executive management groups within the Council; or the reporting lines and responsibilities of either internal audit or external audit functions.

### **Dealings between Council and Queensland Audit Office (QAO)**

In August 2014, Council was advised by the Queensland Audit Office that following a tender process, the firm William Buck was appointed as Council's Auditors for the period 2015 – 2017. QAO will retain responsibility for the audit opinion and will provide formal sign off on councils audited financial statements.

In December 2014, Mr Junaide Latif, William Buck (External Auditors) addressed the committee and provided the committee, with an overview of the audit process and timelines.

Also, in December, Mr Maresh Punjabi, QAO, reported to the committee that Council's 2013/2014 financial statements were provided in a timely manner and were of a good quality and congratulated councils executive leadership team. This was in contrast to Council's submission of the 2012/2013 financial statements which were submitted late with approval necessary from the QAO for an extension of time for Council's submission.

In accordance with its statutory and legal obligations, Councils, 2013/2014 financial statements are available to the public and posted on Council's website.

The QAO has identified to Council that it will focus on the following areas of control for the 2015 audit.

- Travel expenses;
- Procurement expenditure;
- Conflicts of Interest.

The scope of the Conflicts of Interest audit will include, Councillors' Register of Interest, policies and procedures, meeting minutes and questionnaires.

In accordance with QAO identified priorities for the 2014 audit, Council completed and submitted responses to a questionnaire on fraud management control.

#### **Queensland Audit Office Report to Parliament**

In May, 2015 the QAO reported to Parliament on the results of the financial audits of all 77 local governments (councils) for the 2013 – 14 financial year.

In advance of the report to Parliament, Lockyer Valley Regional Council was requested to provide a response on the effectiveness of the internal control environment based on issues raised in the internal audit. Initially Council had been identified as having material weaknesses of high risk. Council's written response identified to the QAO that these controls were addressed and strengthened through improved policy and procedures, and were not listed in the final audit results. In summary, Council provided a satisfactory response.

QAO provided commentaries to Parliament on a number of local governments in relation to the timeliness of preparation of financial statements; unfinished audits; qualified opinions; procurement practices; and worsening trends in relation to internal control frameworks. Lockyer Valley Regional Council was not one of the Council's reported on for these areas of financial management and accountability.

As stated, Council had no matters listed in the audit results to Parliament for 2013/14, other than being included in the comprehensive report findings on all council's financial sustainability results. The key findings reported as per the *Local Government Regulation 2012* are on the three performance measures:

- operating surplus ratio;
- net financial liabilities ratio;
- Asset sustainability ratio.

The regulation requires the Auditor-General, as part of the annual financial audit, to assess and issue an independent audit opinion on the accurate calculation of these 3 financial sustainability measures for the current financial year. (Appendix G in the Auditor General's Report to Parliament).

The overall financial sustainability risk assessment is calculated using the above ratings for three (3) risk levels-

- lower risk,
- moderate risk and
- higher risk.

As well, the report shows symbols to represent the various sustainability trends over time-

- an improving trend,
- no substantial change or
- a deteriorating trend.

The overall financial sustainability risk assessment for Lockyer Valley Regional Council is assessed as "moderate risk"- which QAO assesses, as moderate risk of sustainability issues over the longer term if current debt financing and capital investment policies continue with financial sustainability being reported as "improving trend over time."

The QAO assessment of financial sustainability risk factors does not take into account councils' long-term forecasts nor credit assessments undertaken by the Queensland Treasury Corporation (QTC).



**Internal audit function and key actions identified and implemented**

The Councils Internal Audit function and Internal Audit Plan reflects the priority issues across strategic, financial and/or operational areas based on high level risk identification and assessment.

Below is a commentary on the key issues covered under this function. Reports were obtained, including recommendations from the internal auditor, BDO and the actions taken by the Audit and Risk Management Committee (A&RMC) at meetings during 2014/15.

A&RMC Meeting	Reports following high level risk identification and assessment	Council action based on recommendation
Aug, 2014	IT security framework- Internet, email and social media Security report. Review evaluated the current controls and identified improvements needed to ensure security to systems and data. Management generally agrees with findings in the report.	Report received and recommendations accepted.
Dec, 2014	Fleet review report. The findings and recommendations in the report focused on where the high risk areas were and which require immediate attention to ensure that the appropriate framework is implemented. The internal auditor noted that the motor vehicle policy is not currently enforced and it is not appropriate for the current custom and practice around managing the fleet to continue.	Fleet management, internal audit report accepted with the recommendations for implementation.
Feb,2015	Fuel management. There were 7 matters noted in the audit, with the recommendations rated as high and medium controlled risk matters for the priority management attention. The internal auditor reported that management needs to carefully consider the recommendations in the report and to be clear on the actions to be taken as it could impact on the Audit Register.	Council noted and received the report and accepted the recommendations for implementation. The report was referred to the executive leadership team for prioritisation and risk basis to address the recommendations.
May,2015	Fraud and corruption prevention and control. The report was taken as read and referred to the Executive Manager, Governance and Performance and the internal auditor for an update on the findings and recommendations. The result of the review is not a good outcome for Council, and the findings highlight the fact that considerable work is required to ensure the organisation meets the requirements to establish an effective framework. The findings supported regular fraud awareness training is considered throughout the organisation.	Council noted and received the report and accepted the recommendations with immediate action required with referral to the executive leadership term team for a prioritisation and risk basis to address the recommendations.



		Fraud awareness training to be included in induction training.
May, 2015	During the year the committee agreed that the Audit Register would be reviewed at each meeting, with the expectation that the ELT submits a progress report each quarter on the status of all actions in the implementations of removing items either resolved or run resolved from the audit register. The Committee noted that Council's Auditor would be obliged to report to the QAO. If high-risk matters are not actioned within the allocated time frame.	Council noted the importance that the Audit Register and prioritisation by the LT on the risk basis to address the outstanding recommendations.
May 2015	Internal audit operational budget. The internal audit was scope to review Council's processes, the risks and controls relating specifically to a number of areas in the operational budget. Overall, the budget, monitoring had been improved based on anecdotal stories on what had happened prior to the introduction of the Technology One system. In the knowledge of the need to recast the corporate plan and operational plan next year, the budget alignment will be addressed for the 2016/17 year.	Council adopted the committee's recommendations with immediate action required on high-risk matters.

#### Financial update and report on 2011 and 2013 flood events

The Committee was provided with an update of the financial cost of the 2011 flood event, and the current estimated position of the 2013 flood event.

Committee acknowledged and noted that the results of the 2011 event and the funding for the 2013 flood event will be finalised by August 2015 with some batches having been sent to the Queensland Reconstruction Authority for acquittal.

The Committee acknowledged the efforts of the Council and the organisation that led to an outcome that the Queensland Reconstruction Authority had reported positively on the Council's compliance with NDRRA guidelines which resulted in the NDRRA Certificate being issued without any adverse findings and signed by the Queensland Audit Office on 31 March 2015.

#### Guidance for Audit Committee

The Queensland Audit Office (QAO) provided the Committee with guidance in a template on how to develop a 12 month forward rolling work plan including guidance for the audit committee of examples of standing agenda items.

The Committee has implemented the guidelines and established timelines for the 2015/16 financial year on the delivery of key responsibilities.

#### Achievements and acknowledgements

Council not only meets its financial/accounting legal and legislative obligations in preparing its Annual Report, the comprehensive document highlights Council's achievements, including statistical data, which more than meets the Council's obligations for community engagement, accountability and openness.

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Recognition of the strategies can be gauged by peer assessment with Council receiving a bronze award for the 2011/12 Annual Report and a silver award for the 2012/13 Annual Report, and a gold award for the 2013/14 Annual Report as judged in the Australasian Annual Reporting Awards.

In conclusion, I wish to acknowledge the energy, enthusiasm, professionalism of the Committee and willingness of every member to contribute to the outcomes at our quarterly meetings. As well, Committee members and I are supported by the CEO, Executive Leadership team and Council support staff who display similar qualities and are committed to legislative compliance through sound governance through financial and operational management.

Graham Webb  
Chairman  
Lockyer Valley Audit and Risk Management Committee

28 September, 2015



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**16.4 NDRRA Funding Arrangements**

**Date:** 04 November 2015  
**Author:** David Mazzaferri, Manager Disaster Management (Recovery & Resilience) & Community Engagement  
**Responsible Officer:** Ian Flint, Chief Executive Officer

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**Summary:**

The purpose of this report is to advise Council of the workshop attended by representatives of Infrastructure Works and Services, Finance and Disaster Management.

**This document is for Council's information only.**

**RESOLUTION**

**This document is for Council's information only.**

**Report**

**1. Introduction**

On the 20 October 2015 a Disaster Relief and Recovery Funding Arrangement workshop was held at Beenleigh, presented by the Queensland Reconstruction Authority (QRA).

**2. Background**

In 2015 the QRA became a permanent independent body as a result of the sunset clause being removed from legislation. The role of the QRA in a natural disaster is to support the Deputy Premier, the Queensland Disaster Management Committee and Local Government. This support includes the forward deployment of officers to work in conjunction with councils, Local Disaster and District Disaster Management Groups and work in partnership with the Queensland Fire and Emergency Services (QFES) to undertake rapid damage assessments including the provision of real time damage mapping/tracking and reporting, and the activation of National Disaster Relief and Recovery Arrangements (NDRRA) financial assistance for councils and communities.

**3. Report**

The workshop focused on the following topics:

*NDRRA Definitions, Principles, Roles and Responsibilities*

NDRRA is a disaster relief and recovery arrangements program, jointly funded by the Australian and State/Territory Governments. It provides reimbursements under Counter Disaster Operations (CDO) and Restoration of Essential Public Assets (REPA).

NDRRA provides grants and loan assistance to communities affected by eligible disasters under:



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- Personal hardship Assistance Scheme
- Essential Services Safety and Reconnection Scheme
- Natural Disaster Assistance (Concessional Loans and Grant Packages) for Non – Profit Organisations
- Natural Disaster Assistance (Concessional Loans) for Primary Producers and Small Business
- Freight Subsidies for Primary Producers
- Category C – Community Recovery Package
- Category D – Extraordinary Special Assistance

NDRRA is not a deciding factor when considering response and recovery operations, nor are they an entitlement or right, or pay for everything. NDRRA is for last resort funding and does not replace the need for appropriate insurance coverage. It is not compensation based and only covers direct impact.

NDRRA is managed in partnership with Emergency Management Australia, Queensland Treasury, Queensland Reconstruction Authority, and State agencies for the administration of other relief measures. The funding is based on cost sharing with changes effective for the 2015/16 season:

- First \$105 million (mil) is 100% Qld Government funded, an increase from \$93mil in 2014/2015
- Next \$79mil is 50% Qld Government and 50% Commonwealth Government funded, an increase from \$71mil in 2014/2015
- Above \$184 mil is 75% Commonwealth and 25% Qld Government funded an increase from \$164mil in 2014/2015

NDRRA activation is requested by Local or State Government and activated by the Minister for Police, Fire and Emergency Services. This NDRRA activation is not linked to any declaration of Disaster Situation which, under the Disaster Management Act, provides for special powers.

It is important to mention that NDRRA has allowable time limits which are two (2) financial years after the end of the financial year in which the event occurred.

#### *NDRRA Relief Measures*

There are four categories for the relief arrangements as detailed below:

##### *Category A*

- Personal Hardship Assistance Scheme (PHAS)
  - Requested by the Department of Communities Child Safety and Disability Services (DCCSDS) when there are no local service providers, or local service providers have reached their capacity, to support individuals/families following a disaster
  - Immediate Hardship Allowance
    - Not available for power outage alone; for people unable to meet needs from own means or without support from family/friends; available for 7 days from activation
  - Immediate Hardship Allowance – Essential Services
    - Available for the loss of essential services for more than 5 days, available for 7 days from activation

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- Essential Household Contents Grants
  - Income tested
- Structural Assistance Grant
  - income tested
- Counter Disaster Operations (CDO)
  - Activation includes extraordinary activities required to protect or assist individuals or the general public immediately before, during or immediately after the event, with the aim to provide emergency assistance to individuals or general public to alleviate their personal hardship or distress.

Eligible activities of Category A, CDO include:

- Emergent public safety matters (sandbagging/construction of temporary levee to protect residential properties)
- Activities to render damaged or threatened houses safe and habitable (e.g. tarping damaged roofs, sandbagging a house, cleaning and refilling potable water and septic tanks)
- Removal of debris from residential properties to make them safe and habitable (including asbestos)
- Establishment of temporary dumpsites to accommodate residential debris (includes establishment and decommissioning)
- Evacuating of people from hospitals and aged/high care facilities
- Set up and management of an evacuation centre
- Extraordinary Disaster Coordination Centre costs
- Establishment of bushfire control lines to protect residential properties, including repairing fencing damaged while establishing these lines
- Evacuation and care of companion animals (case by case)
- Emergency food or essential food drops
- Provision of financial counselling and psychological first aid.
- Extraordinary costs must be associated with an eligible activity, and the local government trigger point does not apply. Some examples of eligible extraordinary costs include:
  - Eligible staffing costs – e.g. allowances, overtime, temp staff, backfill costs, travel, accommodation
  - Transportation of labour, equipment and materials
  - Non capital expenses – e.g. PPE, consumables, repairs and maintenance, equipment hire
  - Hire of additional plant and equipment

All expenditure must be produced in accordance with Agency's Procurement, HR and Travel Policies. Submissions must be received within 3 months from the end of the financial year in which eligible expenditure was incurred with 100% reimbursement of eligible extraordinary costs.

*Category B*

- Essential Services Safety and Reconnection Scheme
  - Requested by DCCSDS when the Personal Hardship Assistance Scheme is activated and upon the assessed need as determined by DCCSDS.

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- Up to \$200 for safety inspection for each essential service reconnection (electricity, gas, water, sewage)
- Up to \$4,000 to undertake repair work for essential service reconnection e.g. rewiring requirements
- Income tested/not covered by insurance
- Natural Disaster Assistance (Concessional Loans and Grants Packages) for Non – Profit Organisations
  - Activated on needs identified by DCCSDS
  - Provides financial assistance up to \$105,000 to support restoration of service delivery comprising:
    - Grant equal to 20% of amount of assistance being requested up (max \$5,000)
    - Loan up to \$100,000, concessional interest rate, term 7 years
- Natural Disaster Assistance (Concessional Loans) for Small Business
  - Activated on needs identified by Department Of Tourism, Major Events, Small Business and the Commonwealth Games
  - Provides financial assistance for restoration/replacement of buildings. Plant and equipment or stock that have been significantly damaged- loan up to \$250,000, concessional interest rate, term 7 years
- Natural Disaster Assistance (Concessional Loans) for Primary Producers
  - Activated on needs as identified by Department of Agriculture and Fisheries (DAF).
  - Provides financial assistance for restocking, restoration/replacement to buildings, essential property operations, carry on requirements such as replanting, rent loan up to \$250,000, concessional interest rate, term 7 years
- Essential Working Capital Loans Scheme for Non-profit Organisations, Primary Producers and Small Business
  - Provides financial assistance where a significant loss of income has occurred as a consequence of a disaster by providing essential working capital to continue business operations
  - Loan up to \$100,000 concessional interest rate term 7 years
- Freight subsidies for Primary Producers
  - Activation on needs by DAF
  - Concessions could apply for the movement of:
    - Foodstuffs
    - Buildings/fencing materials
    - Stock
    - Fodder
    - Water
    - Machinery
    - Fuels
    - A maximum subsidy of \$5,000 applies.
- Restoration of Essential Public Assets (REPA)
  - An essential public asset is an asset that is integral and necessary part of state's infrastructure associated with health, education, transport, justice or welfare and would, if lost or damaged, severely disrupt the normal functioning of the community and would if lost or damaged, be



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restored or replaced as a matter of urgency (Commonwealth changes now make recreational and community infrastructure ineligible)

- When essential public assets have been directly damaged by an eligible disaster
- Funds provided for restoration/replacement of eligible uninsured essential public assets damaged as direct result of an eligible disaster to pre-disaster standard
- Local Government must contribute to funding up to their trigger point (\$173,550)
- Emergent REPA work is allowed under eligible activities including tasks that are necessary during a disaster to protect eligible assets or restore essential public services/maintain public safety. Immediate post-disaster repairs to an eligible asset to enable it to operate/ be operated at a reasonable level of efficiency, for example;
  - Removal of silt/debris from roads
  - Temporary repairs, including potholing
  - Closing/opening roads due to flood.
- Timeframe requirements:
  - REPA Emergent – Activities undertaken in 60 days, with submission of expenditure claim within 6 months (must be claimed 3 months after Financial Year (FY) – 30 Sept at the latest)
  - REPA Submissions are to be done as soon as practicable after the event
  - REPA Expenditure – Acquittal two FY after end of financial year (EOFY) in which event occurred. E.g. 5 January 2015 event, timeframe ends 30 June 2017 (extensions of time in exceptional cases only must be with the QRA by 30 June and 30 November each year)
- Betterment
  - Betterment of an asset may be considered eligible:
    - If the asset is an essential public asset
    - The State and Commonwealth are satisfied with the cost effectiveness of the proposal
    - The State and Commonwealth are satisfied that the increased disaster resilience of the asset will mitigate the impact of future natural disasters
    - Betterment cost is different between restoring asset to pre disaster standard and restoring to more disaster resilient standard
    - Local Government to contribute an agreed amount

*Category C*

- Community Recovery Package
  - Community Recovery Fund
    - Activation is requested by DCCSDS when it is identified that additional assistance is required to assist the community to recover from the event



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- Aimed at assisting the community with medium to long term recovery to provide funding for activities/projects aimed at community recovery, community development and community capacity building for the future
- Special Disaster Assistance (Clean-up and Recovery Grants) for Non-profit Organisations, Small Business and Primary Producers
  - Designed to cover the cost of clean-up and restoration
  - Assists businesses to continue or commence training as soon as possible
  - May also be provided to assist with the costs of relocation to temporary premises
  - Designed to provide short term targeted assistance for clean up, removal of debris, disposal of dead livestock and further restoration (Primary Producers)

### *Category D*

- Extraordinary Special Assistance- activated on joint agreement between Prime Minister and Premier that:
  - The Community is severely affected
  - Additional funding is required to meet particular circumstances of a severe event
  - There is a need for special assistance above and beyond the standard suite of NDRRA assistance arises

### *NDRRA Eligible/Ineligible Events*

NDRRA is for natural occurring events with eligible/ineligible events defined by the Commonwealth. Eligible events include:

- Bushfires
- Storm Surge
- Earthquakes
- Floods
- Storms
- Landslips
- Tropical Cyclones
- Meteor Strikes
- Tsunami
- Terrorist Events ( included as an interim measure only from 1 July 2010)

Ineligible events include:

- Civil unrest
- Drought
- Frost
- Heatwave
- Epidemic
- Oil spills
- Plague
- Pestilence
- Technological





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- Warfare
- Small events (not exceeding NDRRA Criteria)

*State Disaster Relief Arrangements*

State Disaster Relief Arrangements (SDRA) is a state funded all hazards program based on relief measures. These relief measures include:

- Counter Disaster Operations
  - Eligible extraordinary activities undertaken to provide direct assistance to an individual, and for the protection of the general public
- Personal Hardship Assistance Scheme
  - Grants for individuals available for immediate needs, essential household contents and structure assistance

Exclusions include state and local government assets.

Request of the SDRA activation is by the Department of Communities Child Safety and Disability Services (DCCSDS) when there are no local service providers, or local service providers have reached their capacity, to support individuals/families following a disaster who are suffering personal hardships. It is activated by approval of the Director General of the Premier and Cabinet.



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**16.5 Weather Outlook**

**Date:** 04 November 2015  
**Author:** David Mazzaferri, Manager Disaster Management (Recovery & Resilience) & Community Engagement  
**Responsible Officer:** Ian Flint, Chief Executive Officer

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**Summary:**

The purpose of this report is to advise Council of the Weather Outlook for November 2015 to January 2016.

**This document is for Council's information only.**

**RESOLUTION**

**This document is for Council's information only.**

**Report**

**1. Introduction**

On the 29 October 2015 the Bureau of Meteorology released the latest Climate and Weather Outlook for November 2015 to January 2016. Link to release: <http://www.bom.gov.au/climate/ahead/outlooks/video/>

**2. Background**

November temperatures are likely to be warmer than average for southern Australia, with below-average rainfall across the southeast and parts of the north but above-average rainfall across large parts of the west. The November to January outlook indicates below-average rainfall is likely across parts of Victoria, NSW and the tropics. Warmer daytime temperatures are likely along much of the coast of southern and eastern Australia but central parts of the NT are likely to be cooler. Overnight temperatures are likely to be warmer across most of the country. The current outlook reflects a combination of a strong El Niño in the Pacific, a decaying positive Indian Ocean Dipole, and very warm Indian Ocean temperatures.

**3. Report**

A strong El Niño, coupled with other climate influences, means the north of Australia may see a delayed start to wet season rains and fewer tropical cyclones. In the south, there's an increased risk of heatwaves and bushfires.

September was the third driest on record for Australia, and these dry conditions extended into October. Rainfall percentages map for 1 September – 27 October 2015 shows less than 20 per cent of average rainfall for the period across almost the whole Northern Territory, most of inland Queensland and South Australia, and large parts of Western Australia. New South Wales, Victoria and Tasmania had 20–60 per cent of their average rainfall, and above-average



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rainfall was only seen along part of the Tropical North Queensland coast and in some northern and central parts of Western Australia.

Areas with severe long-term rainfall deficiencies now extend across large parts of Queensland, northern New South Wales, and Victoria and into South Australia. October was one of our hottest on record, further drying crops and other vegetation. Tasmania and Victoria both declared total fire bans prior to their usual fire danger periods, and bushfires have already occurred in all southern States.

Lower-layer soils have also been drier than average, contributing to low rainfall runoff, and an early end to southern Australia's water-storage filling season. As a result, many water storages are now less than half full. Virtually all of our major storages are now at lower levels than at this time last year.

We currently have in the Pacific Ocean, an El Niño still strengthening and remains our strongest since 1997–98. Maps for 20 October 2015 shows waters 2–3 degrees warmer than average for the time of year extending from South America, along the equator and through the middle of the Pacific Ocean.

Most international climate models suggest El Niño won't start to decline until early 2016. Likewise, sea surface temperatures to Australia's north are likely to return to normal by the end of the year. While these drying influences may ease, the sub-tropical Indian Ocean is expected to remain warm, potentially drawing some moisture towards Australia.

But we need to remain on alert for bad fire weather. Historically, when we have a positive Indian Ocean Dipole before an El Niño summer—as we have in this year—we've seen more fires.

With the drying influences on Australia due to ease, the outlook for November 2015 to January 2016 indicates in several areas, that odds favour wetter-than-average conditions for this time of year. Drier-than-average conditions are expected in the north, due to a later start to the wet season rains, and in parts of the southeast. The Bureau of Meteorology rainfall outlook map for November 2015 – January 2016 shows 70–80 per cent chance of rainfall that is above average for that time of year in the southwest of Western Australia, and 60–70 per cent chance of above-average rainfall across most of South Australia, the Northern Territory and inland Queensland. Lower than 40 per cent odds of above-average rainfall are shown in north-western parts of Western Australia, along the north coasts of the Northern Territory and Queensland, in south-eastern New South Wales, and in eastern Victoria.

The Australian region usually has around 11 cyclones each season, of which four cross our coastline. El Niño typically reduces cyclone activity in our region, meaning fewer tropical cyclones than average are expected. However, at least one cyclone has hit Australia every year since records began.

In conclusion we have been dominated by drying influences, but these should ease as we move into summer with odds favouring above-average rainfall for some inland areas and the seasonally dry southwest, but drier in the north and southeast. Low streamflows are likely to continue in many areas, and the risk of bushfires and heatwaves remains high.



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*Cr McLean advised of a perceived conflict of interest in Item 10.4 "Regulation of Corflute Signage" (as defined in section 173 of the Local Government Act 2009), due to her family business interests being associated with printing and advertising. Cr McLean took no part in the discussion or decision and left the meeting at 01:52pm.*

**10.0 Executive Office Reports (Continued).**

**10.4 Regulation of Corflute Signage**

**Date:** 05 November 2015  
**Author:** Stephen Hart, Manager Administration & Executive Operations  
**Responsible Officer:** Ian Flint, Chief Executive Officer

**Summary:**

The purpose of this report is to provide Council with information on the regulation of temporary corflute signs in the Lockyer Valley Regional Council area. Such regulation can be achieved through the local law framework following minor amendment to definitions within the existing planning schemes. Real estate signs, community organisation signs, events, and garage sale signs are already regulated in the local law framework. If change to the requirements for these signs is necessary, or the regulation of other temporary signs is required, Council direction will be required on the details. This will include specifications and criteria in the Local Law for each of these signs to address size, number, period, maintenance and removal. The broad parameters for development of a subordinate local law are recommended.

**Officer's Recommendation:**

**THAT the CEO be authorised to draft changes to the definitions within the Planning Schemes to make it clear that the planning schemes do not regulate temporary advertising signs;**

**And further;**

**THAT the CEO be authorised to draft changes where necessary to the Subordinate Local Law 1.4 (Installation of Advertising Devices) 2011 for further consideration by Council to ensure enhanced safety and amenity with respect to temporary signs based on the following parameters- that the local law :**

- **Apply to both public and private land**
- **Limit the size of temporary signs**
- **Limit the number of temporary signs**
- **Address time frames for the display of signs around particular events**
- **Does not require application if permitted advertising signs meet prescribed criteria**
- **Applies penalties for breach of the prescribed activity.**

**RESOLUTION**

**THAT the CEO be authorised to draft changes to the definitions within the Planning Schemes to make it clear that the planning schemes do not regulate temporary**

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advertising signs;

And further;

THAT the CEO be authorised to draft changes where necessary to the Subordinate Local Law 1.4 (Installation of Advertising Devices) 2011 for further consideration by Council to ensure enhanced safety and amenity with respect to temporary signs based on the following parameters- that the local law :

- Apply to both public and private land
- Limit the size of temporary signs (.6m<sup>2</sup>)
- Limit the number of temporary signs - 25
- Address time frames for the display of signs around particular events
- Requires an application for permitted advertising signs
- Requires that a bond payment must be provided (excluding community groups)
- Applies penalties for breach of the prescribed activity.

**Moved By: Cr Pingel**

**Seconded By: Cr Milligan**

**Resolution Number: 4361**

**CARRIED**

**4/2**

**Voting**

**For the Motion:** Crs JH Holstein, SJ Jones, TM Milligan and DP Pingel.

**Against the Motion:** Crs PF Friend and JM McDonald.

## **Report**

### **1. Introduction**

Council have sought additional background on the regulation of the placement of temporary signs in the local government area. The regulation of such signage can be achieved in a number of ways depending on the nature of the signs and the level of enforcement required. Lockyer Valley Regional Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011 currently regulates this activity. That local law defines under Schedule 3 a broad range of advertising signs that are regulated.

Council needs to consider whether formal regulation the activity is required or whether a more informal approach through a guideline is appropriate.

### **2. Background**

This matter was raised at the 14 October 2015 Ordinary Meeting where Council expressed an interest in regulating the placement of temporary signage. A question raised at that time was whether or not the management of such signs was best carried out through the planning scheme, by policy/guideline or through the local law process.

### 3. Report

Many local governments in Queensland regulate temporary signage through a subordinate local law. Other local governments provide direction on some categories of temporary signage through guidelines or fact sheets focusing on safety and amenity concerns in the placement of such signage. Many adopt the existing model local law approach. Others such as Ipswich City Council can take a very prescriptive approach. Others such as Toowoomba Regional Council seek to apply a policy and guideline.

#### Effect of Planning Scheme

Under existing legislative arrangements a local law cannot seek to regulate an activity that is already regulated under State legislation. For example, where development is regulated by State legislation, local laws are not able to regulate. However if legislation (in this case the *Sustainable Planning Act* and Planning Scheme) does not regulate, then local laws are able to apply.

Council's Manager Planning and Development has advised that from a development perspective, the only action that needs to be taken to clarify that regime does not apply is to amend the definition of "Advertising Device" in the Gatton Shire Planning Scheme and include a new definition for "Advertising Device" in the Laidley Shire Planning Scheme. That will ensure it is clear that these planning schemes do not regulate temporary signage and that will enable it to be cleanly dealt with by the Local Law.

The Manager Planning and Development has further advised that this amendment can be done as a minor amendment to the planning schemes- which is a straightforward matter that can be done through the adoption of the amendment of the planning schemes at a future Council meeting. These amendments will have the effect of ensuring the regulation of temporary signs is not done under the planning schemes and allow the regulation of temporary signs to occur under the existing Subordinate Local Law 1.4.

#### Subordinate Local Law 1.4 (Installation of Advertising Devices)

This Subordinate Local Law supplements Local Law No.1 (Administration) which provides the regulatory framework for regulation, administration and enforcement of Local Laws. The Subordinate Local Law provides for the granting of approval for a wide range of advertising devices specifying those that require approval and those that are permitted and installed in accordance with prescribed criteria.

40 different types of advertising devices are defined. For each type there are also prescribed criteria that must be met for the sign to be installed. If the sign is outside the scope of the criteria provided, an application would be required for the advertising device. However to date Council has not any administrative process in place to deal with such an application. There are no application forms and no policy or guideline as to how such applications would be assessed.

The Subordinate Local Law is enforceable under the offence provisions specified in the Local Law No.1 (Administration).

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At the Council meeting on 14 October it is understood a number of different temporary signs were discussed in terms of the need for regulation. These included corflute signs generally but specifically real estate signs, community organisation signs, events, elections (federal, state and local) and garage sale signs.

Within the 40 different types already included in the Subordinate Local Law there are specified requirements for the following signs:

- 8 Community organisation sign (which covers events)
- 9 Site community organisation sign
- 10 Directional community organisation sign
- 11 Garage sale sign
- 14 Real estate sign
- 26 Estate sales sign

As indicated above there are specifications and criteria in the Local Law for each of these signs. These criteria address size, number, period, maintenance and removal. The adequacy of those existing specifications for each sign type is considered acceptable but could be tightened if issues are apparent operationally.

#### Election signage

As indicated above, temporary signage for real estate signs, community organisation signs, events, and garage sale signs is regulated under the existing local law. The only category of advertising device that is not addressed in the local law is that of election signage.

Given the above context on the legislative framework for temporary signage is provided above, the issue of a further category of election signage is also now addressed.

In accordance with the *Local Government Act 2009*, Council is not able to prohibit the placement of election signage but is able to regulate the placement of election signage in certain circumstances.

Lockyer Valley Regional Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011, provides a platform for Council to regulate the placement of election signage. As election signage is not currently included in Schedule 3 of that local law placement of election signage is not specifically regulated. Criteria for evaluation of election signage could be developed by way of policy or guideline. Such a policy or guideline will assist with the process but may not be adequately enforceable if a breach occurred.

Alternatively the Subordinate Local Law could be amended to include temporary election signage and criteria for erection/placement in Schedule 3. This amendment can be made and the process to amend commenced via a resolution of council. The process may involve a period of public consultation.

The report provided in the Council agenda on 28 October 2015 and withdrawn focused on election signage as that aspect was not already regulated in the local law. The authors of that report did not attend the meeting when the topic was first raised and regrettably were not aware that further background on the broader issue of temporary signage was required. The authorisation process followed the usual system. However there was some breakdown in communication as the original report and action direction was carried out by a different Group/Section within Council.





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### Local Law No 4 (Local Government Controlled Areas, Facilities and Roads)

For Local Government controlled areas, facilities and roads Local Law No.4 also applies. This does not apply to private land and would also require applications to be made and assessment against a policy/guideline.

Council is able to regulate and even prohibit placement of signage on its own controlled areas, roads and facilities. The capacity to regulate the placement and usage of signs on private land is significantly more constrained. The LGAQ advisory on this aspect is that Council is unable to regulate the placement of election signage on private land unless there is a bona fide safety issue or there is an overwhelming amenity impact.

Regulating this activity can be undertaken formally through a local law or directed through the development of a policy or guideline. The State Government through the Department of Transport and Main Roads have issued a fact sheet guiding the placement of election signage on State Government road reserves. The key considerations in regulating placement of election signage by the State Government are safety and amenity.

### Matters to be considered

The following matters should be examined by Council in seeking to regulate the placement of temporary signage:

- the purpose for which the signs are proposed to be used; and
- the locations at which it is proposed to erect signs.

Changes to the regulation of temporary signs existing or introduction of a new category of sign would require council to establish the conditions to be applied to the regulated activity. For example whether:

- council seeks to regulate signage on privately owned and/or council owned land (Given limitations described above);
- prescribed activities require approval;
- applications will be required;
- a cost will be imposed by way of a fee or bond;
- size needs to be limited eg the maximum size of a sign be 0.6m<sup>2</sup>;
- the number of signs and types of signs to be erected;
- penalties on compliance will be required; and
- timeframes for display of signage will be specified around events.

These matters could be dealt with outside the existing Schedule 3 but it would require an application for the advertising device. However Council has not any administrative process in place to deal with such an application. There are no application forms and no policy or guideline as to how such applications would be assessed.

Council needs to also be mindful of the conditions associated with regulating the placement of signs and the associated resource requirements of enforcing such activity in its deliberation.

It is recommended that changes to the Subordinate local law be drafted for Council consideration based on these parameters.

#### **4. Policy and Legal Implications**





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If amendments to the Subordinate Local Law are required the process to be followed will depend on the scope of change. If the change is “not substantial” it can be done by resolution. If it is substantial then the process to be followed has been specified by recent Council resolution and will include public consultation.

It is considered that minor variations to requirements for an existing signage regulation or the addition of a further category of temporary sign could be considered insubstantial and carried out by resolution. However, a significant review and addition of a range of new categories would be considered substantial. This would add a time impost as it would necessitate undertaking the process for amendment of subordinate local laws including public consultation.

Section 36 of the *Local Government Act 2009* provides Councils cannot prohibit the placement of election signs or posters. However Council is able to regulate this activity.

It should be noted that Council is unable to regulate the placement of election signage on private land unless there is a bona fide safety issue or there is an overwhelming amenity impact.

**5. Financial and Resource Implications**

Budget and resource implications will continue to be addresses through existing allocations. The content of the report does not alter current budgetary requirements. It should be noted that further regulating and enforcing the placement of temporary signage will impact on the staff resources of council.

**6. Delegations/Authorisations**

The CEO will require the authorisation to develop an amended subordinate local law for Council consideration.

**7. Communication and Engagement**

If a subordinate local law is required to be substantially amended, a resolution will be required to make that change. This will initiate a process including public consultation.

**8. Conclusion**

Council is able to regulate the placement of temporary signage. Minor amendments to definitions in the Planning Schemes will clarify the local law framework. The existing Subordinate Local Law regulates real estate, community, event, and garage sale signs but not election signage. Changes to the specification and criteria for signage will need to be detailed with this further direction from council. Provided any changes are “not substantial” the amendments could subsequently be done by Council resolution.

**9. Action/s**

Draft amendments to Subordinate local law 1.4 be drafted to address temporary signage.

*Link to Local Law on Council's Website:*



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<http://www.lockyervalley.qld.gov.au/our-council/local-laws/Documents/certified%20subordinate%20local%20law%201.4%20installation%20of%20advertising%20devices%202011.pdf>



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## Report

### 1. Introduction

The purpose of this Report is to provide information to Council on community engagement feedback from Gatton CBD businesses on the issue of regulated parking as conducted in December 2014.

### 2. Background

Council resolved on 28 October 2015 to amend *Subordinate Local Law No.5 (Parking) 2011* and authorised the Community Engagement Team to survey businesses in the Gatton & Laidley business district on how Council will best regulate and manage parking in these areas.

Disruption to the Gatton CBD from the Imperial Hotel fire made the timing of discussions on parking regulation less likely to be effective. The Community Engagement Team had information available from a December 2014 CBD consultation process which was deemed to be still relevant for current purposes.

It is noted here that the formal and advertised public consultation process for the proposed amendments is a different process than that used by or involving the Community Engagement Team.

### 3. Report

In December 2014 the Community Engagement Team visited a significant number of businesses in Gatton CBD to increase their awareness of the 2-hour regulated parking zones and future enforcement intentions. Businesses were advised that the intention of the awareness raising was to promote shopping at local businesses through increased availability of parking spaces close to shops. Businesses were advised that Council had received numerous complaints about employees of local businesses parking on Railway and North Streets all day and thereby restricting access to shoppers.

A similar process was conducted in Laidley by Infrastructure Works & Services; the Community Engagement Team does not have the data from that process.

Key recommendations from businesses included:

- That Council ensures its own staff do not park in regulated street parking zones during their work hours
- That consideration is made for increased parking requirements during events held at Gatton Shire Hall. This might include relaxed enforcement of North Street during those events, the creation of more off-street car parks, or a voucher system for people attending those events to waive the parking requirement
- That parking signs be consistent in showing the time limits as well as the regulated hours
- That it be made clear whether time-limits applied to disability spaces
- That Supercheap encourage their customers to conduct any work on their cars in an off-street carpark
- That businesses with their own off-street parking make it available to customers
- That minimum time limit is increased to 3 hours to allow for people with appointments that take longer than 2 hours. This generally related to hairdressing, real estate and some medical appointments.

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- That enforcement begins with a grace period where non-fine notices are left on cars indicating that they have over-stayed and that in the future they will be fines
- That maps be made available online, in newspapers, and on street signs indicating where all regulated and unregulated parking areas are

It is further recommended by the Community Engagement Team that all media from Council on regulated parking highlight that the purpose of regulating parking is to support local businesses, and that if the community complies there won't be any revenue raising.

Engagement has not been conducted at this time in Laidley CBD in order to maintain consistency with Gatton CBD.

**4. Policy and Legal Implications**

The change to this community engagement approach will not affect the local law making process.

**5. Financial and Resource Implications**

Any costs associated with changes to signage or media promotion would need to be considered by relevant business units. There are no community engagement financial implications.

**6. Delegations/Authorisations**

That the timing of any future consultations will be determined in accordance with existing delegations.

**7. Communication and Engagement**

Council's media promotion of parking regulation and enforcement should highlight the benefits to the local community and economy when the community complies with regulations.

The timing of future community engagement on this matter will be determined in consultation with the offices of the Chief Executive Officer and the Mayor.

The Community Engagement Team will continue to monitor business feedback in Gatton and Laidley through ongoing engagement opportunities.

**8. Conclusion**

Council's consideration of feedback from the Gatton and Laidley CBD business communities will assist in determining parking regulations that best suit the respective communities.

**9. Action/s**

The Community Engagement Team will continue to monitor business feedback in Gatton and Laidley through ongoing engagement opportunities.







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**17.2 Organisational & People Development Quarterly Report**

**Date:** 03 November 2015  
**Author:** Shane Browne, Manager Organisation & People Development  
**Responsible Officer:** Dan McPherson, Executive Manager Organisational Development & Planning

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 275 (1) (h) of the Local Government Regulation, 2012, as the matter involves other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

**Summary:**

The purpose of this report is to provide Council with a snapshot of the organisation from an Organisation & People Development perspective for the period 1 July 2015 to 30 September 2015.

**RESOLUTION**

**THAT Council resolves to receive and note the Organisation & People Development Quarterly Report for the period 1 July 2015 to 30 September 2015.**

**Moved By: Cr Milligan**                      **Seconded By: Cr McDonald**  
**Resolution Number: 4367**

**CARRIED**  
**7/0**







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**17.4 Lakeview Accommodation Precinct - Offer to Purchase Lot 2 on SP258959**

**Date:** 04 November 2015  
**Author:** Caitlan Natalier, Solicitor/Legal Services Coordinator  
**Responsible Officer:** Ian Flint, Chief Executive Officer

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 275 (1) (e) of the Local Government Regulation, 2012, as the matter involves contracts proposed to be made by it.*

**Summary:**

Council has recently entered into a contract for the development of Lot 1 on SP258959 for motel and commercial shop purposes. The Developer has now submitted a letter of offer for the purchase of the adjoining Lot 2 on SP258959 in order to better accommodate the proposed development layout. The purpose of this Report is to consider this offer.

**RESOLUTION**

**THAT with respect to the letter of offer for the purchase and development of Lot 2 on SP258959 as part of the Lakeview Accommodation Precinct by Super Turnkey Pty Ltd as Trustee, Council resolves to:**

- a) apply the exception from tendering contained in Section 236(1)(c)(v) of the *Local Government Regulation 2012* to enable the disposal of Lot 2 on SP258959 to Super Turnkey Pty Ltd as Trustee as it is in the public interest to dispose of the land without a further tender or auction for the following reasons:
  - (i) a tender for the sale and development of student accommodation on Lot 2 on SP258959 as part of the Lakeview Accommodation Precinct has previously been undertaken without success;
  - (ii) the previous tender process undertaken by Council has determined that there is limited interest in the development of student accommodation in the Lakeview Accommodation Precinct and there are no parties in a position to acquire and develop the land in accordance with Council's specifications and objectives;
  - (iii) Super Turnkey Pty Ltd as Trustee has entered into a contractual arrangement with Council for the purchase and development of Lot 1 on SP258959 in accordance with the specifications of the Lakeview Accommodation Precinct and the acquisition of Lot 2 will enable a more flexible development layout as originally intended by Council and the achievement of development efficiencies;
  - (iv) the disposal of Lot 2 on SP258959 will result in the development of student accommodation on the land in line with the tender specifications previously advertised;



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- (v) Council's local government area has a shortage of accommodation for students and it is considered that this disposal and development will assist to reduce the demand for student accommodation;
  - (vi) the offer made for the purchase of Lot 2 is for a sum higher than the market valuation of the land and the delivery of Council's objective for the development of student accommodation on the land is also taken into account as consideration for the disposal; and
  - (vii) the disposal is otherwise in accordance with the sound contracting principles set out in the *Local Government Act 2009*.
- b) THAT Council authorise the Chief Executive Officer to further negotiate and report back to Council on the outcome, prior to entering into a contractual arrangement for the sale and development of Lot 2 on SP258959 with Super Turnkey Pty Ltd as Trustee on similar terms, and requiring concurrent options and settlement provisions, as for the contractual arrangements entered into for Lot 1 on SP258959.

**Moved By: Cr Holstein**

**Seconded By: Cr McDonald**

**Resolution Number: 4369**

**CARRIED**

**7/0**









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*There being no further business the meeting closed at 4.02 pm.*

**GENERAL BUSINESS**

THAT Council re-open the meeting to discuss the following item not included in the agenda, and be brought forward for discussion and subsequent consideration, as it is considered an urgent matter which needs to be responded to at this meeting of Council.

- *Potential Water Contract – NEXUS Subcontractor*

**Moved By: Cr Pingel**

**Seconded By: Cr McDonald**

**Resolution Number: 4373**

**CARRIED**

**7/0**

**CLOSED SESSION**

THAT Council move into Closed Session at 4.03 pm to the exclusion of the press and public, in accordance with Section 275 (1) (h) of the Local Government Regulation, 2012.

**Moved By: Cr Pingel**

**Seconded By: Cr McDonald**

**Resolution Number: 4374**

**CARRIED**

**7/0**

**OPEN SESSION**

THAT THAT Council move into Open Session, the time being 4.10 pm.

**Moved By: Cr Milligan**

**Seconded By: Cr McDonald**

**Resolution Number: 4375**

**CARRIED**

**7/0**





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Item Number: 17.9  
Councillor: Cr Steve Jones  
**SUBJECT: POTENTIAL WATER CONTRACT - NEXUS SUBCONTRACTOR**

*That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 275 (1) (h) of the Local Government Regulation, 2012, as the matter involves other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

**RESOLUTION**

**THAT the Chief Executive Officer be authorised to negotiate with a NEXUS subcontractor a water supply arrangement for non-portable water for Toowoomba Second Range Crossing Project.**

**Moved By: Cr Friend**

**Seconded By: Cr Holstein**

**Resolution Number: 4376**

**CARRIED**

**7/0**

**18.0 MEETING CLOSED**

*There being no further business the meeting closed at 4.12 pm.*