

Agenda



ORDINARY MEETING OF COUNCIL

AGENDA

19 FEBRUARY 2025

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1. MEETING OPENED

1.1 Acknowledgement of Country

The traditional owners of the land on which the meeting is held to be acknowledged.

1.2 Opening Prayer

A minute's silence to be held for those persons recently deceased followed by the opening prayer.

2. LEAVE OF ABSENCE

No Leave Of Absence.

3. CONDOLENCES/GET WELL WISHES

3.1 Condolences

Author: Bella Greinke, Project Officer

Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Officer's Recommendation:

THAT letters of condolence be forwarded to the families of recently deceased persons from within, or associated with, the Lockyer Valley region.

Attachments

There are no attachments for this report.

4. DECLARATION OF ANY PRESCRIBED CONFLICT OF INTERESTS/DECLARABLE CONFLICTS OF INTEREST BY COUNCILLORS**4.1 Declaration of Prescribed Conflict of Interest on any Item of Business**

Pursuant to Chapter 5B, Part 2 of the *Local Government Act 2009*, a councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of a local government, or any of its committees must:

- (a) inform the meeting of the prescribed conflict of interest in the matter, including the following about the interest –
 - i. if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - ii. if it arises because of an application or submission, the subject of the application or submission
 - iii. the name of any entity other than the councillor that has an interest in the matter
 - iv. the nature of the councillor's relationship with the entity that has an interest in a matter
 - v. details of the councillor's and any other entity's 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 unless the subject councillor has written notice from the Minister to participate in the matter.

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

Pursuant to Chapter 5B, Part 3 of the *Local Government Act 2009*, a councillor who has a declarable 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 personal interest in the matter, including the following particulars about the interests:

- (a) the nature of the interests
- (b) if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party to the councillor
 - ii. the nature of the relationship of the related party to the councillor
 - iii. the nature of the related party's interest in the matter
- (c) if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.
- (d) how the councillor intends to handle the matter i.e. leave the meeting or proposes to stay in a meeting.

5. MAYORAL MINUTE

No Mayoral Minute.

6. CONFIRMATION OF MINUTES

6.1 Confirmation of Ordinary Meeting Minutes - 29 January 2025

Author: Dan McPherson, Acting Chief Executive Officer

Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Officer's Recommendation:

THAT the minutes of the Ordinary Meeting of the Lockyer Valley Regional Council held on Wednesday 29 January 2024 be taken as read and confirmed.

Attachments

There are no attachments for this report.

6.2 Confirmation of Special Meeting Minutes - 4 February 2025

Author: Dan McPherson, Acting Chief Executive Officer

Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Officer's Recommendation:

THAT the minutes of the Special Meeting of the Lockyer Valley Regional Council held on Tuesday 4 February 2025 be taken as read and confirmed.

Attachments

There are no attachments for this report.

7. BUSINESS ARISING FROM MINUTES

No Business Arising from Minutes.

8. COMMITTEE REPORTS**8.1 Receipt of the Unconfirmed Minutes of the Lockyer Valley Traffic Safety Working Group Meeting - 22 January 2025**

Author: Sara Rozynski, Personal Assistant Infrastructure

Responsible Officer: John Keen, Group Manager Infrastructure

Officer's Recommendation:

THAT Council receive and note the unconfirmed minutes of the Lockyer Valley Traffic Safety Working Group meeting held on 22 January 2025.

Attachments

[1](#) Lockyer Valley Traffic Safety Working Group Minutes - January 2025 8 Pages



TIME OF MEETING:	8.30am – 9.30am
DATE OF MEETING:	22 January 2025
LOCATION OF MEETING:	Stubbersfield Rooms A & B
CHAIRPERSON:	Matthew Lennon
MINUTES:	Sara Rozyński

ATTENDANCE

PRESENT	QPS	TMR
Cr Michael Hagan	Dan Curtain (Gatton) Acting	Anita Sullivan
Matthew Lennon	Glen Thomas (Helidon)	Kim Reese (Ipswich) via Teams
Micah Edwards	Damian van den Berg (Laidley)	James Wood
		Kerri Rudder

APOLOGIES			
	Rowland Browne (Gatton)	Chris Arama	Rebecca Roberts
		Adam Garvin	Andrew Watson
		Daniel Martin	Sandra Poulton



AGENDA ITEMS

DATE RAISED	DESCRIPTION	RECORD MATTERS FOR ACTION	RESPONSIBLE OFFICER												
22/01/2025	Apologies if applicable	<ul style="list-style-type: none"> Apologies – as noted above. 	All to note												
22/01/2025	Outstanding Actions ECM 3814317	<ul style="list-style-type: none"> Refer to the outstanding actions items document 	All to note												
22/01/2025	Traffic Incidents Lockyer Valley Region (QPS Officers)	<p>Laidley</p> <table border="1"> <thead> <tr> <th>Dates</th> <th>Injuries</th> <th>Non-Injuries</th> <th>Fatalities</th> <th>Hit & Runs</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>09/10/2024 to 09/01/2025</td> <td>12 (60% in Forest Hill area)</td> <td>6</td> <td>0</td> <td>16 (shopping centres)</td> <td>34</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Issues: No contributing circumstances with environment, road or signage identified. All accidents resulted due to driver error, fatigue, or intoxication. Crashes mostly occurring at intersections of Forest Hill Fernvale Road and Warrego Highway and Niemeyer Road and Warrego Highway. 152km/h is the highest speed recorded this quarter at the Forest Hill Fernvale Road and Warrego Highway intersection. QPS to send information through to Anita (TMR). <p>No other contributing circumstances with environment, road or signage identified. All other accidents resulted due to driver error, fatigue, or intoxication.</p> <ul style="list-style-type: none"> In Sergeant Glen Thomas' absence, Sara presented the figures and emphasised the two incidents at the James Norman Hedges Park/Warrego Highway intersection (one injury, one non-injury), as this location is a regular topic of discussion at the Forum. 	Dates	Injuries	Non-Injuries	Fatalities	Hit & Runs	Total	09/10/2024 to 09/01/2025	12 (60% in Forest Hill area)	6	0	16 (shopping centres)	34	All to note.
Dates	Injuries	Non-Injuries	Fatalities	Hit & Runs	Total										
09/10/2024 to 09/01/2025	12 (60% in Forest Hill area)	6	0	16 (shopping centres)	34										

DATE RAISED	DESCRIPTION	RECORD MATTERS FOR ACTION						RESPONSIBLE OFFICER
		Gatton						
		Dates	Injuries	Non-Injuries	Fatalities	Hit & Runs	Total	
		09/10/2024 to 09/01/2025	14	6	1 – Warrego Highway	9	30	
		<ul style="list-style-type: none"> No other contributing circumstances with environment, road or signage identified. All other accidents resulted due to driver error, fatigue, or intoxication. 						
22/01/2025	Motorist conducting U-Turns at the Spicer and Patrick Streets Laidley Intersection <i>(Damian Von Den Berg)</i>	Motorists are performing U-turns at the intersection of Spicer and Patrick Streets, Laidley, causing traffic disruptions in the area. Grace Eats Café staff has observed up to 60 U-turns in one morning. The QPS suggests installing an island at this intersection, similar to the one at Pike and Patrick Streets intersection. This will be a TMR/LVRC project given the locality.						Anita (Primary) Matthew (Secondary)
22/01/2025	Correspondence from Peace Lutheran Church Gatton regarding increased traffic accidents 30/10/2024 (ECM 4913370) <i>(Matthew Lennon)</i>	The letter was presented for discussion, however, in Rowland's absence, the group decided to defer this item to the next meeting. ACTION: Matthew Lennon and Anita Sullivan to further liaise about options for this site.						Sara
22/01/2025	George Street, Helidon Heavy Vehicle movements <i>(Matthew Lennon)</i>	Truck drivers are utilised an unapproved b-double route via George Street, Helidon. Considering there was a truck and dog rollover long this route not long ago among other matters, LVRC officers proposed installing signage along George Street and other relevant streets directing truck drivers to the correct approved B-Double route. Attendees agreed to this solution. ACTION: LVRC officers to progress this matter further.						Matthew
22/01/2025	Laidley Plainland Road bus shelter <i>(Matthew Lennon)</i>	A request was received from a resident to install a bus shelter near Cunningham Estate, Laidley for school children. Generally, bus shelters are not installed as they tend to serve a purpose for a small amount of time as families/ children grow and move out of the region etc. However, TMR will look at						Matthew / James

DATE RAISED	DESCRIPTION	RECORD MATTERS FOR ACTION	RESPONSIBLE OFFICER
		<p>the linkage between Laidley and Plainland and what their future network, stops and services might look like</p> <p>ACTION: Matthew to provide James Wood with further information via email, so assessment can be undertaken by TMR.</p>	Anita (Primary) Matthew (Secondary)
22/01/2025	Laidley Plainland Road Footpath <i>(Matthew Lennon)</i>	<p>The TMR Planning and Corridor management team were consulted regarding an application LVRC wished to submit in the Active Transport Fund to construct a footpath between Cunningham Park Estate and Laidley Township. Feedback received external to this meeting, was the proposed footpath isn't compatible with the function of Laidley Plainland Road as the road is the primary corridor for vehicle and freight movements between Laidley and the Warrego Highway at Plainlands, both now and into the future.</p> <p>ACTION: LVRC and TMR officers in attendance will pursue this matter further as we believe constructed pedestrian access along this section of Laidley Plainland Road is necessary, particularly for the safety of school children.</p> <p>Robinson Road, Gatton (Matthew)</p> <p>Traffic counters were installed at chainage 300 and 1000 in response to speeding reports and to gather data for our design requirement. Robinson Road is signed at 50km/h. The counters identified a motorist travelling at 120km/h. 5am is the peak usage time with 500 motorists travelling over 60km/h. 120-200 motorists are travelling above 50km/h through the remainder of the day, with the average being 80km/h.</p> <p>ACTION: QPS to conduct enforcement in this area. Matthew to email traffic counts to Acting Officer in Charge, Dan Curtin.</p> <p>Laidley Ambulance Station (Anita)</p> <p>TMR proposed to install (see attached proposal):</p> <ol style="list-style-type: none"> 1. Install new KEEP CLEAR to include both ambulance driveways 2. Install new NO PARKING line marking and/or signage <ul style="list-style-type: none"> • Leave 6.3m clear in between driveways OR • Install no Parking in between driveways 3. Install new X RAIL, in place of existing RAIL X <p>This is to ensure ambulance officers can drive out of the station at all times. All supportive of installation.</p>	Matthew/QPS
22/01/2025	General Business		Anita / Matthew

DATE RAISED	DESCRIPTION	RECORD MATTERS FOR ACTION	RESPONSIBLE OFFICER
22/01/2025	Next meeting	20 May 2024 10am to 11am (Kerrri holiday 5-21 April. Back on 22 April).	NA

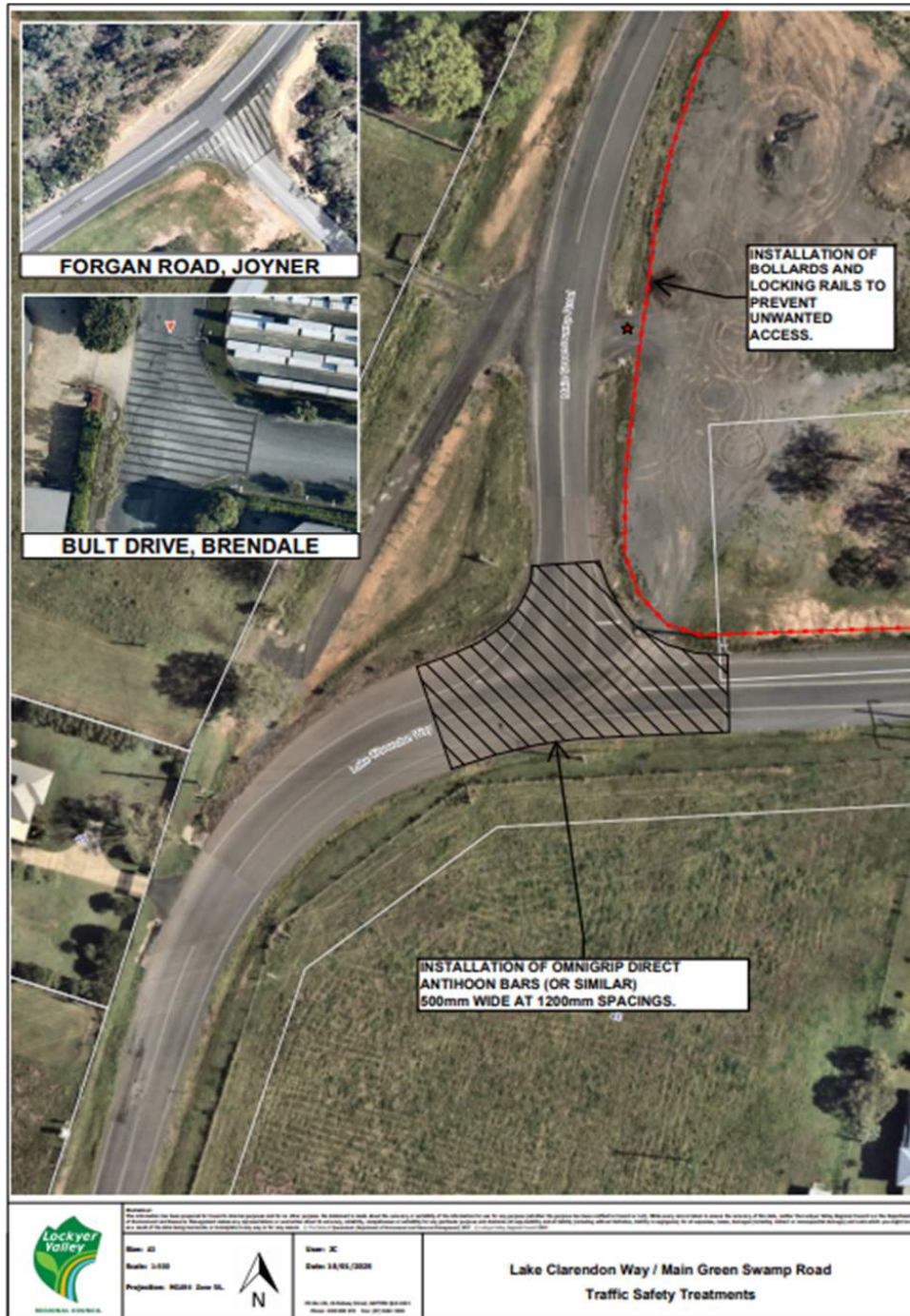
Meeting opened: 8:50am
Meeting closed: 9:47am
Tabled documents: Proposed Keep Clear signage and lines at Laidley Ambulance Station, Patrick Street Laidley.
 Main Greenswamp Road Antisocial behaviour treatment – Previous action item.
 Railway and Cochrane Street, Gatton Intersections initial proposal – Previous action item.

Proposed Keep Clear signage and lines at Laidley Ambulance Station, Patrick Street Laidley.

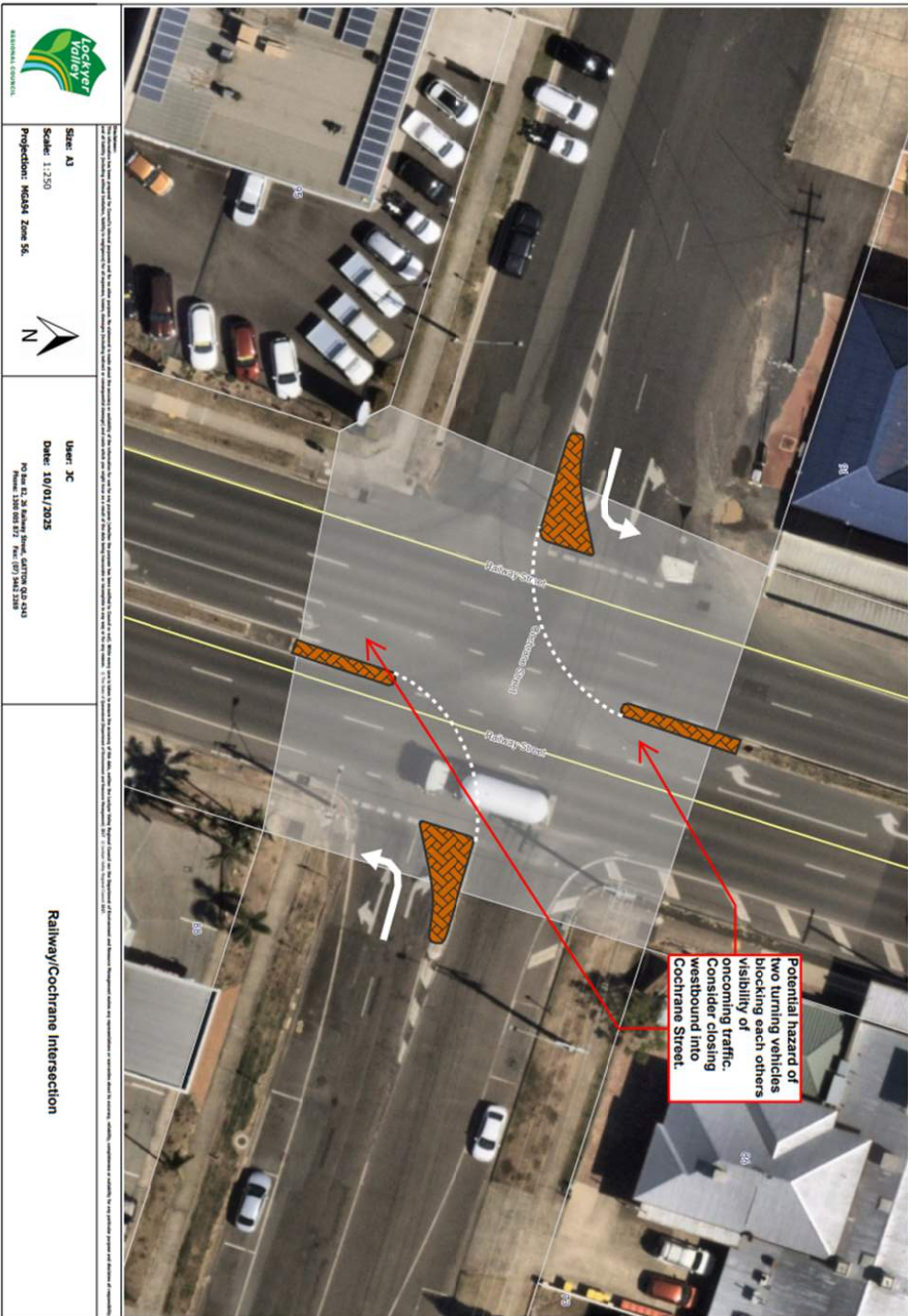


Previous Minutes – Action Item

Proposed treatment to help decreased anti-social behaviour at the intersection of Main Green Swamp Road and Lake Clarendon Way.



Previous Minutes - Action Item
Railway and Cochrane Street, Gatton Intersections Initial proposal



8.2 Receipt of the Unconfirmed Minutes of the Local Disaster Management Group - 30 January 2025

Author: Bella Greinke, Project Officer
Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Officer's Recommendation:

THAT Council receive and note the unconfirmed minutes of the Lockyer Valley Local Disaster Management Group meeting held on 30 January 2025.

Attachments

[1](#) Unconfirmed - Lockyer Valley LDMG Meeting - 30 January 2025 11 Pages



LOCAL DISASTER MANAGEMENT GROUP

MINUTES

**MEETING THEME:
CONTINUOUS IMPROVEMENT**

30 JANUARY 2025

10:00 AM

UNCONFIRMED



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AGENCY DEFINITIONS

<i>LVRC</i>	Lockyer Valley Regional Council
<i>SES</i>	State Emergency Service
<i>QAS</i>	Queensland Ambulance Service
<i>QFD</i>	Queensland Fire Department
<i>QPS</i>	Queensland Police Service
<i>DTMR</i>	Department of Transport and Main Roads
<i>BOM</i>	Bureau of Meteorology
<i>DDMG</i>	District Disaster Management Group
<i>QRA</i>	Queensland Reconstruction Authority

ATTENDANCE

Members

Mayor Tanya Milligan (Chair)
Cr Michael Hagan (Deputy Chair)
Terry Kowald, Queensland Health
Allison McGregor, Queensland Health (Deputy)
Graham Wade, SES
Ian Church, Local Disaster Coordinator
John Holdcroft, LVRC
Michelle Kocsis, LVRC (Deputy)
Damian Van Den Berg, QPS (Deputy)
Paul Hardie, QAS
Stewart Lange, QFD
Paul Storrs, QFD (Deputy)

Advisors

Anna Wheildon, Red Cross
Chris McMurray, QRA (via teams)
Dane Nice, Energex (via teams)
Hugh Goodfellow, Department of Education
Jenny Luke, West Moreton Health
Laura Williams, DTMR (via teams)
Mark Banner, Telstra (via teams)
Annabella Johnstone, Department Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (via teams)
Matthew Kelly, QPS
Susan Frost, University of Queensland (via teams)
Peta Foster, Seqwater

Observers/Other Attendees

Bella Greinke, Secretariat
Dan McPherson, Local Recovery Coordinator / Deputy Local Disaster Coordinator
Amanda Pugh, Deputy Local Disaster Coordinator
Madonna Gibson, LVRC

Matt Lennon, LVRC
Dylan Gehrke, LVRC
Cr Julie Reck, LVRC
Cr Cheryl Steinhardt, LVRC
Cr Chris Wilson, LVRC
Ella Harrison, BOM
Kim Daniels, BOM
Dan Curtain, QPS
Amy Barned, QFD
Jason Hoppood, QPS (Acting XO DDMG)
Adam Garvin, DTMR (via Teams)

Apologies

Annette Doherty, Deputy Local Disaster Coordinator
Chris Job, Queensland Parks and Wildlife
Peter Hillcoat, Southern Queensland Correctional Centre
Doug McDonald, QPS

UNCONFIRMED

1. MEETING OPENED

The meeting commenced at 10:02am and the Chair, Mayor Milligan, welcomed all present. The Chair asked all present to introduce themselves and acknowledged those online.

2. APOLOGIES AND CHANGES IN MEMBERSHIP

Apologies

Refer previous page.

Changes in Membership

- Terry Kowald, Member, QLD Health
- Anna Spicer, Advisor, Urban Utilities
- Themelina Johns, Deputy Advisor, Urban Utilities
- Anna Wheildon, Advisor, Red Cross
- Damian Van Den Berg, Deputy Member, QPS
- Cody Cramer, Deputy Advisor, QRA
- Graham Wade, Member, SES
- Ian Phipps, Deputy Member, SES
- Paul Storrs, Member, QFD
- Stewart Lange, Deputy Member, QFD

3. PRESENTATIONS

3.1 BOM – Seasonal Outlook

BOM representative, David Grant, presented to the group on the weather outlook for the coming season. The presentation has been distributed with these minutes for information.

3.2 LVRC - Electronic Signage and Cameras

Council's Manager Infrastructure Design and Asset Management, Matt Lennon, presented to the group on the new electronic signage and cameras around the region. The presentation has been distributed with these minutes for information.

3.3 Telstra - Starlink and 4G Fixed Wireless

Telstra representative, Mark Banner, presented to the group on Starlink and 4G fixed wireless. The presentation has been distributed with these minutes for information.

Further in the meeting, comments were made around the progress of this technology and availability in remote areas. The Deputy Chair suggested that the Blackspot mapping as presented in the meeting be shared with the Federal Member for awareness when funding opportunities become available.

3.4 BOM - Enviromon Replacement Program

BOM representative, Ella Harrison, presented to the group on the Enviromon replacement program, advising BOM is looking to transition to a new software in Feb-March 2025, however will continue to support agencies using Enviromon until June 2026. Brief discussion was held around the different replacement programs available and advantages of each. No recommendation was made on the preference to a specific replacement program.

3.5 DTMR - Mount Whitestone landslip

DTMR representative, Adam Garvin, presented to the group on the Mt Whitestone landslip. The presentation has been distributed with these minutes for information.

LOCAL DISASTER MANAGEMENT GROUP
MEETING MINUTES

30 JANUARY 2025

4. CONFIRMATION OF MINUTES

**4.1 Confirmation of Local Disaster Management Group Meeting Minutes - 3
October 2024**

Author: Bella Greinke, Project Officer
Responsible Officer: Ian Church, Chief Executive Officer

Officer's Recommendation:

THAT the minutes of the Local Disaster Management Group meeting held on 3 October 2024 be taken as read and confirmed.

RESOLUTION

THAT the minutes of the Local Disaster Management Group meeting held on 3 October 2024 be taken as read and confirmed.

Moved By: I Church **Seconded By:** S Lange

Resolution Number: LDMG/0060

CARRIED

9. DEPUTATIONS/PRESENTATIONS

No Deputations/Presentations.

10. EXECUTIVE OFFICE REPORTS**10.1 Summary of Council Actual v Budget - 31 January 2025**

Author: Kylie King, Financial Accountant; Dee Stewart, Coordinator Accounting Services
Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Purpose:

The purpose of this report is to provide Council with an update of Council's financial performance against budget for the financial year to 31 January 2025.

Officer's Recommendation:

THAT Council receive and note the Summary of Council Actual Financial Performance versus Budget to 31 January 2025.

Executive Summary

In accordance with Section 204 of the Local Government Regulation 2012, a financial report summarising the progress of Council's actual performance against budget is to be presented to Council. This report provides a summary of Council's financial performance against budget for the financial year to 31 January 2025.

At 31 January 2025, revenues are on target and expenditures are under target.

Proposal

Operating Revenue - Year to date target \$47 million actual \$47.6 million or 101.3%

At 31 January 2025, overall operating revenues for the year to date are on target.

Rates and Utility Charges (Gross) on target.

The first rates levy for 2024/2025 was issued on the 19th August 2024 with a due date of 18 September 2024. Rates will be closely monitored throughout the year regarding cash flow and overdue balances as well as whether growth targets are being achieved as forecast. 95.99% of the rates levy was collected as at 12 February 2024.

Charges and Fees above budget by \$0.30 million

This favourable variance is predominantly due to Building and plumbing fees and charges (\$0.27 million).

Interest above budget by \$0.58 million

Interest is performing above budget due higher than expected cash balances and interest rates.

Operating Grants and Subsidies over budget by \$0.17 million.

The major variances are due to:

- -\$0.47 million for Laidley Disaster Ready Funding project. Milestone 2 payment isn't due until the initial funding has been surpassed and at this point project expenditure is less than expected.

-
- -\$0.20 million for Roads to Recovery due to delays in the delivery of works. Measures are in place to ensure the works are completed by 30 June 2025.
 - \$0.25 million for SEQCSP received for the Tenthill Flood Plain Drainage re-instatement.
 - \$0.15 million for the final milestone payment of LGGSP funding for Asset Condition Assessments.
 - \$0.28 million due to the receipt of QRA funding which relates January 2024 flood event.

Operational grants will be closely monitored for the timing and recognition of income and the overall effect on the operating surplus.

Operating Contributions and Donations under budget by \$0.69 million.

The unfavourable variance relates predominantly to Resilient Rivers projects commencing later than originally forecasted. There is a corresponding underspend on goods and services for this funded project.

Contract / Recoverable Works under budget by \$0.24 million.

The unfavourable variance relates to RMPC works and is timing in nature. This is expected to resolve in the coming months.

Other Revenue is above target by \$0.38 million.

The favourable variances in Other Revenue predominantly relate to:

- \$0.10 million timing of annual lease revenue. This is expected to even out over the remainder of the Financial Year.
- \$0.10 million Income Tax Instalment for Urban Utilities
- \$0.12 million Rates Legal Fee Recovery

Operating Expenditure - Year to date target \$51.14 million actual \$42.88 million or 83.86%

Employee Costs under budget by \$0.48 million

Employee costs are below target as at 31 January 2025 due to a number of factors. The larger variances are due to:

- Vacancies within various positions on Council's established workforce during the financial year.
- Leave taken over the Christmas shutdown period resulting in a reduction in provisions carried on the Statement of Financial Position.

Capitalised wages are also below target primarily due to vacancies and leave utilised in the Capital Delivery teams. Finance staff are continuing to review the capture of capitalised wages to ensure wages are correctly costed to the capital program.

Goods and Services under budget by \$7.84 million.

Variations are mostly due to timing differences across the board. The most significant variances are:

- Waste contracts \$0.57 million
- Growth and Policy projects \$1.9 million
- Resilient Rivers projects \$0.56 million
- Regional Development projects including Water Initiatives \$3.33 million

Capital Project Revenue – Year to date target \$7.45 million actual \$5.34 million or 71.77%

Revenue from capital grants is recognised as the capital works are expended in accordance with accounting standards. Expenditure on funded capital works is expected to increase over the next six months and capital grants are expected to come closer to the full year budget by the 30th June as these works are completed. Any funded capital projects which are incomplete at the end of the financial year will be carried forward into the 2025/2026 financial year along with associated capital funding income.

Capital Project Expenditure – Year to date target \$25.93 million actual \$12.23 million or 47.17%

At 31 January 2025, Council has expended \$12.23 million on its capital works program with a further \$14.13 million in committed costs for works currently in progress.

Council has spent \$10.62 million on the delivery of infrastructure projects with the main focus of the 2024/2025 capital works program moving away from the restoration of flood damaged roads under the REPA program and moving towards the renewal of existing assets. \$23.43 million has been included in the capital works budget for roads and related infrastructure. Additional detail is provided in the capital works program within the attachment.

Statement of Financial Position

The Statement of Financial Position provides information on the breakdown of Council's assets and liabilities at a point in time. At 31 January 2025, Council had \$57.11 million in current assets compared to \$19.44 million in current liabilities with a ratio of 2.94:1. This means that for every dollar of current liability, there is \$2.94 in assets to cover it.

Statement of Cash Flows

The Statement of Cash Flows provides information on the amount of cash coming in and going out. As at 31 January 2025 there has been a net cash inflow of \$15.24 million with \$10.51 million inflow from operating activities. There was a net cash inflow of \$4.72 million from investing activities including capital revenue and expenditure. The Statement of Cash Flows is important as it shows the real movement in Council's cash balances, as opposed to the accounting movements shown in the Statement of Income and Expenditure. Historically, to maintain adequate working capital, it is estimated that Council needs around \$15 million cash at any one time. This is in addition to cash that is constrained for specific purposes. As at 31 January, Council's cash balance was \$45.89 million. Unexpended grant funds, which are restricted to be spent in accordance with the terms of the grant, are \$12.46 million.

Sustainability Measures

The Local Government Sustainability Framework represents the Department's approach to working with Queensland Councils on sustainability challenges. It covers both financial and non-financial indicators.

The financial sustainability measures are included in Council's monthly financial report. This is not a mandatory requirement of the new sustainability framework but it is good financial practice to do so.

Council has met or favourably exceeded targets, based on the five year average, set by the Department for the Lockyer Valley Regional Council. Graphical representation of Council's financial performance for each of the sustainability measures has been included as an attachment to this report.

Options**Strategic Implications**Corporate Plan

Leadership and Council Outcome:

- Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.
- Compliant with relevant legislation.

Finance and Resource

Monitoring of budgets and actuals will remain important if Council is to achieve the financial results adopted as part of the 2024-25 Budget.

Legislation and Policy

In accordance with section 204 of the Local Government Regulation 2012, a financial report summarising the progress of Council's actual performance against budgeted performance is to be provided to Council.

Risk Management

Key Corporate Risk Category: FE2

Reference and Risk Description: Finance and Economic

Consultation

- Managers and Group Managers
- Finance Team
- Portfolio Councillor Consultation

Attachments

- [1](#) Monthly Finance Report - January 2025 19 Pages
- [2](#) Sustainability Indicators - January 2025 1 Page

10.2 Laidley Saleyards Request to Allocate Fund for Capital Expenditure

Author: Jeff Ticehurst, Chief Financial Officer
Responsible Officer: Dan McPherson, Acting Chief Executive Officer

Purpose:

The purpose of this report is to request Council allocate funds as part of the second 2024/2025 budget review, specifically to undertake capital improvements at the Laidley Saleyards.

Officer's Recommendation:

THAT Council allocate \$803,457 to undertake capital improvements at the Laidley Saleyards as part of the second 2024/2025 budget review. The capital expenditure will be in accordance with the attached schedule and is being undertaken to improve compliance with Environmental, Work Health Safety and Animal Welfare obligations as well as accelerating options for diversification.

Executive Summary

Council formed the Laidley Saleyards Advisory Committee, also known as the Laidley Saleyards Working Group (LSWG), for the purpose of providing Council with advice on the future operation of the Saleyards, including:

- Reviewing current operations including the disposal of regulated waste.
- Identifying the current risks of operating the facility and how to mitigate those risks.
- Considering long term financial sustainability including community service obligations.
- Considering options for managing the facility in the future including Council ownership, leasing, selling or a hybrid model.

The LSWG have held three meetings to date and after considering all the information presented to the Group, the members are of the opinion that the Saleyards are financially viable and will make a valuable contribution to the local community. The Group now recommends that Council allocate \$1,203,102 over three years (\$803,457 in 24/25, \$271,620 in 25/26 and \$128,025 in 26/27) to undertake capital improvements at the Laidley Saleyards for the purposes noted in the officers recommendation.

Proposal

The LSWG has considered options for rejuvenating, expanding and diversifying operations at the Laidley Saleyards. A stepped approach needs to be taken, with the first being to remediate the site to meet regulatory requirements. EnviroAg Australia initially provided the LSWG with a capital expenditure plan over four years that would allow for orderly redevelopment/remediation of the Saleyards. Year one of the plan included essential expenditure to meet regulatory needs with later years including further spend on regulatory needs and improvements to enhance operations. It has been identified that if some expenditure is brought forward into the current year, this will expedite improvements for regulatory needs and accelerate opportunities for diversification.

The attached table indicates the amount of expenditure required over three years, beginning with \$803,457 to be allocated as part of the 2024/2025 budget review, and amounts needed in subsequent years. The table also details what the expenditure will achieve by way of improvements.

The capital expenses required to rejuvenate the site necessitate that revenue from sales increase to obtain a financial recovery. This would be by way of increased cattle sales and dipping, and equine sales. It is noted that past equine sales at Laidley faced challenges due to non-compliance with safety and animal welfare standards. However, if a high quality equine sale is promoted with quality controls and site redevelopment, equine sales may be a viable addition to the Saleyards. At this stage a five year return on investment can be made by increasing cattle sales to 20,000 head per annum and dipping to 5,000 head per annum, generating revenue of slightly in excess of \$300k per annum. Should equine sales also be included this would further improve the position. Please find attached a sensitivity analysis that illustrates revenue projections for certain numbers of cattle throughput.

Operating expenditure on the Saleyards was approximately \$147k in the 2022/2023 financial year; \$142k in the 2023/2024 financial year and \$78k in the 2024/2025 financial year to date. The 2023 and 2024 financial years included large amounts of expenditure on removal of regulated waste, (\$46k and \$85k respectively), which can be significantly reduced in future years. Please see the attached table.

In summary, it is recommended that Council allocate \$803,457 as part of the 2024/2025 second budget review to be spent on the Laidley Saleyards in accordance with the attached schedule. This will allow for an increase in livestock throughput, attract a broader customer base, support the Saleyards future redevelopment and ensure the Saleyards long term financial viability and contribution to the local economy.

Options

1. Approve the recommendation.
2. Amend the recommendation quantum.
3. Do not approve the recommendation

Previous Council Resolutions

The last resolution made by Council with respect to the Laidley Saleyards was 16 October 2024, Res No. 24-28/0166, to set up the LSWG as an Advisory Committee of Council.

Critical Dates

Nil

Strategic Implications

Corporate Plan

Lockyer Farming Business and Livelihood – maximise opportunities through engagement and partnership with stakeholders to achieve a strong resilient economy.

Finance and Resource

Financial implications are dealt with above.

Legislation and Policy

The recommendation is aimed at achieving compliance with Councils regulatory obligations as noted above.

Risk Management

R1 – reputation and goodwill.

F1 – financial

Consultation

The recommendation is from the Laidley Saleyards Working Group. Full consultation has been undertaken with the Group.

Attachments

- | | | |
|-------------------|--|---------|
| 1 | 3 year capital expenditure plan | 1 Page |
| 2 | Saleyards revenue sensitivity analysis | 3 Pages |
| 3 | Saleyards expenditure report | 1 Page |

11. PEOPLE, CUSTOMER & CORPORATE SERVICES REPORTS**11.1 Land Asset Management Plan****Author:** Julie Lyons, Senior Property Officer**Responsible Officer:** Graham Cray, Acting Group Manager People, Customer and Corporate Services**Purpose:**

The purpose of this report is to seek Council's direction in relation to the land assets identified for disposal by the Land Asset Management Plan process.

Officer's Recommendation:**THAT Council:**

1. Approve disposal of the following land assets by way of auction in accordance Section 227(b) of the *Local Government Regulation 2012* and Council's Procurement Policy:
 - a. Cricket Road Regency Downs described as Land No. 110171 and 38691; and
 - b. Biggs Road, Withcott described as Land No. 136451 and 136461.

2. Invite Expressions of Interest in accordance with Section 228(2)(b) of the *Local Government Regulation 2012* on the following land assets:
 - a. Hawck Street, Gatton described as Land No. 1121831 and 205000; and
 - b. Gatton Saleyards described as Land No. 126641;

as it is in the public interest to do so to test what market interest exists, the highest and best use and whether Council should be undertaking any further activities in relation to the land boundaries, infrastructure or rationalisation or retention of current uses prior to disposal.

3. Engage with the Department of Housing and Public Works (Social Housing team) to identify any interest they may have in the following property for social housing purposes:
 - a. Hayes Street, Laidley described as Land No. 78131;

and if they have no interest, approve disposal of the land by way of auction in accordance with Section 227(b) of the *Local Government Regulation 2012* and Council's Procurement Policy.

4. Further investigate requirements and feasibility for disposal of the following land assets:
 - a. Gatton West Industrial Zone (GWIZ) described as Land No. 142851, 142601, 142611, 142621, 142631, 142651 and 142671;
 - b. Laidley Depot described as Land No. 284860, 22441, 22531, 284870, 284890, 22491, 22391, 22471, 22411, 22381, 22451, 22521, 22501, 22511 and 22401;
 - c. Gatton Depot described as Land No. 126121;
 - d. Church Street, Laidley described as Land No. 22611 and 22621; and
 - e. Gatton Helidon Road and Railway Street, Grantham Voluntary Home Buy Back and land swap land assets identified for possible consolidation.

5. Investigate and confirm the interest of adjoining landowners and statutory requirements for disposing of the following land assets:

- a. 9 and 15 Harris Street, Grantham described as Land No. 128181 and 128141;
- b. 67 Postmans Ridge Road, Helidon Spa described as Land No. 197191;
- c. Railway Street, Grantham described as Land No. 127711;
- d. 26 Alexander Street, Laidley described as Land No. 13451;
- e. Manteuffel Road, Ropeley described as Land No. 155221;
- f. 77 and 79 Forest Hill Fernvale Road, Glenore Grove described as Land No. 37521 and 37531;
- g. Harch Road, Summerholm described as Land No. 71861;
- h. 22A Zabel Road, Lockrose described as Land No. 29281;
- i. Gatton Laidley Road, Forest Hill described as Land No. 68101;
- j. Woolshed Creek Road, Hatton Vale described as Land No. 50491;
- k. Porter Road, Plainland described as Land No. 58971;
- l. Ropeley Rockside Road, Ropeley described as Land No. 153961;
- m. Blenheim Road, Laidley Heights described as Land No. 80141; and
- n. Gatton Helidon Road, Grantham described as Land No. 163321.

6. Delegate authority to the Chief Executive Officer to do all things necessary to facilitate and deliver these disposal and investigation processes and give effect to this resolution.

Executive Summary

At Council's workshop on 28 January 2025 Infinitum Partners presented and discussed the Council land assets they had prioritised for rationalisation. The purpose of this report is to seek Council's direction in relation to the rationalisation of these land assets and to delegate authority to Council's Chief Executive Officer to do all things necessary, in consultation with Council's consultants 'Infinitum Partners', to progress the rationalisation.

This includes holding auctions, inviting expressions of interest, conducting market analysis and investigating disposal options with interested stakeholders including State agencies and adjoining landowners in accordance with statutory requirements.

Proposal

Slides showing the identified land assets is **Attachment 1** to this Report.

Disposal by Auction

The Land Assets proposed for sale by auction are:

1. Cricket Road, Regency Downs described as Land No. 110171 and 38691; and
2. Biggs Road, Withcott described as Land No. 136451 and 136461.

Engagement will occur with Ray White Commercial, from Council's procurement panel for real estate service providers, to arrange the auction.

Disposal by Expression of Interest

The Land Assets identified for disposal through an expressions of interest to test market interest and requirements for disposal are:

1. Hawck Street, Gatton described as Land No. 121861 and 205000.
2. Gatton Saleyards described as Land No. 126641.

Engagement will occur with Ray White Commercial to identify what market interest exists in the land, the highest and best use, and whether Council should be undertaking any further activities in relation to land boundaries, infrastructure or rationalisation or retention of current uses prior to disposal.

State Agency Engagement for Social Housing Purposes

The Department of Housing and Public Works has identified some interest in the Hawck Street, Gatton site for social housing purposes. The Hawck Street site is a high visibility, high value site and it is proposed above to broadly test the market to determine what level of interest there is in the disposal of this site.

The State has indicated a willingness to consider any alternative sites proposed by Council. The property at Hayes Street, Laidley has been identified as possibly suitable for social housing purposes and within reasonable proximity to the Laidley CBD.

Further Investigation

The Land Assets identified for further investigation prior to disposal are:

1. Gatton West Industrial Zone (GWIZ) described as Land No. 142851, 142601, 142611, 142621, 142631, 142651 and 142671;
2. Laidley Depot described as Land No. 284860, 22441, 22531, 284870, 284890, 22491, 22391, 22471, 22411, 22381, 22451, 22521, 22501, 22511 and 22401;
3. Gatton Depot described as Land No. 126121;
4. Church Street, Laidley described as Land No. 22611 and 22621; and
5. Gatton Helidon Road and Railway Street, Grantham Voluntary Home Buy Back and landswap land assets identified for possible consolidation.

These investigations will include consideration of Council's future operational needs, highest and best land use, appropriate zoning, infrastructure requirements and boundary realignments.

For clarity, no changes to current uses of the Laidley Depot are anticipated. The investigation of this site will involve consideration of a more appropriate lot configuration and whether any part of the site is surplus to needs and can be subdivided and sold.

Investigation for Disposal to Adjoining Owners

Council has received interest from adjoining landowners in purchasing the following properties:

1. 9 and 15 Harris Street, Grantham described as Land No. 128181 and 128141 – land swap land.
2. 67 Postmans Ridge Road, Helidon Spa described as Land No. 197191 – land swap land.
3. Railway Street, Grantham described as Land No. 127711 – land swap land.
4. 26 Alexander Street, Laidley described as Land No. 13451 – land swap land.
5. Manteuffel Road, Ropeley described as Land No. 155221 – contains road encroachment but currently used as part of adjoining property.
6. 77 and 79 Forest Hill Fernvale Road, Glenore Grove described as Land No. 37521 and 37531 – land swap land.
7. Harch Road, Summerholm described as Land No. 71861 – small irregular vegetated lot of no use or interest to anyone else. Currently used with adjoining property.

8. 22A Zabel Road, Lockrose described as Land No. 29281 – remediated dip site.
9. Gatton Laidley Road, Forest Hill described as Land No. 68101 – next to Stark Engineering and subject to some encroachments.
10. Woolshed Creek Road, Hatton Vale described as Land No. 50491 – dam site.
11. Porter Road, Plainland described as Land No. 58971 – dam site.
12. Ropeley Rockside Road, Ropeley described as Land No. 153961 – former rural bin site.
13. Blenheim Road, Laidley Heights described as Land No. 80141 – dam site.
14. Gatton Helidon Road, Grantham described as Land No. 163321 – land swap.

The majority of these Land Assets are land swap lots now zoned for limited development, lots that are irregular in size and shape or lots that contain only dams.

Three of these lots – 22A Zabel Road, Gatton Laidley Road and Ropeley Rockside Road - may be of some interest to the broader market as they appear to have less constraints on land use and be of an appropriate size.

It is proposed that all third party interest be further investigated to determine whether the statutory requirements can be met for disposal to the interested adjoining owners. This will involve engaging with any other adjoining landowners to determine if they also have any interest in purchasing the land. Consideration will be given to whether there is a public interest in disposing of these properties to the interested adjoining owners or if an alternative market disposal option is more appropriate.

If the recommendation in this report is accepted, it is anticipated that a report will be presented to a future Council meeting to report back on any investigations and recommend further steps to achieve rationalisation.

Strategic Implications

Corporate Plan

Lockyer Leadership and Council

- Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community
- Compliant with relevant legislation

Finance and Resource

The review and proposal for rationalisation of Council's land holdings is an Operational Plan activity in Council's Operational Plan 2024-25.

It is proposed that Infinitum Partners and Ray White Commercial be engaged to assist with conducting these feasibility investigations, marketing campaigns and disposals. Budget will be required to cover this next phase of work and this will be included as part of the current budget review process.

Disposal of some Land Assets will provide some revenue to Council whilst reducing Council's management and maintenance responsibility.

Legislation and Policy

Disposal by way of auction or expressions of interest complies with Chapter 6 Part 3 Division 2 of the *Local Government Regulation 2012*. Council is limited by Section 227 of the Regulation which requires disposal to occur by tender or auction unless an exception applies.

Invitations for the expression of interest campaigns must be published on Council's website for at least 21 days and Council must also take all reasonable steps to publish the invitation for expressions of interest in another way to notify the public. It is proposed all other advertising will be conducted through Ray White Commercial or Infitum Partners.

Depending on responses received, Council may prepare a short list from the persons who respond to the expression of interest invitation and then invite written tenders from the shortlisted parties. Council also has the flexibility not to proceed with a tender, in which case an auction process is available.

Risk Management

Key Corporate Risk Code and Category: LCL1

Key Corporate Risk Descriptor: Legal Compliance and Liability
Compliance management – regulatory or contract compliance, litigation, liability and prosecution

Consultation

Councillor Consultation

Infitum Partners presented their review of all Council Land Assets to a Council Workshop on 12 November 2024. Following this workshop, Infitum Partners and relevant Council officers worked to identify a prioritised list of Land Assets for disposal.

The prioritised list of Land Assets for disposal was presented by Infitum Partners to a Council Workshop on 28 January 2025. This report is presented following that workshop to obtain formal direction on how to proceed with rationalisation of these assets.

These actions, as well as those recommended in this report, align with the Performance Outcomes for the Operational Plan Activity identified in Council's Operation Plan 2024-25 referred to above.

Other Consultation

- ✓ Infitum Partners

Attachments

[1](#) Attachment 1 29 Pages

11.2 Floating Road Reservation within Land No. 161851**Author:** Julie Lyons, Senior Property Officer**Responsible Officer:** Graham Cray, Acting Group Manager People, Customer and Corporate Services

Purpose:

The purpose of this report is to consider an application from the landowner of Land No. 161851 to purchase the floating road reservation within Land No. 161851.

Officer's Recommendation:

THAT with respect to the application received from the landowner of Land No. 161851 to purchase the floating road reservation within Land No. 161851 Council resolve to advise the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development that Council does not require the floating road reservation within Land No. 161851 in the immediate future and recommend the floating road reservation be purchased by the landowner and incorporated into Land No. 161851.

Executive Summary

The purpose of this report is to consider an application from the landowner of Land No. 161851 (the Applicant) to purchase the floating road reservation within Land No. 161851 situated at 707 East Egypt Road, Egypt (the Land) and to advise the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development (the Department) if Council have any requirements to utilise the floating road reservation in the immediate future.

Proposal

Council have received email correspondence from Emjae Consulting who are acting on behalf of the Applicant in relation to a subdivision of the Land and in doing so they noticed the Land has a reservation for a public purpose on title comprising of approximately 1.4708 hectares.

Emjae Consulting have lodged an application with the Department on behalf of the Applicant to purchase the reservation in title and require Council's advice as to whether Council have any requirements to utilise the floating road reservation in the immediate future. Council is to provide their advice by completing a LA30 Statement which is to be provided to the Department.

A reservation in title is an area excluded from a title for a public purpose. Floating road reservations are not defined and can be used by Council in future to dedicate and open an area of the land as road if required in future. Where Council still requires the floating road reservation for future roads purposes, it can be allocated to one of the lots to be created in the subdivision where required. If freehold land contains a reservation, the landowner can apply to the Department to purchase it at any time. If Council doesn't require the floating road reservation and the Applicant purchases it, the floating road reservation is extinguished, and the area becomes part of the landowner's freehold land.

The Land is shown below:

Area (approx.)	32.957 hectares
Tenure	Freehold
Zoning	Rural



Options

- Option 1 - Advise the Department that Council does not require the floating road reservation within the Land in the immediate future and recommend the floating road reservation be purchased by the Applicant and incorporated into the proposed subdivision.
- Option 2 - Advise the Department that council does require the floating road reservation within the Land in the immediate future and provide reasons/comments.

Strategic Implications

Corporate Plan

Lockyer Leadership and Council

- Excellence in Customer Service
- Compliant with relevant legislation

Finance and Resource

No financial and resource implications have been identified for Council.

Legislation and Policy

If the floating road reservation is required to be purchased, the Applicant will be required to pay market valuation to the Department for the floating road reservation area. The value is determined by the Department.

Risk Management

Key Corporate Risk Code and Category: IA1

Key Corporate Risk Description: Infrastructure and Assets
Planning, managing and maintaining assets for the future

Key Corporate Risk Code and Category: LCL1

Key Corporate Risk Description: Legal Compliance and Liability
Compliance management – regulatory or contract compliance,
litigation, liability and prosecution

Consultation

Internal Consultation

John Keen, Group Manager Infrastructure advised the floating road reservation is not required by Council in the immediate future.

Annette Doherty, Manager Planning, Policy and Community Wellbeing advised she has no issues with the recommendation.

External Consultation

Kaymarie Wall, Land Officer of Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development confirmed the floating road reservation area of approximately 1.4708 hectares.

Attachments

There are no attachments for this report.

11.3 Applicant for Permit to Occupy - Bore Site within Lot A on Crown Plan AP6873 situated on Tenthill Creek Road, Upper Tenthill

Author: Julie Lyons, Senior Property Officer

Responsible Officer: Graham Cray, Acting Group Manager People, Customer and Corporate Services

Purpose:

The purpose of this report is to consider an application for a Permit to Occupy over a Bore Site within Lot A on Crown Plan AP6873 situated on Tenthill Creek Road, Upper Tenthill.

Officer's Recommendation:

THAT with respect to the request received from the purchasers of Land No. 152041 for Council's views in relation to the proposed Application for a Permit to Occupy over a Bore Site within Lot A on Crown Plan AP6873, Council resolve to respond to the Applicant by completing the LA30 Statement and advise that Council has no objection to the proposed Application for a Permit to Occupy over a Bore Site within Lot A on Crown Plan AP6873.

Executive Summary

The purpose of this report is to consider an Application for a Permit to Occupy over a Bore Site within Lot A on Crown Plan AP6873 situated on Tenthill Creek Road, Upper Tenthill (the bore) and for Council to provide its views in relation to the proposed Application for a Permit to Occupy by completing the LA30 Statement with its views so that the relevant form can be submitted with the application.

Proposal

Council has received a request from the purchasers of Land No. 152041 (the Applicants) for Council to provide its views in relation to the proposed Application for a Permit to Occupy over the bore. This is a pre-requisite step before an application can be lodged with the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development (the Department) for consideration. Council is required to complete the LA30 Statement with its views so that the relevant form can be submitted with the application.

The Applicants have advised they are purchasing Land No. 152041 and settlement is due to take place on 7 March 2025. The current owners of Land No. 152041 are currently the registered Permittee's of the Permit to Occupy over the bore and the Applicants wish to lodge their application as soon as settlement takes place along with the cancellation of the permit to occupy from the current owners.

The bore area is shown below:

Area 25 m2
Tenure Lands Lease



The property the Applicants are purchasing (Land No 152041) and the bore is shown below:



A Permit to Occupy may be issued over unallocated State Land, a reserve or a road although this tenure cannot be sold, sublet or mortgaged. It does not create an interest in land or provide exclusive occupation.

Generally, before a Permit to Occupy is granted for a bore site, the Applicant needs to demonstrate that it is not possible to locate the bore on their own land. As the bore is an existing bore used by the current owners, it is implied that these issues have been considered and resolved. Permits to Occupy are the appropriate short-term tenure when occupation of State-controlled land is required. A Permit to Occupy may be cancelled at short notice (generally 3 months) with no compensation.

The recommendation in this report will enable the Applicants to make a formal application for a Permit to Occupy to the Department for consideration. Whether or not the application is approved is a decision that rests with the Department.

The Department is responsible for publishing the proposed Permit to Occupy and engaging with any other interested parties and agencies to determine whether there are any objections to the application.

Any objections received by the Department may be viewed by other parties interested in the proposed Permit to Occupy in accordance with the provisions of the *Right to Information Act 2009*.

Options

Option 1 Council doesn't object to the proposed Permit to Occupy application.

Option 2 Council objects to the proposed Permit to Occupy application and provides reasons.

Strategic Implications

Corporate Plan

Lockyer Leadership and Council

- Excellence in customer service
- Compliant with relevant legislation

Finance and Resource

No financial or resource implications for Council have been identified.

Legislation and Policy

Council's consideration of this application, and the issue of the completed LA30 Statement with Council's views, comply with the Departments policy requirements for the assessment of such application.

If successful, the Applicants will be required to pay an annual occupation fee to the Department. The Applicants will also be required to obtain public liability insurance in respect of the Permit to Occupy area.

Risk Management

Key Corporate Risk Code and Category: LCL1

Key Corporate Risk Descriptor: Legal Compliance and Liability
Compliance management – regulatory or contract compliance,
litigation, liability and prosecution

Key Corporate Risk Code and Category: IA1

Key Corporate Risk Descriptor: Infrastructure and Assets
Planning, managing and maintaining assets for the future

Consultation

Internal Consultation

John Keen, Group Manager Infrastructure advised he has no concerns with the Application for a Permit to Occupy.

Annette Doherty, Manager Planning, Policy and Community Wellbeing advised she has no concerns with the Application for a Permit to Occupy.

Attachments

There are no attachments for this report.

11.4 Statutory Delegations Update - Council to Chief Executive Officer**Author:** Brian Ranse, Governance Officer**Responsible Officer:** Graham Cray, Acting Group Manager People, Customer and Corporate Services**Purpose:**

In accordance with Section 257 of the *Local Government Act 2009*, Council can delegate a power under this Act or another Act to the Chief Executive Officer to allow for the efficient and timely resolution of a range of operational matters undertaken by Council. The purpose of this report is to maintain the currency of Council's Delegation Register.

Officer's Recommendation:

That Council delegate to the Chief Executive Officer, the powers referred to in the document titled "Delegations - Council to Chief Executive Officer, February 2025" pursuant to Section 257 of the *Local Government Act 2009*.

Executive Summary

As legislation is amended, repealed and introduced, Council is required to update its Delegation Register to reflect the amendments, repeals and new legislation. Updates to the Delegation Register are notified to Council through the Local Government Association of Queensland (LGAQ).

The Council to Chief Executive Officer Statutory Delegations Register has been updated to reflect the 2024 delegations updates notified by LGAQ.

Proposal

In October 2024, updates to the *Environmental Protection Act 1994* and *Environmental Protection Regulation 2019* delegations registers were presented and adopted by Council.

This report presents proposed changes to Councils, ***Statutory Delegations Register – Council to Chief Executive Officer***, for adoption which captures updates made to all statutory delegations registers notified to Council in 2024. The recommendation made in this report is for Council to adopt and implement these updates to Council's delegation registers.

In the last 12 months, 87 separate pieces of Legislation (Acts and Regulations) where either amended, repealed or introduced. Regular review and updating of Council's registers is in line with the State Government's legislative program in conjunction with LGAQ. Regular reviews of the register are required to ensure the register and Council's implementation of legislation conforms to the requirements of the various acts and regulations.

Outdated delegations present a risk to Council's capacity to undertake its required legislative responsibilities. Upon adoption of the Council to Chief Executive Officer delegations, the review of Chief Executive Officer to Employee or Contractor delegations will be undertaken to further mitigate this risk.

Options

Option 1 Adopt the delegations update.

Option 2 Don't adopt the delegations update and accept the risk to Council.

Previous Council Resolutions

Statutory Delegations – Council to Chief Executive Officer October 2024
Resolution: 24-28/0168

Strategic Implications

Corporate Plan

Corporate Plan 2022-2027 – Lockyer Leadership and Council

- Compliant with relevant legislation.

Finance and Resource

If the recommendation is adopted, no financial implications are anticipated. The Governance and Property team will implement Council's resolution.

Legislation and Policy

Council's Statutory Delegation Register requires regular updating in line with the State Government's legislative program in conjunction with LGAQ. Regular reviews of the register are required to ensure the register and Council's implementation of legislation conforms to the requirements of the various acts and regulations.

Council is also required under Section 275(5) *Local Government Act 2009* to review delegations from Council to the Chief Executive Officer annually.

Risk Management

The Delegation Register enables Council's operations thereby avoiding delays and minimising risks associated with discharging Council's obligations. Improved processes and risk minimisation can result in significant operational savings over time to both Council and the community.

If Council does not adopt the updated delegations register as recommended, the risk is that the Chief Executive Officer will not have power to act in accordance with current legislative requirements and this may result in some actions being invalid. This in turn, creates a risk of adverse findings in relation to complaints, judicial review and other legal proceedings.

Under section 259 of the *Local Government Act 2009*, the Chief Executive Officer may sub-delegate some of these powers to an appropriately qualified employee or contractor of Council. The purpose of sub-delegation is to allow operational responsibilities to be streamlined and enable the Chief Executive Officer to focus on strategic matters.

Substantial changes to the CEO to Employee Delegations Register will also be made in accordance with the update provided by the Local Government Association of Queensland Delegations Register Services and presented to the Chief Executive Officer for approval in due course.

Attachments

[1](#) Delegations - Council to CEO, February 2025 230 Pages

12. COMMUNITY & REGIONAL PROSPERITY REPORTS**12.1 MC2023/0065.01 Change Application for Motel - 10 Archer Crescent, Preston****Author:** Tammee Van Bael, Planning Officer**Responsible Officer:** Amanda Pugh, Group Manager Community & Regional Prosperity**Purpose:**

The purpose of this report is to consider a change application (MC2023/0065.01) for a minor change to a development approval for a Material Change of Use for a Motel on Lot 15 SP194731 at 10 Archer Crescent, Preston.

Officer's Recommendation:

A. THAT the Change Application (MC2023/0065.01) for a minor change to the Development Approval dated 25 January 2024 for a Material Change of Use for a Motel on land at 10 Archer Crescent, Preston, described as Lot 15 SP194731, be approved in part only for the following reasons:

- 1. Condition 16 has been amended, largely in accordance with the applicant's requested changes, however the requirement for screening to be provided to the terrace has been retained as this is required to ensure privacy of adjoining residents.**

B. THAT Conditions 1, 12, 14, 16, 17, 19 and 20 of the Development Approval dated 25 January 2024 for a Material Change of Use for a Motel on land at 10 Archer Crescent, Preston, described as Lot 15 SP194731, be amended as follows:

No.	Condition	Timing																																			
1.	<p>APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and document, including any amendments on the approved plans or document:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Plan No.</th> <th>Revision/ Amended</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Existing Site Plan</td> <td>2023-393 A.001</td> <td>1</td> <td>16/08/2023</td> <td>Precinct Urban Planning</td> </tr> <tr> <td>Existing Floor Plan</td> <td>2023-393 A.002</td> <td>1</td> <td>16/08/2023</td> <td>Precinct Urban Planning and amended by LVRC</td> </tr> <tr> <td>Condition Plan</td> <td>2024-355 A.002</td> <td>2</td> <td>21/08/2024</td> <td>Precinct Urban Planning and amended by LVRC</td> </tr> <tr> <td>Landscape Plan</td> <td>2024-355 L.001</td> <td>1</td> <td>23/01/2025</td> <td>Precinct Urban Planning</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Title</th> <th>Document No.</th> <th>Revision / Amended</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Noise Management Plan</td> <td>J002071</td> <td>3</td> <td>15/01/2025</td> <td>Range Environmental and amended by LVRC</td> </tr> </tbody> </table>	Title	Plan No.	Revision/ Amended	Date	Prepared By	Existing Site Plan	2023-393 A.001	1	16/08/2023	Precinct Urban Planning	Existing Floor Plan	2023-393 A.002	1	16/08/2023	Precinct Urban Planning and amended by LVRC	Condition Plan	2024-355 A.002	2	21/08/2024	Precinct Urban Planning and amended by LVRC	Landscape Plan	2024-355 L.001	1	23/01/2025	Precinct Urban Planning	Title	Document No.	Revision / Amended	Date	Prepared By	Noise Management Plan	J002071	3	15/01/2025	Range Environmental and amended by LVRC	At all times.
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Noise Management Plan	J002071	3	15/01/2025	Range Environmental and amended by LVRC																																	

12.	<p>OUTDOOR USE AREA</p> <p>(a) Outdoor areas (including but not limited to the terrace and porch) must only be used in accordance with the approved Noise Management Plan, i.e. use of these areas must not generate noise that causes a noise nuisance to surrounding sensitive receptors.</p> <p>(b) Signage advising of the requirements of (a) must be affixed to the entry to outdoor areas.</p>	At all times.
14.	<p>AMENITY – NOISE</p> <p>The development must be undertaken in accordance with the approved Noise Management Plan (as amended), prepared by Range Environmental Consultants, dated 15 January 2025.</p>	At all times.
16.	<p>AMENITY – SCREENING</p> <p>Privacy screening must be provided to the building as follows:</p> <p>(a) All north and south facing windows, with a sill height below 1.5m, must have fixed external screening or privacy frosting; and</p> <p>(b) A solid timber privacy screen a minimum of 2m high is to be installed and maintained along the full length of the northern side of the terrace as identified on the approved floor plan (as amended by Council).</p>	Prior to commencement of use and to be maintained thereafter.
17.	<p>AMENITY – LANDSCAPING</p> <p>Landscaping must be undertaken generally in accordance with the approved Landscaping Plan, prepared by Precinct Urban Planning dated 23 January 2025 and the following:</p> <p>(a) Maintain all existing garden beds and landscaping;</p> <p>(b) Establish new garden beds as identified on the approved Landscaping plan, being a minimum of 2 metres wide (except in the location of the septic tank) and incorporating hedging that has a minimum height of 1.0 metre at planting and trees that have a minimum height of 2 metres at planting;</p> <p>(c) The landscaping must contain plant species that are endemic to the Region and in accordance with Section 8.5.2 Plant Selection of <i>Bushfire Resilient Communities: Technical Reference Guide for State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire'</i>;</p> <p>(d) Landscaped areas are to be maintained, including replacement of dead or dying plants with a like species.</p>	Prior to commencement of use and to be maintained thereafter.
19.	<p>AMENITY – GATE</p> <p>Install a new gate (minimum 5m wide opening) and fencing (as required), as shown on the approved Condition Plan:</p> <p>(a) Across Easement N SP194731 adjacent to the southern boundary of the property; and</p> <p>(b) Across Easement D SP222573 along the southern boundary of the property between the existing fence and escarpment.</p> <p><i>Advice note:</i> The gate must allow a fire appliance vehicle to access at anytime.</p>	Prior to commencement of use and maintained thereafter.
20.	<p>COMPLAINTS MANAGEMENT PROCEDURE</p> <p>All complaints from nearby residents must be managed and recorded in accordance with Section 3 of the Noise Management Plan, prepared by Range Environmental Consultants, dated 15 January 2025.</p>	At all times.

Executive Summary

Council has received a change application for a minor change to a development approval for a Material Change of Use for a Motel on land at 10 Archer Crescent, Preston.

Whilst change applications for minor changes can be decided under delegated authority, this change application is being presented to Council for a decision because:

- the original development application was decided by Council; and
- the original development application received multiple submissions which raised issues/concerns with the development.

A report on this matter was included on the agenda for the Council meeting on 20 November 2024. Following a request from the applicant for additional time to review the recommended changes to the conditions of approval, Council resolved that the matter lay on the table under a future meeting.

Council officers met with the applicant in December 2024 and January 2025 to discuss the proposed changes to the development approval. As a consequence, the applicant submitted additional information in support of the change application.

The change application has been assessed in accordance with the requirements of the *Planning Act 2016*. It is recommended that the change application be approved in part in accordance with the Officer's Recommendation.

TABLE 1 - OVERVIEW	
APPLICATION DETAILS	
Application No:	MC2023/0065.01
Applicant:	Gavin Rowan
Landowner:	G P Rowan & N V E Newell
Site address:	10 Archer Crescent, Preston
Lot and Plan:	Lot 15 SP194731
Proposed development:	Change application: Minor Change to Development Permit for Material Change of Use for a Motel
STATUTORY PLANNING DETAILS	
Referral trigger/s under the <i>Planning Regulation 2017</i> of Original Application:	Nil
Category of Assessment of Original Application:	Impact assessable
Number of Submissions to Original Application:	7

Description of the Site and Surrounds

SITE AND LOCALITY DESCRIPTION	
Land area:	1.17 Hectares
Existing use of land:	Motel
Road frontage:	Archer Crescent: 45m
Significant site features:	Heavily vegetated in rear half of property
Topography:	Slopes from 660m AHD in southwest corner to 590m AHD at rear (eastern)

	boundary
Surrounding land uses:	Dwelling houses



Figure 1. Locality of Subject Site (source LVRC Intramaps)

Site History and Background

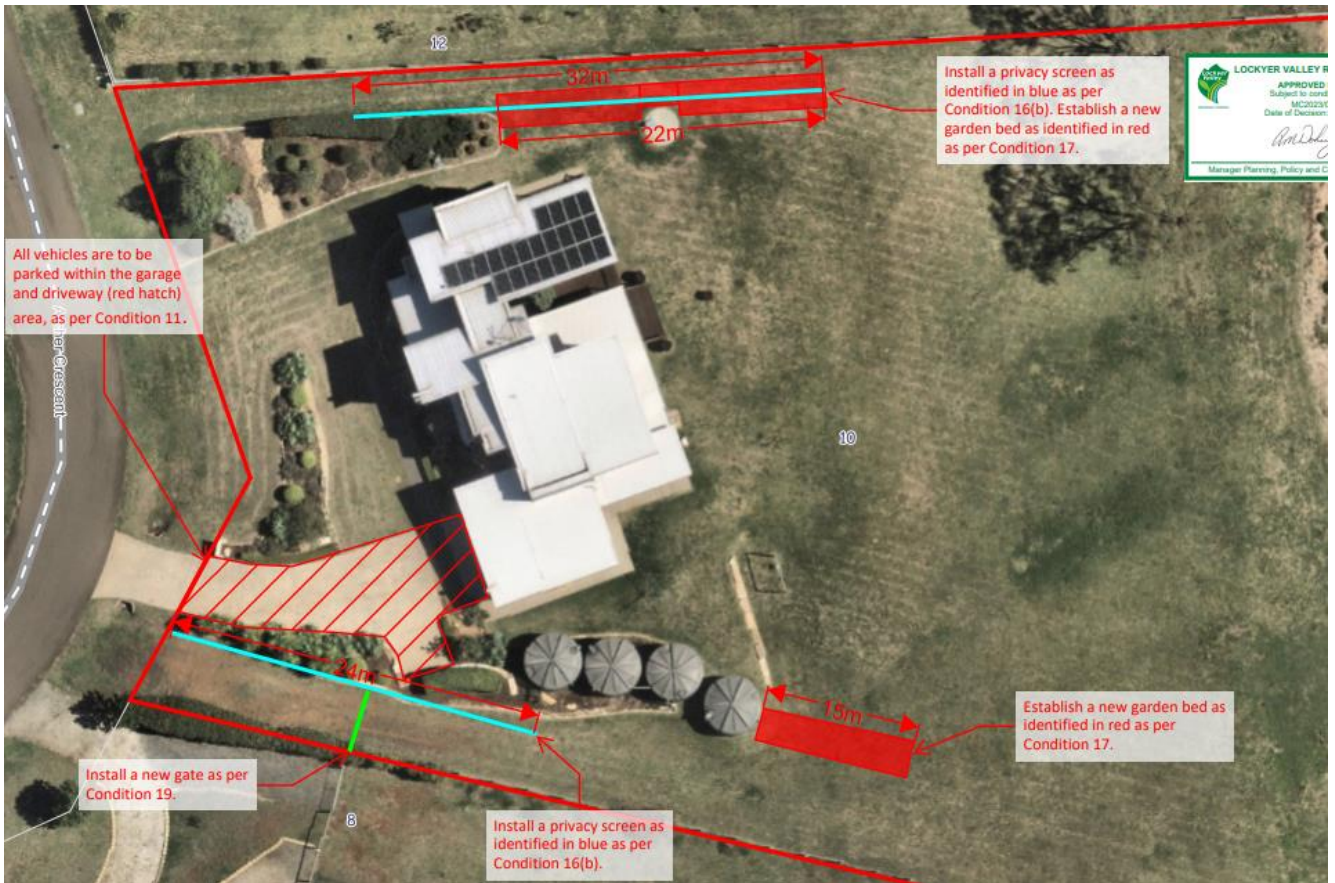
A Development Application for a Material Change of Use for a Motel was approved subject to conditions on 24 January 2024. The approval was for the use of an existing Dwelling house as a Motel to allow the use of the premises for short term accommodation.

The original application received seven (7) properly made submissions objecting to the proposal. During the original application process, a meeting was held between Council, the applicant and some of the submitters to discuss the proposal and possible measures to mitigate adverse impacts.

The approval was granted subject to conditions including:

- limiting the number of persons (guests) to:
 - 10 persons, Friday night to Monday; and
 - 5 persons, Monday night to Friday.
- restriction on where vehicles could be parked;
- outdoor areas (including the terrace and porch) must not be used in a way that creates audible noise beyond the boundary between 9pm and 7am;
- requirement for a noise management plan;
- screening to some windows and outdoor use areas;
- landscaping along the side boundaries; and
- a complaints management procedure.

Certain requirements in relation to screening, fencing, landscaping and parking were represented on the approved plans, as shown in the following images.



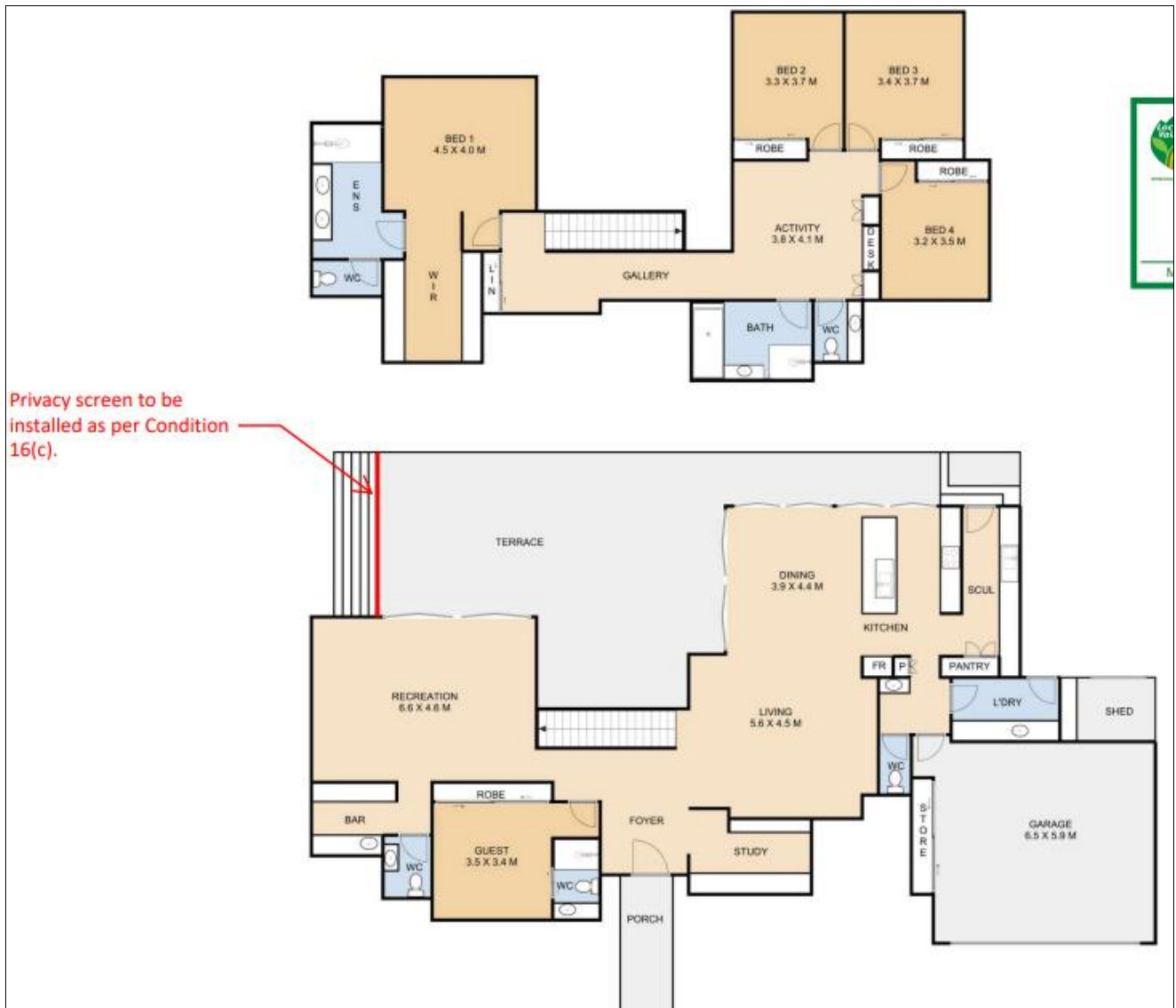


Figure 2. MC2023/0065 Approved Plans

Proposal

The applicant's primary objective in making the change application is to reduce the screening requirements imposed on the development, which included screening of windows, screening of the terrace, landscaping, and screen fencing. The applicant has submitted a Noise Management Plan as required by the conditions of approval, which supports changes to the screening requirements.

The applicant has requested changes to the screening requirements as follows:

- Reducing the length of the garden bed on the southern side of the property from 15 metres to 7 metres;
- Removing the requirement for privacy screening on the east facing window of Bedroom 1, adjacent to the northern and southern boundaries and the terrace;
- Changing the landscaping height at planting and maturity as follows:
 - Hedges: height of 1m at planting and 1.8m at maturity; and
 - Trees: height of 2m at planting and 4m at maturity.

Other requested changes are associated with the Noise Management Plan as follows:

- Endorsing the Noise Management Plan submitted in compliance with Condition 14 and amending the condition accordingly;
- Allowing for use of the outdoor areas in accordance with the Noise Management Plan;
- Identifying the approximate location of the noise logger that is to be installed on the site;
- Removing the requirement for a complaints management procedure, and relying instead on the Noise Management Plan.

The following changes, which are not related to the screening or noise mitigation requirements, were also requested:

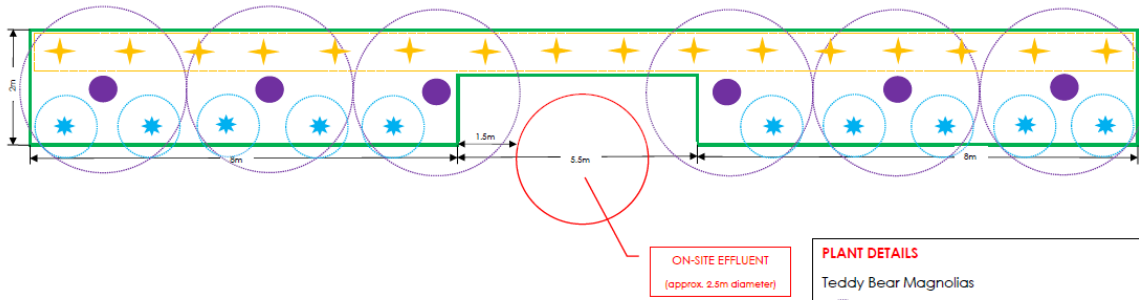
- Extending the fence along the southern side boundary; and
- Clarifying the requirement for gates and fencing.

Plans showing the applicant's requested changes are shown below.

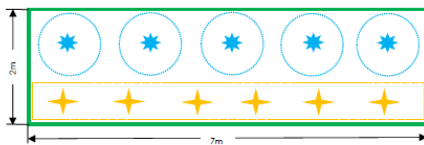


Figure 3. Plan showing applicant's requested changes

NORTHERN LANDSCAPE AREA



SOUTHERN LANDSCAPE AREA



PLANT DETAILS




- Teddy Bear Magnolias**
 - Height: 6m (maintain min 4m)
 - Canopy: 3m
 - Plant 3m apart
- Photinia Red Robbin**
 - Height: 6m (maintain min 2m)
 - Canopy: 2m (maintain as hedge)
 - Plant 1-1.5m apart
- Westringia**
 - Height: (maintain min 1-1.5m)
 - Canopy: 1.5m
 - Plant 1.5m apart

Figure 4. Applicant’s proposed Landscaping Plan incorporating the requested changes

Statutory Process

The applicant has made a change application for a minor change to a development approval under section 78 of the *Planning Act 2016* (the Act). A change application to make a minor change to a development approval can only be made in circumstances where that change meets the definition of a ‘minor change’ in the Act.

The proposed changes to the approval meet the definition for a ‘minor change’ under the Act.

Planning Assessment

The change application has been assessed in accordance with section 81 of the Act. The following matters have been considered in the assessment:

- The information the applicant included with the application.
- All matters the application would have been assessed against, if it were a development application.
- Properly made submissions about the development application.

Planning Provisions

The local planning instrument (i.e. the Planning Scheme) changed between the development approval being issued and the change application being lodged. The following table summarises the different planning scheme provisions:

	Original Application	Current
Planning Scheme:	<i>Gatton Shire Planning Scheme 2007</i>	<i>Lockyer Valley Planning Scheme</i>
TLPI	<i>Temporary Local Planning Instrument 2022 Flood Regulation</i>	<i>Temporary Local Planning Instrument 2024 (Flood Regulation)</i>

Zone:	Rural uplands zone	Rural zone
Overlays:	Biodiversity overlay Steep and unstable land overlay	Biodiversity overlay Bushfire hazard overlay Scenic landscape overlay Steep land overlay Waterways and water resource catchment overlay
Category of assessment	Impact assessment	Impact assessment
Assessment Benchmarks:	The Planning Scheme	The Planning Scheme
SEQ Regional Plan	Regional landscape and rural production area	Regional landscape and rural production area

Council's assessment of the original development application had regard to the *Lockyer Valley Planning Scheme* as it had undergone consultation at the time of decision. Council officers found that the proposed development did not fundamentally cut across the outcomes of the *Lockyer Valley Planning Scheme*.

Assessment of Requested Changes

Noise Management Plan and Complaints Management Procedure

Condition 14 of the development approval requires the lodgement and implementation of a Noise Management Plan.

The applicant submitted a Noise Management Plan (NMP) and requested it becomes an 'approved document'. The NMP includes:

- noise management measures which incorporate some of Council's requirements with some variation, e.g. privacy screen requirements;
- other noise mitigation measures:
 - limiting hours of use of regulated devices, e.g. lawnmowers;
 - mechanical plant, e.g. air conditioners, meeting the *Environmental Protection Act 1994*; and
 - not allowing guests to cause a noise nuisance to nearby sensitive receptors;
- installation of a noise monitoring device that will log noise levels on the site, for inspection as required;
- limits on noise emissions to comply with the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2019*; and
- a complaints management procedure including details of the local property manager and investigation within one (1) hour of the complaint.

The NMP was reviewed by Council's Environmental Health Officer who provided the following comments:

- noise nuisance from vehicles, people and amplified music is under the jurisdiction of the Queensland Police Service;
- noise nuisance from mechanical plant and site maintenance is under the jurisdiction of the Local Government, and the NMP provides clear directions for each of these; and
- the NMP provides noise management and mitigation measures to ensure the use does not cause a noise nuisance to nearby sensitive receptors.

In reviewing the NMP, officers identified minor aspects of the NMP that did not satisfy the relevant conditions of approval. To resolve these issues, officers are recommending the NMP becomes an approved document, but with amendments in red, as follows:

- amend dot point 5 in Monitoring row of Table 1 to read as follows: *Monitoring of noise emissions in*

~~response to a complaint of noise nuisance will be carried out~~ If a written request is made by LVRC, ~~noise monitoring data and results must be provided to LVRC~~. This amendment is to ensure that monitoring occurs continuously, not only when a request is made by Council.

- section 3: ~~All complaints shall be forwarded to the Property Manager (who is able to access respond to the site within 30 minutes)~~. This amendment is to make it clear within the NMP that the property manager must be able to access the site within 30 minutes.
- section 3(3): ~~The Property Manager and/or Owner shall identify and implement all reasonable and practicable corrective actions to address the a complaint of noise nuisance. Corrective actions shall be implemented as soon as reasonably practicable~~. This amendment is to ensure that corrective actions are implemented to all complaints and not only complaints of noise nuisance.

Condition 20 required the submission of a Complaints Management Procedure.

The NMP includes a Complaints Management Procedure which stipulates the local property manager will investigate complaints within 1 hour (unless otherwise agreed with complainants), implement corrective actions, record all complaints and notify complainants of outcomes. The Complaints Management Procedure within the NMP addresses the requirements of Condition 20.

It is recommended:

- Condition 1 of the approval be amended to include the NMP as an approved document (with amendments); and
- Conditions 14 and 20 are amended as follows.

14. ~~The development must be undertaken in accordance with the approved Noise Management Plan (as amended), prepared by Range Environmental Consultants, dated 15 January 2025.~~
 - ~~(a) A Noise Management Plan is to be prepared by a suitably qualified person (acoustic consultant) that includes:

 - ~~i. An inventory of noise emission sources;~~
 - ~~ii. Mitigation measures that will be implemented and maintained to ensure noise does not cause an 'environmental nuisance' (within the meaning in the Environmental Protection Act 1994 (Qld)) at any sensitive receptor stated in schedule 1 of the Environmental Protection (Noise) Policy 2019 (Qld).~~
 - ~~iii. Measures to monitor noise emissions while the use is occurring, which must include the use of noise loggers that monitor noise at the property boundary and notify the local owner/agent/manager of any noise exceedance. This requirement for noise loggers may be reviewed by Council on a 12 month basis at the request of the applicant. The ongoing requirement for the use of noise loggers will depend on whether complaints relating to noise have been made.~~~~
 - ~~(b) Submit the Noise Management Plan to Council. Any amendments required by Council are to be made and the revised Noise Management Plan re-submitted to Council.~~
 - ~~(c) Implement the Noise Management Plan (or revised Noise Management Plan, if relevant).~~

20. ~~All complaints from nearby residents must be managed and recorded in accordance with Section 3 of the Noise Management Plan, prepared by Range Environmental Consultants, dated 15 January 2025.~~
 - ~~(a) Prepare a Complaints Management Procedure that includes the: Contact details, including a mobile phone number, of a local* owner/agent/manager who is available at all times;

 - ~~i. Requirement for the investigation of any complaints received within 1 hour, unless otherwise agreed with complainants;~~
 - ~~ii. Information about the type of complaints that will prompt investigation. This is to include, at minimum, noise lighting, parking, camping or other unapproved uses of the premises;~~
 - ~~iii. Requirement for a response to the complainant of the outcome of the investigation.~~~~
 - ~~* 'local owner/agent/manager' is a person available and able to access the premises within 30 minutes.~~
 - ~~(b) Submit the Complaints Management Procedure to Council. Any amendments required by Council are~~

~~to be made and the revised Complaints Management Procedure re-submitted to Council.
(c) Implement the Complaints Management Procedure (or revised Complaints Management Procedure, if relevant).~~

The applicant suggests the NMP also supports changes to the following conditions:

- Condition 12(a) - allowing for use of outdoor areas in accordance with the NMP, instead of limiting audible noise between 9pm and 7am; and
- Condition 16(c) - removing the requirement for a privacy screen along the northern side of the terrace.

It is recommended that Condition 12 is amended as follows:

- 12.(a) *Outdoor areas (including but not limited to the terrace and porch) must ~~not only~~ be used in accordance with the approved Noise Management Plan, i.e. use of these areas must not generate noise that causes a nuisance to surrounding sensitive receptors any way that creates audible noise beyond the boundary of the premises between 9pm and 7am.*
- (b) *Signage advising of the requirements of (a) must be affixed to the entry to outdoor areas.*

The covering letter for the Noise Management Plan, prepared by Range Environmental detailed that the privacy screens were not required for the following reasons:

- the NMP requires all persons to be made aware of and comply with the *Environmental Protection Act 1994*;
- use of acoustic barriers is not identified on Airbnb Australia's Community Expectations guidelines;
- a noise impact assessment was not required for the development application and therefore it is not justified to support inclusion of acoustic barriers;
- the potential noise sources will predominantly occur during the day and evening periods (7am to 10pm) when ambient noise levels are typically higher compared to the night-time period (10pm to 7am); and
- the potential noise sources are commensurate with the existing acoustic environment.

Council officers do not agree with all statements made by Range Environmental, but recommend changes to Conditions 12(a) and 16(c) because:

- The requirement to comply with the *Environmental Protection Act 1994* sets an appropriate limit for noise; and
- The installation and use of a noise logger as conditioned by Council will allow Council to readily determine whether complaints are legitimate.

However, the screening requirements were imposed to provide both acoustic and privacy screening. Therefore, it is recommended these are retained. Condition 16 is discussed further below.

Privacy Screen

Condition 16 currently reads as follows:

16. *Privacy screening must be provided to the building as follows:*
- (a) *All north and south facing windows and the eastern facing window of Bedroom 1, with a sill height below 1.5m, must have fixed external screening or privacy frosting;*
- (b) *Privacy screens a minimum of 1.8m high are to be installed and maintained as shown on the Plan of Required Mitigation Measures, specifically:*
- i. *on the northern side of the property, extending from the front building line to the end of the new garden bed. The screen must be located within the garden beds such that there is landscaping both sides of the screen; and*

-
- ii. along the northern side of the easement from the front boundary to the front building line. These privacy screens must be solid, gap free barriers with minimum surface density of 12.5kg/m²; and
 - (c) A privacy screen a minimum of 3m high is to be installed and maintained along the full length of the northern side of the terrace as identified on the approved floor plan (as amended by Council). This privacy screen must be a solid, gap free barrier with minimum surface density of 12.5kg/m².

The applicant has requested the following changes to Condition 16:

- Remove the requirement for privacy screening on the east facing window of Bedroom 1. The applicant argues that this window faces the escarpment and screening of this window is not required to mitigate impacts to residential premises. In support of this request, the applicant provided a photograph showing that only the north facing window overlooks residential premises (the photo did not show the view from the east facing part of the window);
- Remove the requirement for screen fencing to be installed along the northern and southern side of the property adjacent to the easement. The applicant argues that maintaining the fence will be unduly difficult due to the soil type, movement and winds, imposing an unnecessary maintenance burden on the applicant. Further Condition 17 requires landscaping which will need to be cut back or removed for maintenance of the fence; and
- Remove the requirement for a 3 metre high privacy screen to the terrace. The applicant argues that this screening is excessively high, will block sunlight which will adversely impact on liveability, and is not required to mitigate noise nuisance.

Privacy screening on the east facing window of Bedroom 1 was required because it is a large bay window that overlooks the adjoining residential properties. This requirement was imposed partly in response to concerns raised in submissions. However, the east facing part of this window does not overlook into any neighbouring Dwelling house. Given this part of the condition was imposed due to overlooking into neighbouring properties, it is recommended that this part of the condition be removed.

Following consultation with the applicant and submitters, the privacy screens along the northern and southern side boundaries of the property were to be setback within the property and provided in conjunction with landscaping. This ensured screening was provided at commencement of use whilst the plants within the landscaped garden beds reached maturity.

The applicant has provided a landscaping plan with the change application which shows the northern garden bed with trees of a minimum height of 2m at time of planting and hedging with a minimum height of 1m at planting. This increase in the height of plantings, along with maintenance of the existing garden bed, will provide effective screening. Therefore it is recommended the requirement to construct a screen fence in the northern garden bed be deleted.

It is recommended the requirement for screen fencing along the southern garden bed also be deleted for the following reasons:

- there is no requirement for an acoustic barrier in this location;
- the Noise Management Plan includes the requirement for all guests to not cause a noise nuisance as per the *Environmental Protection Act 1994*;
- the existing tanks and landscaping (which is required to be maintained as per Condition 17) provide screening of the driveway and ground level of the house; and
- the upper floor level has 2 bedrooms facing south which are required to have screening on windows with a sill height of 1.5m.

The purpose of the 3 metre high privacy screen along the northern side of the terrace was to mitigate noise and privacy impacts to the northern adjoining property. The justification provided by Range Environmental

(refer above) that the screen is not required as an acoustic barrier is acceptable. Because the terrace is otherwise open, the privacy screen will not block all sunlight. However, recognising it is intended as a privacy screen only, it is reasonable to reduce the height requirement to 2 metres with no minimum density requirements. The required specifications for the privacy screen strike an appropriate balance between mitigating privacy impacts and maintaining a suitable level of amenity.

It is recommended Condition 16 is amended as follows:

16. Privacy screening must be provided to the building as follows:
- (a) All north and south facing windows ~~and the eastern facing window of Bedroom 1~~, with a sill height below 1.5m, must have fixed external screening or privacy frosting; and
 - (b) ~~Privacy screens a minimum of 1.8m high are to be installed and maintained as shown on the Plan of Required Mitigation Measures, specifically:~~
 - ~~i. on the northern side of the property, extending from the front building line to the end of the new garden bed. The screen must be located within the garden beds such that there is landscaping both sides of the screen; and~~
 - ~~ii. along the northern side of the easement from the front boundary to the front building line. These privacy screens must be solid, gap free barriers with minimum surface density of 12.5kg/m²; and~~
 - (c) A solid timber privacy screen a minimum of 32m high is to be installed and maintained along the full length of the northern side of the terrace as identified on the approved floor plan (as amended by Council). ~~This privacy screen must be a solid, gap free barrier with minimum surface density of 12.5kg/m².~~

Landscaping

Condition 17 requires submission of a Landscaping Plan as part of an Operational Works application showing new garden beds, 2 metres wide, adjacent to the northern and southern side boundaries and incorporating plant species with a minimum height of 1.5 metres at planting and 3 metres at maturity.

The applicant has submitted a Landscaping Plan and requested the following amendments to Condition 17:

- the submitted Landscape Plan becomes an approved plan;
- reduce the length of the southern garden bed from 15m to 7m; and
- remove the requirement for plants to be a minimum height of 1.5 metres at planting and 3 metres at maturity, and allow instead:
 - hedges with a minimum height at time of planting of 1 metres and 1.8 metres at maturity; and
 - trees with a minimum height at planting of 2 metres and 4 metres at maturity.

The submitted landscaping plan provides an appropriate outcome with incorporation of 3 plant species with varying heights at maturity to provide suitable screening.

The reduced length of the southern garden bed is supported on the basis that the:

- existing tanks extend past the building and provide screening to the ground floor level;
- screening is provided to windows on the upper floor level with a sill height less than 1.5m;
- the garden bed is predominantly screening the rear yard; and
- the use areas on the southern side of the building are limited to a garage, laundry and scullery.

The applicant's requested changes are considered reasonable, therefore it is recommended that Condition 1 of the approval be amended to include the landscape plan as an approved plan and Condition 17 be amended generally as per the applicant's request.

17. ~~Landscaping must be undertaken generally in accordance with the approved Landscaping Plan, prepared by Precinct Urban Planning dated 23 January 2025 Submit as part of the first Operational Works application a Landscaping Plan, prepared by a suitably qualified landscape architect in accordance with the Landscaping Code of the Gatton Shire Planning Scheme 2007. The extent and location of landscaping must be generally in accordance with the Plan of Required Mitigation Measures and the following:~~
- ~~(a) Maintain all existing garden beds and landscaping;~~
 - ~~(b) Establish new garden beds as identified on the approved *site* Landscaping plan being a minimum of 2 metres wide (except in the location of the septic tank) and incorporating ~~plant species that have a minimum height of 1.5 metres at planting and 3 metres at maturity~~ hedging that has a minimum height of 1.0 metre at planting and trees that have a minimum height of 2 metres at planting;~~
 - ~~(c) The landscaping must contain plant species that are endemic to the Region. ~~Plant species selection must be~~ in accordance with Section 8.5.2 Plant Selection of Bushfire Resilient Communities: Technical Reference Guide for State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire';~~
 - ~~(d) Ensure landscaped areas and garden beds are established and maintained in accordance with Section 8.5 Landscape Management Plans of Bushfire Resilient Communities: Technical Reference Guide for State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire';~~
 - ~~(e) Ensure the (d) Landscaped areas are to be maintained, including replacement of dead or dying plants with a like species. include a watering and maintenance plan during the establishment phase, and an ongoing maintenance and replanting programme; and~~
 - ~~(f) Any plant that dies must be replaced with a like species.~~

Gate

The applicant has requested an amendment to Condition 19 to provide greater clarity and to include additional fencing along the southern side boundary to prevent access by guests to neighbouring properties. The requested amendments retain the requirements of the original condition, i.e. a gate along the easement to prevent guests accessing the rear of the property via vehicle. The addition of the fencing along the southern property boundary will address concerns raised by submitters regarding guests accessing neighbouring properties. It is recommended the condition be amended as per the applicant's request.

19. ~~Install a new gate (minimum 5m wide opening long) across the easement along the southern boundary of the property, as identified on the Plan of Required Mitigation Measures. and fencing (as required), as shown on the approved Condition Plan:~~
- ~~(a) Across Easement N SP194731 adjacent to the southern boundary of the property; and~~
 - ~~(b) Across Easement D SP222573 along the southern boundary of the property between the existing fence and escarpment.~~
- Advice note: The gate must allow a fire appliance vehicle to access at anytime.*

Referrals

Internal

The application was internally referred to Council's Environmental Health Officer. Based on comments by this officer, amendments to the conditions have been recommended.

External

Affected Entities

The application did not have any affected entities under the Act.

Informal Submission

Change applications involving a 'minor change' only are not required to undergo public notification, nor is there any requirement for consultation to occur with submitters or adjoining landowners. However, in this instance, given the submitter interest and requests to Councillors as part of the original application, Council officers made the adjoining landowners who were submitters to the original application aware of the change application. This resulted in Council receiving a submission from an adjoining landowner.

Section 81(2) of the *Planning Act 2016* states the following:

*"In assessing the change application, the responsible entity must consider—
...(g) another matter that the responsible entity considers relevant."*

Section 81(2)(g) provides Council with the mechanism to consider the informal submission made the by the landowner, which is considered relevant to this change application. The issues raised in the informal submission can be summarised as follows:

- a. The original control measures/conditions maintain the amenity of the area;
- b. Maintenance of screen fencing should not be the responsibility of adjoining landowners;
- c. The intent of the screening within the garden bed was to provide screening during establishment and drought times;
- d. The deck has been the largest noise nuisance in the past and the 3 metre barrier of the specified density will provide a visual and acoustic control measures;
- e. An additional noise logger/sensor should be provided to the southern boundary;
- f. The property manager appears to be a relative of the landowner and may not be sufficiently independent to appropriately respond to issues; and
- g. The original conditions should remain.

The comments raised have been taken into consideration in the assessment. In regards to the issue raised about the independence of the property manager, Council's condition does not require, nor would it be reasonable to require, an 'unrelated' party. Further, the condition allows for the landowner to be the property manager.

Infrastructure Charges

An Infrastructure Charges Notice was not required to be issued with the development approval, and the proposed change does not change the development demand, therefore an Infrastructure Charges Notice is not required.

Conclusion

The proposed changes to the development approval:

- Comply with the definition of a minor change under the Planning Act;
- Are recommended to be approved in part only;
- If approved in part as per the Officer's Recommendation, will not cause non-compliance with the relevant Planning Scheme provisions;
- If approved in part as per the Officer's Recommendation, will not affect how the development responds to the matters raised in submissions about the original development application.

Options

1. Approve the change application in part in accordance with the Officer's Recommendation.
2. Approve the change application (in full or in part) other than as recommended.
3. Refuse the change application.

Previous Council Resolutions

Ordinary Meeting 24 January 2024 (Resolution Number: 20-24/1014)

Resolution: The development application for a Material Change of Use for Motel (MC2023/0065) be approved subject to 24 conditions.

Critical Dates

A decision on the application must be made by 21 February 2025 in accordance with the *Planning Act 2016*.

Strategic Implications

Corporate Plan

Lockyer Planned – A development assessment process that delivers quality development that is consistent with legislation, best practice and community expectations.

Finance and Resource

Should the decision be contested in the Planning and Environment Court financial implications may occur.

Legislation and Policy

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. Legal implications arising from the recommendation provided in this report are that the applicant may appeal the decision to the Planning and Environment Court.

Risk Management

The application has been assessed in accordance with the *Planning Act 2016*. Any risks have been mitigated through assessment of the application in accordance with legislative requirements.

Consultation

The original impact assessable application was subject to public notification which resulted in seven (7) properly made submissions being received. During processing of the original application, a meeting was held between Council, the applicant's representative, and some of the submitters and neighbours. The purpose of this meeting was to discuss appropriate mitigation measures.

Council officers have advised adjoining neighbours of this change application. This resulted in Council receiving one (1) informal submission which has been considered as part of the assessment.

Attachments

- | | | |
|-------------------|--------------------------------------|----------|
| 1 | MC2023/0065.01 Proposal Plan | 2 Pages |
| 2 | MC2023/0065.01 Noise Management Plan | 17 Pages |

12.2 Request for Road Naming (RDN2025/0001) - 13 Forest Avenue, Glenore Grove

Author: Tammy Thomas, Technical Planning Officer
Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

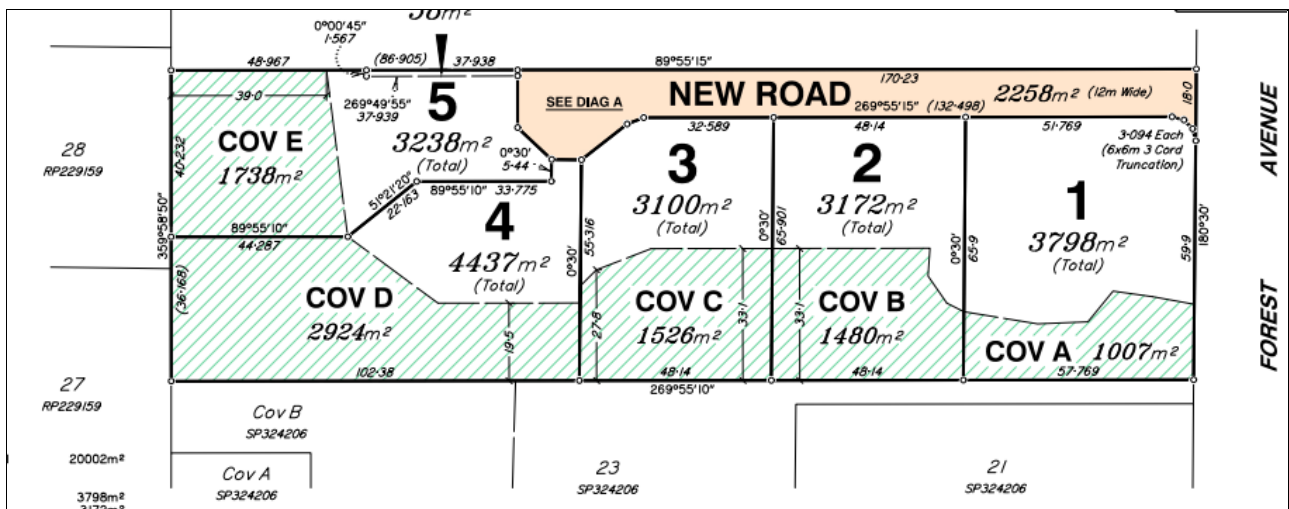
Purpose:

The purpose of this report is for Council to consider a request to name a new road associated with development of land at 13 Forest Avenue, Glenore Grove.

Officer's Recommendation:
THAT Council approve the name Serenity Place for the new road created by development of land at 13 Forest Avenue, Glenore Grove as shown on Plan No. 10015-400-01 Revision J dated 20 September 2024 prepared by Statewide Survey Group.

Executive Summary

Council has received a request for the naming of a road created as part of a new development at 13 Forest Avenue, Glenore Grove, as shown in the plan below.



Proposal

Council is responsible for assigning an official name to every gazetted road that is used to access properties. All proposed road names are considered in accordance with Council’s *Naming of Roads, Park, Landmarks and Facilities Policy* and AS/NZS 4819:2011. Under Council’s policy, road names are to be appropriate and relevant, and from nominated categories.

The applicant has suggested the names of ‘Serenity Place’, ‘Tranquil Place’ and ‘Serene Place’ for the road.

While the suggested road names do not fit within the categories listed in the policy (e.g. flora, fauna, Indigenous names, historical significance, Australiana, pioneers, landscape features, etc.), it is considered that these names are appropriate and relevant as they reflect the small scale of the development. Only five allotments will have frontage to this road, and much of the land is being retained in covenants to ensure the

natural vegetation is retained. The policy states that road names should be consistent with existing naming themes of the surrounding area, and it is considered the suggested names complement with the road name 'Forest'.

It is recommended that Council approve the name 'Serenity'. A search of existing road names has been undertaken to ensure the recommended name is not used elsewhere in the region.

The road type of 'Place' is considered appropriate as this is used for a cul-de-sac having a length in excess of 100 metres.

Options

1. Council approves the road name in accordance with the Officer's recommendation.
2. Council approves a road name other than as recommended.

Strategic Implications

Corporate Plan

Lockyer Valley Regional Council Corporate Plan 2022–2027:

A development assessment process that facilitates sustainable outcomes for the community.

Finance and Resource

There will be no costs associated with the supply or installation of the road signage associated with the subdivision development, as these are the Developer's responsibility under the conditions of their Development Permit.

Legislation and Policy

All proposed road name is considered in accordance with Council's *Naming of Roads, Park, Landmarks and Facilities Policy* and AS/NZS 4819:2011.

Risk Management

Officers have researched the suggested road names and made a recommendation that meets Council's policy.

Consultation

Suggestions for the road name were provided by the applicant and additional correspondence was sought due to proposed names already been used within our region. and a request for additional options to ensure compliance with Council's *Naming of Roads, Park, Landmarks and Facilities Policy* and AS/NZS 4819:2011.

Attachments

There are no attachments for this report.

12.3 RL2024/0037 Application for Preliminary Approval, including a Variation Request - Material Change of Use for Dwelling Houses, Hatton Vale

Author: Scott Hambleton, Contract Planner
Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

Purpose:

The purpose of this report is to consider a Development Application for Preliminary Approval for Material Change of Use for Dwelling Houses, and including a Variation Request to apply the Planning Scheme provisions for the Rural Residential Zone, on Lots 1-43 & 300 SP343014 at 2-30 Beaumont Close, 2-20 Farm Court, 2-10 Bluegum Court and Hannant Road, Hatton Vale.

This application has been assessed in accordance with the requirements of the *Planning Act 2016* and it is recommended that the application be approved subject to conditions.

Officer's Recommendation:

THAT Council approve the Development Application for Preliminary Approval for Material Change of Use for Dwelling Houses, including a Variation Request to apply the provisions of the *Lockyer Valley Planning Scheme 2024* for the Rural Residential Zone, Medium (2ha) Precinct, for Lots 1-43 & 300 SP343014 at 2-30 Beaumont Close, 2-20 Farm Court, 2-10 Bluegum Court and Hannant Road, Hatton Vale.

Executive Summary

Council has received a Development Application for Preliminary Approval for Material Change of Use for Dwelling Houses, including a Variation Request to apply the Lockyer Valley Planning Scheme provisions for the Rural Residential Zone, for Lots 1-43 & 300 SP343014 at 2-30 Beaumont Close, 2-20 Farm Court, 2-10 Bluegum Court and Hannant Road, Hatton Vale. The application has been assessed in accordance with the requirements of the *Planning Act 2016*.

TABLE 1 - OVERVIEW	
APPLICATION DETAILS	
Application No:	RL2024/0037
Applicant:	Poppalouis Pty Ltd
Landowner:	Poppalouis Pty Ltd
Site address:	2-30 Beaumont Close, 2-20 Farm Court, 2-10 Bluegum Court, Hannant Road, Hatton Vale
Lot and Plan:	Lots 1-43 & 300 SP343014
Proposed development:	Preliminary Approval for Material Change of Use for Dwelling Houses, and including a Variation Request to apply the Planning Scheme provisions for the Rural Residential Zone
STATUTORY PLANNING DETAILS	
Planning Scheme:	<i>Lockyer Valley Planning Scheme 2024</i>
Zone:	Open Space Zone Medium Precinct (2ha)
Mapped State Planning Policy (SPP) matters:	Integrated into planning scheme
South East Queensland Regional	Rural Living Area

Plan 2023 (Shaping SEQ) regional land use category:	
Referral trigger/s under the Planning Regulation 2017:	Nil
TLPI:	<i>Temporary Local Planning Instrument 2024</i> Flood hazard area under the Flood hazard overlay: <ul style="list-style-type: none"> • Investigation area • Overland flow path
Overlays:	Biodiversity overlay Bushfire hazard overlay Scenic landscape overlay Steep land overlay Waterways and water resource catchment overlay High risk soils overlay
Category of Assessment:	Impact Assessable

DESCRIPTION OF THE SITE AND SURROUNDS

SITE AND LOCALITY DESCRIPTION	
Land area:	160,673m ²
Existing use of land:	44 vacant lots for residential purposes 1 lot containing a watercourse and pedestrian pathway
Road frontage:	Residential lots with frontage to newly-constructed roads: Beaumont Close, Farm Court, Bluegum Court with access at new intersection with Fairway Drive.
Significant site features:	Dams and flood corridor to the north-west.
Topography:	Slope from eastern boundary at 90m AHD to dams at 76m AHD.
Surrounding land uses:	Rural residential dwellings

SITE HISTORY AND BACKGROUND

DEVELOPMENT APPROVAL	ASSESSMENT
RL2020/0006	On 16 September 2020, Council approved a Development Permit for Reconfiguring a Lot for Subdivision (45 lots). The development has been completed, and lots are created.



Figure 1. Locality of Subject Site (source LVRC Intramaps)



Figure 2. Zone Map (source LVRC ePlan)

DESCRIPTION OF PROPOSAL

Currently, Lots 1-43 and 300 are included in the Open Space Zone where a Dwelling House is Impact Assessable and inconsistent in the zone.

The Preliminary Approval for Material Change of Use is for the establishment of Dwelling Houses on Lots 1-43 and 300 SP343014, which are rural residential lots created by the previous Development Approval for Reconfiguring a Lot. Each Dwelling House will be subject to the requirements of the *Lockyer Valley Planning Scheme 2024*, as varied by the Variation Request.

The Variation Request seeks to vary the effect of the *Lockyer Valley Planning Scheme 2024* by applying the provisions for the Rural Residential zone to the land as identified on the plan below. These provisions include the Table of Assessment for the Rural residential zone. The assessment benchmarks for future development would apply as if Lots 1-43 and 300 were in the Rural Residential Zone.

A Variation Approval would enable a Dwelling House to be established as Accepted Development on each of the lots, subject to the relevant assessment benchmarks.

The Variation Request does not apply Lot 200, and the provisions for the Open Space Zone will continue to apply to this lot.

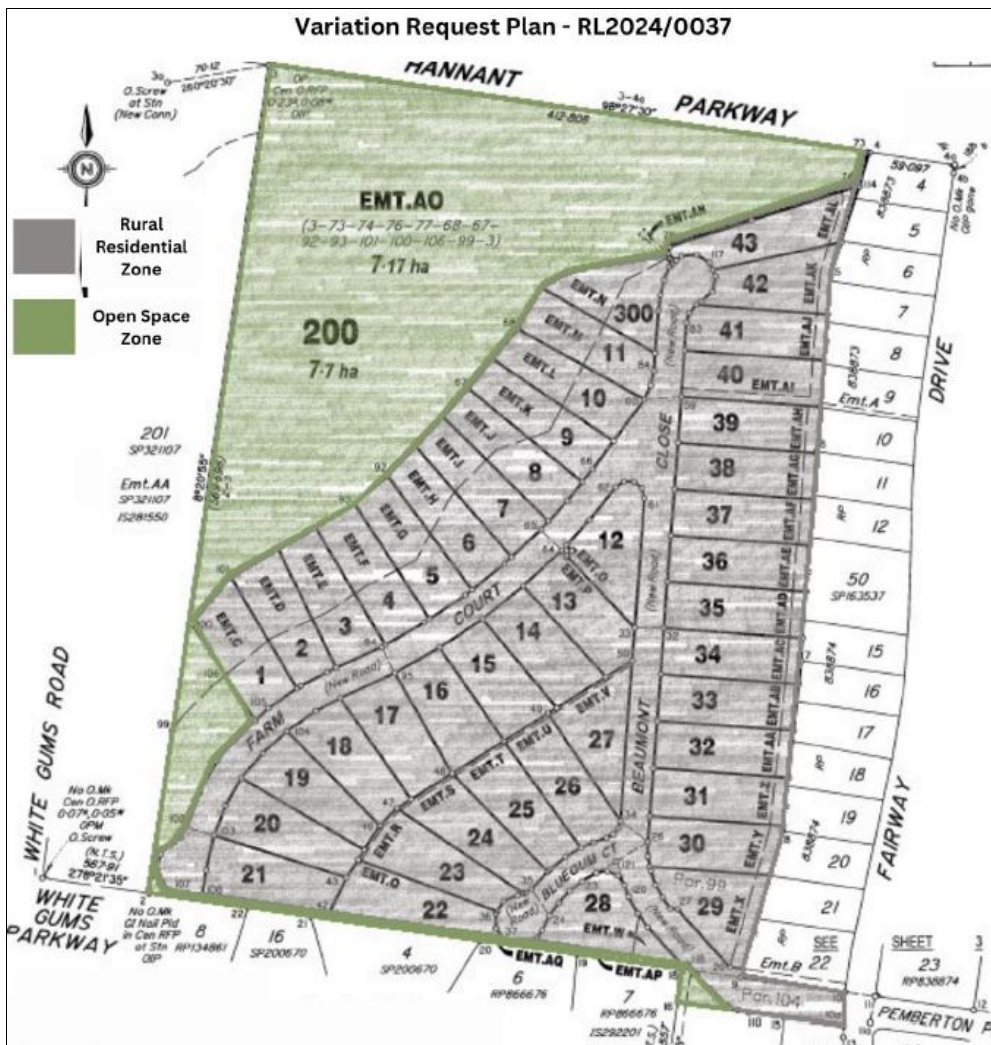


Figure 3. Proposed development plan

PLANNING ASSESSMENT

Preliminary Approval including Variation Request to Vary the Effect of the Lockyer Valley Planning Scheme 2024

In accordance with the *Planning Act 2016*, an application for a Variation Request must be assessed against the following:

PLANNING ACT ASSESSMENT PROVISIONS	OFFICER ASSESSMENT
<p>(a) the result of the assessment of that part of the development application that is not the variation request</p>	<p>The other aspect of the development application is a Preliminary Approval for Dwelling Houses. The Dwelling Houses will be subject to the provisions of the Lockyer Valley Planning Scheme. It is recommended that the Preliminary Approval for Material Change of Use for Dwelling Houses is approved, because the use is consistent with the purpose of the lots as created under the previous Development Approval for Reconfiguring a Lot.</p>
<p>(b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied</p>	<p>The Variation Request seeks to vary the effect of the <i>Lockyer Valley Planning Scheme 2024</i> by applying the Rural Residential zoning provisions to the land. These provisions include the Rural Residential Zone Tables of Assessment and the assessment benchmarks that future development would be assessed against.</p> <p>Given that the Variation Request does not seek to alter the actual Rural Residential zoning provisions or any of the assessment benchmarks contained within the Planning Scheme, it is considered that the variation is consistent with the rest of the local planning instrument.</p>
<p>(c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters</p>	<p>The development application for the Variation Request was accompanied by a Planning Report and supporting documentation (such as a Zone Plan) that clearly identified the purpose of the Variation Request and the intended subsequent development which primarily includes Dwelling Houses on the lots.</p> <p>Development for Dwelling House is accepted development subject to requirements in Rural Residential Zone. The proposed variation will change the level of assessment for certain uses from impact assessment to code assessment and accepted development.</p> <p>The development application, in totality, was available for public viewing on Council’s eTrack system. Additionally, the development application was publicly notified in accordance with the <i>Planning Act 2016</i> and Development Assessment Rules and the community was provided the opportunity to view the proposal and provide submissions to Council.</p> <p>In addition, the land that is subject to the Variation Request has been subdivided in a form that is clearly identifiable as being for residential purposes.</p> <p>Approval of the Variation Request would change the ability of a person to make a submission or lodge an appeal about certain</p>

	types of development on the land in the future. However, this effect is considered reasonable because the land already been subdivided for the ultimate development purpose; and the material included in this development application is adequate for the public to form a reasoned opinion about the proposed development.
(d) any other matter prescribed by regulation.	<p><u><i>South East Queensland Regional Plan 2023</i></u> The development site is identified within the Rural Living Area of the South East Queensland Regional Plan 2023. The intent of this land use category is to consolidate rural residential development in suitable locations for housing and lifestyle choices whilst limiting the impacts of its inefficient use of land on other values, functions and opportunities in SEQ.</p> <p>The Variation Request seeks to vary the effect of <i>Lockyer Valley Planning Scheme 2024</i> by applying the provisions for the Rural Residential zone to the land. The Rural Residential zone is consistent with the objectives for the Rural Living Area as stated in the South East Queensland Regional Plan 2023.</p> <p><u><i>State Planning Policy 2017</i></u> The development site is mapped within several State Interest areas of the SPP including Water Quality and Natural Hazards, Risk and Resilience.</p> <p>The Variation Request seeks to vary the effect of the <i>Lockyer Valley Planning Scheme 2024</i> by applying the provisions for the Rural Residential zone to the land. This would not fetter the ability for future development to comply with the intents of the State Interests of the SPP. Additionally, the SPP is integrated into the <i>Lockyer Valley Planning Scheme 2024</i>.</p>

Temporary Local Planning Instrument 2024 Flood Regulation

The site is located within a flood investigation area and subject to overland flow paths. The subdivision which created the allotments has resolved the flood constraints on the allotments and there are easements on Lots 1-11 and 300 which identify the extent of the Defined Flood Level. The Variation Request does not affect the operation of the TLPI, and it will continue to apply to future development on the premises.

REFERRALS

Planning Regulation 2017 Referrals

The application did not trigger referral under the *Planning Regulation 2017* (Planning Regulation).

TRUNK INFRASTRUCTURE

The development is adequately serviced by trunk infrastructure and does not require any additional trunk infrastructure or upgrades of trunk infrastructure. Further, no trunk infrastructure upgrades are identified in Council's Local Government Infrastructure Plan (LGIP).

PUBLIC NOTIFICATION

The application was impact assessable and was publicly notified for a minimum 30 business days between 16 December 2024 and 11 February 2025. On 12 February 2025, Council received the notice of compliance confirming public notification has been carried out in accordance with the requirements of the *Planning Act 2016*. No properly made submissions regarding the proposed development were received.

CONCLUSION

The Preliminary Approval for Material Change of Use for Dwelling Houses, and including a Variation Request, will provide for the land to be developed in a manner that is consistent with the previous Development Approval for Reconfiguring a Lot and development of the land for rural residential purposes.

It is therefore recommended the development application be approved in accordance with section 60 of the *Planning Act 2016*.

A future amendment to the Planning Scheme will include this land being rezoned and included in the Rural residential zone.

Options

1. Approve the development application.
2. Approve the development application in part.
3. Refuse the development application.

Critical Dates

A decision on this application must be made by 20 March 2025 in accordance with the *Planning Act 2016* and Development Assessment Rules.

Strategic ImplicationsCorporate Plan

Lockyer Planned – A development assessment process that delivers quality development that is consistent with legislation, best practice and community expectations.

Finance and Resource

Should the decision be contested in the Planning and Environment Court financial implications may occur.

Legislation and Policy

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. Legal implications arising from the recommendation provided in this report are that the applicant and/or submitter may appeal the decision to the Planning and Environment Court.

Risk Management

The application has been assessed in accordance with the *Planning Act 2016*. Any risks have been mitigated through assessment of the application in accordance with legislative requirements and the recommendation of reasonable and relevant conditions.

Attachments

There are no attachments for this report.

12.4 Request for Exemption to Engage a Supplier - Firesticks Alliance Indigenous Corporation

Author: Lisa Swales, Environment Project Officer
Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

Purpose:

The purpose of this report is to seek a Council resolution to enter into a medium sized contractual arrangement with Firesticks Alliance Indigenous Corporation (Firesticks Alliance) to undertake cultural burn land management services.

Officer's Recommendation:

THAT Council enter into a medium sized contractual arrangement with Firesticks Alliance Indigenous Corporation to provide cultural burn land management services for Council's Firewall – Integrated Land Management Project without first obtaining multiple written quotes, in accordance with section 235(a) of the *Local Government Regulation 2012*, as Firesticks Alliance Indigenous Corporation is the only supplier who is reasonably available.

Executive Summary

Council's Procurement Guideline for Tier 2 (value of \$15,000 to less than \$200,000) requires Council to seek at least three written quotes from suitably qualified suppliers to source goods and services. The *Local Government Regulation 2012* provides exceptions from obtaining multiple written quotes in certain circumstances.

This report seeks approval to apply an exception for the purpose of engaging Firesticks Alliance Indigenous Corporation (Firesticks Alliance) to provide cultural burn land management services for Council's Firewall – Integrated Land Management Project, as they are the only supplier reasonably available to provide this service.

Proposal

The Firewall – Integrated Land Management project commenced in April 2022 and is due to be completed in March 2025. The purpose of the project is to develop an assessment process for land owned or managed by Council, including assessing and managing bushfire risk. This has included engaging First Nations organisations to carry out assessment, and provide cultural education and training support around cultural burn land management.

One of properties included in the project is the park at Bertrand Road, Kensington Drive. Council has previously conducted a cultural burn workshop at this site, and it is intended to undertake a cultural burn of this land within the near future. Burning is weather dependant and so cannot be prescheduled, however, the burn is expected to be undertaken before 31 March 2025 to meet grant funding timeframes.

Council's Procurement Guideline requires officers to seek at least three written quotes. Quotes were sought from Firesticks Alliance and another provider to undertake this cultural burn, however the second provider did not provide a quote.

Firesticks Alliance is the leading provider in cultural burn land management training and have been engaged by Council in the past to provide a successful cultural burn workshop on private properties in the region.

Previously, Council has also engaged Wirriyah Pty Ltd to conduct cultural burn assessments; however, they no longer offer these services as of September 2024.

Firesticks Alliance has provided a quote of \$30,303.08 (including GST) which includes:

- four practitioners and two elders;
- travel
- one day site assessment;
- two days of site preparation;
- one day of cultural burn management.

Senior practitioners will be assisting with the burn due the proximity to houses.

Firesticks Alliance will collaborate with local Yuggera Ugarapul People to assist in building their capacity to provide cultural burning services in the region moving forward.

This cultural burn delivers on the following objectives set out in the Integrated Land Management project:

- Increased community awareness and knowledge of best practise land management, through cool cultural burning that reduces bushfire risks, increases climate resilience, improves land condition and improves economic sustainability;
- Local traditional owners are engaged as contractors and stakeholders;
- Enhanced existing relationships with local traditional owners by supporting their strategic objectives particularly through cultural learning pathways, and sharing knowledge and wisdom of indigenous land management practices;
- Empowered local traditional owners through leadership, sharing knowledge, training, education and re-connection to Country.

In accordance with section 235(a) of the *Local Government Regulation 2012*, a local government may enter into a medium sized contractual arrangement without first inviting written quotes or tenders if the local government resolves it is satisfied that there is only one supplier who is reasonably available. It is recommended that Council resolves that Firesticks Alliance is the only supplier who is reasonably available to provide this product.

Options

1. Council approve an exception under section 235(a) of the Regulation to enter into a contractual arrangement with Firesticks Alliance.
2. Council does not apply an exception to enter into a contractual arrangement with Firesticks Alliance.

Critical Dates

The funding period for the Black Summer Bushfire Recover Grant ends 31 March 2025.

Strategic Implications

Corporate Plan

Lockyer Nature – Lockyer Valley’s natural assets are managed, maintained and protected.

Finance and Resource

This will be funded from existing budget allocations.

Legislation and Policy

Council's Procurement Guideline for Tier 2 (value \$15,000 and less than \$200,000) requires Council to seek at least three written quotes from suitably qualified suppliers to source goods and services. An exception to this requirement is available where Council resolves it is satisfied that there is only one supplier who is reasonably available (sole suppliers).

Under section 235(a) of the *Local Government Regulation 2012*, a local government may enter into a medium sized contractual arrangement without first inviting written quotes or tenders if the local government resolves it is satisfied that there is only one supplier who is reasonably available.

Risk Management

Environment and Community (EC1) - Environment and the community, including sustainable development, social and community wellbeing, community relationships, public health, recreation, regional profile and identity.

Consultation

Internal Consultation

Council staff have liaised with the Group Manager Community and Regional Prosperity and Manager Planning, Policy and Community Wellbeing.

Attachments

There are no attachments for this report.

13. INFRASTRUCTURE REPORTS**13.1 Australian Taxation Office: Changes to Burial Rights GST****Author:** John Keen, Group Manager Infrastructure**Responsible Officer:** John Keen, Group Manager Infrastructure**Purpose:**

The purpose of this report is to seek Council's adoption of reviewed cemetery fees and charges to ensure Council is compliant with the recent and finalised Australian Taxation Determination 'GSTD 2024/25 Goods and services tax: is the supply of a burial right in respect of a public cemetery subject to GST?.'

Officer's Recommendation:

THAT Council approve the amended Cemetery 2024/25 Register of Fees and Charges, to not apply GST, as per the Australian Taxation Office Determination for the following:

Name	New Year 24/25 Fee	GST
2.7 Cemeteries		
2.7.1 Gatton, Laidley, Caffey, Forest Hill & Murphy's Creek		
General Cemetery		
Application for interment	\$1,384.00	N
Application for Reservation of Plot	\$1,336.00	N
Application for Reservation of Plot – Extra Depth	Price on application	N
Land for Child Grave (Smaller Plot)	\$503.00	N
Land for Burial of Ashes	\$668.00	N
Columbarium Purchase of Columbarium Space		
Single Niche	\$651.00	N
Double Niche	\$762.00	N
Family Niche	\$884.00	N
Laidley Ashes Memorial Garden		
Western Garden – Single Niche	\$884.00	N
Centre Garden – Double Niche	\$1,301.00	N
Eastern Garden – Double Niche	\$1,215.00	N

Executive Summary

The Australian Taxation Office (ATO) issued a draft determination on the 26 May 2021 stating burial rights are to be exempt from goods and services tax. Local Government and industry feedback to the ATO requested more clarification on a number of issues including the effective date, historical application and refunds. The ATO issued the final determination on the 4 December 2024. This determination confirms fees for the grant of burial rights by a Council cemetery operator are exempt from goods and services tax. The finalised determination is a prospective determination with an application date of 4 December 2024 being the date of the publication of the determination. This is due to past inconsistent advice from the ATO. The ATO has advised there is no obligation for Council to seek out customers in order to refund GST charged on previous burial fees.

The ATO is allowing Council's a three-month grace period to implement the requirements of the final ruling.

This means that by 4 March 2025 for burial rights fees:

- Advertised prices must be changed to show GST is not payable on these fees and must not be passed on to the customer.
- Invoicing systems must not show any GST in the price charged. A tax invoice can still be given to the customer provided it clearly shows GST is not included on exempt fees.
- General ledger and BAS preparation systems do not include GST in the sale of these fees and the GST status is GST exempt which is not reported in the BAS.

Proposal

It is proposed Council remove the GST component currently applied to any burial right type fees and charges in accordance with the final tax determination.

An assessment of Council's current 2024/2025 Register of Fees and Charges identified the following fees and charges which currently include GST but should be GST exempt in accordance with the final determination.

Name	Year 24/25 Fee (incl. GST)	GST
2.7 Cemeteries		
2.7.1 Gatton, Laidley, Caffey, Forest Hill & Murphy's Creek		
General Cemetery		
Application for interment	\$1,522.00	Y
Application for Reservation of Plot	\$1,470.00	Y
Application for Reservation of Plot – Extra Depth	Price on application	Y
Land for Child Grave (Smaller Plot)	\$553.00	Y
Land for Burial of Ashes	\$735.00	Y
Columbarium Purchase of Columbarium Space		
Single Niche	\$716.00	Y
Double Niche	\$838.00	Y
Family Niche	\$972.00	Y
Laidley Ashes Memorial Garden		
Western Garden – Single Niche	\$972.00	Y
Centre Garden – Double Niche	\$1,431.00	Y
Eastern Garden – Double Niche	\$1,337.00	Y

The proposed changes will see the GST removed from the above fees and charges, making the fees and charges less expensive for the customer, and the revised fees and charges will be as per the below table. The proposed new fee has been rounded to the nearest dollar for ease of administration and billing purposes.

Name	New Year 24/25 Fee	GST
2.7 Cemeteries		
2.7.1 Gatton, Laidley, Caffey, Forest Hill & Murphy's Creek		
General Cemetery		
Application for interment	\$1,384.00	N
Application for Reservation of Plot	\$1,336.00	N
Application for Reservation of Plot – Extra Depth	Price on application	N
Land for Child Grave (Smaller Plot)	\$503.00	N
Land for Burial of Ashes	\$668.00	N
Columbarium Purchase of Columbarium Space		
Single Niche	\$651.00	N
Double Niche	\$762.00	N
Family Niche	\$884.00	N

Laidley Ashes Memorial Garden		
Western Garden – Single Niche	\$884.00	N
Centre Garden – Double Niche	\$1,301.00	N
Eastern Garden – Double Niche	\$1,215.00	N

Options

1. Approve the revised fees and charges in accordance with the officer's recommendation.
2. Approve revised fees and charges at other amounts, however, to meet legislative requirements they must be exclusive of GST.

Previous Council Resolutions

Register of Cost Recovery and Commercial Fees and Charges 2024-2025 May 2024.

Resolution Number: 24-28/0037 15 May 2024

THAT Council adopt the Register of Cost Recovery and Commercial Fees and Charges 2024-2025, as attached to these minutes, for the period 1 July 2024 to 30 June 2025.

Critical Dates

The ATO is allowing councils three months to change their systems to fall into line with the finalised ruling.

This means that by 4 March 2025 for burial rights fees:

- Advertised prices must be changed to show GST is not payable on these fees and must not be passed on to the customer.
- Invoicing systems must not show any GST in the price charged. A tax invoice can still be given to the customer provided it clearly shows GST is not included on exempt fees.
- General ledger and BAS preparation systems do not include GST in the sale of these fees and the GST status is GST exempt which is not reported in the BAS.

Strategic Implications

Corporate Plan

Leadership and Council

- Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.

Finance and Resource

The amendments to Council's 2024-25 Fees and Charges will ensure that the correct fee is charged for each service either on a cost recovery or commercial basis. The revised fees and charges will have no effect on Council's operational budget as the change is for GST which Council collects and remits on behalf of the ATO.

Legislation and Policy

Sections 172 and 193 of the *Local Government Regulation 2012* establish the requirements for Council's Revenue Statement and Revenue Policy in relation to information on fees and charges.

Council's Revenue Statement is also required to outline the criteria used to decide the amount of the cost-recovery fee – Section 172(1)(c) and if council conducts a business activity on a commercial basis, the criteria used to decide the amount of the charges for the activity's goods and services – Section 172(1)(d).

Risk Management

Key Corporate Risk Code and Category: FE2

Key Corporate Risk Descriptor: *Financial and Economic*

Decision making governance, due diligence, accountability and

Consultation

Portfolio Councillor Consultation

A councillor workshop occurred on 4 February 2025 briefing Councillors on the ATO determination into GST on burial rights.

Internal Consultation

- Coordinator Accounting Services
- Principal Engagement and Communications
- Cemeteries Officer
- Principal Parks, Recreation and Cemeteries
- Coordinator Parks, Recreation and Cemeteries
- Coordinator Financial Operations
- Group Manager Infrastructure

External Consultation

Discussions have occurred with other local government council's and the effect that this decision has on their cemetery fees and charges.

Community Engagement

As this is an adjustment instigated by the ATO, there is little scope for community input into a final decision. Given too, that the Recommendation proposes Council maintains the effective net price and that the full cost to residents will decrease, Council will be providing the best-case option to the community, if the resolution is adopted.

Council will ensure the new Fees and Charges are made public.

Attachments

There are no attachments for this report.

13.2 Request for Exception for Sole Supplier - Procurement of Specialist Environmental, Engineering and Project Management Services - EnviroAg Australia

Author: Nic Jenkins, Manager Facilities
Responsible Officer: John Keen, Group Manager Infrastructure

Purpose:

The purpose of this report is to seek a Council resolution to enter into a Tier 2 (i.e. value between \$15,000 and less than \$200,000) contractual arrangement up until 30 June 2026 with EnviroAg Australia without first obtaining multiple written quotes.

Officer's Recommendation:

THAT Council enter into a medium sized contractual arrangement up until 30 June 2026 with EnviroAg Australia, to use environmental, engineering and project management consulting services without first obtaining multiple written quotes, in accordance with section 235 (b) of the *Local Government Regulation 2012*, as due to the specialised nature of the consulting services sought it would be impractical or disadvantageous to invite other quotes or tenders.

Executive Summary

Council's Procurement Guideline for Tier 2 (value between \$15,000 and less than \$200,000) requires Council to seek at least three written quotes from suitably qualified suppliers to source goods and services. The guideline does provide exceptions in certain circumstances, and this report seeks approval to apply an exception to Council's procurement of the specified environmental, engineering and project management consulting up until the 30th June 2026.

In accordance with Section 235 (b) of the *Local Government Regulation 2012*, a local government may enter into a medium sized contractual arrangement without first inviting multiple written quotes or tenders if the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite multiple quotes or tenders. Due to the specialised nature of the advice required to seek to achieve regulatory compliance of the saleyard operations, EnviroAg Australia is a specialist consultant in this area of expertise.

Proposal

Decisions for the ongoing operations of the Laidley Saleyards and the future use of the premises for the residents of the Lockyer Valley Region will need to be evaluated based on in-depth research and tests. In order to obtain this specialist advice, it is essential that Council engage EnviroAg Australia who are specialists in this niche supplier market. The findings from this work will allow parties involved in the future planning of the Laidley Saleyards to make fair and informed decisions.

Options

1. Council approve an exception to enter into a Tier 2 contractual arrangement with EnviroAg Australia.
2. Council does not approve an exception to enter into a Tier 2 contractual arrangement with EnviroAg Australia.

Critical Dates

To ensure Council remains compliant with procurement guidelines, a contract needs to be established prior to further invoices being received, anticipated March 2025.

Strategic Implications

Corporate Plan

Lockyer Leadership

- Commit to open and accountable governance to ensure community confidence and trust in council and our democratic values.

Finance and Resource

Expenses will be covered within the existing Facilities operational budget for the 2024-2025 and 2025-2026 financial years.

Legislation and Policy

Council's Procurement Guideline requires Council to seek at least three written quotes from suitably qualified suppliers to source goods and services valued between \$15,000 and \$200,000. An exception to this requirement is available where Council resolves that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite multiple quotes or tenders.

Risk Management

Key Corporate Risk Category: FE2

Reference and Risk Descriptor: Finance and Economics – Decision making governance, due diligence, accountability and sustainability.

Consultation

Advice will be provided to the Laidley Saleyards Working Group consisting of internal staff, external consultants, Councillors and area specialists, of the sole supplier engagement at their next group meeting.

Attachments

There are no attachments for this report.

14. ITEMS FOR INFORMATION**14.1 Chief Executive Officer's Monthly Report - January 2025****Author:** Dan McPherson, Acting Chief Executive Officer**Responsible Officer:** Dan McPherson, Acting Chief Executive Officer

Purpose:

This report provides Council with a summary of key operational activities undertaken by the Chief Executive Officer's Group during January 2025.

This document is for Council's information only.

Executive Summary

The activities covered in this report include Strategic Planning, Internal Audit and Risk, Procurement, Disaster Management, Community Development and Engagement and Advocacy. The Finance function is subject to separate reporting.

Proposal

That this report be received and noted.

Attachments

[1](#)  CEO Monthly Report Jan 2025 20 Pages

14.2 **Group Manager People, Customer and Corporate Services Monthly Report - January 2025**

Author: Graham Cray, Acting Group Manager People, Customer and Corporate Services
Responsible Officer: Graham Cray, Acting Group Manager People, Customer and Corporate Services

Purpose:

This report provides Council with a summary of key operational activities undertaken by the People, Customer and Corporate Services Group during January 2025.

This document is for Council's information only.

Executive Summary

This report provides Council with a summary of key operational activities undertaken by the People, Customer and Corporate Services Group during January 2025.

Proposal

That this report be received and noted.

Attachments

[1](#) Monthly Group Report - People Customer and Corporate Services - January 2025 10 Pages

14.3 **Group Manager Community and Regional Prosperity Monthly Report - January 2025**

Author: Amanda Pugh, Group Manager Community & Regional Prosperity
Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

Purpose:

This report provides Council with a summary of key operational activities undertaken by the Community and Regional Prosperity Group during January 2025.

This document is for Council's information only.

Executive Summary

This report provides Council with a summary of key operational activities undertaken by the Community and Regional Prosperity Group during January 2025.

Proposal

That this report be received and noted.

Attachments

[1](#) Monthly Report - Community & Regional Prosperity Jan 2025 9 Pages

14.4 **Group Manager Infrastructure Monthly Report - January 2025****Author:** John Keen, Group Manager Infrastructure**Responsible Officer:** John Keen, Group Manager Infrastructure

Purpose:

This report provides Council with a summary of key operational activities undertaken by the Infrastructure Group during January 2025.

This document is for Council's information only.

Executive Summary

This report provides Council with a summary of key operational activities undertaken by the Infrastructure Group during January 2025.

Proposal

That this report be received and noted.

Attachments

[1](#) Infrastructure Group Monthly Report - January 2025 15 Pages

15. CONFIDENTIAL ITEMS**15.1 Contract of Employment - Chief Executive Officer**

Author: Craig Drew, Acting Group Manager People, Customer and Corporate Services

Responsible Officer: Graham Cray, Acting Group Manager People, Customer and Corporate Services

That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 254J (3) (a) of the Local Government Regulation, 2012, as the matter involves the appointment, discipline or dismissal of the chief executive officer.

Purpose:

The purpose of this report is to seek Council's endorsement to offer the Chief Executive Officer a further Contract of Employment from the expiry of the current Contract of Employment.

16. MEETING CLOSED