



Agenda

Ordinary Meeting

Tuesday, 9 February 2021

Time: 9.00am
Location: Former Boonah Council Chambers
70 High Street
BOONAH QLD 4310

Scenic Rim Regional Council

Ordinary Meeting

Tuesday, 9 February 2021

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- 2 Attendance and the granting of leaves of absence**
- 3 Apologies**
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- 5 Declarations of Prescribed or Declarable Conflict of Interest by Members**
- 6 Announcements / Mayoral Minutes**
- 7 Reception of Deputations by Appointment / Presentation of Petitions**
- 8 Confirmation of Minutes**
Ordinary Meeting - 19 January 2021
- 9 Business Arising from Previous Minutes**

10 Consideration of Business of Meeting

Executive

10.1 Ordinary Meetings - Change to Commencement Time

Executive Officer: Chief Executive Officer

Item Author: Business Support Officer - Office of the Mayor and Chief Executive Officer

Attachments: Nil

Executive Summary

Council is asked to consider changing the commencement time of future scheduled Ordinary Meetings to accommodate Public Question Time being held prior to Ordinary Meetings.

Recommendation

That Council endorse the proposal that future scheduled Ordinary Meetings will commence at 9.15am, effective from 23 February 2021.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 9 November 2020, Item 11.2, Council resolved to adopt the Ordinary Meeting dates for January - December 2021, with those meetings commencing at 9.00am.

At the Ordinary Meeting held on 14 December 2020, Item 11.9, Council resolved to adopt a revised Council Procedure, Meetings and Other Forums - Administration and Participation, which included the following amendment to clause 2.2.1:

"2.2.1 When Public Question Time will be held:

- (a) Public Question Time will be held immediately prior to the opening of the following the close of scheduled Ordinary Meetings of Council. The forum will be conducted in the venue where the Ordinary Meeting has been held and will be chaired by the Mayor (or in their absence, the Deputy Mayor);
- (b) A period of 30 minutes is set aside for Public Question Time;
- (c) The Chairperson may close Public Question Time when either the 30 minute period allocated has ended or all questions accepted for discussion in accordance with this procedure have, in his or her opinion, been duly heard."

Report / Background

Council's decision to hold Public Question Time prior to the opening of the scheduled Ordinary Meetings was based on enabling members of the community to participate in Public Question Time at a designated time, as opposed to awaiting the unscheduled conclusion of Ordinary Meetings.

In recognising and accommodating the need for a proper lead in to Ordinary Meetings for the Mayor, Councillors, Executive, Officers and members of the public as well as ensuring the opening hours for the organisation and working arrangements of employees adequately achieve the allocated 30 minutes of Public Question Time, it is proposed that the following timings be considered by Council:

8.40 - 9.10am	Public Question Time
9.15am	Commencement of Ordinary Meetings

Whilst public attendance at Ordinary Meetings (and therefore Public Question Time) has been restricted due to the COVID pandemic, post those restrictions, an 8.40am start to Public Question Time will enable members of the public who wish to attend, to enter the Council building at 8.30 am, sign in and make their way to the Council Chambers.

In the meantime, to enable members of the public to listen in to live broadcasts of Public Question Time, it is proposed that hyperlinks will be provided on Council's website, separate to the hyperlinks currently provided for the live broadcast of Ordinary Meetings.

Clause 2.2.3 of Council's Procedure: Meetings and Other Forums - Administration and Participation sets out the requirements in relation to submitting a question for Public Question Time, as follows:

"2.2.3 Submitting a Question

Members of the public wishing to attend Public Question Time to put a question to Councillors for consideration and response, should submit their question in writing in accordance with the following process:

- (a) Proposed questions should be submitted with reasonable notice to allow for a response to be prepared. Reasonable notice is:*
 - (i) a minimum of five full business days prior to the scheduled date of the Ordinary Meeting; and*
 - (ii) determined at the discretion of the Chairperson with consideration as to the complexity of proposed question(s) and any other relevant factors. Complex questions should be lodged early to provide reasonable notice;*
- (b) Proposed questions must be submitted in writing to the Chief Executive Officer and clearly identified as questions for Public Question Time;*
- (c) The Chairperson may refer questions which are not accepted for discussion at Public Question Time directly to a Council Department for a formal response, or refer the question to a future Public Question Time;*
- (d) Where the number of questions received for a Public Question Time may exceed the allotted time, questions may be referred to the next Public Question Time at the discretion of the Chairperson;*
- (e) The Chairperson will be assisted by Council's Chief Executive Officer to determine whether each submitted question will be accepted for discussion at Public Question Time. The decision to accept questions at Public Question Time is made at the discretion of the Chairperson;*
- (f) The Chairperson may accept questions at Public Question Time without notice at his or her discretion."*

In the event that no questions are received within the required timeframe, a notice will be placed on Council's website to that effect and there will be no hyperlink visible for that session of Public Question Time.

Budget / Financial Implications

Not applicable.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: 3.1.2 Provide streamlined and practical regulatory services that deliver improved access for the community

Legal / Statutory Implications

Section 254B of the Local Government Regulation 2012 ("the Regulations") provides:

"254B Public notice of meetings"

- (1) *A local government must, at least once in each year, publish a notice of the days and times when -*
 - (a) *its ordinary meetings will be held; and*
 - (b) *the ordinary meetings of its standing committees will be held.*
- (2) *The notice mentioned in subsection (1) must be published on the local government's website, and in other ways the local government considers appropriate.*
- (3) *A local government must display in a conspicuous place in its public office a notice of the days and times when -*
 - (a) *its meetings will be held; and*
 - (b) *meetings of its committees will be held.*
- (4) *A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.*

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment risks of	Residual Risk Rating
Governance, Risk & Compliance Non-compliance with statutory requirement for publication of Council meeting dates	3 Moderate	Unlikely	Medium	Adoption and publication of commencement times of future meeting dates	Low

Consultation

Mayor and Councillors
Executive Leadership Team
Communications and Marketing Business Unit
Information Services Technology Business Unit

Conclusion

In consideration of Council's decision to hold Public Question Time immediately prior to the opening of scheduled Ordinary Meetings and the need to accommodate the work arrangements of relevant Council staff, it is proposed that future scheduled Ordinary Meetings commence at 9.15am.

Customer & Regional Prosperity

10.2 Small Business Friendly Councils Initiative

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Regional Skills Investment Project Coordinator

Attachments:

1. Reporting template Small Business Friendly Councils [↓](#) 

Executive Summary

The Small Business Friendly Councils (SBFC) is a Queensland Government Initiative that recognises a commitment by Queensland Councils to be mindful of small businesses, their issues and priorities when making decisions for the local community.

The Queensland Small Business Commissioner, Maree Adshead (QSBC) is actively encouraging Councils across the Queensland to demonstrate their commitment and consider becoming part of the initiative.

The initiative provides benefits for Councils and small businesses alike, including access to tools and resources, a greater focus on helping small businesses to grow and increased opportunities to promote and showcase business.

It is proposed that Scenic Rim Regional Council sign up to the SBFC Charter, to build upon the work that Council has already been doing to support local small businesses, and to further demonstrate Council's commitment to our small business sector.

Small business is a cornerstone of the Scenic Rim business community, making up over 98.5% of the region's businesses.

Recommendation

That:

1. Council affirm its willingness to sign the Small Business Friendly Councils Initiative Charter which outlines a commitment to support small business through a series of measures; and
2. Council approve Mayor Christensen to sign the Charter on behalf of Scenic Rim Regional Council with the Queensland Small Business Commissioner;
3. Council collaborate with as many of the region's Chambers of Commerce as possible to ensure they are aware of the initiative, supportive of it, and ideally have representatives present at the signing of the charter; and
4. Council note that after signing of the Small Business Friendly Councils Initiative Charter, six-monthly progress reports are to be submitted to the Queensland Small Business Commissioner, outlining how Council is working towards meeting its obligations under the Charter.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

The SBFC Initiative was developed in New South Wales in 2015. It recognises a commitment by Councils to be mindful of small businesses, their issues and priorities when making decisions for the local community.

It has since been rolled out in Victoria, South Australia and Western Australia and now in Queensland. Ipswich City Council was the first to sign up to the initiative, and the QSBC is actively encouraging other Councils across the Queensland to demonstrate their commitment and consider becoming part of the movement.

The SBFC Initiative provides benefits for councils and small businesses alike.

For councils, it provides the opportunity to:

- Access tools and resources to assist with small business resilience and recovery;
- Use the QSBC's SBFC identifier and brand assets to promote their commitment to being small business friendly;
- Promote their initiatives on the SBFC website;
- Become part of a community of practice of like-minded, small business friendly councils;
- Participate in regular forums;
- Help attract investment and commercial opportunities to stimulate growth in the local economy;
- Access a dedicated point of contact within the QSBC to seek immediate advice or information regarding available programs and support.

For small businesses, it provides access to the following benefits:

- A greater focus on helping small businesses to grow and employ more local people;
- Increased access to tools and resources to support business recovery and resilience;
- Simplified administration and regulation;
- Increased opportunities to promote and showcase your business;
- Greater access to fair procurement and prompt payment terms for suppliers to Councils.

Small business is a cornerstone of the Scenic Rim business community, making up over 98.5% of the region's businesses.

It is recommended that Scenic Rim Regional Council sign up to the SBFC Initiative Charter, to build upon the work Council is already doing to support local small business, and further demonstrate Council's commitment to the small business sector.

Councils need to submit an expression of interest, undergo an assessment process and if successful and meet the necessary criteria, are granted SBFC status.

The charter which would be signed outlines a commitment to support small business through:

- effective communication and engagement;
- raising small business profile and capability;
- supporting resilience and recovery;
- simplifying administration and regulation (reducing red tape);
- ensuring fair procurement and prompt payment terms;
- promoting place-based programs;
- promoting and showcasing small business; and
- measuring and reporting on activities.

Budget / Financial Implications

No financial implications are anticipated as the result of signing the Charter.

To meet the Charter's expectations, Council is required to identify two place-based programs which create the right environment for small businesses to start, grow and build resilience. Following discussions with the QSBC, it is felt that activities already being implemented under the Scenic Rim Regional Prosperity Strategy, would meet this criteria.

These activities are within the Regional Prosperity adopted operational budget and therefore additional investment is not anticipated.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

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

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership	2 Minor	Unlikely	Low	Monitor relationships and current programs, ensuring they are meeting anticipated outcomes.	Low

Consultation

Consultation with the QSBC, Councillors, Executive Leadership Team, business leaders, Chambers of Commerce and industry bodies such as Destination Scenic Rim.

An overview of the SBFC Initiative was provided to Councillors, the Executive Leadership Team and representatives from Beaudesert, Boonah, Kooralbyn, and Tamborine Mountain Chambers of Commerce and Destination Scenic, at a meeting held in October 2020, following the Small Business Breakfast, at which the QSBC was a guest speaker.

The SBFC Initiative was further discussed with Councillors and the Executive Leadership Team in January 2021.

Conclusion

Signing of the SBFC Initiative Charter provides benefits to both Council and the small business community. It builds upon the work Council is already implementing under the Scenic Rim Regional Prosperity Strategy, which supports many of its pillars and intent, and demonstrates the importance that Council places on its small business community.



Small Business Friendly Councils - Reporting Template

The Small Business Friendly Council (SBFC) Initiative is an important way of connecting with small business in your local area. This information will assist the Office of the Small Business Commissioner to identify best practice examples that can be shared with other partnering Councils. This information will be uploaded to the SBFC website.

Please provide a short summary of how your Council has been successful in each of the key focus areas outlined in the Charter. *Once completed, this report should be submitted to the Queensland Small Business Commissioner via email QSBC@desbt.qld.gov.au*

Council: _____ Completed by: _____ Contact No. _____ Date: _____

Council logo

Communication and Engagement

(e.g. active engagement, mindful of issues and priorities when decision-making, timely communication – formal + informal; publish clear service standards)

Raising Small Business Profile + Capability

(e.g. affirming value + importance, encouraging shop + buy local, opportunities to develop local networks, access education + other capability opportunities, assist in accessing government, business + industry resources)

Supporting Resilience + Recovery

(e.g. deliver activities to support and assist with recovery + resilience building, minimise disruption during local capital works + adopt a business disruption management good practice guide)

Simplifying Administration + Regulation (i.e. Reducing Red Tape)

(e.g. limit unnecessary admin burdens + implement business improvement processes, support to achieve compliance, apply licences + regulations in a consistent manner, undertake reviews of existing admin + regulatory requirements, maintain a dispute resolution process)

An initiative of the Queensland Small Business Commissioner



Ensuring Fair Procurement + Prompt Payment Terms

(eg. implement a procurement policy providing fair opportunities, raise awareness of local procurement opportunities + provide support to tender, agree to pay invoices within 20 calendar days)

Promote and showcase small business

(e.g. promote participation in the SBFC initiative, sharing successes)

DRAFT

An initiative of the Queensland Small Business Commissioner

10.3 What's On Scenic Rim Event Hub Update and Launch

Executive Officer: Manager Planning and Development / Acting General Manager Customer and Regional Prosperity

Item Author: Principal Specialist Regional Events

Attachments: Nil

Executive Summary

The report provides an overview of the delivery of a new online event hub platform to promote both regional and community events to potential attendees. The *What's On Scenic Rim* events and activations portal, is being established and will ultimately replace the printed Join In booklet.

It will also replace the current *What's On* page on Council's website that promotes local community events and activities, whereas major events and visitor experiences are promoted on "Visit Scenic Rim" which is hosted on a separate platform. "Visit Scenic Rim" will continue to display regional events as an additional channel for destination activity promotion along with the *What's On Scenic Rim* site.

The new *What's On Scenic Rim* portal also has additional functionality that will improve the customer experience.

What's On Scenic Rim is an efficient way of collating and channelling and promoting all Scenic Rim event activity in one location - one-stop-shop - and ensures the community have ease of access and search capability.

What's On Scenic Rim will be launched on 9 February 2021, initially via a range of digital communication assets and tactics, and will be followed up with printed promotional material to residents and event stakeholders.

Recommendation

That Council acknowledge the status of the new *What's On Scenic Rim* events and activations portal, which has been developed, is operational and will be publicly launched on 9 February 2021.

Previous Council Considerations / Resolutions

Updates on the progress and outcomes of the Regional Prosperity and Communications business unit, including events supported, have been provided to Council on an ongoing basis, since 2018.

Report / Background

Council engaged Everi Pty Ltd in 2020 to build the *What's On Scenic Rim* event hub platform. This platform has been designed to serve as the primary events website destination for residents and visitors and to also improve the visibility of events in the region, with increased user engagement and an array of features for sourcing, creating and promoting events and activations.

Everi Pty Ltd build and manage event hubs and event feeds for destinations, tourism groups, festivals, corporate clients and regional bodies across Australia such as City of Port Phillip, Tweed Shire Council, Latrobe City, Eurobodalla Shire, Destination Gold Coast and Sunshine Coast Council.

The *What's On Scenic Rim* event hub is a new dedicated events portal with a custom domain, linked directly to Council's website and social media platforms. *What's On Scenic Rim* is fully customised, branded, multi-channel and features a curated and customisable feed of events, various communication tools, event alerts, content pages, user accounts, blogging, social integration and many other features.

What's On Scenic Rim will ultimately replace the Join In booklet that costs Council \$60,000 annually to produce and distribute. It will also replace the current *What's On* page on Council's website that promotes local community events and activities, whereas major events and visitor experiences are promoted on "Visit Scenic Rim" which is hosted on a separate platform and will remain as an additional channel for promoting regional activations.

The current *What's On* page on Council's website has limited capacity to upload engaging images and has no search functionality. It also involves a very manual process that requires a lot of officer time to load community events on behalf of event organisers.

Library events are currently hosted on the Spydus events module and the new *What's On Scenic Rim* portal will harvest and display these events, while ultimately directing customers back to the library website for bookings.

Cultural Services events are currently featured on the *Live at the Centre* website and these will now be harvested by the *What's On Scenic Rim* event hub to increase exposure as well as be co-located with community, library and major events. Bookings for *Live at the Centre* events will be directed back to that website. Again, it will be a seamless customer experience.

Event organisers will also be able to upload their own events. Furthermore, the platform will act as a central repository for important event resources for event organisers, including templates for event management plans, noise management plans, risk management plans and emergency response plans.

Communication to raise awareness of the launch of the new *What's On Scenic Rim* portal will include:

- distribution of a media release to local media outlets,
- social media posts and advertisements,
- information on Council's website,
- electronic direct mail,
- inclusion in Council's newspaper advertisements,
- editorial in the Scenic Living newsletter,
- distribution of electronic and printed posters to key locations, and
- distribution of a letterbox flyer to residents.

New contemporary branding for the portal has been developed:



Additionally and importantly, in the first year of operation, a limited number of hard copy posters and brochures (mini version of Join In) listing Cultural Services, Community Development and Library events will be printed and distributed to residents that do not have digital capability. This will be phased out in subsequent years.

What's On Scenic Rim is an efficient way of collating and channelling all Scenic Rim event activity in one location for promotion and ensures the community have ease of access and search capability.

What's On Scenic Rim will be launched on 9 February, initially via a range of digital communication assets and tactics, and will be followed up with printed promotional material to residents and event stakeholders.

Budget / Financial Implications

Council engaged Everi Pty Ltd to set up the *What's On Scenic Rim* event hub for a fee of \$12,000 and the initial year one subscription fee of \$9,000, which is the ongoing annual fee to host and administer the event hub.

This is offset by the proposed savings in the cost of producing the Join In booklet, currently \$60,000 per annum.

Strategic Implications

Operational Plan

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: 2.1.2 Develop and maximise the value derived from vibrant and sustainable tourism and genuine visitor experience

Legal / Statutory Implications

No applicable.

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership Council event information does not meet community and attendee expectation. Destination driven events are well supported by Council to provide expected outcomes for the community.	3 Moderate	Possible	Low	Leverage plan/ launch activities carried out to optimise benefits flowing from the events	Low

Consultation

An extensive consultation process has been undertaken across Council portfolios including Customer and Regional Prosperity and Council Sustainability, and business units of Community and Culture, Regional Prosperity and Communications and Environmental Policy and Services.

This project is a fine example of multi-disciplinary collaborative approach to business improvement that will no doubt improve the customer experience and the exposure of the many and varied regional and community events held across the Scenic Rim region.

In October 2020, an update of Scenic Rim Regional Events, including Eat Local Week, The Gondwana Festival, Farm2Plate Exchange and POPera in the Paddock was presented to Councillors and the Executive Leadership Team.

Conclusion

Events listed on the *What's On Scenic Rim* event hub will cement the Scenic Rim's reputation as a region known for its vibrant tourism offerings and genuine visitor experiences.

The event hub will also provide a convenient place for residents to access information on all of the events occurring in the region, including those being conducted by Council and those being conducted by other parties.

Event organisers will also be able to upload their own events. Furthermore, the platform will act as a central repository for important event resources for event organisers, including templates for event management plans, noise management plans, risk management plans and emergency response plans.

10.4 Preparation of a Major Amendment Package for the Scenic Rim Planning Scheme

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Principal Specialist Strategic Planning

Attachments: Nil

Executive Summary

This report outlines the proposal to prepare a Major Amendment Package for the Scenic Rim Planning Scheme 2020 (Planning Scheme).

Recommendation

That Council resolve to prepare a Major Amendment to the Scenic Rim Planning Scheme 2020 in accordance with Section 18 of the *Planning Act 2016* and Part 4 of the Minister's Guidelines and Rules.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 9 December 2019, Item 11.5, Council adopted the recommendation (below) in relation to the Strategic Land Use Planning Program 2020-2025, which included scheduled reviews of the upcoming Scenic Rim Planning Scheme:

That:

1. Council endorse the proposed Strategic Land Use Planning Program 2020-2025, including the preparation of a region-wide Growth Management Strategy to commence in 2020; and
2. Council consider the Strategic Land Use Planning Program 2020-2025 to inform the forthcoming 2020-2021 budget submission and deliberation process.

At the Ordinary Meeting held on 20 January 2020, Item 11.6, Council adopted the Scenic Rim Planning Scheme 2020 and Planning Scheme Policies.

Report / Background

A Major Amendment to the Planning Scheme is proposed, that will include a variety of changes to correct matters that have been identified in the first year of its implementation and also to resolve some outstanding matters that were raised during the public consultation of the instrument in 2018 and 2019.

The Strategic Land Use Planning Program 2020-2025 identified regular review and update of the planning scheme to ensure it remains up to date and relevant.

At this stage, Council's endorsement to formally commence the amendment process is required, however, the amendment items are yet to be finalised. Strategic Planning will prepare a final package of recommended items for consideration by Council before progressing to a State Interest Review and subsequent public consultation.

In addition to amendments that are intended to improve consistency and correct errors, a number of updated policy matters are proposed for investigation, including:

1. A review of Dual Occupancy provisions to improve built form and amenity outcomes.
2. Facilitation of craft brewing, distilleries and coffee boutiques.
3. Inclusion of an Administrative Definition for mobile vendors.
4. Provision of further clarification for the definition of Secondary Dwellings.
5. Investigation of whether building setbacks in some zones can be wholly assessed under the Queensland Development Code to reduce unnecessary planning referrals.
6. Investigation of whether domestic sheds in residential zones should continue to be regulated under the planning scheme.

Additional amendment items may be included to respond to emerging issues raised during the preparation process.

The preparation of the final proposed amendment package is anticipated to take three months.

Once the final draft amendment package is complete, Council's formal endorsement to proceed to State Interest Review will be sought.

Budget / Financial Implications

While preparation of the amendment package is within existing adopted operational budget and resources, there is also sufficient budget for incidental costs such as public consultation.

Strategic Implications

Operational Plan

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: 4.1.1 Maintain a clear and comprehensive planning vision for the region

Legal / Statutory Implications

The *Planning Act 2016* references a statutory instrument called the Minister's Guidelines and Rules (MGR) that sets out the process for making and amending local planning instruments. In accordance with Part 4 of the MGR, to make a Major Amendment, Council must decide to amend the planning scheme. Council then prepares the amendment and must give a notice to the Minister that includes:

- a) the decision to amend the planning scheme; and
- b) the required material for a proposed major amendment as prescribed in Schedule 3 of the MGR.

Risks

Strategic Risks

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

SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.

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

SR52 Ineffective and/or unrealistic strategic plans which are not appropriately scoped or resourced, resulting in missed opportunities, re-work, failure to deliver objectives and loss of confidence by community.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Failure to comply with statutory obligations and responsibilities	3 Moderate	Possible	Medium	Ensure the process for preparing the amendment to the planning scheme follows the requirements of the Planning Act 2016.	Low
Reputation, Community & Civic Leadership Ineffective, inaccurate or inappropriate external communications.	4 Major	Possible	Medium	Ongoing communication as the planning scheme progresses through the statutory process. Prepare a robust project plan and stakeholder engagement strategy.	Low

Consultation

Strategic Planning will consult with relevant Council business units on any proposed changes that may affect their interests. Continuing communication with the Department of State Development, Manufacturing, Infrastructure and Planning will also occur to ensure that State interest matters are identified and addressed early in the amendment drafting process to ensure a seamless State Interest Review.

Major Amendments also require public consultation of at least 20 business days, which will occur after the State Interest Review is completed and the Minister has given approval to proceed.

Conclusion






A Major Amendment to the Planning Scheme is proposed to correct matters that have been identified in the first year of its implementation and to update some outstanding policy matters that were raised during public consultation of the draft instrument. In accordance with the process for amending planning schemes set out under the Minister's Guidelines and Rules, Council's endorsement to commence the preparation of the Major Amendment is sought. Once the proposed amendments have been finalised and the draft changes have been prepared, the draft amendment package will be presented to Council for consideration.

10.5 MCU19/022 and RAL19/009 Development Permit for Material Change of Use and Reconfiguration of a lot (one into two) - Charlwood Road, Aratula - Lot 99 SP170198

Executive Officer: General Manager Customer and Regional Prosperity

Item Author: Principal Specialist Development Assessment & Engineering

Attachments:

1. Proposal Plan - Reconfiguration [↓](#) 
2. Proposed Development Site Plan [↓](#) 
3. Landscape Concept Masterplan [↓](#) 
4. Concurrence Agency Condition [↓](#) 
5. Cross Section BB [↓](#) 

Executive Summary

The purpose of this report is to assess the application in accordance with the relevant provisions of Council's Boonah Shire Planning Scheme and the *Planning Act 2016*.

The applicant is seeking a Development Permit for a combined application for a Material Change of Use (MCU) - Impact assessable and Reconfiguration of a Lot (RAL) - Code assessable under Application Numbers: MCU19/022 and RAL19/009 respectively. The Material Change of Use relates to Bulk Landscape Supplies, Service Station (unmanned truck refuelling with three fuel bowsers), Transport Depot and associated Offices, whilst the Reconfiguring a Lot relates to a one into two lot subdivision on land located at Charlwood Road, Aratula, formally described as Lot 99 SP 170198.

Following representations from Council to the applicant the proposal has been amended for the Material Change of Use component by the removal of a Warehouse use and a reduction in fuel bowsers from four to three.

The proposal has been assessed against the *Planning Scheme*, the *ShapingSEQ - South East Queensland Regional Plan 2017*, and Council's various relevant engineering requirements. Whilst the Material Change of Use component does not strictly comply with the intent of the Rural Residential Zone under *Boonah Shire Planning Scheme 2006*, sufficient justification has been provided by the applicant to support the application.

The proposal is considered to be acceptable as it generally complies with the requirements of the *Planning Scheme* and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions.

Recommendation

That Council resolve to approve the development in respect to the following property:

Real Property Description:	Lot 99 SP170198
Address of property:	Charlwood Road, ARATULA
Site area:	4.896 hectares
Proposal:	Combined Application for Material Change of Use and Reconfiguring a Lot (one into two).

1. Currency Period of Approval

The currency period for this development approval is 4 years for Reconfiguring a Lot and 6 years for the Material Change of Use starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

2. Conditions of Approval:

- a) A Development Permit is given for Material Change of Use and Reconfiguration of a Lot, subject to the following conditions:

No	Condition	Timing			
GENERAL CONDITIONS					
1.	USE IN ACCORDANCE WITH THE APPLICATION - APPROVED PLANS AND REPORTS		At all times		
	Development being undertaken generally in accordance with the Approved Plans and Report including accompanying documentation, except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s). The Approved Plans and Reports are limited to the following:				
	Drawing No.	Plan Name		Prepared By	Date
	C0342-P11	Subdivision Proposal Plan		AJS Surveys	15/10/2019
	WD.5001 Issue G	Proposed Development Site Plan		Neville Kurth Barch Architect	10/12/2020
	C0342-DP	Development Plan		AJS Surveys	19/02/2020
	L006 Rev. B	Landscape Concept Masterplan		BLVD Consulting	04/11/2020
	L008 Rev.	Cross Section BB		BLVD Consulting	04/11/2020
	Reports				
	Document Reference	Description	Prepared By	Date	
	BE190223-RP-SMP-02	Stormwater Management Plan	Burchill Engineering Solutions	June 2020	
	1718 Revision: 1	Underground Petroleum Storage System Report	WayDon Enterprises Pty Ltd	30/09/2019	
	BE190223-RP-TIA-03	Traffic Impact Assessment	Burchill Engineering Solutions	June 2020	

RECONFIGURING A LOT CONDITIONS		
2.	FINAL PLAN OF SURVEY - RECONFIGURING A LOT Subdivision of the site occurs generally in accordance with the Subdivision Proposal Plan dated 15/10/2019, prepared by AJS Surveys. The Developer shall submit a final plan of survey that conforms with the approved plan and as amended by any condition to be submitted for Council's endorsement.	Prior to plan sealing
3.	SERVICE TO LOTS - GENERAL Prior to a request for Council endorsement of Survey Plan, all proposed lots must demonstrate independent connection to services (reticulated water, sewer, electricity, telecommunications, and stormwater). Documentary evidence of this will be the appropriate connection certificates e.g. Energex's Certificate of Supply and any other relevant certificates.	Prior to plan sealing
4.	EASEMENT/RESERVE ARRANGEMENTS All necessary documentation for the implementation or amendments to any easements/reserves arising from this reconfiguration will be at no cost for Council. Copy of the easement/reserve documents are to be sent to Council prior or at the time of seeking the endorsement of the final plan of survey.	Prior to plan sealing
5.	STORMWATER DISCHARGE EASEMENTS/RESERVES In order to facilitate the discharge of stormwater drainage flows to a legal point of discharge, easements/reserves are to be established with sufficient width to encompass the post development Q100 flood line.	Prior to plan sealing
6.	PAYMENT RATES AND CHARGES Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the <i>Local Government Act 2009</i> , the <i>Planning Act 2016</i> or any other relevant Act.	Prior to plan sealing
7.	WORKS - APPLICANT'S EXPENSE All works, services, facilities and/or public utility alterations required by this approval or stated conditions, whether carried out by the Council or otherwise, will be at the Developer's expense unless otherwise specified.	At all times
Material Change of Use Conditions		
8.	COMMENCEMENT OF USE Prior to the use commencing, Council shall be advised in writing, of the proposed commencement date.	Prior to commencement of Use

9.	<p>CAR PARKING NUMBERS/PAVEMENT DESIGN</p> <p>The Applicant is to provide ten (10) standard car parking spaces which to include one (1) car parking spaces for People with Disabilities – PWD. The total number of parking spaces shall be available prior to the commencement of the approved use.</p> <p>All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.</p> <p>All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.</p>	As indicated within the wording of the condition
10.	<p>CAR PARKING ON-SITE</p> <p>All vehicles utilising the site will be parked wholly within the curtilage of the site and must access and exit the site in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.</p>	At all times
11.	<p>VEHICLE LOADING / UNLOADING</p> <p>All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site. The requirements of this condition are to be adhered to for the lifetime of the approved use.</p>	At all times
12.	<p>ADVERSE DRAINAGE IMPACT - GENERAL</p> <p>Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.</p>	At all times
13.	<p>STORMWATER DISCHARGE AND DISPOSAL</p> <p>The developer is to make provision for the collection and disposal of stormwater drainage flows to a legal point of discharge, the form of said collection and discharge will be in accordance with the provisions of Queensland Urban Drainage Manual (QUDM) and generally be in accordance with the Stormwater Management Plan Report prepared by Burchill Engineering Solutions dated June 2020 - Document No: BE190223-RP-SMP-02).</p> <p>All necessary stormwater drainage must be designed and constructed in accordance with the <i>Queensland Urban Drainage Manual</i> (QUDM). Detailed design is to be provided with the Operational Works application demonstrating provision of adequate facilities for quantity and quality treatment measures.</p>	Prior to commencement of Use

	The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice. The works required by this condition are to be completed prior to the commencement of the use.	
14.	SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN The developer shall submit to Council for approval with the Operational Works application, a properly prepared comprehensive Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan is to comply with Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites, Institute of Engineers, Australia 1996. The Erosion and Sediment Control Plan shall guide the construction of roads and engineering works and all works carried out on the site shall be in accordance with the approved Erosion and Sediment Control Plan.	At all times
15.	CAR-PARK LIGHTING & SECURITY - GENERAL Adequate lighting to the open area car-parking facilities, access driveway(s) and all pedestrian walkways must be provided in accordance with the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting in accordance with the current version relevant at the time of lodgement for an application for approval. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.	At all times
16.	LANDSCAPING AND OPEN SPACE & FENCING – SPECIFIC A landscaping buffer (7m wide screen planting) shall be provided generally in accordance with the Landscape Concept Masterplan by BLVD Consulting with Drawing number: L006 Rev. B dated 04/11/2020. A solid timber fence to a minimum height of 2.0 metres must be provided along the perimeter of the boundary of the site (proposed Lot 992) where no acoustic noise barriers are provided in accordance with the Landscape Concept Masterplan by BLVD Consulting with Drawing number: L006 Rev. B dated 04/11/2020.	Prior to the commencement of the use, and maintained thereafter at all times
17.	AIR CONTAMINANTS Any noxious or offensive odours must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.	At all times
18.	LIGHT EMISSIONS Light sources at the premises must be positioned and shielded to prevent direct light spillage outside the boundaries of the premises.	At all times

19.	<p>Noise Assessment Report – Compliance</p> <p>The activity must at all times comply with acoustic controls identified in the Noise Impact Assessment prepared by ATP Consulting Engineers and submitted to Council on 18 October 2019.</p>	Prior to the commencement of the use and thereafter at all times									
20.	<p>Noise Disturbance</p> <p>The activity must not exceed the levels prescribed by Table 1 (below).</p> <p>Table 1</p> <table border="1" data-bbox="320 611 1098 994"> <tr> <th>Time Period</th><th>At dwelling or other sensitive land use</th><th>At commercial premises</th></tr> <tr> <td>Daytime (7:00am-10:00pm)</td><td>Background +5dB(A)</td><td>Background +10dB(A)</td></tr> <tr> <td>Night-time (10:00pm-7:00am)</td><td>Background +3dB(A) Background=L A90</td><td>Background +8dB(A) Background=LA90</td></tr> </table> <p><i>Note - The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are otherwise provided in the Environmental Protection Act 1994 or an Environmental Authority.</i></p> <p><i>Note - A Sensitive Land Use has the meaning given in the State Planning Policy.</i></p>	Time Period	At dwelling or other sensitive land use	At commercial premises	Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)	Night-time (10:00pm-7:00am)	Background +3dB(A) Background=L A90	Background +8dB(A) Background=LA90	Prior to the commencement of the use and thereafter at all times
Time Period	At dwelling or other sensitive land use	At commercial premises									
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)									
Night-time (10:00pm-7:00am)	Background +3dB(A) Background=L A90	Background +8dB(A) Background=LA90									
21.	<p>Underground Petroleum Storage System Report- Compliance</p> <p>The activity must at all times comply with any controls and/or methods identified in the Underground Petroleum Storage System Report prepared by WDE Consulting dated 30/09/2019 Rev.1 and submitted to Council on 21 October 2019.</p>	Prior to the commencement of the use and thereafter at all times									
22.	<p>Waste Container Management at Commercial Premises</p> <p>The following waste container management measures must be provided:</p> <ul style="list-style-type: none"> a) An appropriate enclosure or screening must be provided for the waste container storage area(s) to effectively conceal the containers from view of any street or roadway; b) An imperviously paved area must be provided to store all waste containers. This area must be kept clean and tidy at all times; c) The waste containers must be kept clean; and d) Ready and unobstructed access must be available for waste contractors to facilitate removal of waste. 	Prior to the commencement of the use and thereafter at all times									

23.	SIGNS - FORMAT AND OPERATION Signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be flashing, moving or rotating.	At all times
24.	STREET LIGHTING (ACCESS ROAD) Street lighting shall be designed and installed in accordance with the Australian Standard Code of practice for public lighting, AS1158. Street lighting shall be located at intersections, at the end of cul-de-sacs and dead-ends. All street lighting shall be certified by a <i>Registered Professional Engineer of Queensland (RPEQ)</i> . The existing surrounding type of lighting is to be considered when choosing the style of lighting. High pressure sodium or other approved energy efficient lamps are to be used.	At all times
25.	ACOUSTIC FENCE A 2.2m high Acoustic barrier fence is to be provided along the south-eastern boundary of the proposed Lot 992 to attenuate any noise arising from the development site and generally in accordance with the Landscape Concept Masterplan by BLVD Consulting with Drawing number: L006 Rev. B dated 04/11/2020.	Prior to commencement of Use and maintained thereafter at all times
26.	CAR PARKING AND ACCESS DRIVEWAY- SEALED The car parking, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 2004 and AS 2890.2 – 2002, and Traffic Impact Assessment Report by Burchills Engineering Solutions Document No: BE190223-RP-TIA-03 dated June 2020 to a minimum sealed standard. The car parking layout must be generally in accordance with the approved site plans and engineering drawings. The completed works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes. The works required by this condition are to be completed prior to the commencement of the approved use. All parking, manoeuvring areas and driveway areas will be maintained in good condition and be trafficable in all weather conditions for the lifetime of the proposed use.	Prior to commencement of Use and maintained thereafter at all times
27.	CULVERT CROSSING The developer to provide vehicle access crossing across the drainage Easement E to a standard suitable for commercial use that will sustain the anticipated trafficable loading of 25m B-double vehicles and are sufficient for the designed vehicle loads in accordance with the Department of Transport and Main Roads standards and specifications.	Prior to commencement of Use and maintained thereafter at all times

	The completed works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes.	
28.	SITE - BASED OPERATIONAL MANAGEMENT PLANS FOR PROPOSED USES A Site Based Operational Management Plan is required to be prepared and approved by Council prior to the commencement of the use of the site. The Plan is to incorporate all operations on the site and establish mitigations for impacts from the proposed uses including, but not limited to: <ul style="list-style-type: none"> • Noise • Odour • Dust and • Stormwater 	Prior to commencement of Use
29.	HOURS OF OPERATION Unless otherwise approved in writing by Council the hours of operation shall be: Service Station: Monday to Saturday – all hours <ul style="list-style-type: none"> • Sundays - 7.00am to 10:00pm Other Uses: <ul style="list-style-type: none"> • Monday to Sunday - 7.00am to 6.00pm. • Work or business shall not be conducted on public holidays. 	At all times
30.	NUMBER OF BOWSERS - SERVICE STATION The development to provide a maximum of three bowsers for the proposed service station.	

3. Referral Agency Conditions

Concurrence Agency conditions are attached as Attachment 4.

4. Advisory Notes

- a) **ADVERTISING SIGNS** – Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to section 73 of the *Planning Act 2016*.

- d) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Planning Act 2016*, this Development Approval takes effect:
- (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party, as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use or the Reconfiguration of a Lot does not happen before the end of the relevant period. The relevant period is six (6) years for the Material Change of Use and four (4) years for the Reconfiguration of a Lot from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- f) BIOSECURITY QUEENSLAND** should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.
- It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.
- The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants.
- g) COMPLIANCE WITH CONDITIONS** - The landowner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the Planning Act 2016 and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.

5. Further approvals are required for:

- a. An Operational Works approval is required for all the Civil and Electrical Engineering Works and the Landscaping Works associated with the proposed development.
- b. A Building Works approval is required for all building works associated with the proposed development, prior to undertaking and building work on the subject property.
- c. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

6. That the Submitter/s be advised of the following:

SUBMITTER ADVICE - APPROVAL - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

7. Administrative Action:

That Decision Notices be issued in accordance with s.63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Dennis Hughes Holdings Pty Ltd, L J Hughes Holdings Pty Ltd
Owner(s)	Dennis Hughes Holdings Pty Ltd, L J Hughes Holdings Pty Ltd
Site Address	Charlwood Road ARATULA
Real Property Description	Lot 99 SP170198, Lot 37 SP185265 and Lot 38 SP185265
Site Area	4.896 hectares
Relevant Zone and Precinct	Rural Residential Zone
Proposal (Original)	Combined Application for Material Change of Use for Bulk Landscape Supplies, Service Station with four fuel bowzers, Transport Depot and Warehouse - and a Reconfiguring a Lot (one into two).
Proposal (Amended)	Combined Application for Material Change of Use for Service Station with three fuel bowzers, Bulk Landscape Supplies, Transport Depot and associated Offices - and a Reconfiguring a Lot (one into two).
Assessment Level	Impact assessment for MCU and Code assessment for RAL
Approval Type	Development Permit for Material Change of Use and Reconfiguring a Lot
Public Notification	7/11/2019 to 28/11/2019
Submissions Received	3
Date Application Deemed Accepted	8 May 2019

Development History

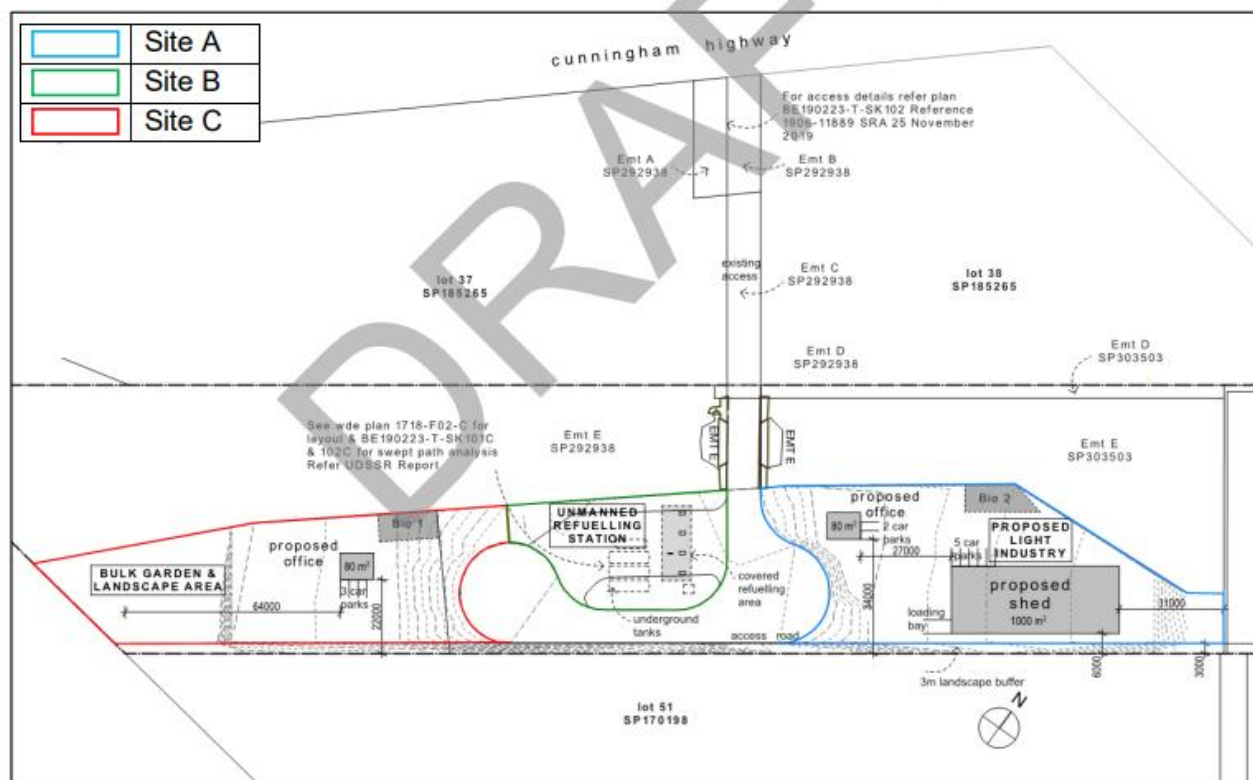
The subject lot is located in Rural Residential Zone. There are no existing buildings on Lot 99 and the access is from Cunningham Highway via existing Easements A, B, and C. on Lots 37 and 38. The allotment has an area of 4.896 hectares (refer to Attachments 2 and 3).

There is an existing approved development established by way of a service station and associated activities which is an industrial/business type use adjacent to this proposal site. The proposed development will utilise the same entry access from Cunningham Highway for this development that has been approved by DTMR. The access to the proposed site is via an access easement and through a culvert crossing across the existing stormwater drainage reserve that had already been constructed as part of the original development adjacent to this site.

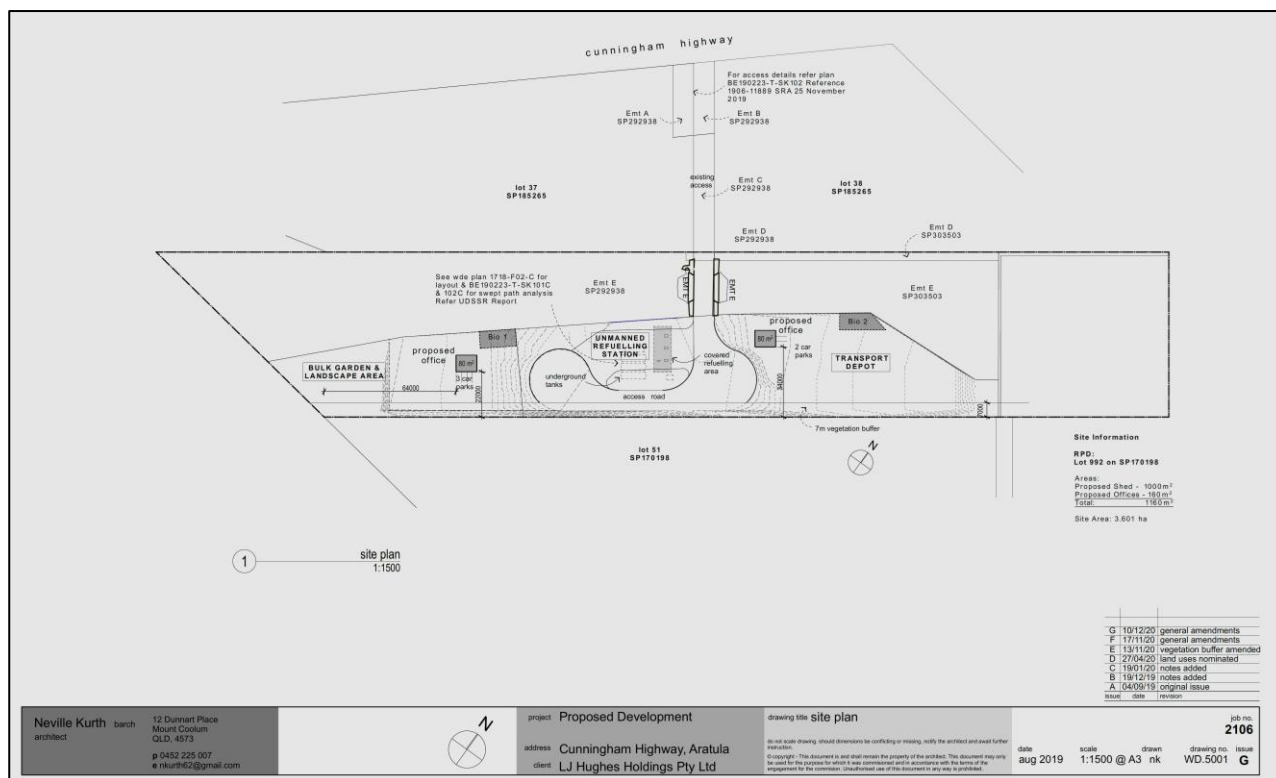
Proposal

The original proposal sought to establish a new unmanned heavy vehicle diesel refuelling facility at the subject site together with three other light industrial uses (Bulk Garden/Landscape Supply and Outlet; and Transport Depot and Warehouse). Each of the proposed land uses to be established on an individual lease across the subject lot, with the Transport Depot and Warehouse (Site A) in the eastern extents of the site, while the Bulk Garden/Landscape Supply yard and outlet (Site C) are located within the site's western extents as shown below.

The heavy vehicle diesel refuelling facility (Site B) including vehicle refuelling canopy and underground petroleum storage system (UPSS) is situated in the centre of the site, providing direct access to the Cunningham Highway and managed remotely. Refer to the proposed layout below.



Following representations from Council to the applicant, the proposal has been amended for the Material Change of Use component by the removal of the warehouse use and a reduction in fuel bowzers from four to three. The amended proposal has resulted in an application for Service Station with three fuel bowzers, Landscape Supplies, Transport Depot and associated Offices and a Reconfiguring a Lot (one into two). The amended site plan is shown below.



The proposal is for a *Material Change of Use* for mixed-use business and industrial land uses and a *Reconfiguring a Lot* for one lot into two lots by way of subdivision.

Material Change of Use

The proposed uses are listed as follows:

- Bulk Landscape Supplies
- Service Station
- Transport Depot, and
- Office

The applicant advised that the service station is for a free-standing fuel outlet and where there is no other infrastructure (shop/office, etc.). Vehicles access the pumps via use of their fuel card for the particular fuel brand.

The proposal incorporates three petrol filling dispensers which will be unmanned, with a total use area of 1839 square metres. The service centre incorporates the service station use with truck refuelling area only, i.e. there will be no on-site mechanical workshop and no car wash.

The applicant advised that the proposed development has been designed to accommodate the manoeuvring requirements of a 25m B-double vehicle, the largest vehicle expected to visit the site. As demonstrated within the site circulation plan, a B-Double vehicle can enter and depart the site in a forward direction.

Parking

Boonah Shire Planning Scheme Policy No.1 stipulates parking requirements as follows:

- *Service station* - 5 spaces for the first lubricating bays; plus 4 spaces for each additional bay with a minimum of 4 spaces.

The standard for service station is based on the provision of a workshop including lubricating bays which is not applicable in this proposal.

- *Office* - No parking rates for office land use available. Proposed rate of three parking spaces per 100m² has been applied. Therefore five car parking spaces is considered to be sufficient.
- *Industry* (all classes including Rural Industry) = 1,000m² - 1 space per 50m² of GFA. Therefore, require 20 car parking spaces.

The proposed development was to provide a total of 25 car parking spaces (five car parks for Office of 160 square metres size and 20 car parks for Shed (industry) of 1,000 square metres size). The industrial use has since been deleted, therefore no requirement for 20 car parking spaces associated with the proposed shed is warranted.

The applicant advised that the proposed self-service refuelling facility does not include a retail component therefore the minimum car parking requirements for service stations are not relevant. The number of pumps and queueing available at the approach to each pump is suitable to accommodate the forecast demand. The proposal has provided five car parking spaces in total. Additional car parking spaces are required as part of this development. A condition is to be imposed for additional parking requirements for 10 vehicles which is to include one space for people with disabilities.

Turning bays are proposed at the end of the main parking aisle to provide for cars to turn around and drive out in a forward gear.

Car Parking and Access Crossing

All car parking and manoeuvring areas are to be fully bitumen sealed with concrete kerbing. The subject site is currently accessed by one existing access easement from the Cunningham Highway and via an existing culvert crossing across the drainage easement. Whilst the culvert crossing had been previously approved by Council as part of the Operational Works approval, it was not ascertainable from the submitted documents whether the crossing has been designed to sustain the anticipated trafficable loading of 25 metre B-double vehicles proposed. On this basis, a condition has been imposed to ensure that the crossing provided is adequate to sustain the designed vehicle loads in accordance with Transport and Main Roads standards and specifications.

Landscaping

Currently there are no landscaping treatments established along the site on the northern or south-eastern boundaries. A Condition is to be imposed for these areas to be planted out and maintained for the extent of the use.

Buildings

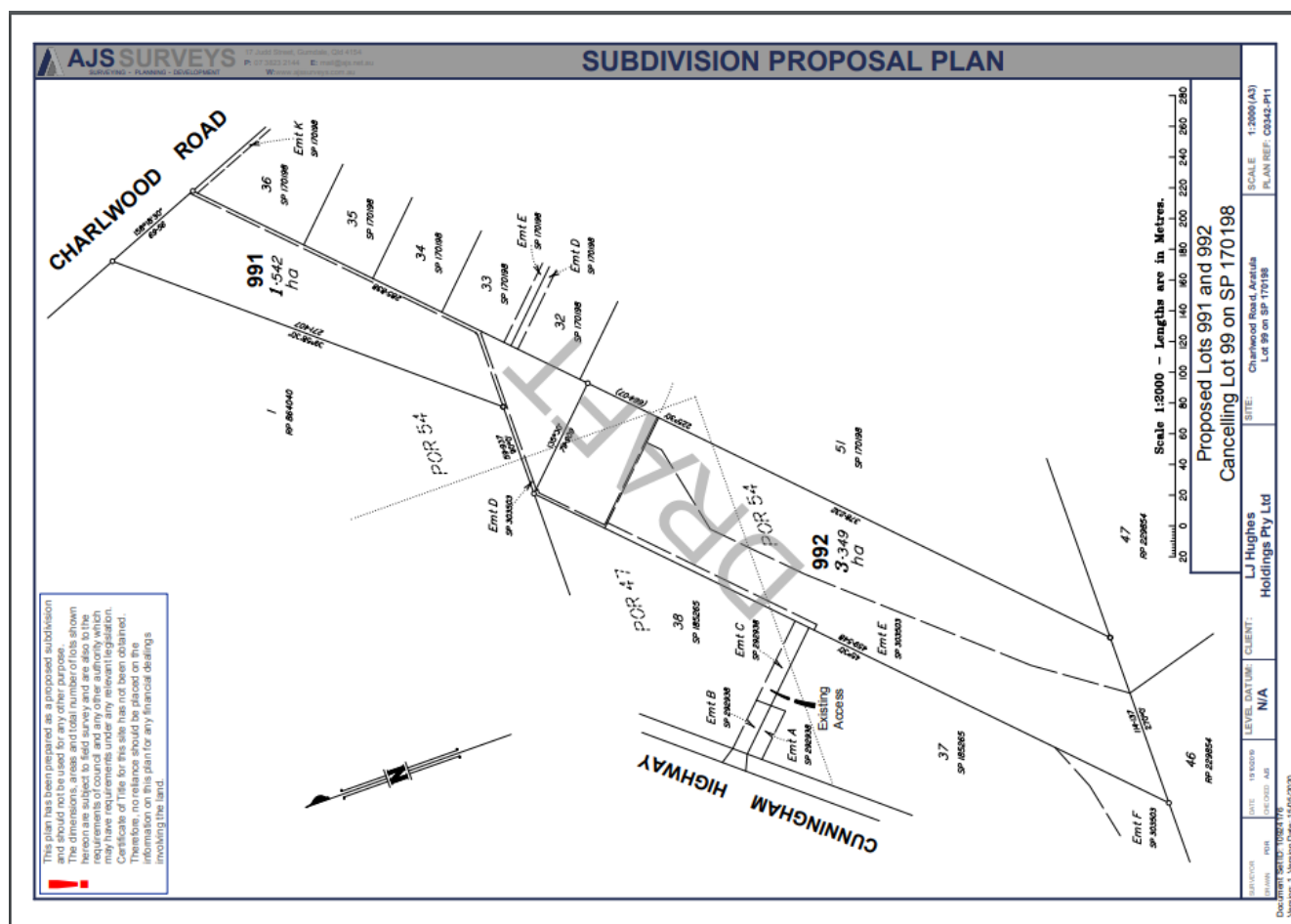
The proposed development will involve the establishment of:

- A) Depot Office areas with a GFA of 160 square metres of which:
 - Office Building 1 – with a GFA of 80 square metres;
 - Office Building 2– with a GFA of 80 square metres; and
- B) Service station with GFA of 1839 square metres (*to be confirmed*)

Total Gross Floor Area proposed will be approximately 1,999 square metres (refer to Attachment 3).

Reconfiguring a Lot

The proposed two lot subdivision is depicted below. The applicant advised that the proposed Lot 991 is to remain as rural residential whilst the proposed Lot 992 is for the proposed business/industrial uses that is subject to current *Material Change of Use* application as a combined application.



The development layout has been proposed in order to subdivide the residential lot into two lots that generally comply with the Reconfiguration of a Lot code for minimum and maximum lot sizes and with minimum frontage requirements.

The Applicant's proposal to reconfigure the subject property will result in the following alterations to the existing lot configuration (the reader is referred to Attachment 2 of this report for the proposed layout).

Table A: Lot Configuration

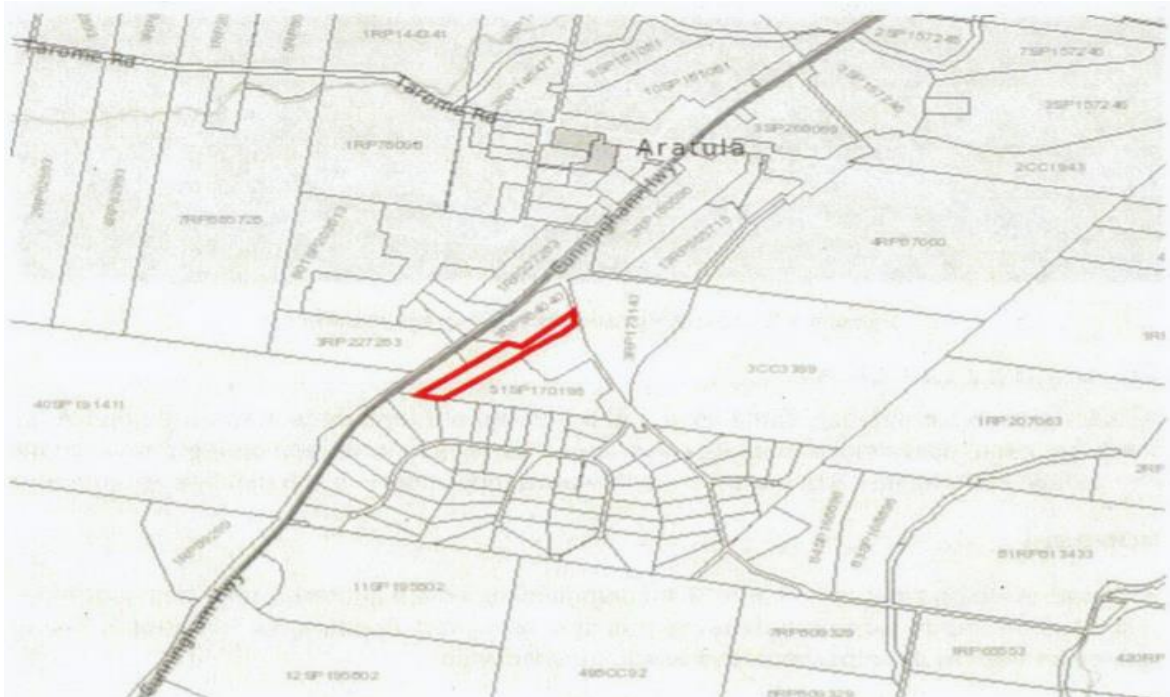
Existing Allotments		New Allotments	
Lot Description	Area	Lot Designation	Area
Lot 99 SP 170198	4.896 Ha	Proposed Lot 991	1.542 Ha
		Proposed Lot 992	3.349 Ha
TOTAL	4.896 Ha		4.891 Ha (approx.)

Service Provisions

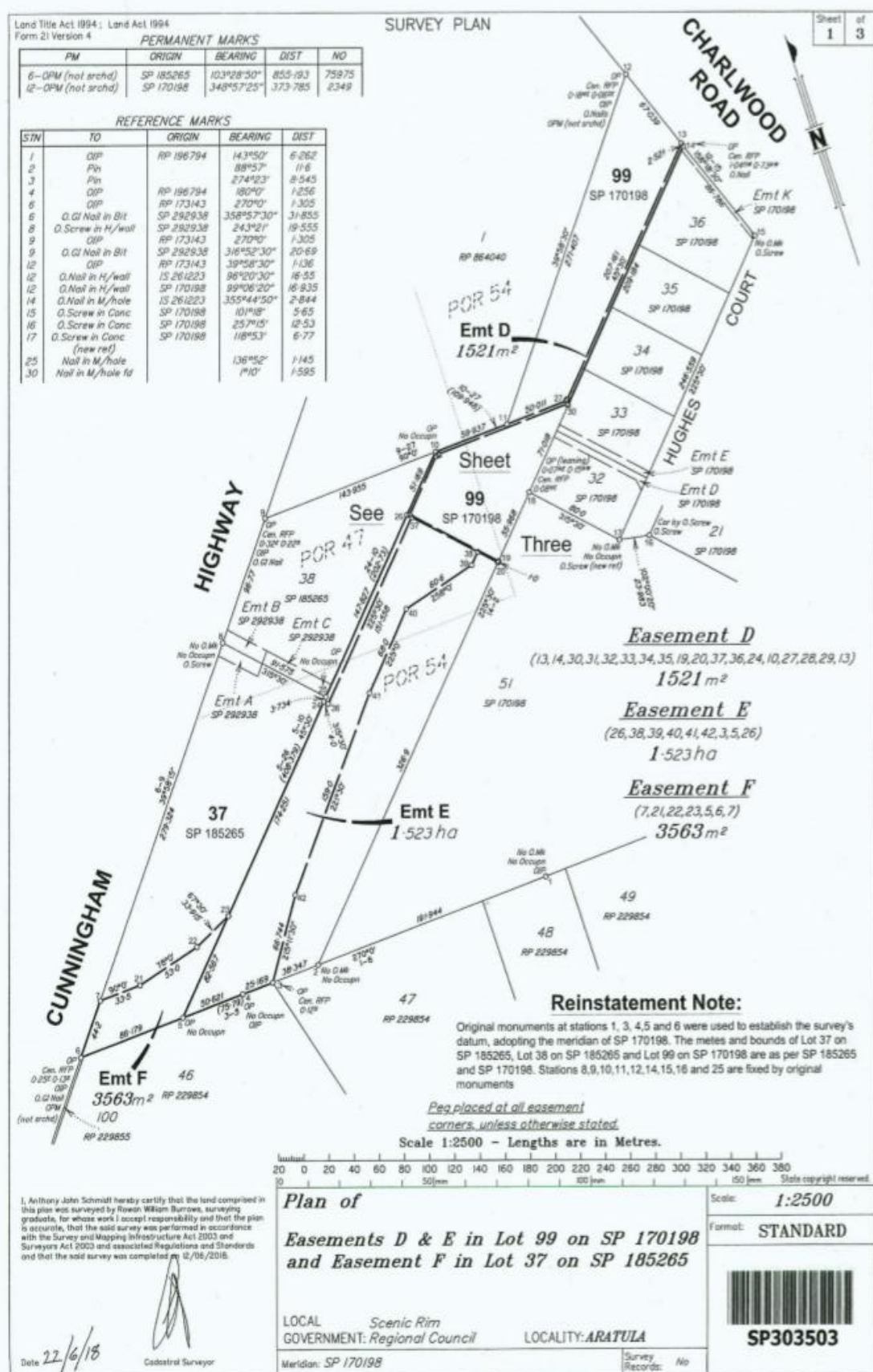
Electricity and telephone services are currently available in the locality. The access to the proposed Lots will be from the Cunningham Highway. The site is able to be connected to existing water and sewer infrastructure at the northern boundary of Lot 37 SP18526.

Characteristics of Site and Surrounding Environment

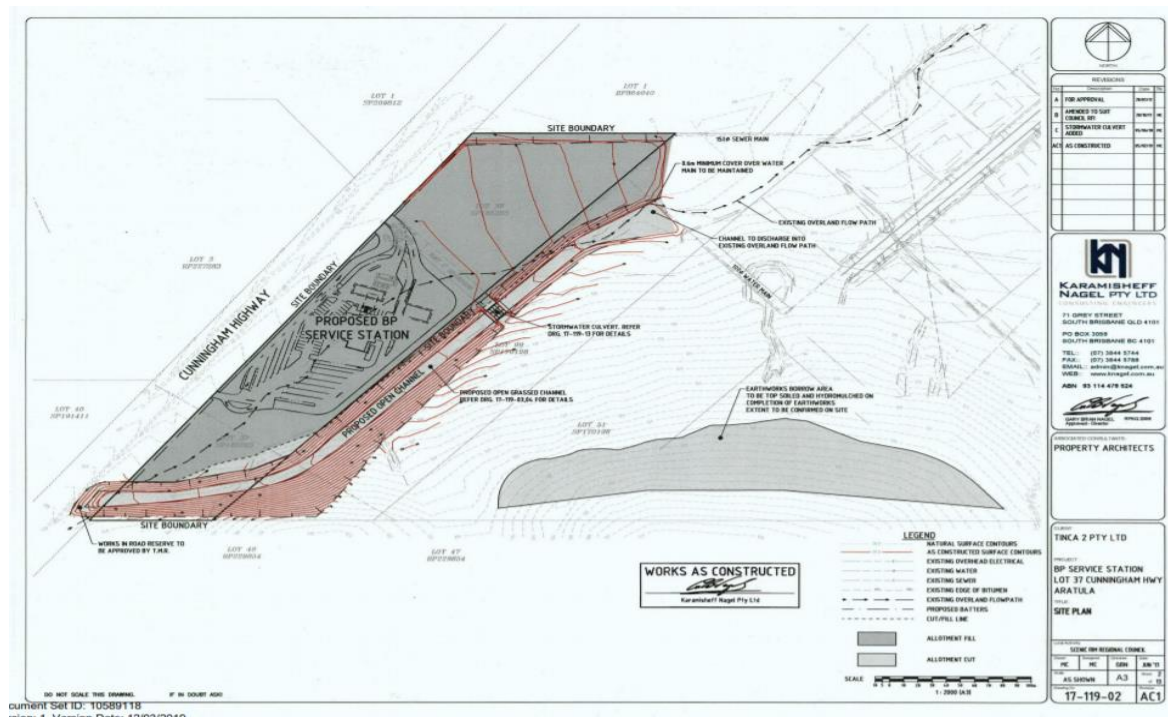
The site is located at Charwood Road, Aratula and has an access easement to the Cunningham Highway. The site is depicted on the following maps shown below.



On the western boundary of the site is an existing open stormwater channel within an easement (Easement E) for drainage purposes and an access from the Cunningham Highway by way of an easement is shown below on the easement plan SP303503.



The site is located in a rural residential area and the dominant land uses in the area surrounding the subject site are rural residential uses with an existing service station/truck hard stand development that has been recently established (shown below) along the western side of the site, whilst on the north eastern side is an existing Aratula motel.

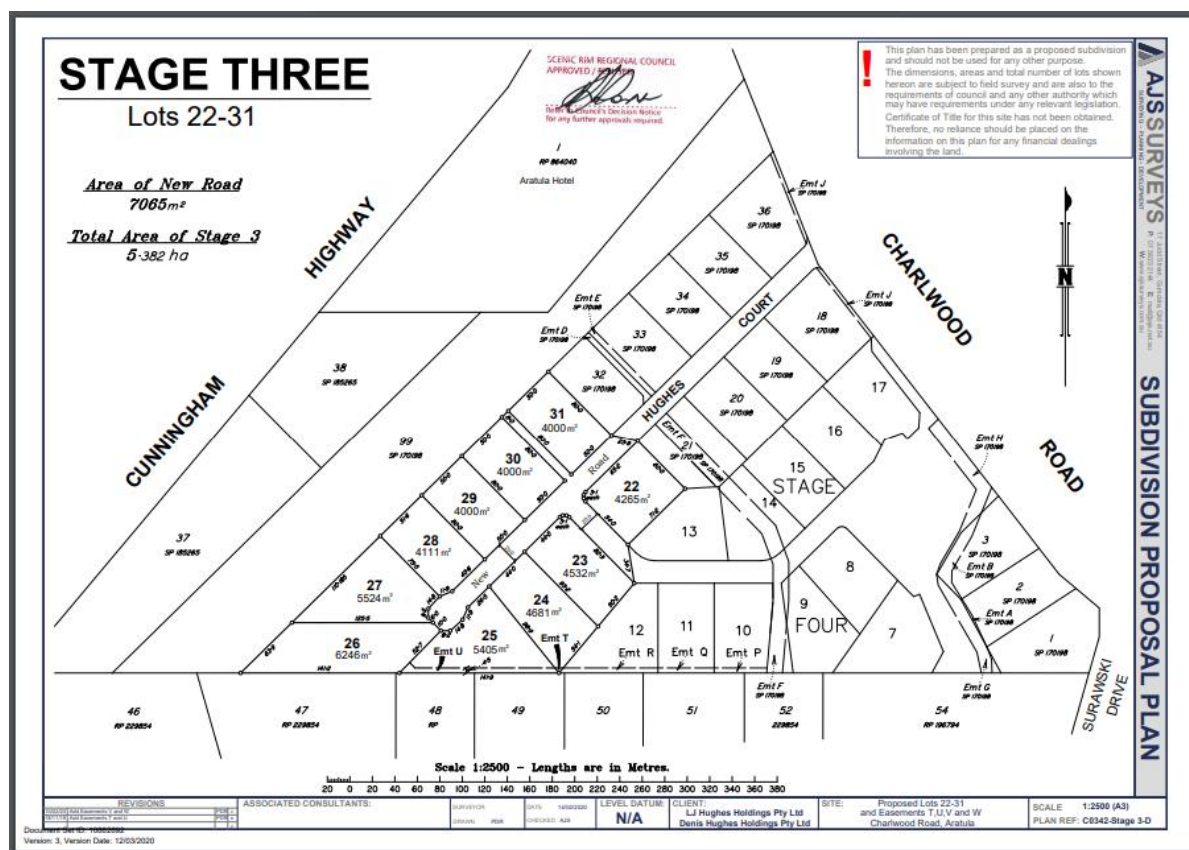


The existing constructed drainage reserve and the service station/truck stop is depicted on the aerial map below.



The south-eastern boundary of the site adjoins existing and proposed rural residential lots with an average land area of 4,000 square metres each.

A current approval for 21 lots (rural residential lots) is in place for land adjoining the proposal site to the south-east as shown below in the approved plan.



The site is generally flat and drains from south west to north east towards Charlwood Road and is sparsely vegetated. All required essential services can be provided to the proposed development.

Development Assessment

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the Planning Regulation 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil
ShapingSEQ South East Queensland Regional Plan 2017 Designation:	Urban Footprint

State Planning Policy

The proposed development is mapped as being affected by a Natural Hazard being the Potential Bushfire Impact Buffer as shown in the mapping above. The Potential Bushfire Impact Buffer is located at the south western boundary of the site that also affected the existing service station site. It does not significantly impact on the proposal site as that part will remain undeveloped.

Infrastructure Charges will be applied in accordance with the Adopted Infrastructure Charges Resolution by Council under State Regulatory Provisions.

ShapingSEQ South East Queensland Regional Plan 2017

The subject site is located within the Urban Footprint Area for the purposes of the *Shaping SEQ - South East Queensland Regional Plan 2017*. The proposed development seeks to subdivide the land. Subdivisions in the Urban Footprint Area are not regulated under the Regional Plan.

The proposed development is seen to be consistent with the State Planning Policies relevant to this application to the extent that they are covered in the Zone and Use codes of the Planning Scheme.

The designation also provides for industrial/commercial development, consequently there is no conflict between the proposal and the Regional Plan 2017.

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable Planning Scheme for the application is Boonah Shire Planning Scheme 2006. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	Boonah Shire Planning Scheme 2006
Strategic Framework Land Use Category	N/A
Local Plan Area:	N/A
Zone:	Rural Residential Zone
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	<ul style="list-style-type: none"> • Strategic Framework; • Broad Strategies; • Strategic Growth and Future Development Opportunities; • Rural Residential Zone Code; • Reconfiguring a Lot Code; • Commercial Development Code; • Industrial Development Code; • Major Transport Corridor and Energy Infrastructure Overlay; and • Good Quality Agriculture Land Overlay.

Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The application has been assessed against each of the relevant matters above. The pertinent issues arising out of assessment against the Strategic Framework are discussed below.

Strategic Framework

Whilst the Strategic Framework of the Planning Scheme under Part 1, Division 2 does not have an explicit role in the development assessment, it is relevant in consideration of the nature and location of the development in the local government area as it reflects the Desired Environmental Outcomes expressed in Part 3 of the Planning Scheme.

Broad Strategies

The proposed development is consistent with Part 1, Division 2, Section 1.4 *Broad Strategies* of the Planning Scheme such as maintaining the overall rural character of the local government area, maintaining the quality of life, new sustainable development, efficiently utilizing existing major infrastructure and further diversifying the local area's economic base.

Whilst the site area is 4.89 hectares, it will have no significant impact on the overall rural character of the local government area.

Strategic Growth and Future Development Opportunities

Part 1, Division 2, Section 1.6.3 Strategic Growth and Future Development Opportunities for Aratula. Strategic Map 4 identifies the future residential and industrial development opportunities for Aratula and includes the site within the Rural Buffer land designation.

Proposed Lot 992 has relatively level topography, is able to be connected to existing services and is adjacent to a large existing commercial/light industry use service station/truck stop. The proposed development represents an opportunity to consolidate commercial/light industrial activities in a location that has an approved access to the Cunningham Highway and further does not compromise future rural residential land use or development within Aratula village.

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with or can be conditioned to comply with each. The pertinent issues arising out of assessment against the codes are discussed below:

Overlay Codes

The proposal complies with all the Overlay Code's Acceptable Solutions and Performance Criteria. It is considered that the Good Quality Agricultural Land overlay is not relevant having regard to existing development and site zoning.

Local Plan Code

Not applicable.

Zone CodeRural Residential Zone Code

The proposed rural residential Lot 991 has a 69m frontage to Charlwood Road whilst Lot 992 does not have any frontage directly to a road but is accessed via access easements. Both the lots can be connected to existing water and sewer services and is consistent with:

- Division 6, Section 4.18 Table 2 Assessment Categories and Relevant Assessment Criteria for the Rural Residential Zone - Other Development.
- Division 7, Assessment Criteria for the Rural Residential Section 4.19 - 4.21 in their entirety.
- Division 7, Section 4.22 Specific Outcomes, Acceptable Solutions and Probable Solutions for the Rural Residential Zone and Sections 4.22(A) and 4.22(B) for provisions where applicable, eg. Element (v) Waste Disposal and Element (vi) Infrastructure.

Development Codes*Compliance with the Relevant Use Code*

The proposal complies with all the Development Use Code's Acceptable Solutions and Performance Criteria, except as follows:

Commercial Development Code:

The Overall Outcome for this code is to ensure that the commercial development is:

- a. Established on suitable sites having regard to accessibility, size and location, and the desirability of consolidating existing commercial centre and contributing to the viability of Town Centre Areas;
- b. Consistent with the desired character and amenity of the locality;
- c. Relates to the streetscape through excellent design solutions; and
- d. Designed to provide a safe, pleasant and relaxing environment.

To the extent the development is not rural residential, it is considered to be consistent with the overall outcomes for this code.

The uses proposed for the site are considered not to be desirable within the bounds of the existing Aratula village. However, the existing Service Station/Truck Stop use on Lot 37 SP185265 has established a change in the character of the immediate locality, over-riding the rural residential designation. The proposed uses are considered to have a stronger relationship with Lot 37 uses and potentially Lot 38.

Industrial Development Code:

The Overall Outcomes for this code are to ensure that industrial premises;

- a. Achieve a coherent site layout that provides an efficient, safe and attractive working environment;
- b. Are consistent with the desired character and amenity of the locality;
- c. That do not have significant adverse effects on surrounding uses and the natural environment;
- d. Are established on suitable land having regard to the topography and the surrounding land uses; and
- e. Are accessible and provide appropriate utility services.

That part of the site proposed for the non-rural residential uses has sufficient dimensions to meet (a) above. The site has no significant environmental value and was the subject of Operational Works (change to ground level) approvals which included bulk earthworks and construction of a large drainage channel. The site is characterised by a level gradient gently sloping down from South to North. The adjoining land has similarly a flat topography.

The site can be connected to existing water and sewer services and the approved DTMR access to the Cunningham Highway, has already been constructed in part.

Compliance with the Relevant Works Code

The proposal complies with all the Development Work Code's Acceptable Solutions and Performance Criteria, except as follows:

Filling and Excavation Code

Proposed Lot 991 is relatively flat draining from the existing constructed open channel on the western boundary and then in a north easterly direction to Charlwood Road. Any excavation/filling works required to establish the proposed use will be subject to a future Operational Works application in accordance with the requirements of the code.

Reconfiguration of a Lot Code

This code contains 12 Specific Outcomes and not all of which are relevant to the proposal.

The proposal complies with most of the Reconfiguration of a Lot Code's Acceptable Solutions and Performance Criteria except that the "Minimum Frontage" size of 40 metres is not achieved for the proposed Lot 992. This proposed Lot does not have any direct frontage to a constructed road but is accessed via an existing easement that services the development site. However, this does not impact adversely on the access or amenity issues.

The justification provided is that the Lots meets the Specific Outcome SO2 of the code in that they have sufficient areas and dimensions for the siting and construction of buildings and the provision of the onsite open space, landscaping, vehicle access and parking etc (refer to Attachment 3).

Assessment Benchmarks Pertaining to a Variation Approval

Not applicable.

Assessment Benchmarks Pertaining to a Temporary Local Planning Instrument*TLPI - Flood Hazard 2019*

Whilst the property is not subject to flood hazard overlay, the property is subject to significant flood flow of Q100 from upper catchments via the drainage reserve. However, the proposed reconfiguration achieves Lots that are capable of accommodating building platforms above flood and therefore are considered acceptable.

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Planning Act 2016*.

Submissions

Submitter details:

Properly made submissions – 2

1. Angela Jarrard
2. Russell & Kerry Dillon

Not properly made submission – 1

1. Daniel & Tracey Colyn

Applicable Infrastructure Charges*Adopted Infrastructure Charges Resolution (Version 12, 31 October 2020)*

In accordance with the Adopted Infrastructure Charges Resolution the adopted infrastructure charges below may apply to the Development Application as lodged with Council.

Planning Scheme Use Type	Classes of Development to which Adopted Infrastructure charges schedule apply
Reconfiguration of a Lot	Residential - 3 or more bedroom dwelling house per allotment
Commercial (retail) / Industry	Service Station/ Bulk Supplies

Local Government Charges applicable to the development are outlined below.

Proposed Demand (to be staged)

Use	No. of units	Unit Measure of	Charge Rate	Amount
Reconfiguration of a Lot				
Residential	2	allotments	\$15,113.35	\$30,226.70
MCU				
2 x Offices	160 m ²	\$ per m ² GFA plus \$ per m ² impervious area.	\$118.75	\$19,000.00
Service Station, Transport Depot, Bulk Landscape Supplies - (impervious areas - car parks and road)	12,388m ²	\$ per m ² impervious area.	\$10.80	\$133,790.40
Total				\$183,017.10

Existing Credit

Use	No. of units	Unit of Measure	Charge Rate	Amount
Residential	1	allotments	\$15,113.35	\$15,113.35
Total				\$15,113.35

Offset

Infrastructure	Timing	Cost
Not Applicable		\$0.00
Total		\$0.00

Total Charge	=	Proposed Demand	-	Existing Credit	-	Offset
	=	\$183,017.10	-	\$15,113.35	-	\$0.00
	=	<u>\$167,903.75</u>				

Full details of the charges will be provided in a separate notice under *Infrastructure Charges Notice (ICN)* to be issued to the applicant with the Decision Notice.

Relationship to Desired Environmental Outcomes

The Planning Scheme contains a series of Desired Environmental Outcomes (DEOs) which are sought to be achieved as a measure of development under the Scheme. They are broad in nature and comprise of Community Well Being, Economic Development, Ecological Resources, Processes and Values.

Community Wellbeing

There are eight DEOs under Community Wellbeing, five of which (3, and 5-8 inclusive) are not considered relevant to the proposal, however the proposal does support the DEOs 1, 2 and 4.

Economic Development

Relevant DEOs under Economic Development being 9,10,12,13, and 14 are supported by the proposed development.

Ecological Resource, Processes and Values

The proposal does not conflict with any of the DEOs of this component of part 3 of the Planning Scheme.

Statement of Reasons

The application has demonstrated general compliance with the *Boonah Shire Planning Scheme 2006* and other relevant policies except where mentioned otherwise within the report and addressed under 'Reconfiguration of a Lot Code', and 'Industrial and Commercial Development Code'. The amendments to the proposal are considered to provide reduced impacts to the adjacent surrounding area and seek to preserve and maintain the existing amenity.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

Description of the Development	The proposed development is for MCU and Reconfiguration of a Lot - 1 into 2
Assessment Benchmarks	The proposed development was assessed under the Boonah Shire Planning Scheme 2006 for: Rural Residential Zone Code; Commercial Development Code; Industrial Development Code; Reconfiguration of a Lot Code; and Overlay Codes
Reason for Decision	The development generally complies with the assessment benchmarks listed above.
Matters prescribed by a Regulation	Not applicable.

The proposed development has been assessed against relevant planning instruments and it is considered that there is no significant conflict between the proposed two lot subdivision and the relevant planning scheme codes.

The proposed Material Change of Use is a development inconsistent with the existing zoning, but notwithstanding the inconsistency, it is considered that it complies with the relevant development codes for the proposed land uses being considered in the circumstances of existing adjoining land use, constructed open channel, approved Cunningham Highway access and site topography of the proposed site.

All required services can be provided to the proposed development.

Budget / Financial Implications

Nil

Strategic Implications*Operational Plan*

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: 3.1.2 Provide streamlined and practical regulatory services that deliver improved access for the community

Legal / Statutory Implications

Application submitted for Decision within statutory timeframe under the *Planning Act 2016*.

RisksStrategic Risks

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

- SR43 Inadequate or ineffective infrastructure planning and maintenance resulting in failure of infrastructure and associated risks to public and staff safety and subsequent potential financial implications
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the Natural Environment.
- SR59 Non-compliance with legislation and/or procurement policies and procedures resulting in successful claim against Council beyond limit insured for.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Environmental impacts as a result of development	3 Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Governance, Risk & Compliance Ensure reasonable and relevant test applicable to assessment processes; Model Litigant processes followed in court cases minimise opportunities for appeals.	2 Minor	Possible	Medium	Documented assessment processes	Low
Reputation, Community & Civic Leadership Negative perception from community or development proponents.	2 Minor	Unlikely	Low	Transparent reporting of assessment communications.	Low

Consultation

Referral Agencies

The application was referred to the following Referral Agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Department of State Development, Manufacturing, Infrastructure & Planning (DSMIP)

Department of Infrastructure, Local Government and Planning (SARA)

The Department is a referral agency under Schedule 10, Part 9, Division 4, Subdivision 2 of the *Planning Regulation 2017*. The Department responded by letter dated 25/11/2019 stating that approval may be granted subject to conditions. Refer to Attachment 4 for conditions.

Internal Referrals

Health, Building and Environment – Environmental Health

Council's Environmental Health section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

Development Assessment (Engineering)

Council's Development Assessment section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

Infrastructure Services

Council's Infrastructure Services section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Planning Act 2016*. Two properly made submissions and one not properly made submissions were received.

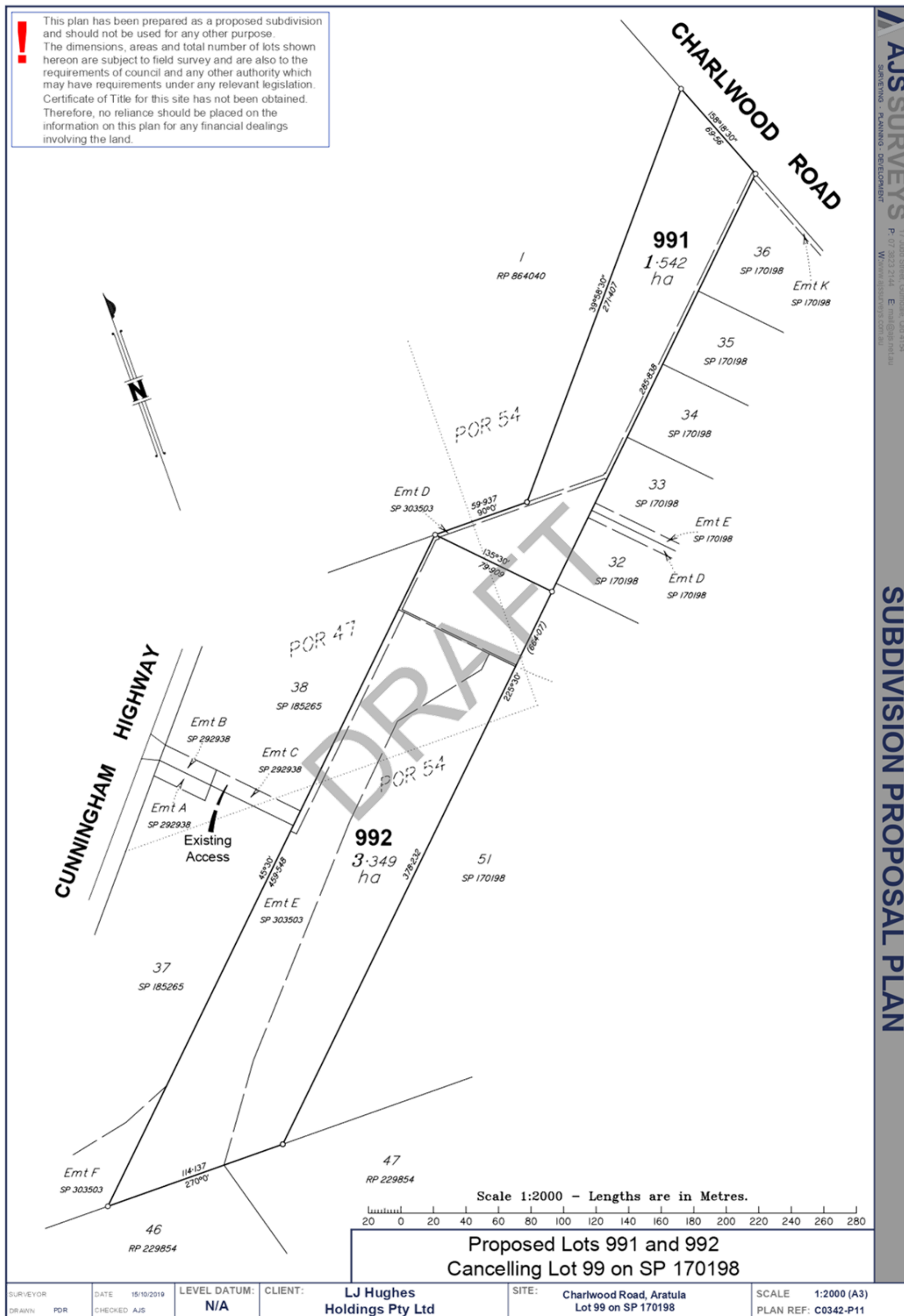
The following table provides a summary and assessment of the issues raised by submitters.

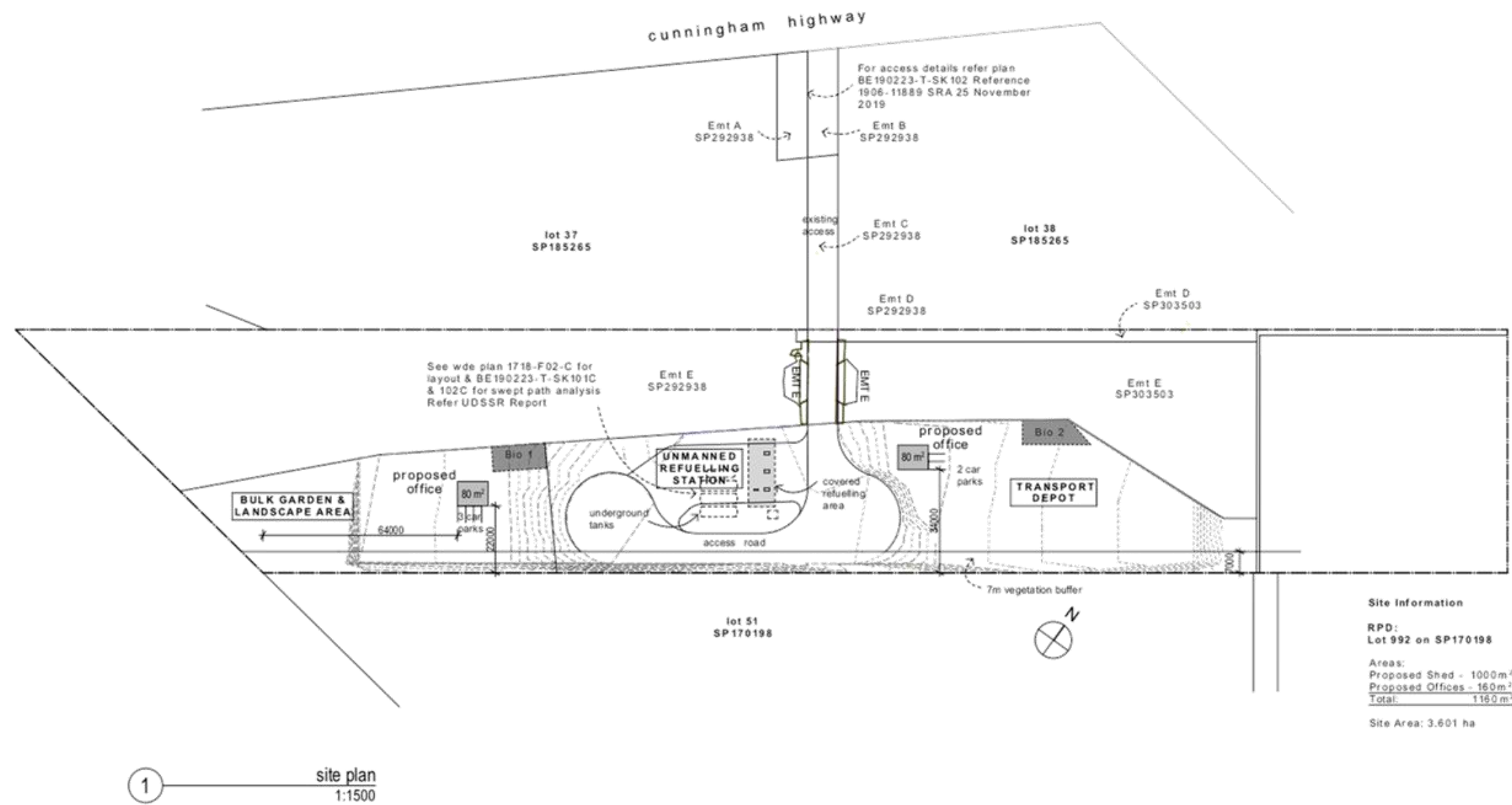
ISSUES	COMMENTS
Noise from trucks - increased by the proposed development affecting Hughes Court residents	Noise attenuation barrier is to be provided to mitigate the noise impacting to the residential land at the southern boundary of the site. Developer has proposed 2.2m high acoustic fence to mitigate the impacting noise. Condition will be imposed to this effect.
Light spillage at night into residential site	Adequate provision of landscaping and noise fence will reduce the light spillage into properties. This has been proposed by the developer.
Increased traffic on Cunningham Highway - noise increase	Not a valid argument as the Highway is designed to cater for any traffic. It is not envisage that the proposed development will, of itself generate additional traffic along the Cunningham Highway, but rather cater to existing traffic.
Visual impact - loss of amenity to existing residential site	Adequate landscaping (7 metre buffer) will soften the visual impacts. Landscaping conditions to mitigate the visual impacts will be imposed.
Stormwater - impact on properties upstream and downstream	Stormwater mitigation measures have been conditioned to cater for non-worsening impacts. Developer has addressed this in the Stormwater Management Plan report.

ISSUES	COMMENTS
Potential Chemical spill - drains into waterway	Quality control system is to be in place such as bio-retention system. Developer has proposed quality control measures. A condition will be imposed to control any spillage.
Air quality - generation of dust - impacting health of residents	The access and car parking areas will be conditioned to be sealed to prevent dust generation.

Conclusion

The proposed development generally complies with the requirements of the Planning Scheme and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application is therefore recommended for approval.





G	10/12/20	general amendments
F	17/11/20	general amendments
E	13/11/20	vegetation buffer amended
D	27/04/20	land uses nominated
C	19/01/20	notes added
B	19/12/19	notes added
A	04/09/19	original issue
issue	date	revision

Neville Kurth
barch
architect

12 Dunnart Place
Mount Coolom
QLD, 4573

p 0452 225 007
e nkurth62@gmail.com

project
Proposed Development

address
Cunningham Highway, Aratula

client
LJ Hughes Holdings Pty Ltd

drawing title
site plan

do not scale drawing, should dimensions be conflicting or missing, notify the architect and await further instruction.
© copyright - This document is and shall remain the property of the architect. This document may only be used for the purpose for which it was commissioned and in accordance with the terms of the engagement for the commission. Unauthorised use of this document in any way is prohibited.

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Item 10.5 - Attachment 2

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RA6-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1906-11889 SRA
 Council reference: MCU 19/022 and RAL 19/009

25 November 2019

Chief Executive Officer
 Scenic Rim Regional Council
 PO Box 25
 BEAUDESERT QLD 4285
 mail@scenicrim.qld.gov.au

Attention: Ms Judy Sandman

Dear Ms Sandman

SARA response— 6883, Cunningham Highway and Charwood Road, Aratula

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 11 July 2019.

Response

Outcome:	Referral agency response – with conditions
Date of response:	25 November 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for mixed uses including landscaping and bulk supplies store, service station, transport depot, and warehouse and reconfiguring a lot (1 lot into 2 lots)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and	

Page 1 of 7

South East Queensland (West) regional office
 Level 4, 117 Brisbane Street, Ipswich
 PO Box 2390, North Ipswich QLD 4305

Document Set ID: 10792141
 Version: 1 Version Date: 25/11/2019

1906-11889 SRA

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017)

Development application for a reconfiguration of a lot and a material
change of use within 25 metres of a state transport corridor

SARA reference: 1906-11889 SRA
Assessment Manager: Scenic Rim Regional Council
Street address: Charlwood Road, Aratula
Real property description: Lots 37 and 38 on SP185265 and Lot 99 on SP170198
Applicant name: L J Hughes Holdings Pty Ltd & Dennis Hughes Holdings Pty Ltd
Applicant contact details: C/- Burchills Engineering Solutions Pty Ltd
PO Box 3766, Australia Fair
Southport QLD 4215
nathan.mcdonald@burchills.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Tyler Josephson, Planning Officer, on (07) 3432 2423 or via email IpswichSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Gareth Richardson
Delegate position

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications
cc Burchills Engineering Solutions Pty Ltd; nathan.mcdonald@burchills.com.au

1906-11889 SRA

Attachment 1 —Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use for mixed uses including landscaping and bulk supplies store, service station, transport depot, and warehouse		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017 - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	The extension and modifications to the road access must be carried out generally in accordance with BP Station Access – AV Swept Path Analysis Plan, prepared by Burchills Engineering Solutions, dated 16 October 2019, reference BE190223-T-SK109 and revision 1; as amended in red on 25 November 2019.	Prior to the commencement of use and to be maintained at all times.

1906-11889 SRA

Attachment 2—Advice to the applicant

General advice

- | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), version 2.4. If a word remains undefined it has its ordinary meaning. |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1906-11889 SRA

Attachment 3—Reasons for referral agency response

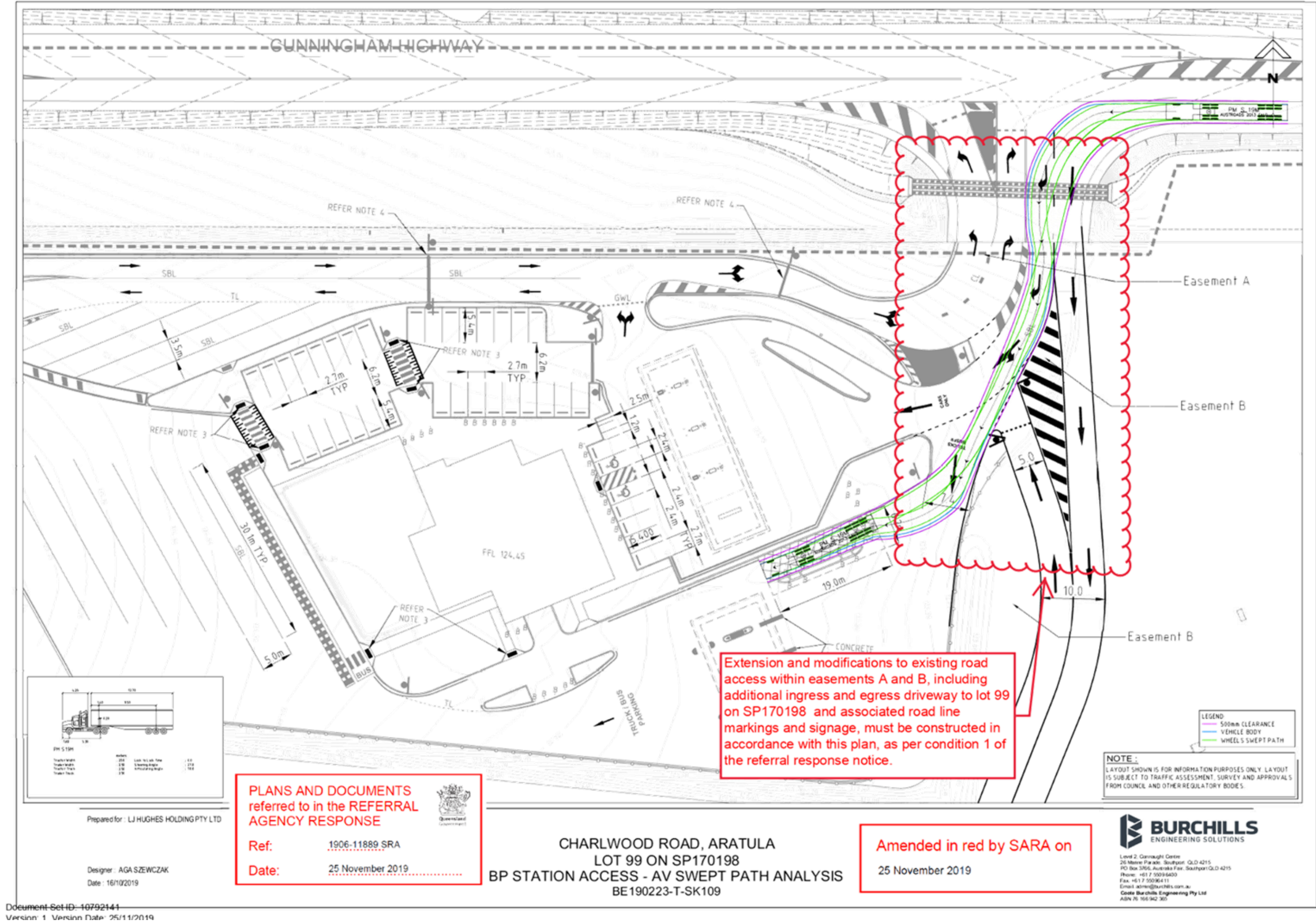
(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

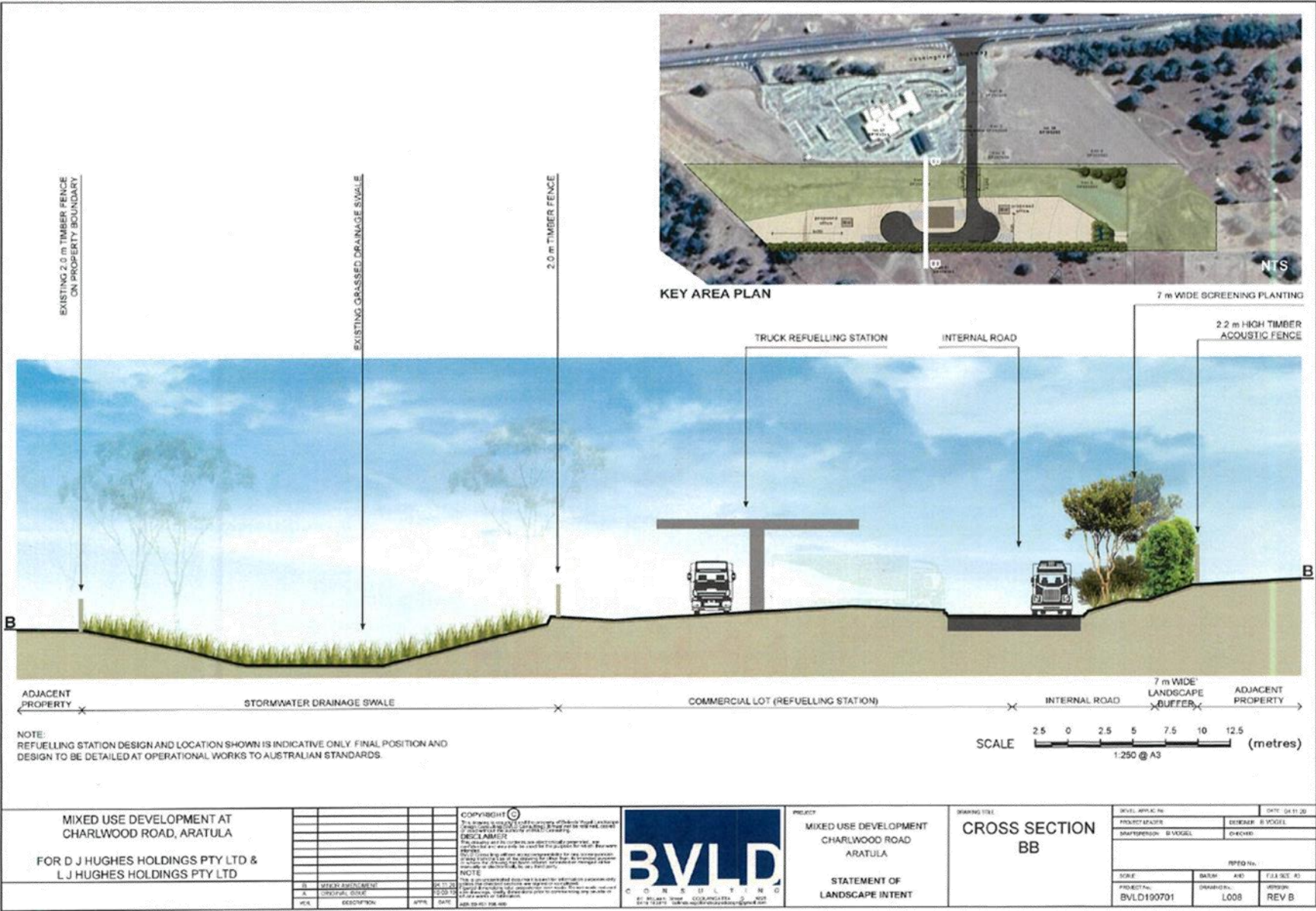
- With the inclusion of a condition, the road access will not impose risk to the safety and efficiency of the state-controlled road network and will provide for effective movement of vehicles entering and exiting the premises.
- The development will not impose traffic loadings that would create obstruction to the safety and efficiency of the state-controlled road network.
- The development will not create negligible impacts to the state-controlled road by effectively managing the discharge of stormwater on site.
- The development will not create impacts to the operations of the state-controlled road caused by on site fill and excavation.
- With the inclusion of a condition, the development complies with the performance outcomes of State Code 1: Development in a state-controlled road environment of the SDAP, version 2.4.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules.



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Version: 1 Version Date: 18/11/2020





Asset & Environmental Sustainability**10.6 Lease Renewal with Queensland Ambulance Service for the Canungra Ambulance Station Situated at 24-26 Christie Street, Canungra**

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: Manager Resources & Sustainability

Attachments:

1. Canungra Ambulance Station Site Map [↓](#) 
2. Locality Plan - Canungra Ambulance Station [↓](#) 

Executive Summary

Queensland Ambulance Service (QAS) has requested that Council consider an early renewal of its lease for 24-26 Christie Street, Canungra, being the current site of the Canungra Ambulance Station.

Recommendation

That:

1. Council enter into a 15-year lease with the Queensland Ambulance Service for the property situated at 24-26 Christie Street, Canungra and more particularly described as Lot 11 on SP238303 upon expiration of the current lease, being 21 October 2022; and
2. Council undertake all necessary negotiations with the Queensland Ambulance Service to ensure the new leasing documentation represents Council's interests and expectations, including appropriate annual lease payments.

Previous Council Considerations / Resolutions

At the Health and General Purposes Committee Meeting held on 25 November 1992 (Item HG.11- Renewal of Lease of Lot 1 on RP150195, parish of Tamborine to QAS (Christie Street)), the Assistant Shire Clerk recommended that Council approve the renewal of the Lease on L1 RP150195 Parish Tamborine to the QAS for a 30-year term to expire on 31 October 2022 under the conditions of their existing lease. The recommendation was adopted at the Ordinary Meeting held on 1 December 1992.

Report / Background

The property, situated at 24-26 Christie Street (more particularly Lot 11 on SP238303), is owned by Council in freehold. The QAS commenced leasing the property in 1992 for a 30-year term.

Under the current leasing conditions a nominal, 'peppercorn' rental is paid by the QAS for the property. The QAS is however responsible for the payment of rates, utility and services charges and maintenance and capital works costs associated with the property, and insurance costs for the buildings on the property.

The property is in effect leased at a zero cost to Council.

The QAS requested a further 30-year, nominal rental lease for the property citing:

- Its desire to continue to use the Christie Street property because of its suitability of location to provide efficient service delivery to Canungra and the wider region;
- There is no budget for a commercial lease over the property; and
- It considers a commercial lease unnecessary because of the service it provides to the community.

The QAS has advised Council of its intent to undertake \$700,000 worth of capital upgrades and improvements to the buildings situated at 24-26 Christie Street. To justify and ensure whole-of-life use of the proposed improvements, the QAS has again cited its desire for a long-term lease.

Negotiation to date with Council officers have resulted in the QAS agreeing to a minimum 15-year lease. The potential for future access provisions along the north-western boundary of the property was also noted. QAS is prepared to pay an annual leasing/administrative fee.

Although Council is yet to finalise its leasing documentation review, this lease is somewhat of an anomaly given the current circumstances. The leasing document is to be modernised as part of the finalisation of negotiations.

Budget / Financial Implications

The QAS has proposed an annual administration fee for 24-26 Christie Street.

It is proposed to negotiate similar leasing terms to those in effect, whereby the responsibility of all fees and charges, insurances and maintenance and capital works associated with the property are borne by the QAS.

Strategic Implications

Operational Plan

Theme: 6. Accessible and Serviced Regions

Key Area of Focus: 6.1.1 Align Council's buildings and facilities with current and predicted service level requirements

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

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

- SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.
- SR53 Inadequate sustainable economic growth plans in place to appropriately maximise opportunities, resulting in increased pressures on Council and State infrastructure and social environmental cohesiveness.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Infrastructure, Assets & Service Delivery Adverse risk to the community due to inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.	4 Major	Possible	High	10-year financial plan; core asset management plans; community leasing policy	High
Financial/Economic Adverse risk to the community due to inadequate sustainable economic growth plans in place to appropriately maximise opportunities, resulting in increased pressures on Council and State infrastructure and social environmental cohesiveness	4 Major	Possible	High	Asset management framework; community plan; master planning of community services in the Canungra region	High

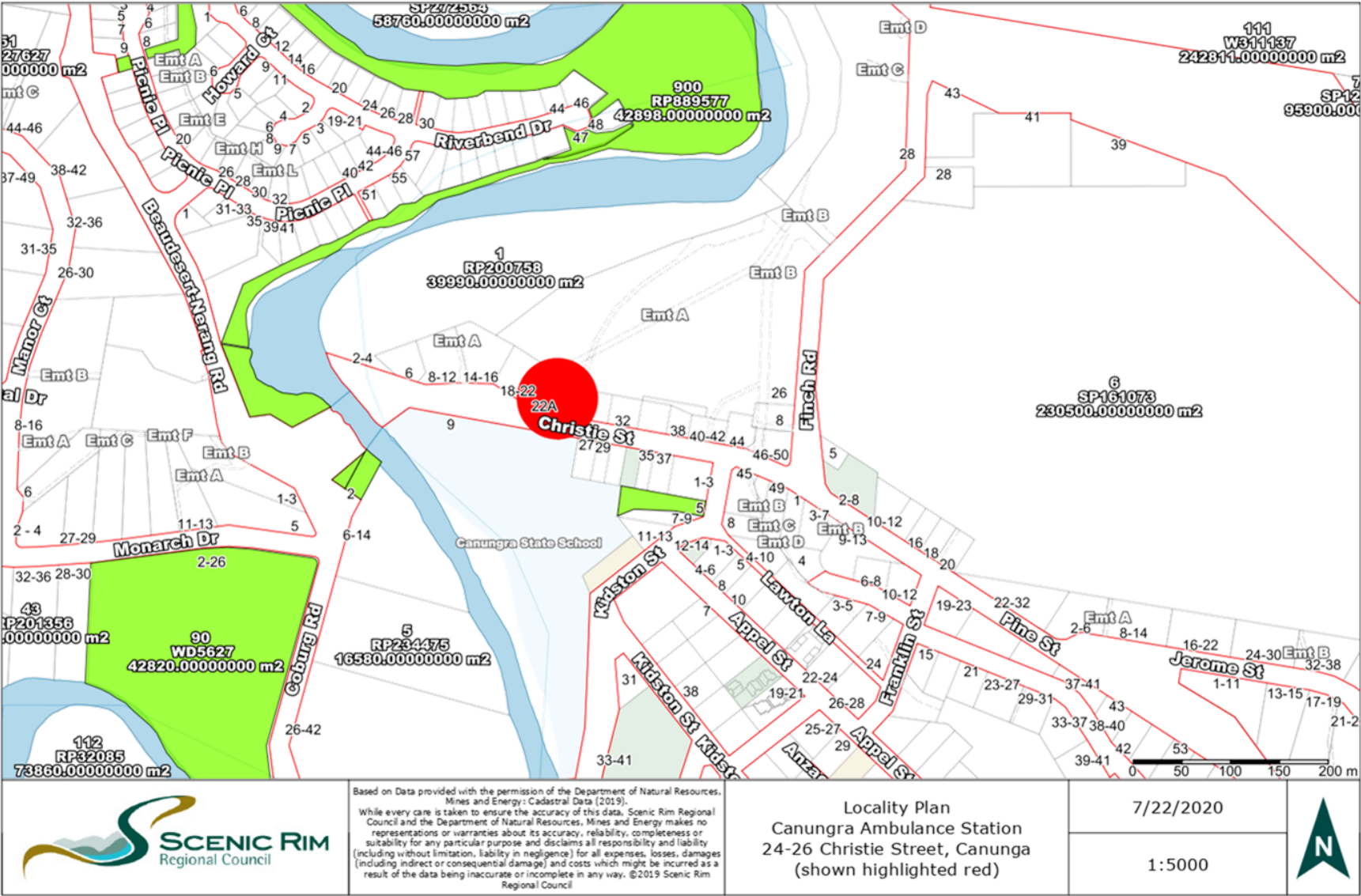
Consultation

A meeting between the Manager Resources and Sustainability and the QAS Acting Executive Manager - Infrastructure and Major Projects was held on 25 November 2020.

Conclusion

Council entering into a further 15-year lease of 24-26 Christie Street, being Lot 11 on SP238303 with Queensland Ambulance Service seems appropriate given the level of investment planned for this site. It is intended that all fees, charges and insurances associated with the property and capital and maintenance works required remain the responsibility of the Queensland Ambulance Service.





10.7 Rosins Lookout Park Public Bin Request

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: Manager Resources & Sustainability

Attachments: Nil

Executive Summary

It has been requested that Council consider the placement of a public bin at Rosins Lookout Park. In keeping with the 'carry in, carry out' approach that is encouraged by Queensland Parks and Wildlife Service (QPWS), along with the potential for negative impacts on amenity and wildlife, Council officers are reluctant to place a bin in this location.

Recommendation

That:

1. Council confirm the continuance of the current practice of not having public park bins adjacent to national parks, to assist Queensland Parks and Wildlife Service in protecting the natural environment; and
2. Council note the planned trial of improved signage and monitoring at Rosins Park Lookout.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

In response to a request for a public bin at Rosins Park Lookout, Council's Waste Services team advised that bins are not provided in this area as it is associated with the Rosins Park Lookout Conservation Park, managed by QPWS. This decision is in keeping with the expectations of QPWS and the Department of Environment and Science, as the land manager, for visitors to take their rubbish home. A sign encouraging visitors to take their rubbish home is already provided in this park.

There are no public bins provided by Council in or immediately adjacent to national parks within the region despite the presence of seven national parks covering over 90,000 hectares, however, there are some locations in proximity to national parks where Council or other land owners maintain recreational areas and these sometimes include public bins.

There are a significant number of benefits to not having bins in a park such as Rosins Park Lookout including:

- Reduced appeal for illegal dumping of domestic waste;
- Animals cannot become trapped or injured by bins and are not scavenging unsuitable food;
- In national parks it has been found that removals of bins can reduce littering;
- No opportunity for bins to become odorous and detract from the general amenity of the park; and
- Waste can be taken home and sorted to maximise resource recovery, for example, organics can be composted.

It is worth noting that bins have been located in Rosins Park and adjacent to other national parks in the past. Council experience with the bins previously provided in Rosins Lookout Park were that they were a source of frequent complaints. The bins were constantly overflowing no matter the frequency of collection or the number of bins provided. Wildlife often got into the bins or rubbish dumped next to the bins.

It is expected that providing a bin service in this location is not likely to be cost effective or result in improved amenity. Waste Services propose the following action to install upgraded signage at Rosins Park Lookout and monitor the impact this has on litter over six months. If there are ongoing, noticeable dumping and litter issues a bin will be installed.

Budget / Financial Implications

There is allowance for signage within the existing Parks and Landscape Maintenance budget and this team have agreed to implement the change.

Changes to service level and maintenance of public place bins is not covered within current budgets. Waste Services will be requesting a new budget initiative to cover maintenance of public place bins and associated infrastructure and will propose to increase waste collection budget to account for the need to vary public place bins levels over time.

Strategic Implications

Operational Plan

Theme: 1. Spectacular Scenery and Healthy Environment

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

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

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

SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Infrastructure, Assets & Service Delivery Adverse impacts to the community due to inadequate or lack of appropriately defined Service Levels in place resulting in failure to deliver or meet appropriate expectations of stakeholders	3 Moderate	Possible	Medium	Service Level Framework (review, planning and documentation).	Medium

Consultation

Waste Services and Parks and Landscape Maintenance teams within Asset and Environmental Sustainability are working together to investigate and address the matter and have confirmed with QPWS the 'carry in, carry out' approach that is encouraged.

Conclusion

Due to the likely negative impacts on amenity and wildlife the placement of a public bin in Rosins Lookout Park and other national park associated locations, are considered inappropriate. Signage will be upgraded at Rosins Lookout Park to draw attention to the carry in, carry out approach.

Council Sustainability

10.8 Councillor Remuneration 2021-2022

Executive Officer: General Manager Council Sustainability

Item Author: General Manager Council Sustainability

Attachments:

1. Local Government Remuneration Commission Annual Report 2020 [↓](#) 

Executive Summary

The Local Government Remuneration Commission (Commission) has concluded its annual review of the categories of local governments and the assignment of local governments to categories. In addition, the Commission determined the levels of remuneration for Mayors, Deputy Mayors and Councillors of Queensland local governments as required by section 177(c) of the *Local Government Act 2009* (Act) and Chapter 8, Division 1 of the *Local Government Regulation 2012* (Regulation).

These findings are contained in the Local Government Remuneration Commission Annual Report 2020.

Following the release of the Local Government Remuneration Commission Annual Report and its determinations, Council is then required to make a resolution for the remuneration payable for the next financial year.

Recommendation

That Council adopt the Local Government Remuneration Commission's determined Remuneration Schedule effective from 1 July 2021 for the Mayor, Deputy Mayor and Councillors.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 20 January 2020, Council resolved:

"That Council adopt the Local Government Remuneration Commission's determined Remuneration Schedule effective from 1 July 2020 for the Mayor, Deputy Mayor and Councillors."

At the Ordinary Meeting held on 22 June 2020 (following the Mayoral Minute tabled on 8 June 2020), Council resolved:

"That Council, having consideration for the current challenges as a result of the COVID-19 pandemic event:

1. *Rescind the resolution adopted at the Ordinary Meeting held on 20 January 2020, as follows:*
'That Council adopt the Local Government Remuneration Commission's determined Remuneration Schedule effective from 1 July 2020 for the Mayor, Deputy Mayor and Councillors';
2. *Forego the previously adopted increment as per the Local Government Remuneration Commission Schedule for the 2020-2021 financial year; and*
3. *Hold Scenic Rim Regional Council remuneration for Mayor, Deputy Mayor and Councillors at the 2019-2020 values for reconsideration at the next scheduled review."*

Report / Background

The Local Government Remuneration Commission (Commission) is an independent entity established under the Act. Chapter 6, Part 3 of the Act, proclaimed into force on 3 December 2018, established the Local Government Remuneration Commission to assume the remuneration functions of the former Local Government Remuneration and Discipline Tribunal which ceased to exist on 3 December 2018.

Section 177 of the Act provides the functions of the Commission are:

- To establish the categories of local governments;
- To decide the category to which each local government belongs;
- To decide the maximum amount of remuneration payable to the Councillors in each of the categories; and
- Another function related to the remuneration of Councillors if directed, in writing, by the Minister.

Chapter 8, Part 1, Division 1 of the Regulation sets out the processes of the Commission in deciding the remuneration that is payable to Councillors.

The Regulation requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Commission to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to Mayors, Deputy Mayors and Councillors in each category from 1 July of the following year.

As required by section 246 of the Regulation, the Commission has prepared a remuneration schedule for various categories of Council for the 2021-2022 financial year, applicable for Scenic Rim Regional Council (Category 3) from 1 July 2021.

This year's schedule sees no changes from the 2020-2021 recommended values (which have not been implemented by Council) and represents a two percent increase from the 2019-2020 financial year:

Category 3	2019-2020	2020-2021	2021-2022
Mayor	\$130,584	\$133,196	\$133,196
Deputy Mayor	\$81,615	\$83,247	\$83,247
Councillor	\$69,372	\$70,759	\$70,759

Section 241 of the Regulation states the Commission must establish categories of local governments to enable the Commission to decide the maximum amounts of remuneration that are payable to Mayors and other Councillors in each of the categories.

The Commission has reviewed the current categories and decided not to make any change in this current review. The Commission did, however, state its intention to undertake an analysis of the categories in the period 2020-2021, after the 2020 quadrennial Queensland Local Government Elections. The Commission's anticipated analysis has been delayed in 2020 due to the impact of the COVID-19 global pandemic. COVID-19 has inevitably resulted in an increased focus on other priorities for Queensland local government. The Commission commends all local government members for their on-going contribution to their communities and the State of Queensland.

The Commission still intends to undertake a category review during 2021 and will engage with and invite submissions from councils and stakeholders commencing in early 2021.

Section 247 of the Regulation states that the maximum amount of remuneration payable to a Councillor under the remuneration schedule must be paid to the Councillor, unless the local government, by resolution, decides the maximum amount is not payable to the Councillor.

Section 247 of the Regulation states that Council must make a resolution for the remuneration payable from 1 July of a particular year, before 1 July of that year.

Section 248 of the Regulation allows a local government to make a submission to the Tribunal to vary the remuneration for a Councillor, or Councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Tribunal may, but is not required to, consider any such submission. If the Tribunal is satisfied that exceptional circumstances exist, the Tribunal may approve payment of a higher amount of remuneration.

Budget / Financial Implications

The development of the 2021-2022 Council budget will need to take into consideration the outcome of this report.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: 3.1.3 Embed community engagement and partnerships that improve shared understanding

Legal / Statutory Implications

This report is in accordance with the requirements of the Act and the Regulation.

Risks

Strategic Risks

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

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

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Political Councillors are to be remunerated in accordance with the requirements of the Local Government Regulation 2012.	Minor	Unlikely	Low	Councillors are remunerated in accordance with the requirements of the Local Government Regulation 2012.	Low

Consultation

Nil.

Conclusion

That Council must make a resolution for the remuneration payable from 1 July 2021 for the Mayor, Deputy Mayor and Councillors.

Local Government
Remuneration Commission
Annual Report 2020



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not consider individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available at www.dlgrma.qld.gov.au.

Local Government Remuneration Commission

30 November 2020

The Honourable Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure, Local Government and Planning
1 William Street
Brisbane QLD 4000

Dear Deputy Premier

On 25 November 2020, the Local Government Remuneration Commission (Commission) concluded its determination of the levels of remuneration for mayors, deputy mayors and councillors of Queensland local governments (excluding Brisbane City Council) as required by section 177(c) of the *Local Government Act 2009* and Chapter 8, Division 1 of the *Local Government Regulation 2012*.

Our determinations on these matters, together with the Remuneration Schedule to apply from 1 July 2021 are included in the enclosed Report, which we commend to you.

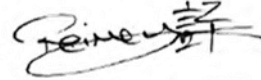
Yours sincerely



Robert (Bob) Abbot OAM
Chair Commissioner



Andrea Ranson
Commissioner



Reimen Hii
Commissioner

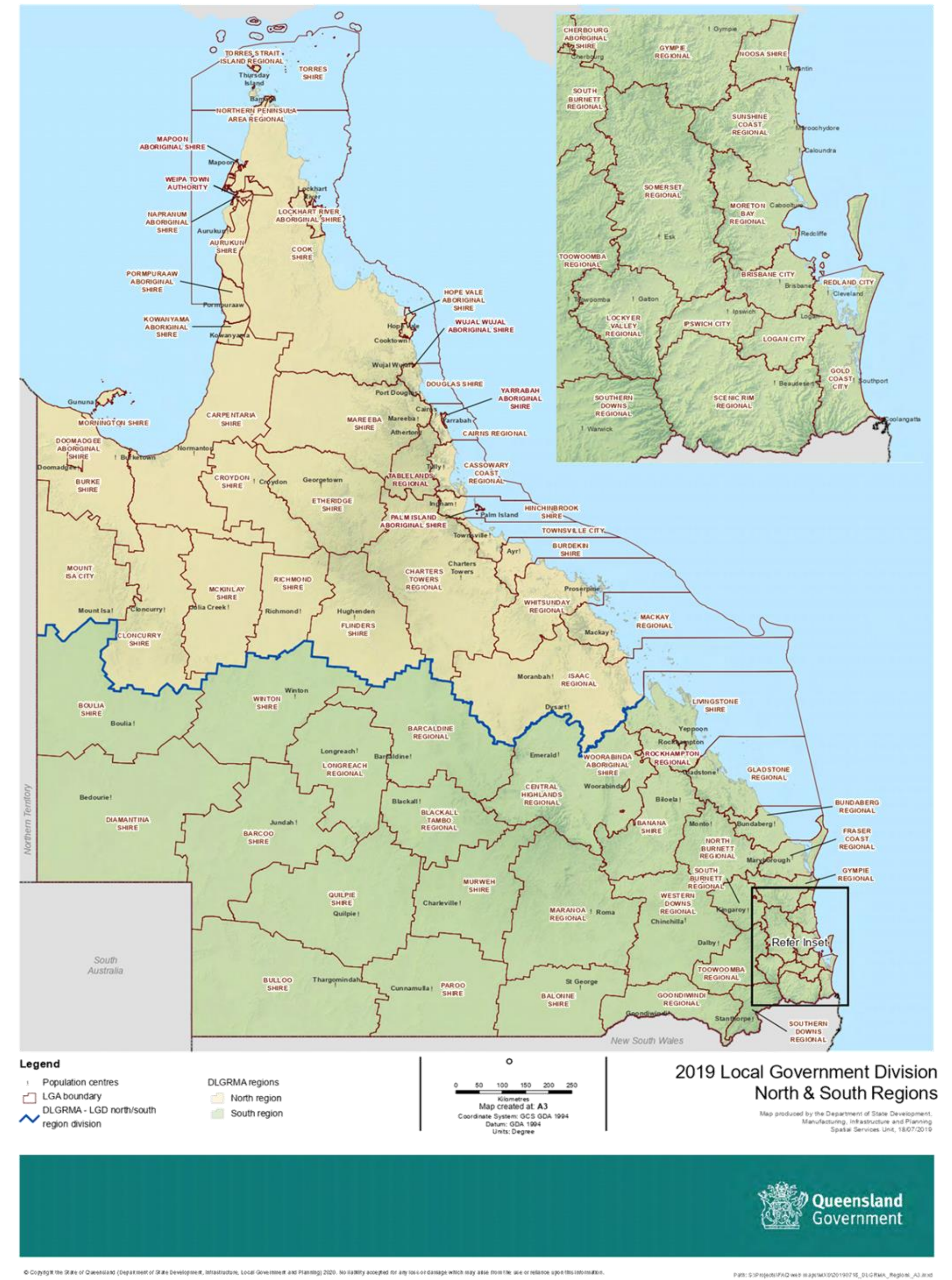


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2020 Report key determinations

In its 2019 report, the Commission determined not to make any category changes. The Commission did, however, state its intention to undertake an analysis of the categories in the period 2020-2021, after the 2020 quadrennial Queensland Local Government Elections. The Commission's anticipated analysis has been delayed in 2020 due to the impact of the COVID-19 global pandemic. COVID-19 has inevitably resulted in an increased focus on other priorities for Queensland local government. The Commission commends all local government members for their on-going contribution to their communities and the State of Queensland.

The Commission still intends to undertake a category review during 2021 and will engage with and invite submissions from councils and stakeholders commencing in early 2021.

The Commission has decided not to increase the maximum remuneration levels for mayors, deputy mayors and councillors from 1 July 2021. The levels will remain as set at the amounts fixed for 1 July 2020.

In making its determination, the Commission considered the following:

- Decrease in the Consumer Price Index (CPI) for the financial year ended 30 June 2020 (percentage change from previous financial year)¹
 - Weighted average of the eight capital cities: -0.3 per cent
 - Brisbane: -1.0 per cent
- Increases in the Wage Price Index (WPI) for the financial year ended 30 June 2020²
 - Australia (All Industries): +2.1 per cent
 - Australia (Public Sector): +2.3 per cent
 - Queensland (All Industries and Public Sector): +1.9 per cent
- Queensland Weekly Payroll Jobs and Wages³ for the period of:
 - 14 March to 27 June 2020: Jobs -5.2 per cent; Wages -1.2 per cent
 - 14 March to 19 September 2020: Jobs -2.5 per cent; Wages -1.7 per cent
 - 14 March to 31 October 2020: Jobs -2.0 per cent; Wages -3.3 per cent
- As in 2019, in 2020 the Commission considered Brisbane City Council's Independent Councillor Remuneration Tribunal (ICRT) remuneration determination a potentially relevant factor, however, the ICRT reviews and resets Brisbane City Councillor remuneration arrangements every five years. The last increase was in 2017, at which time the ICRT accorded a two per cent increase to salaries effective 1 July 2018. In its 20 November 2019 Report, the ICRT determined not to make any changes outside of its four yearly remuneration review cycle.

¹ Source: *Consumer Price Index (report), June quarter 2020*, Queensland Government Statisticians Office, Queensland Treasury

² Source: *Wage price index, Queensland and Australia, 1997-98 to 2019-20*, Queensland Government Statisticians Office, Queensland Treasury; and *Wage Price Index Australia, June 2020*, All WPI Series: Original (Financial Year Index Numbers for year ended June quarter), Australian Bureau of Statistics (ABS) 6345.0.

³ Source: *Weekly Payroll Jobs and Wages in Australia, Week ending 27 June 2020, Week ending 19 September 2020, Week ending 31 October 2020*, ABS 6160.0.55.001.

- In its 13 August 2020 determination of the Base and Additional Salary Rates and Allowance System, the Queensland Independent Remuneration Tribunal (QIRT) determined by majority (with dissent from the Chair) to provide a zero per cent increase to the base and additional salary levels of members for the years commencing 1 September 2019, 2020, 2021 and 2022. The Commission notes the QIRT Chair's dissent that a decision to impose a 'salary freeze' on members for a period of five years is unreasonable and that the Chair would have determined to increase the base and additional salaries by 2.5 per cent from 1 September 2021 and 1 September 2022.

The Commission considers that its own obligation to conduct an annual review of the maximum levels of remuneration affords the Commission the flexibility to consider and respond to the short and long term impacts of the COVID-19 pandemic which is not necessarily available to the QIRT and ICRT.

- Decision of the Salaries and Allowances Tribunal of Western Australia determination dated 8 April 2020: no increase.
- Decision of the New South Wales Local Government Remuneration Tribunal Determination and Annual Report dated 10 June 2020: no increase.
- Decision of the Victorian Minister for Local Government: two per cent increase effective on 1 December 2019. It is noted that the 1 December 2020 Victorian decision was unavailable at the date of this determination.
- Tasmania is the only jurisdiction that has increased the remuneration for local government councillors. The increase, effective 1 November 2020, is an automatic indexation of local government allowances provided for under the *Tasmanian Local Government Act 1993* by multiplying the allowances for the previous year by the inflationary factor (determined by calculating the current year's June quarter Wage Price Index divided by the previous years' June Wage Price Index).
- The application of principles of consistency and austerity, and general consideration of recent conservative wage review practices in both the public and private sectors.
- The Commission's inability to project the short and long-term impacts of COVID-19 with certainty.

The Commission also had regard to anecdotal reports and submissions received about:

- The impact of economic hardship experienced by local communities during and following the COVID-19 pandemic and natural disasters of 2019-2020.
- The potential disproportional impact of COVID-19 pandemic restrictions on rural and remote communities.
- The economic cost to communities of interruption to businesses.
- The significant economic volatility and contraction during 2020.
- The need to ensure sustainability for local governments and their communities.

- Local governments role in Queensland's post COVID-19 economic recovery and development.

The Commission gratefully acknowledges the submissions received this year which have assisted in its discharge of its statutory obligations.

1. The Commission

Formation and composition

The Local Government Remuneration Commission (Commission) is an independent entity established under the *Local Government Act 2009* (the Act). On 1 October 2019, His Excellency the Governor, acting by and with the advice of the Executive Council, approved three new appointees to the Commission for a term of four years.

This is the second report of the new Commission, and the fourteenth report including the reports of the former Local Government Remuneration and Discipline Tribunal and the Local Government Remuneration Tribunal.

The current Chair and Commissioners of the Commission are:

Mr. Robert (Bob) Abbot OAM

Chair

Mr. Abbot has extensive experience in the local government sector with 32 years as an elected councillor and mayor. Mr. Abbot has experience working at state and national local government organizations and has held board and panel positions, including Deputy Chair of the South East Queensland Council of Mayors, Director of the Local Government Association of Queensland (LGAQ), and Director of the Australian Local Government Association. Mr. Abbot has been a mentor for newly elected mayors on behalf of the LGAQ, with a particular focus on mentoring Queensland Indigenous mayors.

In the Australia Day 2020 Honours List, Mr. Abbot was the recipient of an Order of Australia (OAM) for his service to local government and to the communities of Noosa and the Sunshine Coast.

Ms. Andrea Ranson

Commissioner

Ms. Ranson is a lawyer with extensive experience in public and private sector business and governance. Ms. Ranson brings substantial legal experience in commercial, industrial, and equal opportunity law, ethics, and justice. Ms. Ranson is a Nationally Accredited Mediator currently working with the Queensland Civil and Administrative Tribunal (QCAT), and a member of the Department of Justice Dispute Resolution Panel and Aboriginal Working Group. Ms. Ranson is appointed as a Non-Executive Director to the Board of North Queensland Bulk Ports Corporation, a government owned corporation. Ms. Ranson is Chair of the Corporate Governance & Planning Committee and a Member of the Audit & Financial Risk Management Committee of that Board. Ms. Ranson holds a Master of Laws (LLM), Bachelor of Laws (Hons) and Bachelor of Arts from Monash University. She is a Graduate of the Australian Institute of Directors (GAICD) and a Fellow of the Governance Institute of Australia (FGIA).

Mr. Reimen Hii**Commissioner**

Mr. Hii is a barrister and Nationally Accredited Mediator. He holds the degrees of Bachelor of Laws and Bachelor of Arts. He is a practicing lawyer with extensive knowledge in public administration and community affairs, and a particular interest in civil and commercial law. Mr. Hii is experienced in professional discipline matters, including investigations, public administration, corporate and public governance, public sector ethics and finance. Mr. Hii has a culturally and linguistically diverse background and experience working with diverse communities. Mr. Hii has previously been recognized as Australian Young Lawyer of the Year by the Law Council of Australia, in recognition of his significant contribution to access to justice and diversity advocacy. Mr Hii provides a deep understanding of diversity and brings well respected analytic skill, together with legal and business acumen to the role.

Remuneration responsibilities

Chapter 6, Part 3 of the Act, proclaimed into force on 3 December 2018, established the Local Government Remuneration Commission to assume the remuneration functions of the former Local Government Remuneration and Discipline Tribunal which ceased to exist on 3 December 2018.

Section 177 of the Act provides the functions of the Commission are:

- to establish the categories of local governments, and
- to decide the category to which each local government belongs, and
- to decide the maximum amount of remuneration payable to the councillors in each of the categories, and
- to consider and make recommendations to the Minister about the following matters relating to councillor advisors—
 - (i) whether or not to prescribe a local government under section 197D(1)(a);
 - (ii) the number of councillor advisors each councillor of a local government may appoint;
 - (iii) the number of councillor advisors a councillor of the council under the *City of Brisbane Act 2010* may appoint; and
- another function related to the remuneration of councillors if directed, in writing, by the Minister.

Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012* (Regulation) sets out the processes of the Commission in deciding the remuneration that is payable to councillors.

The Regulation requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Commission to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to mayors, deputy mayors and councillors in each category from 1 July of the following year.

In addition, section 248 of the Regulation allows a local government to make a submission to the Commission to vary the remuneration for a councillor, or councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Commission may, but is not required to, consider any such submission. If the Commission is satisfied that exceptional circumstances exist, the Commission may approve payment of a higher amount of remuneration.

On 12 October 2020, the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* and section 197A of the *Local Government Act 2009* came into force. These changes formed part of the Queensland Government rolling reform agenda in the local government sector to further strengthen transparency, accountability and integrity measures that apply to the system of local government in Queensland.

Section 197A of the Act established requirements for councils that wish to employ councillor advisors and councilor administrative support staff to assist councillors complete their duties. The role of councillor advisors is currently restricted to Brisbane City Council and to those councils within category 4 to 8 as prescribed by this Commission.

The requirements in relation to the appointment of councillor advisors include the following:

- must vote to pass a resolution to create councillor advisor positions (except Brisbane City Council)
- appoint advisor, at the discretion of councillors and only until the councillor's term ends, unless re-appointed by a new councillor
- must report the costs of councillor advisors to the community, for example through the council's annual report.

Requirements for councillor advisors include the following:

- they must submit registers of interests and keep them up-to-date
- they must follow a new Code of conduct for councillor advisors in Queensland
- they must comply with the local government principles and can be found guilty of integrity offences.

A dedicated telephone hotline (07 3452 6747 – available between the hours of 8.30 am to 5.00 pm, Monday to Friday) has been established by the Department of State Development, Infrastructure, Local Government and Planning to respond to any questions regarding councillor advisors.

Alternatively, email enquiries can be forwarded to lgreforms@dlgrma.qld.gov.au.

The Commission is yet to receive any submissions or enquiries in relation to councillor advisors as at the date of its determination.

2. Remuneration determination

Remuneration determination for councillors

As required by section 246 of the Regulation the Commission has prepared a remuneration schedule for the 2021-2022 financial year, applicable from 1 July 2021 (the Schedule), which appears below.

Arrangements have been made to publish the Schedule in the Queensland Government Gazette and for this Report to be printed and presented to the Minister for Local Government.

Methodology

The Commission had regard to the matters in section 244 and 247 (2), (5) of the Regulation in determining the Schedule. The Commission also noted and had regard to the matters listed on pages 6 to 8 of this Report to determine the appropriate maximum remuneration in each category of local government.

The Commission notes it did not receive any specific submissions from councils in relation to setting the remuneration schedule for the 2020-2021 financial year and has continued to adopt a conservative approach to setting remuneration levels.

Matters not included in the remuneration schedule

Section 244(3) of the Regulation states that the remuneration cannot include any amount for expenses to be paid or facilities to be provided to councillors under a council's expenses reimbursement policy.

During the 2020 consultation period, Townsville City Council sought clarification and consistency in relation to the application of Motor Vehicle Policies by local government across Queensland.

The Commission notes section 244(3) of the Regulation states that remuneration decided by the Commission cannot include "any amount for expenses to be paid or facilities to be provided to councillors under a council's expenses reimbursement policy". The Commission is of the view that the application of Motor Vehicle policy falls within section 244(3) exclusions and that the Commission cannot prescribe whether or how a vehicle policy is applied by individual council's as the Commission does not prescribe expenses and reimbursement policies.

The Commission notes that practices may differ within or between individual councils, however, as the matter falls outside of council's statutory functions the Commission is unable to decide to direct council.

The Commission has informed Townsville City Council of this determination.

Pro rata payment

Should an elected representative hold a councillor position for only part of a financial year, she or he is only entitled to remuneration to reflect the portion of the year served.

Remuneration schedule to apply from 1 July 2021

		Remuneration determined (from 1 July 2021) (\$ per annum; see Note 1)		
Category	Local governments assigned to categories	Mayor	Deputy mayor	Councillor
Category 1 (see Note 2)	Aurukun Shire Council Balonne Shire Council Banana Shire Council Barcaldine Regional Council Barcoo Shire Council Blackall-Tambo Regional Council Boulia Shire Council Bulloo Shire Council Burdekin Shire Council Burke Shire Council Carpentaria Shire Council Charters Towers Regional Council Cherbourg Aboriginal Shire Council Cloncurry Shire Council Cook Shire Council Croydon Shire Council Diamantina Shire Council Doomadgee Aboriginal Shire Council Douglas Shire Council Etheridge Shire Council Flinders Shire Council Goondiwindi Regional Council Hinchinbrook Shire Council Hope Vale Aboriginal Shire Council Kowanyama Aboriginal Shire Council Lockhart River Aboriginal Shire Council Longreach Regional Council Mapoon Aboriginal Shire Council McKinlay Shire Council Morningside Shire Council Murweh Shire Council Napranum Aboriginal Shire Council North Burnett Regional Council Northern Peninsula Area Regional Council Palm Island Aboriginal Shire Council Paroo Shire Council Pormpuraaw Aboriginal Shire Council Quilpie Shire Council Richmond Shire Council Torres Shire Council Torres Strait Island Regional Council Winton Shire Council Woorabinda Aboriginal Shire Council Wujal Wujal Aboriginal Shire Council Yarrabah Aboriginal Shire Council	\$108,222	\$62,435	\$54,110
Category 2	Mareeba Shire Council Mount Isa City Council Somerset Regional Council	\$124,869	\$74,923	\$62,435

Category 3	Cassowary Coast Regional Council Central Highlands Regional Council Gympie Regional Council Isaac Regional Council Livingstone Shire Council Lockyer Valley Regional Council Maranoa Regional Council Noosa Shire Council Scenic Rim Regional Council South Burnett Regional Council Southern Downs Regional Council Tablelands Regional Council Western Downs Regional Council Whitsunday Regional Council	\$133,196	\$83,247	\$70,759
Category 4	Bundaberg Regional Council Fraser Coast Regional Council Gladstone Regional Council Rockhampton Regional Council	\$158,168	\$104,059	\$91,571
Category 5	Cairns Regional Council Mackay Regional Council Redland City Council Toowoomba Regional Council	\$183,143	\$124,869	\$108,222
Category 6	Ipswich City Council Townsville City Council	\$208,117	\$141,520	\$124,869
Category 7	Logan City Council Moreton Bay Regional Council Sunshine Coast Regional Council	\$233,091	\$161,499	\$141,520
Category 8	Gold Coast City Council	\$258,066	\$178,981	\$154,006

Notes to the remuneration schedule

In its 2014 report the then Tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated council meetings.

Note 1 The monetary amounts shown are the per annum figures to apply from 1 July 2021. If an elected representative only serves for part of a full year (that is, 1 July to 30 June) they are only entitled to a pro rata payment to reflect the portion of the year served.

Note 2 For councillors in category 1 councils, a base payment of \$36,073.28 is payable for the 12 months commencing on 1 July 2021. A meeting fee of \$1,503.06 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

3. Matters raised with the Commission during the remuneration review program

A summary table of submissions made to the Commission during the review period and the Commission's determination is provided below.

Meetings and deputations

Local governments were provided with the opportunity to engage with the Commission at the 124th Annual Conference of the LGAQ at the Gold Coast Convention and Exhibition Centre held from 19 to 21 October 2020.

Townsville City Council and South Burnett Regional Council provided the Commission with oral deputations during the LGAQ Conference.

Considering the restrictions imposed by COVID-19 the Commission determined and advised councils that the date for written submissions would be extended from 26 October 2020 to 30 October 2020. Five submissions were received from the Central Highlands Regional Council, Torres Strait Island Regional Council, Isaac Regional Council, North Burnett Regional Council and Pormpuraaw Aboriginal Shire Council by 30 October 2020.

After the extended due date, the Commission also received a written submission from Somerset Regional Council on 2 November 2020, and from Barcaldine Regional Council and Toowoomba Regional Council on 5 November 2020.

In making its determination, the Commission had regard to all submissions it received, together with the matters on pages 6 to 8 of this report.

Key points raised with the Commission during the 2020 review period were not dissimilar to 2019 and included increasing demands on councils in relation to sustainability, industry and innovation, potential recognition of differential council and councillor workloads. Councils also raised the impact and future uncertainty of the COVID-19 pandemic with particular emphasis on concerns for the wellbeing of their community constituents, future economic growth, development, and sustainability, especially in regional areas.

Table – Summary of 2020 submissions

1	Date received	Oral Submission made at LGAQ Gold Coast Conference, Monday 19 October 2020
	Received from	Townsville City Council: Councillor Anne Marie Greaney and Councillor Rehbein
	Summary of submission	Council sought clarity on areas of law for Motor Vehicle Policy options. Council further requested consistency in relation to Vehicle Policies across Queensland. Currently, nine councillors have vehicles subject to novated leasing and three councillors use their own vehicles.

	Determination	Application of a Motor Vehicle Policy by Council is outside of the scope of the LGRC. The Commission does not prescribe expenses and reimbursement policies.
2	Date received	Oral Submission made at LGAQ Gold Coast Conference, Monday 19 October 2020
	Received from	South Burnett Regional Council: Mayor Brett Otto, Deputy Mayor Gavin Jones, and Chief Executive Officer Mark Pitt
	Summary of submission	Councils expressed views about the challenges of dealing with the Grants Commission, with operational funding and consistency being the key challenges to enable council to plan and budget moving forward. Expressed that councillors face more complex economic growth, large geographical area with complex diversity, ageing population, 3200km road network, large corporate proponents requiring strategic level engagement by mayor and deputy mayor with local, state, and federal governments. Enterprise is transitioning and strategic management is required.
	Determination	<p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p> <p>In relation to the Grants Commission, the functions and operation of the Grants Commission is outside of the scope and authority of the LGRC. The broader considerations raised have, however, been noted and council will be invited to engage further during the Commission's intended 2021 consultation and analysis period.</p>
3	Date received	Written Submission on 21 October 2020
	Received from	Pormpuraaw Aboriginal Shire Council, Chief Executive Officer Edward A Natera
	Summary of submission	<p>Remuneration for Pormpuraaw ASC is considered by council to be "very reasonable and generous in comparison to our broader community".</p> <p>Council noted that it seeks to build up capacity (rotating its deputy mayor each three months) and have Portfolio Holders attend meetings with the CEO and managers. Some of the challenges include attendance at meetings by elected members. Councillors meet each</p>

	Determination	<p>fortnight for briefing and project/programs/issues which are tabled for the management team to follow up at the last Thursday monthly council meetings.</p> <p>Submission received and noted. No change requested on behalf of council.</p>
4	Date received Received from Summary of submission Determination	<p>Written Submission on 5 November 2020</p> <p>Barcaldine Regional Council, Acting Chief Executive Officer Brett Walsh</p> <p>Council advised the Commission that it had passed a Resolution on or about 28 October 2020 in the following terms: <i>"Council receives the report and provides feedback to the Commission that it is the position of Barcaldine Regional Council that Mayor and Councillor remuneration for the 2021-2022 financial year remain at the same level as the 2020-2021 financial year."</i></p> <p>The Commission has noted council's Resolution passed for no change in mayor and councillor remuneration for the 2021-2022 financial year.</p>
5	Date received Received from Summary of submission	<p>Written Submission on 30 October 2020</p> <p>Central Highlands Regional Council, Chief Executive Officer Scott Mason on behalf of council</p> <p>Council is currently identified by the LGRC as a category 3 council. Council repeats its submission that it does not consider category 4 as appropriate, however, it should be differentiated from other category 3 councils.</p> <p>Council advocates for a new category between category 3 and 4 to separate councils that fall outside criteria and can be justified recognising the extraordinary diversity of industry. The following factors were relied upon in council's submission:</p> <ul style="list-style-type: none"> • Central Highlands contributes a significant amount to Queensland's Gross Domestic Product by way of its resource and agricultural, sectors. • There are 11 operating coal mines in the region generating \$813 million of local spend and significant royalties for the state. • The gross value of agricultural commodities produced within the Central Highlands is greater than \$800 million per annum.

	<ul style="list-style-type: none"> • Coal and agricultural sectors have significant impact on elected members in relation of the need to understand the operational complexities of each sector but the elected members also deal with tourism, retail, support services to various industries, education and facilitating a lifestyle of choice for residents of the region. • Significant stakeholder engagement is required by mayor and councillors outside of their ordinary standard central duties, especially in the context of drought. • Mining resources are quantifiably more intensive than other regions (for example, natural gas). • Submitted that Central Highlands is unique due to the presence of two significant industries in its region. <p>Council identified that similar challenges facing both Central Highlands and Isaac Regional Council supported the creation of two new categories.</p> <p>Key issues raised in support of council's submission included increased (and significant) demand particularly around the resource and agricultural sectors, infrastructure growth, innovation, and regional sustainability. Resident and non-resident population demands were also cited as creating additional workload for councillors. Council has repeated its questioning of whether councillors could properly be considered as 'part-time' given increasing community and industry expectations upon council regarding regional sustainability.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
<p>6</p> <p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p><u>Written Submission</u> on 30 October 2020</p> <p><u>Isaac Regional Council</u>, Chief Executive Officer Gary Stevenson</p> <p>Council relied on its previous submissions dated 24 October 2018 and 21 October 2019, together with representations made to the Commission at the LGAQ Conference on 15 October 2019 by Deputy Mayor Kelly Vea and Senior Advisor Mary-Anne Uren.</p>

Council has previously requested that mayors of like councils in category 3 be remunerated at a higher level than their counterparts, to recognize the mayor's role demands full-time hours where the local government area has a geographical spread of more than 50,000km², a resident and non-resident population total more than 30,999 and the local government area has a significant diversity of Industry.

The practical request that council repeats in its 2020 submission to the Commission is that the existing category 3 councils become category 3A councils and that a new category 3B be introduced which includes Isaac Regional Council and Central Highlands Regional Council and sets remuneration for the mayor of each of these two councils in accordance with the remuneration determined for category 4 mayors. Council requests that the remuneration of the deputy mayor and councillors be consistent with the remuneration of category 3A councils.

Council states that resource sector requirements, community expectations to ensure regional benefit and the increased regulatory oversight of mining practices, together with the impact of an extensive agricultural sector creates requirements for the mayor to participate in stakeholder engagement activities outside of their ordinary standard central duties, especially in the context of drought.

Council's submission states further that whilst it is acknowledged that category 4 mayors are not full-time – Isaac Regional Council considers that a minimum increase of the mayor's remuneration to the level requested is warranted.

Additionally, council submitted that data utilised to inform the categories for remuneration where based on Census information, is subject to a significant lag bias. The council referenced the Bowen Basin population report, produced by the Queensland Governments Statistician's Office, and submitted that this report would provide a more relevant, up-to-date, reference for populations being managed by Isaac Regional Council.

Council submitted that the additional level of engagement required by the mayor stemming from the non-resident population is considerable and that continuous engagement is required through advocacy to state and

		<p>federal governments to fund infrastructure and services, advocacy and engagement with resource and renewables proponents in the region to manage and mitigate impacts and seek opportunities from economic developments in the region.</p> <p>Strategic planning for a sustainable future with diversity of industries in the Isaac region. Submission stated to relate to increased remuneration for mayor only.</p> <p>Determination</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
7	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p> <p>Determination</p>	<p>Written Submission on 30 October 2020</p> <p>North Burnett Regional Council, Mayor Rachel Chambers</p> <p>Council seeks an understanding and clarity regarding LGRC remuneration methodology. Submits that category 1 is not reflective of the effort and skill of council. Identified issues council faces in undertaking their role and that the current remuneration does not reflect the actual role and duties undertaken daily which include – 20,000km² area with six distinct townships, current salary makes it difficult to attract younger candidates needed to be involved in planning for the future, roles are full-time (long hours, after hours, public holidays and on call) and all councils are under the same legislative conditions and subject to the same obligations to achieve financial sustainability and positive socio-economic outcomes. Questioned lack of qualifications or skills needed as part of the methodology. Challenged whether 'conditions are different' equates to 'workload is different'. Economic development is a factor for all councils.</p> <p>Pursuant to section 242 of the Regulation, in establishing categories of local governments, the Commission must have regard to the following criteria:-</p> <ul style="list-style-type: none"> (a) The size, and geographical and environmental terrain, of local government areas. (b) The population of local government areas, including the areas' demographics, the spread of population serviced by the local governments and the extent of the

		<p>services the local governments provide; and</p> <p>(c) The Commission may have regard to other matters the Commission considers relevant to the effectiveness, efficiency, and sustainability of local governments.</p> <p>The Commission intends to analyse the application of the regulated criteria and its applicability to best service the needs of local government representatives and their constituents moving forward. The Commission will be inviting further engagement with local government in 2021 with formulating an understanding of the challenges and demands faced by mayors, deputy mayors and councillors with increasing demands for councillor participation in growth, development, innovation, infrastructure and sustainability.</p> <p>The Commission understands that additional clarity regarding methodology has been requested and in 2021 the Commission intends to formulate a general guide to assist council/s better engage and communicate with the Commission.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021..</p>
8	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p>Written Submission on 2 November 2020</p> <p>Somerset Regional Council, Chief Executive Officer Andrew Johnson for Mayor Graeme Lehmann</p> <p>Council submitted that council categories and selection criteria should be reviewed to ensure that the level of workload is reflected by the constitutes serviced. Council requests that remuneration is reinstated comparable to at least that at the time of amalgamation.</p> <p>Council submitted that the service level and expectation of communities and workloads are increasing. Council contends that alternative formulas should be considered as part of determining categories to ensure adequate compensation is given to elected members. Changes in legislation (Belcarra Reform, etc.) have added increased burden to elected members, once again, raising the risk and workload of elected members.</p> <p>Council argued that Remuneration in the Somerset Region had reduced since</p>

	Determination	<p>amalgamation, while Somerset continues to grow.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
9	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p><u>Written Submission</u> on 5 November 2020</p> <p><u>Toowoomba Regional Council</u>, Chief Executive Officer Brian Pidgeon</p> <p>Council repeated its previous submission to the LGRC that the current category 5 status should be elevated to category 6.</p> <p>Council notes that it shares category 5 with Cairns, Mackay, and Redland, and submits that it is more appropriately benchmarked, on a variety of measures, with those councils in category 6, specifically Ipswich and Townsville. Factors submitted by council included:</p> <ul style="list-style-type: none"> • size of Toowoomba Regional Council area being 12 times larger in area than Ipswich and 3.4 larger in area than Townsville • geographical and environmental terrain of Toowoomba Region • population of Toowoomba Region including demographics; spread of population across 12,973km² • extent of services and diversity of communities • extent of development in the region (one of the most diverse and robust economies in Australia) • councillor workload given one city and 28 independent towns and villages are incorporated in the Toowoomba Region • managing challenges with being in a highly productive, growth region, with large infrastructure projects requiring significant investment by council including Toowoomba Bulk Water Supply; Cressbrook Dam Spillway Upgrade; Reservoir and Treatment Plant upgrades; Toowoomba Region Sports Precinct; Cooby Dam Spillway Upgrade and additional projects specifically identified by council in its detailed submission

		<ul style="list-style-type: none"> ongoing challenges related to aligning the community following amalgamation of eight councils re-categorisation of Toowoomba Regional Council as category 6 would promote relativities between councils and ensure appropriate remuneration with confidence in what council has identified as being a "demanding environment".
Determination		The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.
10	Date received	Written Submission on 30 October 2020
	Received from	<u>Torres Strait Island Regional Council</u> , Mayor Phillemon Mosby
	Summary of submission	<p>Submission that TSIRC should not be classified as a category 1 council and should be in a category of its own. Mayor, deputy mayor and councillors inadequately remunerated under category 1.</p> <p>TSIRC is one of three local councils in the Torres Strait region. TSIRC manages the treaty agreement between the border of Australia and Papua New Guinea (PNG) and identifies itself as the only local council in Australia with this added responsibility. TSIRC services fifteen separate communities spread across 42,000km² of open sea, each with its own unique characteristics and service requirements. As an Indigenous Regional Council under the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> (Qld), it is submitted that TSIRC has additional responsibilities in managing Deed of Grant in Trust (DOGIT) communities as Trustee, as well as providing for local government services. TSIRC submits that there are several matters which are unique to it and that these matters add to the responsibilities of councillors. These matters include: treaty obligations between Australia and PNG; high cost of living and travel in and to the region; limited employment (meaning that the mayor and councillor salary is in most cases the only source of income); over 800 social houses under banner of responsibility; no revenue from rates base and completely reliant on state and commonwealth funding; responsible for management of air and sea</p>

Determination

ports in 15 island communities; multilingual language challenges and Native Title determinations add a layer of complexity to the functions as a local government.

The Commission notes the increasing pressure on councils in relation to sustainability and strategic development. The Commission further notes the specific matters raised by TSIRC regarding consideration of a future category change and/or creation of a new category.

The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.

4. Other activities of the Commission

Exceptional circumstances submissions (matters raised under *Local Government Regulation 2012*, section 248):

Nil.

5. Commission's future priorities

The Commission intends to undertake its comprehensive analysis of the council categories in 2021 and looks forward to engaging with local government and its stakeholders over the next 12 months.

Further information about the Commission and/or the Councillor Conduct Tribunal can be located at www.dlgrma.qld.gov.au

Local Government Remuneration Commission

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10.9 Revised Debt Policy FI01.14CP

Executive Officer: General Manager Council Sustainability

Item Author: General Manager Council Sustainability

Attachments:

1. Revised Debt Policy FI01.14CP [↓](#) 

Executive Summary

In late 2020, the Queensland Government announced the *Local Government Debt Refinancing Program* to allow councils the opportunity to refinance and extend the loan term on some or all of their existing fixed debt with Queensland Treasury Corporation (QTC) to take advantage of historically low interest rates. This initiative was part of a raft of measures that were put in place to stimulate the economy during the challenging economic circumstances as a result of the COVID-19 pandemic.

This initiative intends to provide councils with an opportunity to consider funding of (eligible) major capital projects with surplus cash as a result of reduced loan repayments.

Recommendation

That Council adopt the revised Debt Policy FI01.14CP.

Previous Council Considerations / Resolutions

At the Special Meeting held on 6 July 2020, Council resolved that, in accordance with Section 192 of the *Local Government Regulation 2012*, Council adopt the 2020-2021 Debt Policy FI01.14CP.

Report / Background

In September 2020, Warwick Agnew, (then) Director-General Department of State Development, Infrastructure, Local Government and Planning (the Department) issued advice to Local Government Chief Executive Officers about the *Local Government Debt Refinancing Program*.

This initiative was part of the ongoing Queensland Government measures to assist in responding to the financial impact of the COVID-19 pandemic. The notion around refinancing was to harness the opportunity to refinance existing loans (those at significantly higher interest rates) and take advantage of the historically low interest rates now on offer.

Eligibility towards the program was open to all councils with existing QTC fixed debt, where councils had the option to consider refinancing all or part of the existing QTC fixed debt.

The Department indicated that the primary goals of the program were to allow participating councils to:

- unlock annual operating cashflows which councils are encouraged to re-invest in ways that will stimulate economic activity, deliver projects, and/or support jobs;
- lock in for an extended period historically low interest rates on long-term debt; and
- support a sustainable local government sector.

The Department sought that councils with existing QTC fixed debt consult with QTC and determine the viability of applying the initiative on their existing debt profiles to determine whether there would be any derived benefit. Then secondly, consider applying the resultant benefit towards the consideration of undertaking capital projects that would realise the primary goals of the initiative.

Whilst from the onset, QTC indicate that:

“This opportunity could result in an immediate cash flow benefit by reducing loan repayments (from refinancing to a reduced interest rate and extending the term over which the principal is repaid) after allowing for the Early Repayment Adjustment.

Freed up cash flow from refinancing can be used for reinvestments that stimulate economic activity, help deliver projects or support jobs, and could be applied to capex direct or additional borrowings for capex.”

In order to test the theory, Council officers undertook the analysis of current long term financial forecasts and budget modelling to incorporate various scenarios associated with potential debt refinancing.

It is considered that refinancing is an option for further consideration as long as the right projects can be identified. The capital infrastructure project (that could be funded through realising freed up cashflows) would need to fulfil the primary goals of the initiative being offer by the Queensland Government.

The particular model that meets the initiative's primary goals and could provide Council benefit was inclusive of the following parameters:

- refinancing of Council's legacy debt borrowings (where current interest rates ranged from 7.623% to 2.255%) to an offered facility at historically low interest rate;
- funding of associated early repayment adjustment through Council's retained earnings; and
- utilise the availability of cash (associated with the reduced level in debt service payments) to finance additional borrowings that would fund major capital infrastructure project/s.

In order to progress assessing Council's eligibility to undertake the refinancing option and not to risk missing out on capitalising on this initiative - there would be a requirement to formally submit a request (application) to the Department to refinance. This in turn would allow QTC to undertake analysis on Council finances (including long term forecasts) to determine sustainability focus is maintained.

In order to facilitate the next stage in the process, there is a requirement to provide an amended Debt Policy (attached) that incorporates the refinancing aspects to accompany Council's submission to the Department.

The amended Debt Policy takes into account the necessary parameters required to assess Council's eligibility towards the *Local Government Debt Refinancing Program*, along with incorporating subsequent (additional) borrowings that can be funded through the realisation of freed up cash flow from the refinancing.

Budget / Financial Implications

Council's current Debt Policy reflects original proposed borrowing forecasts as adopted for the 2020-2021 budget (prior to release of the refinancing initiative). Legislative provisions as part of the Queensland Government measures to combat the impacts of the COVID-19 pandemic allowed for additional budget review measures. These measures afford the opportunity for Council to consider the refinancing initiative.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

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

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

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

SR47 Inadequate or lack of an appropriate Financial Management Framework (including systems, policies, procedures and controls) in place to adequately minimise risk of fraudulent action and to maximise financial sustainability.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Financial/Economic Unreliable financial forecasting leading to overburden levels of debt.	4 Major	Unlikely	High	Analysis is prepared by suitably qualified and experienced staff.	Low
Financial/Economic Missed opportunities to consider long-term projects that have	4 Major	Possible	High	Analysis by Council of financial modelling and project cost-benefit analysis in determining whether initiative is beneficial.	Low

Consultation

QTC and the Department.

Councillors have been provided a number of presentations outlining the forecast models associated with the refinancing coupled with Council's Long Term Financial Forecasts.

Conclusion

Following analysis that indicate that Council could derive future benefits from the proposed debt refinancing initiative, it is now prudent to meet the Department's requirements around borrowings to further progress and determine Council's eligibility.

Determination in proceeding with the refinancing initiative was only considered on the basis Council was in a position to identify, plan and deliver crucial capital projects that could be funded through the potential derived benefits of the initiative (releasing freed up cash as a result of the reduction in the debt service payments). Council will continue to review listing of potential projects and determine suitability and priority based on their cost-benefit analysis determination.

In order to allow further consideration of potential capital projects towards the refinancing, Council needs to be mindful of existing timeframes around applying for borrowing/s. Currently for the 2020-2021 financial year, the Department have set the date of 26 February 2021 as the closing date for submission. In order to allow further deliberations on this matter, it would be beneficial to allow the updating of the existing Debt Policy and relevant Long Term Financial Plans that reflect the proposed refinancing option - to meet deadline requirements.

The Department and QTC will review Council's application for borrowing and will provide advice as to the outcome, generally councils will then sign off an offer for the approved borrowings and then draw down on the loan. However, in the instance that further discussions result in a change in circumstances and/or position then the option for Council could be to not draw down on the offer of new borrowings.



OBJECTIVE

The objectives of this Policy are to:

1. Outline parameters for borrowing and debt levels within Council's annual budget and long-term financial forecast; and
2. Ensure Council complies with its requirements under the *Local Government Act 2009* and *Local Government Regulation 2012*, with regard to Debt as part of its system of financial management.

POLICY STATEMENT

Council is committed to:

1. At least on an annual basis, and in accordance with section 171 of the *Local Government Regulations 2012*, Council will consider its long-term financial forecast before planning new Borrowings. Council's borrowing program will be based on a long-term sustainable financial position and will be only undertaken where Council can demonstrate that repayments can be comfortably met.
2. Ensuring that Borrowings are only available for capital expenditure and not for use to fund recurrent expenditure and operational activities of the Council. Where the Council raises funds from new Borrowings, the funds will only be used for the purpose for which the loan was raised. If a borrowing is undertaken and the final project cost is less than budget, resulting in unexpended loan funds, these funds may be reallocated to eligible projects by resolution of Council.
3. Ensuring that in borrowing for infrastructure, the term of the loan shall not exceed the finite life of the related asset.
4. Ensuring that planned Borrowings are identified in Council's budget and long-term financial forecast; and listed as an attachment to this policy. This condition may be waived in circumstances where an emergency or urgent situation requires the use of Borrowings and those Borrowings comply with all other policy conditions.

Policy Reference Number: FI01.14CP
Portfolio: Council Sustainability
Business Unit: Financial Management

Adoption/Approval Date: 09/02/2021
Review Date: 30/06/2021
File References: 10955178
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CONSIDERATION OF HUMAN RIGHTS UNDER HUMAN RIGHTS ACT 2019

In acknowledgement of the fundamental human rights recognised in International covenants this Council Policy has been developed and acknowledges a commitment to recognise the importance and protection of human rights in creating policies that serve to develop overarching frameworks, standards, behaviours or actions that affect the way in which Council serves the community of the Scenic Rim region.

An assessment of this Policy against the human rights determined that no human rights are limited or affected by this Policy, because this Policy is applied in a non-discriminatory manner, not affecting or restraining any resident from exercising any of the articulated human rights.

COMPLIANCE, MONITORING AND REVIEW

Financial Management will be responsible for ensuring compliance with relevant legislation and for the annual review in accordance with the annual budget modelling adopted by Council.

DEFINITIONS

Borrowings; those funds which Council obtains from external sources by loans, overdraft or other financial arrangements that impose on Council an obligation for repayment.

RELATED LEGISLATION AND DOCUMENTS

- (a) *Local Government Act 2009*
- (b) *Local Government Regulations 2012*
- (c) *Statutory Bodies Financial Arrangements Act 1982*
- (d) *Statutory Bodies Financial Arrangements Regulation 2007*
- (e) *Statutory Bodies Financial Arrangements Act 1982 Operational Guidelines*

This policy supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Open and Responsible Government.

APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Council
Administrator	Financial Management
Next Review Date	Annual

Approval and Amendment History	Details
Original Approval Authority and Date	23/06/2011
Amendment Authority and Date	13/07/2012; 13/07/2012; 20/06/2013; 03/07/2014; 27/10/2015; 23/06/2016; 15/06/2017; 13/06/2018; 12/06/2019; 06/07/2020; 09/02/2021
Notes	

Approved By:
SCENIC RIM REGIONAL COUNCIL
Adopted: 9 February 2021

Policy Reference Number: FI01.14CP
 Portfolio: Council Sustainability
 Business Unit: Financial Management

Adoption/Approval Date: 09/02/2021
 Review Date: 25/01/2021
 File References: 10955178
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Version Information

Version No.	Date	Key Changes
1	23/06/2011	Special Meeting Item number 2.21 Annual Review
2	13/07/2012	Annual Review
3	20/06/2013	Annual Review
4	03/07/2014	Special Meeting Item number 1.19 Annual Review
5	27/10/2015	Adopted Ordinary Meeting Finance Committee Meeting 13.10.2015
6	23/06/2016	Special Meeting Item No. 1.8 Annual Review
7	15/06/2017	Special Meeting Item No. 1.7 Annual Review
8	13/06/2018	Special Meeting Item No. 1.7 Annual Review Updated into new policy format
9	12/06/2019	Special Meeting Item No. 1.13 Annual Review
10	06/07/2020	Special Meeting Item No. 5.17 Annual Review Updated into new policy format
11	09/02/2021	Ordinary Meeting Item No. Reviewed - Debt refinancing initiative consideration

Policy Reference Number: FI01.14CP
Portfolio: Council Sustainability
Business Unit: Financial Management

Adoption/Approval Date: 09/02/2021
Review Date: 25/01/2021
File References: 10955178
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Attachment 1

Scenic Rim Regional Council Planned Borrowings

New Borrowings

New borrowings identified in Council's long-term financial forecast are as follows:

Financial Year Ending 30 June	Amount	Purpose	Repayment Period
2021	\$1,500,000	Land Acquisition - Lupton Road	20 yrs
2021	\$25,028,766	Refinancing of Existing Loans*	20 yrs
2021	\$15,000,000	Major Capital Works Funding	20 yrs
2022	\$2,500,000	New Landfill Cell at Bromelton	6 yrs
2023	\$4,000,000	Beaudesert Community Hub and Regional Library	20 yrs
2028	\$2,500,000	New landfill cell at Bromelton	6 yrs

*indicates loans being considered for refinancing through the Department of State Development, Infrastructure, Local Government and Planning's fixed debt refinancing initiative.

Existing Borrowings

Existing borrowings are shown in the following table:

Year Borrowed	Amount Borrowed	Purpose	Repayment Period	Year to be Repaid	Principal Outstanding 31/05/2020
Transferred on Amalgamation 2008	\$2,960,590	Beaudesert Shire Council - Schedule Works 2007/08 (\$2.213M transferred to bulk water authority on 30 June 2008)*	20 yrs	2028	\$452,146
2011	\$3,500,000	Scenic Rim RC - Capital Works 2011*	20 yrs	2029	\$2,249,043
2012	\$3,000,000	Scenic Rim RC - Capital Works 2012*	20 yrs	2031	\$2,076,639
2013	\$4,000,000	Scenic Rim RC - Capital Works 2013*	20 yrs	2031	\$2,897,923
2014	\$4,000,000	Scenic Rim RC - Capital Works 2014*	20 yrs	2033	\$3,091,449
2015	\$4,000,000	Scenic Rim RC - Capital Works 2015*	20 yrs	2034	\$3,248,061
2016	\$3,000,000	Scenic Rim RC - Capital Works 2016*	20 yrs	2036	\$2,583,569
2017	\$2,000,000	Scenic Rim RC - Capital Works 2017*	20 yrs	2037	\$1,811,817
2018	\$3,000,000	Scenic Rim RC - Capital Works 2018*	20 yrs	2038	\$2,833,007
2019	\$3,300,000	Scenic Rim RC - Bridge Rehabilitation 2019*	20 yrs	2039	\$3,216,272
2019	\$1,400,000	Scenic Rim RC - Bromelton Landfill Cell 2019*	5 yrs	2039	\$1,200,206

Policy Reference Number: FI01.14CP
Portfolio: Council Sustainability
Business Unit: Financial Management

Adoption/Approval Date: 09/02/2021
Review Date: 25/01/2021
File References: 10955178
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Year Borrowed	Amount Borrowed	Purpose	Repayment Period	Year to be Repaid	Principal Outstanding 31/05/2020
2020	\$1,500,000	Scenic Rim RC - Bridge Rehabilitation 2020	20 yrs	2040	\$1,500,000
2020	\$6,500,000	\$5.0M Beaudesert Business Park Development	13 yrs	2033	\$5,500,000

Overdrafts

Council has an ongoing Working Capital Facility with Queensland Treasury Corporation (limit \$10,000,000).

Legislation

Section 34 of the *Statutory Bodies Financial Arrangements Act 1982* provides that Council may borrow funds provided it has the Treasurer's approval and the borrowings are in Australian money and undertaken in Australia.

Section 104 of the *Local Government Act 2009* requires Council to have a Debt Policy, as part of a system of financial management.

Section 192 of the *Local Government Regulation 2012* requires that Council's Debt Policy states:

- a) the new borrowings planned for the current financial year and the next 9 financial years; and
- b) the period over which the local government plans to repay existing and new borrowings.

Section 7 of the *Statutory Bodies Financial Arrangements Act 1982* Operational Guidelines provides that there is general approval granted by the Treasurer for any borrowings from Queensland Treasury Corporation (QTC) if they have been approved by the Department of Local Government. All of Council's current and future borrowing arrangements are with QTC.

10.10 Annual Valuation Effective 30 June 2021

Executive Officer: General Manager Council Sustainability

Item Author: Team Leader Revenue

Attachments:

1. Valuer-General's response - Annual Valuations effective 30 June 2021 [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50_img.jpg\) !\[\]\(d4c9768318b38eff1042b07478e20b4c_img.jpg\)](#)

Executive Summary

This report provides Council with advice received from the Valuer-General regarding the annual valuation effective 30 June 2021.

Recommendation

That:

1. Council note the advice provided by the Valuer-General that an annual valuation effective 30 June 2021 will not be undertaken; and
2. Correspondence be sent to the Valuer-General outlining Council's desires that a revaluation be undertaken for the Scenic Rim region (effective 30 June 2022).

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

Council received advice dated 21 July 2020 from the Valuer-General requesting Council's opinion as to whether an annual valuation (effective 30 June 2021) should be undertaken.

Council provided response to the Valuer-General request on 14 August 2020 seeking that a revaluation be undertaken on the basis of the associated impacts that the revaluations (effective 30 June 2020) had on 2018 valuations. Noting that the 2018 valuations factored-in three-year averaging in further trying to alleviate the varying fluctuations region-wide.

The following points were also highlighted in the response to the Valuer-General:

- Council contributes annually to the Department for valuation services and the same level of contribution applies regardless of whether a full valuation is undertaken or not;
- Council wishes to avoid the high degree of community angst that can result from large changes in land valuations as experienced by the Tamborine Mountain community in previous years;
- Completion of a number of major infrastructure projects including several bridge replacements, upgrades to playgrounds and road upgrades during the previous period;
- Despite impacts associated with the COVID-19 pandemic, the continued positive economic growth factors for the region including population growth, continued gross regional product contribution and latest data indicating interest and sales of property in the region; and
- Maintaining increases in local business activity and progress associated with the Inland Rail Project.

On 22 December 2020, the Valuer-General subsequently provided a response, advising that an annual valuation for the Scenic Rim local government area will not be undertaken in 2021. Subsequent advice provided indicated that the basis for this decision was:

1. Market movement for the Local Government area
2. Consultation with the Local Government area

On this occasion appears that the market movement was the main consideration. Given that a revaluation had just been undertaken the previous year, the Valuer-General's review revealed that the market movement for the Scenic Rim region was "pretty flat" [review undertaken circa July 2020].

Where new valuations are not issued, the most recent annual valuation remains effective for local government rating, state land tax and state land rental purposes until the next valuation is undertaken.

Budget / Financial Implications

\$180,000 has been allocated in the 2020-2021 budget. This budget includes provision for maintenance of the valuation roll including revaluations. Council is billed regardless of whether the full revaluations are undertaken or not.

Strategic Implications

Operational Plan

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: 3.1.2 Provide streamlined and practical regulatory services that deliver improved access for the community

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

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

SR47 Inadequate or lack of an appropriate Financial Management Framework (including systems, policies, procedures and controls) in place to adequately minimise risk of fraudulent action and to maximise financial sustainability.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Financial and Economic Failure of the annual valuation process resulting in adjustments to land valuations that produce volatile rating outcomes	Major	Likely	High	Valuer-General undertakes annual consultation with affected stakeholders.	Low

Consultation

Area Manager, Department of Natural Resources Mines and Energy

Conclusion

This report intends to provide Council details as to the rationale of the Valuer-General's decision not to undertake annual valuations for the Scenic Rim (effective 30 June 2021).

Given the known market trends that have since evolved (circa first half 2020-2021 financial year) and property within the Scenic Rim region continue to peak interest, consideration should be afforded as to whether or not providing correspondence to the Valuer-General outlining Council's desires that a revaluation be undertaken for the Scenic Rim region (effective 30 June 2022). This would be on the basis of known market trends (both within Council's rates profile and external real estate service providers) associated with property movements experienced and continue to be experience within the region.

Council is currently in year two (of the two-year averaging for the 2020 revaluations) and having revaluations effective 30 June 2022 would allow for proper reflection of fluctuations on values. Early data would assist Council in managing these potential fluctuations in preparation for budget workshopping for the 2022-2023 financial year.



Department of Resources

22 December 2020

Mr Jon Gibbons
Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285

Dear Mr Gibbons

RE: ANNUAL VALUATION EFFECTIVE 30 JUNE 2021

Thank you for your response to former Valuer-General Neil Bray's request seeking your opinion on whether or not an annual valuation (effective 30 June 2021) should be undertaken in the Scenic Rim local government area. You have advised that an annual valuation should be undertaken.

The *Land Valuation Act 2010* requires that the Valuer-General undertake an annual valuation of all land in a local government area except in unusual circumstances or after consideration of:

- a market survey report for the local government area which reviews sales of land and the probable impact of the sales on the value of land since the last annual valuation, and
- the results of consultation with the local government for the area and appropriate local and industry groups.

After considering the statutory criteria, I have decided that an annual valuation for the Scenic Rim local government area will not be undertaken in 2021. Where new valuations are not issued, the most recent annual valuation remains effective for local government rating, state land tax and state land rental purposes until the next valuation is undertaken.

In making my decision I was aware that your opinion was that an annual valuation should be undertaken in 2021. As a result, I have asked that Greg Crowley, Area Manager of the department contact your council with an invitation to explain my decision regarding the annual valuation.

Should you wish to discuss further any matters raised in this letter, please contact Greg Crowley, Area Manager on telephone 5626 6805.

Yours sincerely

A handwritten signature in black ink, appearing to read "WJ Kearman".

WJ Kearman
Valuer-General
Department of Resources

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11 Confidential Matters

Nil