SUBJECT: Fraser Coast Regional Council – Application for exemption from tender requirements in the Local Government Regulation 2012 to lease land at 415A Charlton Esplanade, Scarness (Hervey Bay)

RECOMMENDATION:

That you:

- approve Council’s application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the requirement to go to tender or auction before disposing of an interest in land, to enable Council to enter into a Trustee lease with (the proposed lessee), subject to the following conditions:
  - the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council’s application, dated 10 August 2012
  - the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessee is due to expire (2020)
  - the lease rental for the property commences at no less than and is subject to annual CPI increases and five yearly review.
- sign the attached letter to the Mayor, Councillor Gerard O’Connell, advising of your approval (Attachment 1)
- note the Acting Director-General, Department of Local Government, will sign the attached letter to Ms Lisa Desmond, Council’s Chief Executive Officer, advising of your decision (Attachment 2).

BACKGROUND:

Sections 227 and 228 of the Regulation provide that local governments must dispose of an asset such as land (including an interest in land) by tender or auction, unless an exemption under section 236 of the Regulation applies. Section 236 of the Regulation provides a number of exemptions, including where the Minister for Local Government grants an exemption. No other exemption provided under section 236 of the Regulation can be applied in this case.

Section 104 of the Local Government Act 2009 (the Act) outlines the sound contracting principles local governments must consider when entering into a contract, including value for money and open and effective competition. In considering whether approval should be granted for a local government to be exempt from the tendering or auction requirements, it is appropriate consideration is given to these principles.

KEY ISSUES:

Sch.4(4)(7) Disclosing trade secrets, business affairs or research

(4)(6) Personal Information

RTI RELEASE
This proposed course of action would result in the lease being managed by Council rather than the State, with lease payments made to Council. NRM officers have advised the change in lease tenure from a State to Trustee lease is consistent with current State policy regarding leases over Reserves.

This arrangement cannot be facilitated through an open tender or auction process. Accordingly, Council is seeking your exemption from this requirement.

Value for money

Council’s application included an email from State Valuation Services in NRM providing an unimproved rental valuation of for the proposed new lease. As part of the assessment of Council’s application, the Department requested a full commercial rental valuation be provided.

On 20 December 2012, Council submitted a report from a Certified Practising Valuer from Opteon Property Advisors confirming the total market value of and providing a total rental value of (total market value) (Attachment 3).

Other matters considered

Council has considered Native Title and has advised it is not applicable to the proposed lease.

The Councillors’ Registers of Interests have been reviewed and Council has advised there are no material personal interests with respect to the proposal.

Department’s assessment of Council’s arguments

Council’s proposal, negotiated with the proposed lessee and NRM, seeks to give effect to a lease arrangement which brings together the multiple lease and permit arrangements currently in place. It also ensures the lease rental is calculated on the full portion of land being used for operations rather than some of the land being occupied under permit.
The expanded area of the proposed lease will now ensure an appropriate return based on a valuation provided by a Registered Valuer.

Council’s original application is silent on the proposed term of the new lease, other than to state the maximum term of a Trustee lease under the Land Act 1994 is 30 years. However, subsequent correspondence from Council indicates a preference to enter into a lease for the maximum 30 year term due to the substantial capital investment into buildings and outdoor dining areas made by the current lessee and to enable the lessee to obtain financial assistance from lenders for further development.

While it is considered appropriate for an exemption from tender or auction to be granted to facilitate consolidation of the lease and permit arrangements, for a period consistent with the current State lease, it is not considered appropriate for the Ministerial exemption to grant a lease period longer than is currently in place.

The capital investment made by the current operators has been made in the knowledge that the current State lease was due to expire in 2020. Accordingly, it is recommended your exemption be conditioned that the lease is for a period which will expire on the date the current State lease was set to expire.

Should you grant an exemption and the proposed course of action be implemented through a Trustee lease, Council then has the option under the Regulation to renew the lease, without going to tender or auction, provided the lease rental is equal to or more than market value in accordance with a written report from a registered valuer. Any decision to do so would be at the sole discretion of Council having regard to the local government principles and sound contracting principles in the Act.

CONSULTATION:

Mr Peter Smith, Council’s Director Community and Development has been consulted during the preparation of this brief.

Officers from the State Valuation Services Branch (Maryborough) of NRM have also been consulted in relation to tenure and valuation matters during preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes  ☒ No

Does this support a media opportunity for the Minister’s Office? □ Yes  ☒ No
Dear Ms Desmond

Thank you for your letter of 10 August 2012, requesting an exemption from the requirement to go to tender or auction before entering into a Trustee lease with the operators of a business currently operating from land described as Lot 136 SP135628, situated at 415A Charlton Esplanade, Scarness.

Following the receipt of Council’s full commercial rental valuation for the above land, dated 20 December 2012, and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation), the Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s application for exemption from the tender and auction requirements of sections 227 and 228 of the Regulation to enter into a new Trustee lease with the following conditions:

- the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council’s application dated 10 August 2012
- the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessees is due to expire (2020)
- the lease rental for the property commences at no less than $XX and is subject to annual CPI increases and five yearly review.

The Minister has written to the Mayor, Councillor Gerard O’Connell, to advise him of this approval.

It is noted in correspondence provided by Council subsequent to the original application that Council’s preference is to enter a new lease for a period of 30 years.
While the Minister is prepared to grant an exemption in this matter to facilitate the consolidation of the existing State lease and permit arrangements into a Trustee lease to ensure an appropriate rental return for the operations of this business, it is not considered appropriate to provide an exemption to allow an extension to the tenure currently held under the State lease.

Under the exemptions now provided in section 236 of the Regulation, Council has the power to renew the lease of land to an existing tenant without going to tender or auction. Any decision to use this power in the future to renew the lease will be at the discretion of Council having regard to the local government principles and sound contracting principles in the Local Government Act 2009.

If your officers require any further information, they can contact Gary Kleidon, Acting Director, Southern Region, on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig

Director-General

Department of Local Government, Community Recovery and Resilience
Dear Councillor O’Connell,

I refer to Fraser Coast Regional Council’s letter of 10 August 2012, requesting an exemption from the requirement to go to tender or auction before entering into a Trustee lease with the operators of a business currently operating from land described as Lot 136 SP135628, situated at 415A Charlton Esplanade, Scarness.

Following the receipt of Council’s full commercial rental valuation for the above land, dated 20 December 2012, and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation), I have approved Council’s application for exemption from the tender and auction requirements of sections 227 and 228 of the Regulation to enter a new Trustee lease, subject to the following conditions:

- the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council’s application dated 10 August 2012
- the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessees is due to expire (2020)
- the lease rental for the property commences at no less than $, is subject to annual CPI increases and five yearly review.

It is noted in correspondence provided by Council subsequent to the original application that Council’s preference is to enter a new lease for a period of 30 years.

Whilst I am prepared to grant an exemption in this matter to facilitate the consolidation of the existing State lease and permit arrangements into a Trustee lease to ensure an appropriate rental return for the operations of this business, I do not consider it appropriate to provide an exemption to allow an extension to the tenure currently held under the State lease.
Under the exemptions now provided in section 236 of the Regulation, Council has the power to renew the lease of land to an existing tenant without going to tender or auction. Any decision to use this power in the future to renew the lease will be at the discretion of Council having regard to the local government principles and sound contracting principles in the *Local Government Act 2009*.

Mr Stephen Johnston, Acting Director-General, Department of Local Government has written to Ms Lisa Desmond, Chief Executive Officer, to advise of my approval.

If your staff require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
SUBJECT: Ministerial Direction for dealing with Right to Information and Information Privacy applications for the Minister for Local Government

RECOMMENDATION:

That you sign the attached Direction for dealing with applications made under the Right to Information Action 2009 and the Information Privacy Act 2009 (Attachment 1).

BACKGROUND:

From 1 July 2009, the Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) replaced the Freedom of Information Act 1992 and provides appropriate safeguards for the way the public sector handles information.

The RTI Act also allows applications to be made directly to a minister for access to documents that are in the possession of the minister. Where an application is made to a minister under the RTI Act, the minister can direct another person to deal with the access application. This Direction can be to an officer delegated to make decisions regarding RTI on behalf of the minister’s portfolio.

KEY ISSUES:

The existing Direction for dealing with applications made under the RTI Act was approved on 26 June 2012 (Attachment 2).

The attached Direction has been updated to include reference to the IP Act, and one additional Decision-Maker within the Department of State Development, Infrastructure and Planning (as RTI Service Provider to the Department of Local Government).

If approved, this Direction will cover all future RTI and IP applications that are made to you.

CONSULTATION:

No external consultation.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☑ Yes ☐ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☑ No
MINISTER FOR LOCAL GOVERNMENT
DIRECTION PURSUANT TO SECTION 31 (1) OF THE RIGHT TO
INFORMATION ACT 2009 AND SECTION 51(1) OF THE INFORMATION
PRIVACY ACT 2009

I, David Crisafulli, Minister for Local Government, DO HEREBY DIRECT,
pursuant to section 31(1) of the Right to Information Act 2009 and section 51(1)
of the Information Privacy Act 2009, the following officers specified below to carry
out the functions under these Acts from the date hereto until otherwise
determined.

Decision-Makers:

1. Director, Governance and Business Support
   Department of State Development, Infrastructure and Planning

2. Senior Administrative Review Officer
   Department of State Development, Infrastructure and Planning

DATED the 21st day of January 2013

Hon David Crisafulli MP
Minister for Local Government
SUBJECT: Ministerial direction for dealing with Right to Information applications for the Minister for Local Government

RECOMMENDATION:

That you sign the attached Direction for dealing with applications made under the Right to Information Act 2009 (Attachment 1).

BACKGROUND:

From 1 July 2009, the Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) replaced the Freedom of Information Act 1992 and provides appropriate safeguards for the way the public sector handles information.

The RTI Act also allows applications to be made directly to a minister for access to documents that are in the possession of the minister. Where an application is made to a minister under the RTI Act, the minister can direct another person to deal with the access application. This direction can be to an officer delegated to make decisions regarding RTI on behalf of the minister’s portfolio.

KEY ISSUES:

In a letter dated 18 May 2012, the Attorney-General advised that it was his expectation, as lead for the RTI Act and Information Privacy, that ministers delegate responsibility to manage RTI applications on their behalf, to their departments. This is consistent with the Premier’s expectations to ensure decisions are made with consistency, transparency and impartiality.

This direction will cover all future RTI applications that are made to you.

If you agree to this delegation, the Department of State Development, Infrastructure and Planning (as RTI service provider to the Department of Local Government) will maintain contact with your office during the processing of all applications made to you as Minister for Local Government, including advice on decisions or any associated issues.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☑ Yes ☐ No

Endorsed by: Kris Stone-Tolcher
Business Group: Business Services
Telephone: 3224 2390

Endorsed by: Director-General Neil Castles
Telephone: 3006 2463
MINISTER FOR LOCAL GOVERNMENT
DIRECTION PURSUANT TO SECTION 31(1) OF RIGHT TO INFORMATION ACT 2009

1, David Crisafulli, Minister for Local Government, DO HEREBY DIRECT, pursuant to section 31(1) of the Right to Information Act 2009 ('the Act'), the following officer specified below to carry out the functions under the Act from the date hereto until otherwise determined.

Decision-Maker: Senior Administrative Review Officer
Department of State Development, Infrastructure and Planning

DATED the 25th day of June 2012

Hon David Crisafulli MP
Minister for Local Government
Pages 31 through 37 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Cabinet
SUBJECT: Brisbane City Council – Application for exemption from tender requirements in the City of Brisbane Regulation 2012 to sell land at 538 Nudgee Road, Nudgee

RECOMMENDATION:

That you:

- approve Brisbane City Council’s application for exemption under section 226(1)(e) of the City of Brisbane Regulation 2012 (the Regulation) from the requirement to go to tender or auction before disposing of land, subject to the following conditions:
  - the land is sold to
  - the land subject of the sale is Proposed Lot 2, being 4,602 square metres in area, on the Plan attached to the Contract of Sale included in Council’s application for exemption dated 23 November 2012 (Attachment 1)
  - sale of the property is for a price of no less than
  - and is in accordance with the conditions outlined in Council’s application.

- sign the attached letter to the Honourable the Lord Mayor, Councillor Graham Quirk, advising of your approval (Attachment 2)

- note Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Colin Jensen, Council’s Chief Executive Officer, advising of your decision (Attachment 3).

BACKGROUND:

Section 217 of the Regulation provides Council must dispose of an asset such as land by tender or auction, unless an exemption under section 226 of the Regulation applies. Section 226 of the Regulation provides a number of exemptions, including where you grant such an exemption. No other exemption provided under section 226 of the Regulation applies in this case.

KEY ISSUES:

Council’s reasons for not tendering

The land proposed for sale is currently zoned as Park Land and Council has advised, outside of using the land as partial payment of the compensation claim, it has no intention of disposing of the property.
Council has indicated using the land as partial payment will limit pressure on Council's budget through limiting the cash component of the compensation claim. Sale of the land for this particular purpose cannot be achieved through a tender or auction process.

Value for money

Council sought an independent valuation for the property, which was prepared by Savills Valuations Pty Ltd. The valuation report assessed the market value of the property at $1,970,000 with its current 'Park Land' zoning and $1,750,000 with 'General Industry' zoning.

The valuation was prepared based on an earlier lot configuration that had an area of 4,452 square metres. The proposed lot the subject of this application has an area of 4,602 square metres. Applying the valuation methodology as set out in the valuation report to the increased size of the property, the value of the property subject to this application would be $2,105,000 with its current 'Park Land' zoning and $1,983,000 with 'General Industry' zoning.

Council and Council have agreed to a purchase price of $2,105,000. Council asserts the agreed price represents value given the valuation report failed to take into consideration requirements of the Nudgee Road Bikeway on the proposed lot (including the construction easement and permanent public thoroughfare easement on completion of the bikeway) or the cost of applying for and the uncertainty of receiving 'General Industry' designation for the land. The agreed price is well in excess of the valuation provided for the land in its current designation.

Clarification was sought from Council regarding the fact the agreed price appears to have been arrived at having regard to the valuation of the land at 'General Industry' designation. Council advised that in the past land has been reclassified from the 'Park Land' zoning. However, applying for a change in designation is timely, costly and carries with it the same level of risk of any other impact assessable development application.

Other matters considered

Council has considered Native Title and has advised it is not applicable to the proposed lease.

Council has advised there are no material personal interests on the part of any councillor in relation to the proposed disposal of the property.

Department's assessment of Council's arguments

The Department has assessed Council's application and it is considered, in this instance, it is appropriate an exemption be granted, subject to the above conditions.

CONSULTATION:

Departmental officers consulted with Ms Shannon Jarrett of Council's Legal Practice during the assessment of Council's application. Southern Region departmental officers also consulted with the Department's Policy, Legal and Corporate Support (Louisa Lynch) in preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No
Our ref: MBN12/1706

28 FEB 2013

Councillor Graham Quirk
The Right Honourable the Lord Mayor of Brisbane
Brisbane City Council
GPO Box 2287
BRISBANE QLD 4001

Dear Councillor Quirk

I refer to Brisbane City Council’s letter of 23 November 2012 requesting an exemption from the requirement to go to tender or auction before disposing of land at 538 Nudgee Road, Nudgee.

In accordance with section 226(1)(e) of the City of Brisbane Regulation 2012, I have approved Council’s application for exemption from the tender and auction requirements of section 217 of the Regulation to sell land, subject to the following conditions:

- the land is sold to
- the land subject of the sale is Proposed Lot 2, being 4602 square metres in area, on the Plan attached to the Contract of Sale included in Council’s application for exemption dated 23 November 2012
- sale of the property is for a price of no less than and is in accordance with the conditions outlined in Council’s application.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Colin Jensen, Council’s Chief Executive Officer, to advise of my approval.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

[Signature]

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
28 FEB 2013

Mr Colin Jensen
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Mr Jensen,

I refer to Brisbane City Council’s letter of 23 November 2012, requesting an exemption from the requirement to go to tender or auction before disposing of land at 538 Nudgee Road, Nudgee.

In accordance with section 226(1)(e) of the City of Brisbane Regulation 2012, the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s application for exemption from the tender and auction requirements of section 217 of the Regulation to dispose of land, subject to the following conditions:

• the land is sold to
• the land subject of the sale is Proposed Lot 2, being 4,602 square metres in area, on the Plan attached to the Contract of Sale included in Council’s application for exemption dated 23 November 2012
• sale of the property is for a price of no less than and is in accordance with the conditions outlined in Council’s application.

The Minister has written to Councillor Graham Quirk, the Right Honourable the Lord Mayor of Brisbane, to advise of his approval.

If your officers require any further information, they can contact Jennie O’Connor, Acting Director, Southern Region, on (07) 3224 4129 or jennie.o’connor@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience
SUBJECT: Rockhampton Regional Council’s Application for exemption from the tender and auction requirements of section 227 of the Local Government Regulation 2012

RECOMMENDATION:

That you:

- **approve** Rockhampton Regional Council’s application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the tendering and auction requirements of section 227 of the Regulation for the lease of part of Council owned land described as Lot 2 on RP801134 to Golden Mount Carriage Crafts, subject to the terms and conditions outlined in Council’s application

- **sign** the attached letter to Councillor Margaret Strelow, Mayor, advising of your approval (Attachment 1)

- **note** the Director-General, Department of Local Government, will sign the attached letter to Mr Evan Pardon, Council’s Chief Executive Officer (CEO), advising of your approval (Attachment 2).

BACKGROUND:

Section 104 of the Local Government Act 2009 outlines the sound contracting principles local governments must consider when entering into a contract, including value for money and open and effective competition. In considering whether approval should be granted for a local government to be exempt from the tendering or auction requirements, consideration should be given to these principles.

Section 227 and 228 of the Regulation provide the processes local governments must comply with to dispose of an asset such as land, unless an exemption under section 236 of the Regulation applies. Section 236 of the Regulation provides a number of exemptions, including where the Minister for Local Government may exempt the local government from complying with section 227. No other exemption provided under section 236 of the Regulation is applicable to this application.

KEY ISSUES:

On 14 November 2012, Council wrote to you seeking an exemption under section 236 of the Regulation from the tender and auction requirements of section 227 of the Regulation, to lease part of Council owned land containing an area of 2.8760 hectares to the Golden Mount Carriage Crafts. The land to be leased comprises approximately 0.2 hectares of the total area.

The Mt Morgan based Carriage Crafts group currently operate from two modified rail carriages on a rail siding at the Mt Morgan Rail Museum. The former CEO of Mt Morgan Shire Council provided the unincorporated group approval to occupy the site, however there is no formal lease or licence in place between the group and Council.

**Council’s reasons for not tendering**

The lease is proposed to be granted to the Golden Mount Carriage Crafts for the purpose of a small number of residents who meet to create and sell their crafts and other artworks on site at the rail museum. The Golden Mount Carriage Crafts group is a community based group and it is not incorporated.
The land is Freehold land and currently has a Railway Museum and other infrastructure on the property. The Railway Museum is operated by Council and is a tourist attraction for Mt Morgan.

Other matters considered

Council has confirmed that councillors have no material personal interest in relation to the lease of this Council owned land. There is no cultural or unique commercial significance known to Council and there are no native title issues associated with the land.

The land has heritage significance due to the location of the Railway Museum tourist attraction on the site. The rail carriage where the group meet fits with the heritage significance of the precinct.

The Department's assessment of Council's application

The Department has assessed Council's reason why the tendering and auction requirements under section 227 of the Regulation are not appropriate in this case and recommends your approval of Council's application for exemption under section 236(1)(e) of the Regulation.

The Department also notes that the Golden Mount Carriage Crafts group have occupied this site for some time and this approval will provide both security of tenure for the group and a basis on which Council officers can work with the group to ensure a productive ongoing relationship with the Mt Morgan Rail Museum is established.

CONSULTATION:

Nil

RIGHT TO INFORMATION: Contents/attachments suitable for publication  ☒ Yes  ☐ No

Does this support a media opportunity for the Minister's Office?  ☐ Yes  ☒ No
Dear Councillor Strelow,

I refer to Rockhampton Regional Council’s letter of 14 November 2012 seeking an exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) in relation to the lease of approximately 0.2 hectares of Council land described as Lot 2 on RP801134, containing a total area of 2.8760 hectares, to the Golden Mount Carriage Crafts.

Officers of the Department of Local Government have assessed Council’s application in terms of compliance with the sound contracting principles established under section 104 of the Local Government Act 2009.

In accordance with section 236(1)(e) of the Regulation, I have approved Council’s application to be exempt from the tender and auction requirements of section 227 of the Regulation in relation to the above lease, subject to the terms and conditions set out in Council’s application.

The Director-General of the Department has written to Mr Evan Pardon, Chief Executive Officer, to advise him of this approval.

If your staff require any further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
21 JAN 2013

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Mr Pardon,

Thank you for your letter of 14 November 2012 seeking an exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) in relation to the lease of approximately 0.2 hectares of Council land described as Lot 2 on RP801134, containing a total area of 2.8760 hectares, to the Golden Mount Carriage Crafts.

Officers of the Department of Local Government have assessed Rockhampton Regional Council’s application in terms of compliance with the sound contracting principles established under section 104 of the Local Government Act 2009.

In accordance with section 236(1)(e) of the Regulation, the Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s application to be exempt from the tender and auction requirements of section 227 of the Regulation in relation to the above lease, subject to the terms and conditions set out in Council’s application.

The Minister has written to Councillor Margaret Strelow, Mayor, to advise her of this approval.

If you require any further information, please contact Gary Kleidon, Acting Director on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Stephen Johnston
Acting Director-General
Department of Local Government
SUBJECT: Gold Coast City Council – Application to be exempt from the tender and auction requirements of section 277 of the Local Government Regulation 2012

RECOMMENDATION:

That you:

• approve Council's application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the tendering and auction requirements of section 227 of the Regulation. This is for the disposal by way of a lease over a portion of Council controlled land described as part of Lot 965 on RP904507, to facilitate the construction of a pontoon/jetty, subject to the terms and conditions outlined in Council's application.

• sign the attached letter to Councillor Tom Tate, Mayor, advising of your approval (Attachment 1).

• note the Director-General will sign the attached letter to Mr Dale Dickson, Council's Chief Executive Officer, advising of your approval (Attachment 2).

BACKGROUND:

On 27 November 2012, Council wrote to you seeking an exemption under section 185(1)(e) of the former Local Government (Finance, Plans and Reporting) Regulation 2010 from the tendering and auction requirements of the Regulation, to dispose of land by way of a lease over a portion of Council owned land containing an area of 89 square metres to for jetty/pontoon purposes.

At its meeting on 23 June 2003, Council resolved on a whole of city basis, to grant leases on the proposed terms, enabling Council officers to progress with lease grants on such terms for any site fronting man-made waterways across the city. As such, the grant of tenure is not site specific but to be consistently applied whenever an individual land owner makes an application to lease part of an adjoining man-made waterway.

KEY ISSUES:

Council has applied for an exemption under the Regulation from the tendering and auction requirements to lease the above-mentioned lot to for jetty/pontoon purposes as there is no other exemption available under the Regulation.

Council’s reasons for not tendering

• Council advises that the land in question could not be leased by any individual other than the abutting land owner and therefore it is not considered appropriate to go to tender or auction in this instance. Council also states no other party other than the applicant, as an adjoining land owner, would be entitled to a lease of the subject site and in leasing such area, Council is not denying public access to parklands or waterways.

• Council states the term is for 20 years with the commencement date to start subject to ministerial exemption advice being received, at an annual rental of plus GST.
Council has granted 'in principle' approval to a building application relating to the pontoon/jetty subject to the grant of a trustee lease as applied for.

Council advises a lease commencement date will be fixed if and when an exemption is granted.

Conditions for such disposal are captured in the lease and standard terms document numbers 713244681 and 711932933. Both standard terms documents were registered with the former Department of Environment and Resource Management.

**Value for money**

Council's resolution to issue a 20 year lease at the nominal sum of $ per annum plus GST was made on the basis that the private owner of the land adjoining the man-made waterway would be the only party interested in leasing that area of waterway and the lessee is required to erect, repair and maintain all structures within the lease area.

Given this is a long-term approach adopted by Council, the Department did not ask for an independent valuation of the land or interest in land in this instance. The lessee is responsible for the annual lease fee plus construction, repair and maintenance costs for the pontoon/jetty site.

**Other matters considered**

Council has confirmed the Mayor and Councillors have no material personal interest in relation to the issuing of this lease.

Lot 965 on RP904507 is a Reserve under the control of Council. Council has been notified by the Department of Natural Resources and Mines a Written Notice under section 64 of the Land Act 1994 has been recorded against the title for this parcel and no Ministerial consent to the lease is required.

**New Legislation**

Section 236(1)(c)(iv) of the new Local Government Regulation 2012 allows local governments to dispose of land to a person who owns the adjoining land, if:
- the land is not suitable to be offered for disposal by tender or auction for a particular reason, including, for example, the size of the land or the existence of particular infrastructure on the land, and
- there is not another person who owns other adjoining land who wishes to acquire the land, and
- it is in the public interest to dispose of the land without a tender or auction, and
- the disposal is otherwise in accordance with sound contracting principles.

It is also recommended you advise Council to consider any future land disposals in accordance with these new provisions.

**The Department's assessment of Council's application**

The Department has assessed Council's reasons why the tendering and auction requirements of the Regulation are not appropriate in this case and recommends your approval of its application for exemption under section 236(1)(e) of the Regulation.

The option exists to decline the application and return it to Council for its re-consideration in accordance with the provisions of the new Regulation. However, as section 236(1)(e) also provides for a Ministerial exemption, and this application was received under of the former regulation, it is recommended approval be granted in this instance so as not to cause any further unnecessary administrative delays in the process.
CONSULTATION:
Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes ☒ No
Does this support a media opportunity for the Minister’s Office? □ Yes ☒ No
Our ref: MC12/4335
Your ref: PN21006/20/09(P1) #38023268

11 JAN 2013

Councillor Tom Tate
Mayor
Gold Coast City Council
PO Box 5042
GOLD COAST MAIL CENTRE QLD 9729

Dear Councillor Tate

I refer to Gold Coast City Council’s letter of 27 November 2012 seeking an exemption under section 185(1)(e) of the former Local Government (Finance, Plans and Reporting) Regulation 2010 in relation to the lease of land described as Lot 965 on RP904507, containing an area of 89 square metres, to facilitate the construction of a pontoon/jetty.

Following assessment of Council’s application and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) I approve your request for exemption from the tender and auction requirements of section 227 of the Regulation to dispose of the land subject to the terms and conditions set out in Council’s application.

Please note that for any future Council land disposals you should consider the new exemption provisions provided under section 236 of the Regulation, specifically sections 236(1)(c)(iv), (2), (3) and (4). These provisions provide, subject to conditions, for disposal of land by way of a land exchange/lease without my approval.

The Director-General of the Department, has written to Mr Dale Dickson, Council’s Chief Executive Officer, to advise of my approval.

If your staff require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
Dear Mr. Dickson,

I refer to Gold Coast City Council’s letter of 27 November 2012 seeking an exemption under section 185(1)(e) of the former Local Government (Finance, Plans and Reporting) Regulation 2010 in relation to the lease of land described as Lot 965 on RP904507, containing an area of 89 square metres, to facilitate the construction of a pontoon/jetty.

Following assessment of Council’s application and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation), the Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s request for exemption from the tender and auction requirements of section 227 of the Regulation to dispose of the land subject to the terms and conditions set out in Council’s application.

The Minister has written to Councillor Tom Tate, Mayor, to advise of his approval.

Please note for any future Council land disposals you should consider the new exemption provisions provided under section 236 of the Regulation, specifically sections 236(1)(c)(iv), (2), (3) and (4). These provisions provide, subject to conditions, for disposal of land by way of a land exchange/lease without the Minister’s approval.

If you require any further information, please contact Gary Kleidon, Acting Director, Southern region, on (07) 3006 4199 or Gary.Kleidon@dlg.qld.gov.au, who will be pleased to assist you.

Yours sincerely,

Stephen Johnston
Acting Director-General
Department of Local Government
Pages 52 through 59 redacted for the following reasons:
73(1) Brief for noting no Ministerial action required
SUBJECT: Sunshine Coast Regional Council’s application for exemption from tender and auction requirements for the sale of Council-owned land at 16 Coral Tree Avenue, Noosa Heads

RECOMMENDATION:

That you:

- approve Sunshine Coast Regional Council’s application for exemption under section 236(1)(e) of the Local Government Regulation 2012 from the tendering and auction requirements of section 227 of the Regulation to dispose, by way of sale, Council-owned land described as Lot 36 RP90014, located at 16 Coral Tree Avenue, Noosa Heads

- sign the attached letter to Councillor Mark Jamieson, Mayor advising him of your approval (Attachment 1)

- note the Director-General, Department of Local Government, will sign the attached letter to Mr John Knaggs, Chief Executive Officer, advising of your approval (Attachment 2).

BACKGROUND:

On 10 December 2012, you received Council’s application for an exemption under the former Local Government (Finance, Plans and Reporting) Regulation 2010 (section 185(1)(e)) to sell Council-owned land described as Lot 36 RP90014 and located at 16 Coral Tree Avenue, Noosa Heads for $300 000.

As the new Local Government Regulation 2012 (the Regulation) commenced on 14 December 2012, Council’s application was assessed under the new Regulation.

Section 236(1)(a) of the Regulation provides that a local government may dispose of a valuable non-current asset without going to tender or auction, if the valuable non-current asset was previously offered for sale by tender or auction, was not sold, and is then sold for more than the highest tender or auction bid received.

Council has requested a Ministerial exemption for the sale given the proposed sale price of $300 000, for Lot 36 is less than the $320 000 highest bid received from a registered bidder when it was 'passed in' at auction by Council on 19 June 2010.

KEY ISSUES:

- Council's reasons for not tendering

The property was previously offered for sale by public auction on 19 June 2010 and failed to sell.

Following the auction, Council listed the property for sale on the open market, firstly at $370 000 and then $325 000 following a new independent valuation on 23 August 2012. Council advises that there has been a general decline in real estate values and the Sunshine Coast property market has softened considerably as evidenced by the decrease in the independent re-valuation.

To again offer the property at public auction would simply incur further costs which would negatively impact on the net proceeds from the sale with no guarantee of obtaining a higher purchase price.
Maintenance and insurance costs involved in the continued holding of the property will further erode the net proceeds of sale.

Council desires to sell the property to recoup original costs and utilise the proceeds for alternative projects of higher priority.

Value for money

Council instructed CBRE Valuation & Advisory Services to assess the market value of Lot 36 RP90014 for the purpose of disposal by way of sale. Lot 36 was inspected on 23 August 2012 and the market value assessed at $300 000 equal to the proposed sale price (Attachment 3).

Other matters considered

Council has confirmed the Mayor and councillors have no material personal interest in relation to the proposed sale of Lot 36.

Council has confirmed there are no known state interests or native title issues relating to the proposed sale.

Department’s assessment of Council’s arguments

In different circumstances, the Department would likely not support Council’s arguments that an exemption from the tendering and auction requirements of the Regulation should be granted in this case. However, it is acknowledged that Council initially offered the property for sale by auction. With the benefit of hindsight, it is apparent Council would have been better off accepting the highest bid at auction. However, the offer was rejected based on valuation advice obtained by Council at the time being significantly higher than the highest bid. Following the auction, the Council has also continued to offer the property for sale on the open market through a local real estate agency.

The Department also acknowledges the softening of the local property market and appreciates that offering the property for sale by public auction would only incur further costs without being able to guarantee any offers to sell at or above the current market value of the property.

It is recommended you approve Council’s application, under section 236(1)(e) of the Regulation.

CONSULTATION:

The Department’s Southern regional officers have consulted with Mr Ben Wallis, Council’s Project Manager during the preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☑ Yes ☐ No

Does this support a media opportunity for the Minister’s Office? ☑ Yes ☐ No
3 1 JAN 2013

Councillor Mark Jamieson
Mayor
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560

Dear Councillor Jamieson,

I refer to Sunshine Coast Regional Council’s recent application for Ministerial exemption under section 236(1)(e) of the Local Government Regulation 2012, for the disposal of Council-owned land, described as Lot 36 on RP90014 located at 16 Coral Tree Avenue, Noosa Heads, by way of sale to

In accordance with section 236(1)(e) of the Regulation, I have approved Council’s exemption from the requirements of section 227 of the Regulation to dispose of the land, by way of sale to subject to the terms and conditions set out in Council’s application.

Mr Stephen Johnston, Acting Director-General of the Department of Local Government has written to Mr John Knaggs, Chief Executive Officer, advising of my decision.

If your staff require any further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
31 JAN 2013

Mr John Knaggs
Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560

Dear Mr Knaggs

I refer to Sunshine Coast Regional Council’s recent application for Ministerial exemption under section 236(1)(e) of the Local Government Regulation 2012, for the disposal of Council-owned land, described as Lot 36 on RP90014 located at 16 Coral Tree Avenue, Noosa Heads, by way of sale to [redacted].

In accordance with section 236(1)(e) of the Regulation, the Honourable David Crisafulli MP, Minister for Local Government, has granted approval for Council’s exemption from the requirements of section 227 of the Regulation to dispose of the land by way of sale to [redacted]. Subject to the terms and conditions set out in Council’s application.

Minister Crisafulli has written to Councillor Mark Jamieson, Mayor advising him of his approval.

If you require any further information, please contact Gary Kleidon, Acting Director, Southern Region on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Stephen Johnston
Acting Director-General
Department of Local Government
Valuation Summary

Residential Property: Lot 36 Coral Tree Avenue
                      Noosa Heads Qld 4567
                      Lot: 36, RP: 90014

Instructed By: Richard Hill

Purpose of Valuation: Pre-Sale/Disposal Advising Purposes

Brief Description: The subject property consists of a Vacant Residential Allotment.

Site Area: 567 square metres

Valuation Approach: Direct comparison

Date of Inspection: 23rd August 2012

Date of Valuation: 23rd August 2012

Valuation: $300,000 (THREE HUNDRED THOUSAND DOLLARS) GST FREE SUPPLY

Assumptions, Disclaimers, Limitations & Qualifications:
This valuation report is provided subject to the assumptions, disclaimers, limitations and qualifications detailed both throughout this report and within the Assumptions, Disclaimers, Limitations & Qualifications section of this report. Reliance on this report and extension of our liability is conditional upon the reader’s acknowledgement and understanding of these statements.

Capped Liability Scheme: Liability Limited under a scheme approved under Professional Standards Legislation

Prepared By: CBRE (C) Pty Ltd

Valuer:
- AAPI CPV QLD Reg. 3050

CBRE

Page 2 of 14
SUBJECT: Torres Strait Major Infrastructure Program  
Stage 5 (MIP 5) – allocation of funds

RECOMMENDATION:
That you:
• note the contents of this brief
• approve the allocation of MIP 5 funds to the proposed priority projects
• sign the attached letters to the Hon Jenny Macklin MP, Federal Minister for Families, Community Services and Indigenous Affairs, and the Hon Simon Crean MP, Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts, advising of proposed priority projects for the allocation of MIP 5 funds.

BACKGROUND:
MIP is jointly funded by the State and Commonwealth Governments and is aimed at capital improvements for Torres Strait communities in environmental health infrastructure including water, waste water, solid waste, serviced allotments for new houses and dust mitigation. MIP has been in place since 1998.

The MIP Management Committee (MMC), comprised of representatives from the Department of Local Government, the Torres Strait Regional Authority (TSRA) and the three local governments in the Torres Strait region, reviews the MIP candidate project schedule to provide advice on the most critical projects requiring attention, including Torres Strait coastal inundation mitigation projects.

On 8 October 2012, the Premier wrote to Minister Macklin, confirming the Queensland Government’s contribution of $13.2M to MIP 5, and stating that the merits of MIP 5 candidate projects should be assessed and prioritised and a Memorandum of Understanding (MoU) between the State and Commonwealth Governments entered into.

On 19 and 20 November 2012, officers from TSRA and the Department met with other departments involved in the roll out of other infrastructure and social housing programs in the Torres Strait and Northern Peninsula Area. The infrastructure needs of additional social houses in the Torres Strait Region and how this will be funded is a consideration in prioritising MIP funding commitments.

KEY ISSUES:
The Commonwealth Government has committed $19.95M over four years (2012-16) for environmental health infrastructure in the Torres Strait under MIP 5. This funding is conditional on matched funding from the Queensland Government.

While the Commonwealth Government’s contribution to MIP 5 is significantly larger than the State Government’s allocation, the Commonwealth Government recognises that in 2010-11 the State Government made an allocation of $8M to the three local governments in the Torres Strait region for environmental health infrastructure, which was not matched by the Commonwealth at that time.

The Commonwealth Government has also committed up to $12M over two years (2012-14) to fund the construction and restoration of seawalls and other mitigation works in six islands in the Torres Strait region. This commitment is being made through the Commonwealth Departments of Regional Development Australia ($5M) and Families, Housing, Community Services and Indigenous Affairs (up...
to $7M). The Commonwealth funding for sea walls is also conditional on matched funding from the Queensland Government.

There is Commonwealth Government funding through the National Partnership Agreement on Remote Indigenous Housing (NPARIH) for additional social housing in the Torres Strait region (estimated to be an additional 256 houses). There is funding in the NPARIH for environmental health infrastructure to support additional social housing and also additional serviced allotments.

On 5 December 2012, the MMC met to prioritise the candidate projects for MIP 5. At the meeting, the Department advised that it would recommend, subject to your approval, the allocation of $12M of the state’s contribution ($13.2M) to the construction and restoration of seawalls and other mitigation projects. This will match the Commonwealth Government’s commitment of up to $12M to fund sea walls and coastal management projects in the Torres Strait region.

It is also recommended that the remaining $1.2M of the state MIP 5 funds be allocated towards priority roads and drainage projects in the Torres Shire Council and the Northern Peninsula Area Regional Council.

The rationale for the recommendations include:
- the construction of sea walls and related coastal inundation mitigation works will protect the significant state and commonwealth investments in infrastructure in the Torres Strait region;
- NPARIH funds could be utilised for environmental health infrastructure upgrades that are linked to the social program.

Commonwealth Government officers expressed concern that the State Government’s shortfall compared to the Commonwealth funding for MIP 5 and sea walls was approximately $10.7M. The Commonwealth Government could reduce its funding commitment for MIP 5 as a result of this shortfall.

A draft MoU between the Commonwealth and Queensland Governments for MIP 5 will be drafted in early 2013.

CONSULTATION:

Substantial consultation is being undertaken between the Department and TSRA regarding the MIP 5 strategy.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister’s Office? □ Yes □ No
The Honourable Jenny Macklin MP
Minister for Families, Community Services and Indigenous Affairs
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister,

Thank you for your letter of 16 October 2012 about funding for coastal management and the Major Infrastructure Program in the Torres Straits.

I also refer to the letter of 8 October 2012 sent to you by the Honourable Campbell Newman MP, Premier of Queensland, in which he advised that the Queensland Government will provide an additional $13.2 million to Stage 5 of the Major Infrastructure Program (MIP 5).

I would like to advise you that I am approving $12 million of the Queensland Government’s contribution to MIP 5 toward the construction/ restoration of seawalls and other related coastal inundation mitigation works on six targeted communities within the Torres Strait Island Regional Council.

A key reason for my decision is the need to protect the significant State and Commonwealth Government investments in infrastructure in the Torres Strait region. Most importantly, the provision of funding for seawalls has been agreed as the priority by the MIP Management Committee comprising the Torres Strait Island Regional Council, the Torres Shire Council, the Northern Peninsula Area Regional Council, the Torres Strait Regional Authority and the Department of Local Government.

I am also approving $1.2 million toward priority roads and drainage projects within the three local governments targeted by MIP.

I understand that officers from the Torres Strait Regional Authority will shortly negotiate a memorandum of understanding for MIP 5 with officers from Department of Local Government.
I have written to Minister Crean advising of my decision on the State Government’s funding contribution for sea wall and coastal inundation mitigation works in the Torres Strait.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
11 JAN 2013

Our ref: MC12/3724

The Honourable Simon Crean MP
Minister for Regional Australia,
Regional Development and Local Government and
Minister for the Arts
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the Commonwealth Government’s commitment through Regional Development Australia and the Department of Families, Community Services and Indigenous Affairs of $12 million to fund coastal protection works in the Torres Strait.

On 8 October 2012 the Honourable Campbell Newman MP, Premier of Queensland wrote to Minister Macklin advising her that the Queensland Government will provide an additional $13.2 million to Stage 5 of the commonwealth and state funded Major Infrastructure Program (MIP 5) for the Torres Strait region, to be rolled out over three financial years.

I would like to advise you that I am approving $12 million of the Queensland Government’s contribution to MIP 5 toward the construction/ restoration of seawalls and other related coastal inundation mitigation works on six targeted communities within the Torres Strait Island Regional Council.

A key reason for my decision is the need to protect the significant State and Commonwealth Government investments in infrastructure in the Torres Strait region.

Most importantly, the provision of funding for seawalls has been agreed as the priority by the MIP Management Committee comprising the Torres Strait Island Regional Council, the Torres Shire Council, the Northern Peninsula Area Regional Council, the Torres Strait Regional Authority and the Department of Local Government.

I understand that officers from the Torres Strait Regional Authority will shortly negotiate a memorandum of understanding for MIP 5 with officers from Department of Local Government. I would encourage the involvement of officers from Regional Development...
Australia in the drafting of the section of the memorandum of understanding that relates to the sea walls and coastal inundation mitigation works.

I have written to Minister Macklin advising of my decision on the State Government’s funding contribution for sea wall and coastal inundation mitigation works in the Torres Strait.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government

As best wishes to you and for 2013.

DC.
SUBJECT: Further extension of time request from Woorabinda Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Woorabinda Aboriginal Shire Council's request for an extension of time to 30 January 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Terry Munns, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, will sign the attached letter to Ms Mary Deakin, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 17 December 2012, Council requested a further extension of time for Council to adopt the 2011-12 Annual Report until 30 January 2013. This further extension is required due to issues relating to the timing of obtaining the Queensland Audit Office's (QAO) certification of Council's general purpose financial statements. Council has also advised the Annual Report is ready to be adopted as soon as this certification is received.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the Local Government Regulation 2012, councils are required to present the general purpose financial statements to QAO in a timeframe sufficient to enable receipt of the Auditor-General's Audit Report by 30 October, and to adopt the Annual Report within one month of receiving the Auditor-General’s Audit Report. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 30 January 2013.

CONSULTATION:

The Department has liaised with the QAO on the requests for extensions of time. QAO has advised there are no issues related to this extension request.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes □ No

Does this support a media opportunity for the Minister's Office?  □ Yes □ No
Dear Councillor Munns,

Thank you for your letter received on 17 December 2012 requesting a further extension of time for the adoption of Woorabinda Aboriginal Shire Council’s 2011-12 Annual Report.

I regard the reasons for your request as satisfactory and have approved an extension of time to 30 January 2013.

The Director-General, Department of Local Government, has written to Ms Mary Deakin, Chief Executive Officer to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
Our ref: MC12/4589

11 JAN 2013

Ms Mary Deakin
Chief Executive Officer
Woorabinda Aboriginal Shire Council
C/- Post Office
WOORABINDA QLD 4702

Dear Ms Deakin

Thank you for your letter received on 17 December 2012 requesting an extension of time for the adoption of Woorabinda Aboriginal Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, has approved your request. The new date by which Council must adopt its 2011-12 Annual Report is 30 January 2013.

The Minister has written to Councillor Terry Munns, Mayor to advise of his decision.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding Services on (07) 3222 2676 or paul.carlson@dlg.qld.gov.au, who will be pleased to assist you.

Yours sincerely

[Signature]

A/ Director-General
Department of Local Government
SUBJECT: Torres Strait Island Regional Council - approval for an extension of time

RECOMMENDATION:

That you:

- approve an extension of time to 31 December 2013 for the Torres Strait Island Regional Council to complete and acquire the Workplace Health and Safety and Asbestos Management project.
- sign the attached letter to Councillor Fred Gela, Mayor of Council (Attachment 1)
- note that the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr John Scarce, Chief Executive Officer of Council (Attachment 2).

BACKGROUND:

KEY ISSUES:

To date, $707 231 of the approved funding has been paid to the Council leaving unclaimed funds totalling $1 292 769 million. The $707 231 was released in September 2011 for fire and safety equipment at 18 Council owned buildings in the Torres Strait ($588 853), associated travel costs of $40 000 for the consultants to travel to and from Brisbane and around the Islands, and $78 378 for statutory testing of fire and safety equipment that was already installed in Council owned buildings.

Under the current funding sub agreement, Council had until the current completion date of 30 June 2012 to complete this project and until 30 July 2012, one month after, to claim the remaining funds and submit any final reporting.

Council's Chief Executive Officer (CEO) wrote to the Department on 5 December 2012 (Attachment 3) requesting an extension of time until 31 December 2013 to complete the project and submit final subsidy claims. In the letter, the Council is also requesting the release of up to a further $300 000 to complete the Workplace Health and Safety project.

The Council advises that the project has been delayed due to resourcing issues but it has recently recruited a Manager of Asset Services who will be tasked with the role of completing the Workplace Health and Safety project.

The request has been discussed by the Department's Director, Program Implementation and Review with the Financial Controller who advised that the Council's CEO did not seek (Financial Controller's) endorsement of the request for additional funding prior to submitting the request to the Department in December 2012. Nonetheless, the Financial Controller has indicated support for extension of time for...
the project’s completion, however has recommended the following be provided by Council prior to release of any further funding:

• milestones and timeline for completion of the project
• detailed substantiation of costs and appropriate documentation to support claims for funding
• written endorsement by the Financial Controller (while appointed) of the request for release of funding

The letters to the Mayor and Council CEO reflect the recommendations of the Financial Controller.

The Financial Controller will be meeting with elected Councillors on Monday 18 February to outline his action plan for the Council and to also reinforce the urgent need to appoint a chief financial officer. Following his meeting with Council, the Financial Controller has agreed to meet with the Director-General, most likely Thursday 21 February 2013. This meeting will provide an opportunity to discuss the Council’s progress and a possible termination date for the Financial Controller.

Under the Department’s financial delegations, as Minister of Local Government, you have the delegation to approve an extension of time greater than six months from the original project completion date.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? □ Yes ☒ No
28 FEB 2013

Councillor Fred Gela
Mayor
Torres Strait Island Regional Council
PO BOX 501
THURSDAY ISLAND QLD 4875

Dear Councillor Gela

I refer to the letter of 5 December 2012 from the Torres Strait Island Regional Council's Chief Executive Officer (CEO) requesting an extension of time to complete the Asbestos Management and Workplace Health and Safety Project.

The CEO advised that Council has had difficulty in completing this project within the original timeframes due to resourcing issues. I have therefore approved an extension of time to complete this project to 31 December 2013 however I am seeking your cooperation in providing additional information about the timeline for completion of the project. I also seek your assurance that requests for release of funding in the future are properly substantiated and are also endorsed by the Financial Controller.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr John Scarce, Chief Executive Officer, to advise him of my decision and to seek more detailed additional information on the timeline for project completion and on the proposed use of the remaining funds.

If you require further information please contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
28 FEB 2013

Mr John Scarce
Chief Executive Officer
Torres Strait Island Regional Council
PO Box 501
THURSDAY ISLAND QLD 4875

Dear Mr Scarce

I refer to your letter of 5 December 2012 seeking an extension of time for completion of the Asbestos Management and Workplace Health and Safety Project which is being funded by the Department.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has considered your request and has approved the extension of the Asbestos Management and Workplace Health and Safety Project to 31 December 2013.

The Minister has written to Councillor Fred Gela, Mayor, to advise of his decision and also to advise him of additional information required prior to the release of any further funding. In your letter you sought release of a further $300,000 with information that $195,448 of this amount was for maintenance and an estimated $75,000 was for materials. The substantiation of the amount of $300,000 sought was not adequately covered in your letter and I have also become aware that the request for additional funding was not endorsed by the Financial Controller appointed to the Council.

Before any additional funding can be released, I request the following additional information be provided as soon as possible:

- milestones and timeline for completion of the project;
- detailed substantiation of costs and appropriate documentation to support all claims for funding up to completion of the project; and
- written endorsement of the request for release of funding by the Financial Controller (while appointed) to be provided with the request.
If you require any further information, please contact Bill Gilmore, Acting Director, Finance and Funding on (07) 3222 2676 or bill.gilmore@dlg.qld.gov.au, who will be pleased to assist you.

Yours sincerely

[Signature]

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience
Workplace Health and Safety and Asbestos Management

Dear Max

I refer to the $2M that the State Government has allocated the Torres Strait Island Regional Council for Workplace Health and Safety and Asbestos Management.

It is noted in a letter of 20 June 2012 that $0.8M has been released to the Council. The Council has a further quote of $0.2M to complete these works. This quote does not include materials and it is expected that these would be in the order of $75K.

Given this the Council is requesting $0.3M be made available to it, to complete the Workplace Health and Safety project. Attached is the quote for $0.2M.

It is noted that the Council has not implemented the Asbestos Management project at this stage. This has been due to resourcing issues. The Council has recently recruited a Manager of Asset Services who has been tasked with this role (and also the finalisation of the Workplace Health and Safety project).
It is expected to ‘go to the market’ in the first quarter of next calendar year. The Manager of Asset Management is currently putting together the Specification Document for Tender.

Should you require any further information on the costs provided, please contact Mr Anthony Bird of this office on 07 40345702 or alternatively email anthony.bird@tsirc.qld.gov.au.

Yours faithfully

Mr John Scarce
Chief Executive Officer
Torres Strait Island Regional Council
Dear Des,

Subject: Fire protection Service & Maintenance

Advance Fire Technology are pleased to submit our estimate of costs for the six monthly and annual service of the fire protection systems and appliances as recently installed by this Company at the following locations:

- Thursday Island
- Hammond Island
- Dauan Island
- Badu Island
- Mabulag Island
- St Pauls Island
- Kubin Village
- Boigu Island
- Saibai Island
- Ugar Island
- Erub Island
- Yorke Island
- Murray Island
- Coconut Island
- Warraber Island
- Yam Island

Service and maintenance shall be conducted in accordance with the AS1851 Code and AS2391 Part 2 for the 6 monthly and annual service routines.

Our estimate is based ready access to keys to each of the buildings. Any delays in accessing could result in additional costs for the charter aircraft and accommodation etc and these will be considered as justifiable variations to our offer.
Spares and/or replacement parts will also be considered as justifiable variations to our offer.

The Above price is inclusive of all travel, freight and accommodation costs.

We have allowed for 2 persons per site inspection and to carry out minor repairs and defects during the inspections.

This price has allowed for one six monthly inspection in the month of June/July and a yearly inspection in December/January.

### Materials

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### Inclusions

1. The completion of a Work Method Statement and all Permit to Work Applications.

### Conditions

1. Payment Terms

   - 3% discount on all invoices paid before 21 days from date of invoice
   - Nil discount on all invoices paid after 21 days from date of invoice
   - 2.5% interest on all invoices paid after 30 days
   - Invoices paid after 45 days will incur debt collection charges
Should our quotation be successful, our quality system requires a confirmation order, or letter of intent indicating our scope of works and pricing structure before we can begin to schedule this work or pre-order items with long lead times. Your co-operation in this regard will assist us to meet your construction schedule.

Thank you for the opportunity to provide this offer. Should you have any queries or require further information, please feel free to contact me directly on [Personal Info] or at the office on 1300 11 66 75.

Regards,

Scott Jones
Advance Fire Technology Pty Ltd
Office Phone: 1300 11 66 75
Mobile Phone: [Personal Info]
Facsimile: (07) 5526 3331
Email: scottjones@advancegroups.com.au
Internet: www.advancefire.com.au
Acceptance of Offer

Reference: Q9872
Revision:

Torres Strait Islands (maintenance)

Summary
- Maintenance

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I accept the quotation as detailed above. I acknowledge that I have read and understand all the terms and conditions detailed with this proposal.

Signed: ................................................................. for Torres Strait Island Regional Council

Name: ..................................................................
Date: ..................................................................

Purchase Order No: .............................................
Purchase Order Value: ...........................................

Please fax this completed acceptance to (07) 5526 3331.
SUBJECT: Further extension of time request from Hinchinbrook Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Hinchinbrook Shire Council’s request for an extension of time to 31 January 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Rodger Bow, Mayor (Attachment 1)
- note that the Director-General, Department of Local Government, will sign the attached letter to Ms Leanne Mash, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 14 December 2012, Council requested a further extension of time for Council to adopt the 2011-12 Annual Report until 31 January 2013. This further extension is required due to issues relating to the timing of obtaining the Queensland Audit Office’s (QAO) certification of Council’s general purpose financial statements. Council has advised its Annual Report is completed and is just awaiting the QAO certification so it can adopt it at its next available meeting.

Council did request an extension of time to present its general purpose financial statements to the QAO. These have now been presented to the QAO.

Under the Local Government Regulation 2012, councils are required to present the general purpose financial statements to QAO in a timeframe sufficient to enable receipt of the Auditor-General’s Audit Report by 30 October, and to adopt the Annual Report within one month of receiving the Auditor-General’s Audit Report. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 31 January 2013.

CONSULTATION:

The Department has liaised with the QAO on the requests for extensions of time. QAO has not raised any issues with this request.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  ☒ Yes ☐ No

Does this support a media opportunity for the Minister’s Office?  ☒ Yes ☐ No
Hon David Crisafulli MP
Minister for Local Government

Our ref: MC12/4597
Your ref: LEM:BKE

11 JAN 2013

Councillor Rodger Bow
Mayor
Hinchinbrook Shire Council
PO Box 366
INGHAM QLD 4850

Dear Councillor Bow,

I refer to Hinchinbrook Shire Council’s letter of 14 December 2012 requesting a further extension of time for the adoption of Hinchinbrook Shire Council’s 2011-12 Annual Report.

I regard the reasons for your request as satisfactory and have approved an extension of time to 31 January 2013.

The Director-General, Department of Local Government, has written to Ms Leanne Mash, Chief Executive Officer to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government

PS best wishes for 2013.
Our ref: MC124597/
Your ref: LEM:BKE

11 JAN 2013

Ms Leanne Mash
Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
INGHAM QLD 4850

Dear Ms Mash

I refer to your letter of 14 December 2012 requesting an extension of time for the adoption of Hinchinbrook Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, has approved your request. The new date by which Council must adopt its 2011-12 Annual Report is 31 January 2013.

The Minister has written to Councillor Rodger Bow, Mayor to advise of his decision.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding on (07) 3222 2676, who will be pleased to assist you.

Yours sincerely

[Signature]

Director-General
Department of Local Government
SUBJECT: Further extension of time request from Cloncurry Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Cloncurry Shire Council’s request for an extension of time to 28 February 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Andrew Daniels, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, will sign the attached letter to Mr David Neeves, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 18 December 2012, Council requested a further extension of time for Council to adopt the 2011-12 Annual Report until 28 February 2013. This further extension is required due to issues relating to the timing of obtaining the Queensland Audit Office’s (QAO) certification of Council’s general purpose financial statements.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the Local Government Regulation 2012, councils are required to present the general purpose financial statements to QAO in a timeframe sufficient to enable receipt of the Auditor-General’s Audit Report by 30 October, and to adopt the Annual Report within one month of receiving the Auditor-General’s Audit Report. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 28 February 2013.

CONSULTATION:

The Department has liaised with the QAO on the requests for extensions of time. QAO has not raised any issues with this request.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister’s Office? □ Yes □ No
Dear Councillor Daniels,

Thank you for your letter of 18 December 2012 requesting a further extension of time for the adoption of Cloncurry Shire Council’s 2011-12 Annual Report.

I regard the reasons for your request as satisfactory and have approved an extension of time to 28 February 2013.

The Director-General, Department of Local Government, has written to Mr David Neeves, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
Mr David Neeves  
Chief Executive Officer  
Cloncurry Shire Council  
PO Box 3  
CLONCURRY QLD 4824

Dear Mr Neeves

I refer to Cloncurry Shire Council’s letter of 18 December 2012 requesting an extension of time for the adoption of Cloncurry Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, has approved your request. The new date by which Council must adopt its 2011-12 Annual Report is 28 February 2013.

The Minister has written to Councillor Andrew Daniels, Mayor, to advise of his decision.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding Services on (07) 3222 2676 or paul.carlson@dlg.qld.gov.au, who will be pleased to assist you.

Yours sincerely

Stephen Johnston  
Acting Director-General  
Department of Local Government
SUBJECT: Brisbane City Council proposed Advertisements Amending Local Law 2013

RECOMMENDATION:
That you:

• approve the adoption of Council’s Advertisements Amending Local Law 2013, in accordance with transitional provisions in section 206 of the City of Brisbane Act 2010 (the Act) (Attachment 1)

• sign the attached letter advising the Right Honourable the Lord Mayor of Brisbane, Councillor Graham Quirk, the proposed local law satisfactorily deals with State interests and Council may adopt the proposed local law (Attachment 2)

• note the Director-General, Department of Local Government, will sign the attached letter to Mr Colin Jensen, Brisbane City Council’s Chief Executive Officer advising of your decision (Attachment 3).

BACKGROUND:
On 14 December 2012, Council submitted the above proposed local law, in accordance with former section 31 of the Act, for your approval. The former section 31 of the Act was in force immediately prior to the commencement, on 14 December 2012, of the Local Government and Other Legislation Amendment Act 2012, and provides that Council may only proceed further in making a proposed local law if it satisfies the Minister for Local Government:

• the overall State interest is satisfactorily dealt with by the proposed local law

• the proposed local law is drafted substantially in accordance with the drafting standards.

Despite amendments made to the Act, which no longer require a Council to seek your approval before making a local law, Council officers have advised departmental officers that Council wishes to proceed under the former provisions to ensure compliance with the process previously adopted by Council resolution. Council has advised it will take steps in the near future to align its adopted local law making process with the new provisions of the Act.

KEY ISSUES:
The Department has reviewed the material submitted by Council using the following criteria:

Consultation with State agencies: Council undertook a State interest check on the proposed local law consulting with relevant State entities. The Department has reviewed Council’s responses to the State interest comments it received and is satisfied the proposed local law deals with the overall State interest.

Drafting standards: The Department is satisfied the proposed local law is drafted substantially in accordance with the Office of Parliamentary Counsel’s Guidelines for drafting local laws.

Community engagement: The Department has reviewed Council’s documentation in relation to the proposed local law and is satisfied Council has undertaken adequate community engagement in relation to the proposed local law.
Review of anti-competitive provisions: Council identified and assessed possible anti-competitive provisions in the proposed local law which may impact on businesses operating within the local government area.

Council undertook a public interest test (PIT) consulting with local businesses and the general community on the impacts associated with introducing the proposed local law. The PIT included an analysis between keeping the proposed local law and the alternatives of negative licensing and regulation through Council's planning scheme.

Following this assessment, it is recommended you grant approval for Council to adopt the proposed local law.

CONSULTATION:

A Southern Regional officer of the Department consulted with Ms Diane Quinn of the Brisbane City Legal Practice, in preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  

☐ Yes  ☒ No

Does this support a media opportunity for the Minister's Office?  

☐ Yes  ☒ No
Our ref: MC12/4604

Your ref: 158/40/446/3095

21 JAN 2013

Mr Colin Jensen
Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Mr Jensen

I refer to Brisbane City Council’s letter of 14 December 2012 about Council’s proposal to make Advertisements Amending Local Law 2013.

The Honourable David Crisafulli MP, Minister for Local Government has decided Council may adopt the proposed local law.

The Minister has recently written to the Right Honourable the Lord Mayor of Brisbane, Councillor Graham Quirk, advising of his decision on this matter.

It is noted Council has decided pursuant to section 268 of the City of Brisbane Act 2010 to continue making the proposed local law under the provisions that existed immediately prior to the commencement of the Local Government and Other Legislation Amendment Act 2012. Accordingly, once the proposed local law has been made by Council resolution and notification published in the Gazette, Council is required to provide a copy of the local law and a copy of the notice within seven days.

It would also be appreciated if Council could forward an electronic copy of Advertisements Local Law 2011 as amended by email to nicole.zavodski@dlg.qld.gov.au.

If your officers require any further information, they can contact Gary Kleidon, Acting Director, Southern Region on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Stephen Johnston
Acting Director-General
Department of Local Government
Mr David Crisafulli MP
Minister for Local Government

21 JAN 2013

The Right Honourable the Lord Mayor of Brisbane
Councillor Graham Quirk
Brisbane City Council
GPO Box 2287
BRISBANE QLD 4001

Dear Councillor Quirk

I refer to Brisbane City Council's letter of 14 December 2012 about Council’s proposal to make Advertisements Amending Local Law 2013.

In accordance with relevant provisions of the City of Brisbane Act 2010, following a review of Council’s proposed local law, I am satisfied the local law sufficiently deals with the overall State interest and I have granted approval for Council to adopt the proposed local law.

The Acting Director-General, Department of Local Government has written to Mr Colin Jensen, Chief Executive Officer of Council advising of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government

Our ref: MC12/4604
Your ref: 158/40/446/3095
SUBJECT: Change of Scope to Quilpie Shire Council's Local Government Grants and Subsidy Program 2012-13 application from 'Design and Construction of a New Artesian Bore,' to 'Upgrade Eromanga's Water Supply Fit for Human Consumption.'

RECOMMENDATION:

That you:

- approve Quilpie Shire Council's request to change the scope of works approved under the Infrastructure Subsidy (Infrastructure) component of the Local Government Grants and Subsidies Program (LGGSP) project to Upgrade Eromanga's Water Supply Fit for Human Consumption
- sign the attached letter to the Councillor Stuart Mackenzie, Mayor of Council (Attachment 1)
- note the Acting Director-General, Department of Local Government, will sign the attached letter to Mr Dave Burges, Council's Chief Executive Officer (CEO) (Attachment 2).

BACKGROUND:

Following the January 2012 flooding Council's monitoring of the sub-artesian water supply on the 10 February 2012 detected high levels of E.coli bacteria contamination in the Eromanga water supply and a boil water alert was issued which remains in force today.

On 10 July 2012, you approved $25,000 under the LGGSP 2012-13 as retrospective funding for Council to purchase and install ultra-violet (UV) light disinfection units for the Eromanga community. The UV units have been installed as an interim measure.

Council's consulting engineers undertook a planning study in August 2012 which identified five options for improving the water supply to an adequate standard in Eromanga.

1. retaining existing bores and treating household use water only
2. treating all water from existing bore for all general use
3. installing a new deep artesian bore,
4. installing four new shallow sub-artesian bores and treating all water, and
5. installing four sub-artesian bores and only treat household water supply.

Council submitted an application under LGGSP 2012-13 for option 3 to install a deep artesian bore as this was the preferred and most cost effective solution of the five options.

On 19 November 2012, under the Infrastructure component of the LGGSP, you approved Council $371,271 for the planning, design, construction and connection of a new deep artesian bore in the town of Eromanga with a total project cost of $928,177.
KEY ISSUES:

Further risk assessment by Council’s consultant for the design of the new bore has indicated a high risk of the new bore having the same poor water quality as their other deep bore and not suitable for human consumption without major water treatment.

On 29 November 2012, officers of the Department delivered the funding sub-agreement for this project to Council. At this meeting the Mayor and CEO advised planning continues and there was a need to change the scope of the project.

Council has requested its consultant engineers to review previous options for water treatment plants and seek a reduction in costs. Options two and four are being re-scoped and may provide a suitable outcome. Council are paying for the cost of the review from Council’s own funds.

Council is committed to provide a safe drinking water solution for Eromanga community and has advised the Department that it will use the approved funding for the installation of one of the final solutions following the re-scoping of options two and four.

With a possibility the scope of works may still change, the Department recommends the funding be approved broadly as ‘upgrade of the Eromanga Water Supply fit for human consumption’. This will allow flexibility in the final solution, while still providing a safe water supply in Eromanga.

Council has not signed the sub-agreement, a condition of accepting the approved funding, and no funds have been paid to Council for this project.

If the request is approved, the funding sub-agreement will be amended and re-issued, including scope of works as a Negotiated Special Condition to be met prior to any claims being paid on the project.

Council is not seeking additional funds for this project.

Council has advised the change of scope will not affect its ability to meet the prescribed timeframes under the LGGSP and anticipates construction will be completed by June 2013.

CONSULTATION:

The Department has been working with Council to ensure the project continues and the approved funding can be used within the LGGSP guidelines.

The Department’s Finance and Funding unit advised only the Minister has the delegation to approve the change of scope requested.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister’s Office? □ Yes □ No
Hon David Crisafulli MP
Minister for Local Government

Our ref: MC12/4612

11 JAN 2013

Councillor Stuart Mackenzie
Mayor
Quilpie Shire Council
PO Box 57
QUILPIE QLD 4480

Dear Councillor Mackenzie

I refer to Quilpie Shire Council’s letter of 17 December 2012 requesting approval to change the scope of the Eromanga Water Supply – design and construction of a new artesian bore project (project reference 10055-01-006).

Council was approved $371 271 funding of a total project cost of $928 177 funded under the Local Government Grants and Subsidies Program 2012-13 – Infrastructure Subsidy Component – for the planning, design and construction of a new artesian bore in the town of Eromanga.

I understand further planning has identified a high risk of the new bore not providing water of a suitable quality for human consumption.

I am pleased to advise I have approved the change of project scope, which now provides for the ‘upgrade of the Eromanga water supply fit for human consumption’. This will allow further options to be considered to provide the safe water supply in Eromanga.

The Acting Director-General, Department of Local Government has written to Mr Dave Burges, Council’s Chief Executive Officer, advising him of my decision.

If your staff require further information, they can contact Richard Ferrett, Chief of Staff, on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government

PS please keep me updated on this important project Stuart. well done. De
11 JAN 2013

Mr Dave Burges  
Chief Executive Officer  
Quilpie Shire Council  
PO Box 57  
QUILPIE QLD 4480

Dear Mr Burges

I refer to your letter of 17 December 2012 requesting approval to change the scope of the Eromanga Water Supply – design and construction of a new artesian bore project (project reference 10055-01-006).

Council was approved $371,271 funding of a total project cost of $928,177 funded under the Local Government Grants and Subsidies Program 2012-13 – Infrastructure Subsidy Component – for the planning, design and construction of a new artesian bore in the town of Eromanga.

I understand further planning has identified a high risk of the new bore not providing water of a suitable quality for human consumption.

For your information, the Honourable David Crisafulli MP, Minister for Local Government, has approved the change of project scope, which now provides for the ‘upgrade of the Eromanga water supply fit for human consumption’. This will allow further options to be considered to provide a safe water supply in Eromanga.

The Minister has recently written to Councillor Stuart Mackenzie, Mayor, advising of his decision on this matter. A new sub-agreement will be issued and sent to Council for signing and subsequent execution by the Department.

If you require further information, please contact Gary Kleidon, Acting Director, Southern Region on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Stephen Johnston  
Acting Director-General  
Department of Local Government
SUBJECT: Response to the Honourable Andrew Cripps MP, Member for Hinchinbrook, Minister for Natural Resources and Mines - information on Community Development Engagement Initiative funding to local governments

RECOMMENDATION:

That you:

• note the contents of this brief

• sign the attached letter to the Honourable Andrew Cripps MP, Member for Hinchinbrook, Minister for Natural Resources and Mines (Attachment 1).

BACKGROUND:

The Community Development Engagement Initiative (CDEI) is a component of the $20 million (M) Community Development and Recovery Package, along with the Flexible Funding Program (FFP). This two year package is jointly funded, 25:75 by the State and Australian Governments under Category C of the Natural Disaster Relief and Recovery Arrangements (NDRRA) and is designed to assist in enabling the recovery of communities impacted by the significant disaster events of 2010-11.

The Department of Communities, Child Safety and Disability Services (DCCSDS) manages the overall delivery of the package through two memoranda of understanding, one with the Department of Local Government (the Department) for delivery of the FFP and the second with the Local Government Association of Queensland (LGAQ) for delivery of the CDEI. The DCCSDS reports on delivery of the package against the NDRRA requirements to the State and Australian Governments. Both the CDEI and the FFP cease on 30 June 2013.

The $10.45M CDEI is administered by the LGAQ and is made up of:

• $9.9M targeted to 17 councils with communities most significantly impacted by disasters to fund the employment of community development officers to work with communities to help them identify recovery needs and support projects to assist with recovery and future preparedness

• $0.55M in funding to the LGAQ to establish a statewide coordination position to support the community development officers in capacity building and administer the CDEI funding.

The FFP is administered by the Department and provides $9.37M in funding across all 73 local governments to assist in identifying and delivering activities that enhance community recovery and future disaster preparedness, and in line with the NDRRA requirements. As at 2 January 2012, the Department has paid a total of $8.47M in FFP funding to councils in line with the funding agreements executed with councils. The remaining $0.9M in funds will be paid to councils as they meet their 2011-12 acquittal and reporting requirements.

KEY ISSUES:

A departmental officer has contacted the Manager, Community Recovery Policy and Program, DCCSDS, for advice on the CDEI issues raised in the letter.
The DCCSDS advises that the LGAQ:

- administers the approved CDEI funding through contracts executed with the 17 recipient councils and that payments hinge on councils meeting contractual reporting requirements
- supports councils with acquittals and reporting to ensure the program meets NDRRA requirements
- has requested several councils, including Hinchinbrook Shire Council to resubmit reports which has, in some cases, held up payments.

The DCCSDS also confirms that Hinchinbrook Shire Council’s contractual reports have been resubmitted and were approved by the LGAQ on 18 December 2012, and that payment of $450,000 (GST exclusive) is due to be paid to Council on 15 January 2013. The DCCSDS is including this information in a letter of response from the Honourable Tracy Davis MP, Minister for Communities, Child Safety and Disability Services to Minister Cripps.

CONSULTATION:

Consultation has occurred with Dr Kylie Stephen, Manager, Community Recovery Policy and Program, DCCSDS.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  ☑ No
Does this support a media opportunity for the Minister’s Office?  □ Yes  ☑ No
Hon David Crisafulli MP
Minister for Local Government

Our ref: MC12/4627

21 JAN 2013

The Honourable Andrew Cripps MP
Member for Hinchinbrook
Minister for Natural Resources and Mines
PO Box 1515
INGHAM QLD 4850

Dear Minister,

Thank you for your email of 20 December 2012 about the distribution of State Community Development Engagement Initiative funding to local governments by the Local Government Association of Queensland (LGAQ).

I understand that the Community Development Engagement Initiative (CDEI) is a component of a $20 million (M) Community Development and Recovery Package, along with the Flexible Funding Program (FFP). This two year package is jointly funded, 25:75 by the State and Australian Governments under Category C of the Natural Disaster Relief and Recovery Arrangements and is designed to assist in enabling the recovery of communities impacted by the significant disaster events of 2010-11.

The Department of Communities, Child Safety and Disability Services manages the overall delivery of the package and, as you have noted, the LGAQ administers the $10.45 million CDEI funding on behalf of the Queensland Government. The CDEI funding is approved to 17 councils with communities most significantly impacted by disasters to employ community development officers to work with communities and identify needs that assist with recovery and future disaster preparedness.

The $9.37 million FFP, the other component of the package, is administered by the Department of Local Government through a funding contract with each of the 73 councils and aims to assist councils to work with their communities to identify and deliver activities that assist with recovery and build future disaster preparedness.

I am informed that delivery of both the CDEI and the FFP must meet the Australian Government requirements, and release of funds by either the Department of Local Government or the LGAQ hinges on recipients meeting their relevant contractual obligations.
With regard to the release of CDEI funds, I am advised that the Department of Communities, Child Safety and Disability Services has followed up with the LGAQ and confirms that Hinchinbrook Shire Council’s contractual reports have been resubmitted and were approved by the LGAQ on 18 December 2012, and that payment of $450,000 is due to be paid to Council in January 2013.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding on (07) 3222 2676 or paul.carlson@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
SUBJECT:
Fraser Coast Regional Council - Application for exemption from tender requirements in the Local Government Regulation 2012 to lease land at 351 Charlton Esplanade, Scarness (Hervey Bay)

RECOMMENDATION:

That you:

• approve Fraser Coast Regional Council's application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the requirement to go to tender or auction before disposing of an interest in land to enable Council to enter into a Trustee lease with (the proposed lessees), subject to the following conditions:
  - the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council's application dated 10 May 2012 (Attachment 1)
  - the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessees is due to expire (2024)
  - the lease rental for the property commences at no less than is subject to annual CPI increases and five yearly review
• sign the attached letter to the Mayor, Councillor Gerard O'Connell, advising of your approval (Attachment 2)
• note the Acting Director-General, Department of Local Government, will sign the attached letter to Ms Lisa Desmond, Council's Chief Executive Officer, advising of your decision (Attachment 3).

BACKGROUND:

Sections 227 and 228 of the Regulation provide that local governments must dispose of an asset such as land (including an interest in land) by tender or auction, unless an exemption under section 236 of the Regulation applies. Section 236 of the Regulation provides a number of exemptions, including where the Minister for Local Government grants an exemption. No other exemption provided under section 236 of the Regulation can be applied in this case.

Section 104 of the Local Government Act 2009 (the Act) outlines the sound contracting principles local governments must consider when entering into a contract, including value for money and open and effective competition. In considering whether approval should be granted for a local government to be exempt from the tendering or auction requirements, it is appropriate consideration is given to these principles.

KEY ISSUES:

On 10 May 2012, Council applied for an exemption from the tender and auction requirements in the Regulation to enter into a Trustee lease arrangement with the proposed lessees, who currently own and operate a restaurant and boat hire shop from land on the Scarness shoreline (Hervey Bay).
Council's reasons for not tendering

This proposed course of action would result in the new lease being managed by Council rather than the State, with lease payments made to Council. NRM officers have advised the change in lease tenure from a State to Trustee lease is consistent with current State policy regarding leases over Reserves.

This arrangement cannot be facilitated through an open tender or auction process. Accordingly, Council is seeking your exemption from this requirement.

Value for money

Council's application included an email from State Valuation Services in NRM providing an unimproved rental valuation of $X for the proposed new lease. As part of the assessment of Council's application, the Department requested a full commercial rental valuation be provided.

On 20 December 2012, Council submitted a report from a Certified Practising Valuer from Opteon Property Advisors confirming the total market value of $X and providing a total rental value of $Y (total market value) (Attachment 4).

Other matters considered

Council has considered Native Title and has advised it is not applicable to the proposed lease.

The Councillors' Registers of Interests have been reviewed and Council has advised there are no material personal interests with respect to the proposal.

Department's assessment of Council's arguments

Council's proposal, negotiated with the proposed lessees and NRM, seeks to give effect to a new lease arrangement which brings together the multiple lease and permit arrangements currently in place. It also ensures the lease rental is calculated on the full portion of land being used for operations rather than some of the land being occupied under permit.
The expanded area of the proposed lease will now ensure an appropriate return based on a valuation provided by a Registered Valuer.

Council's original application is silent on the proposed term of the new lease, other than to state the maximum term of a Trustee lease under the Land Act 1994 is 30 years. However, subsequent correspondence from Council indicates a preference to enter into a lease for the maximum 30 year term due to the substantial capital investment into buildings and outdoor dining areas made by the current lessees and to enable the lessees to obtain financial assistance from lenders for further development.

While it is considered appropriate for an exemption from tender or auction to be granted to facilitate consolidation of the lease and permit arrangements for a period consistent with the current State lease, it is not considered appropriate for the Ministerial exemption to grant a lease period longer than is currently in place.

The capital investment made by the current operators has been made in the knowledge that the current State lease was due to expire in 2024. Accordingly, it is recommended your exemption be conditioned that the new lease is for a period which will expire on the date the current State lease was set to expire.

Should you grant an exemption and the proposed course of action be implemented through a Trustee lease, Council then has the option under the Regulation to renew the lease, without going to tender or auction, provided the lease rental is equal to or more than market value in accordance with a written report from a registered valuer. Any decision to do so would be at the sole discretion of Council having regard to the local government principles and sound contracting principles in the Act. It would not be a matter that would have to be referred by the Council to you for decision.

CONSULTATION:

Mr Peter Smith, Council's Director Community and Development has been consulted during the preparation of this brief.

Officers of the State Valuation Services Branch (Maryborough) of NRM have also been consulted in relation to tenure and valuation matters during preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No

Does this support a media opportunity for the Minister's Office  □ Yes  □ No
Attachment 6 - Proposed new Lease Area
15 FEB 2013

Councillor Gerard O’Connell
Mayor
Fraser Coast Regional Council
PO Box 1943
HERVEY BAY QLD 4655

Dear Councillor O’Connell,

I refer to Fraser Coast Regional Council’s application of 10 May 2012 requesting an exemption from the requirement to go to tender or auction before entering into a Trustee lease with the operators of a business currently operating from land described as Lot 219 SP166253, situated at 351 Charlton Esplanade, Scarness.

Following the receipt of Council’s full commercial rental valuation for the above land, dated 20 December 2012, and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation), I have approved Council’s application for exemption from the tender and auction requirements of sections 227 and 228 of the Regulation to enter a new Trustee lease with subject to the following conditions:

- the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council’s application dated 10 May 2012
- the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessees is due to expire (2024)
- the lease rental for the property commences at no less than is subject to annual CPI increases and five yearly review.

It is noted in Council’s subsequent letter of 17 October 2012 that Council’s preference is to enter a new lease for a period of 30 years.
While I am prepared to grant an exemption in this matter to facilitate the consolidation of the existing State lease and permit arrangements into a Trustee lease to ensure an appropriate rental return for the operations of this business, I do not consider it appropriate to provide an exemption to allow an extension to the tenure currently held under the State lease.

Under the exemptions now provided in section 236 of the Regulation, Council has the power to renew the lease of land to an existing tenant without going to tender or auction. Any decision to use this power in the future to renew the lease will be at the discretion of Council having regard to the local government principles and sound contracting principles in the Local Government Act 2009.

Mr Stephen Johnston, Acting Director-General, Department of Local Government has written to Ms Lisa Desmond, Chief Executive Officer, to advise of my approval.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff, on (07) 3227 8820 who will be pleased to assist.

Yours sincerely

[Signature]

David Crisafulli MP
Minister for Local Government
Our ref: MBN12/753
Your ref: #2111121

15 FEB 2013

Ms Lisa Desmond
Chief Executive Officer
Fraser Coast Regional Council
PO Box 1943
HERVEY BAY QLD 4655

Dear Ms Desmond

I refer to Fraser Coast Regional Council’s application of 10 May 2012 requesting an exemption from the requirement to go to tender or auction before entering into a Trustee lease with the operators of a business currently operating from land described as Lot 219 SP166253, situated at 351 Charlton Esplanade, Scarness.

Following the receipt of Council’s full commercial rental valuation for the above land, dated 20 December 2012, and in accordance with section 236(1)(e) of the Local Government Regulation 2012 (the Regulation), the Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s application for exemption from the tender and auction requirements of sections 227 and 228 of the Regulation to enter a new Trustee lease with subject to the following conditions:

- the land the subject of the new lease is the proposed lot as contained in Attachment 6 of Council’s application dated 10 May 2012
- the term of the new lease does not extend beyond the date at which the current State lease held by the proposed lessees is due to expire (2024)
- the lease rental for the property commences at no less than 15% subject to annual CPI increases and five yearly review.

The Minister has written to the Mayor, Councillor Gerard O’Connell, to advise him of this approval.
It is noted in Council’s subsequent letter of 17 October 2012 that Council’s preference is to enter a new lease for a period of 30 years.

While the Minister is prepared to grant an exemption in this matter to facilitate the consolidation of the existing State lease and permit arrangements into a Trustee lease to ensure an appropriate rental return for the operations of this business, it is not considered appropriate to provide an exemption to allow an extension to the tenure currently held under the State lease.

Under the exemptions now provided in section 236 of the Regulation, Council has the power to renew the lease of land to an existing tenant without going to tender or auction. Any decision to use this power in the future to renew the lease will be at the discretion of Council having regard to the local government principles and sound contracting principles in the Local Government Act 2009.

If you require any further information, please contact Gary Kleidon, Acting Director, Southern Region on (07) 3006 4199 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government
Community Recovery and Resilience
Pages 123 through 141 redacted for the following reasons:

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Sch.4(4)(7) Disclosing trade secrets, business affairs or research
SUBJECT: Further extension of time request from Carpentaria Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Carpentaria Shire Council's request for an extension of time to 22 March 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Frederick Pascoe, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Bob Owen, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 4 February 2013, Council requested a further extension of time until 22 March 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements. QAO has requested further information from Council to enable the Auditor-General to form an opinion on these statements.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 22 March 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office?  □ Yes □ No
Councillor Frederick Pascoe
Mayor
Carpentaria Shire Council
PO Box 31
NORMANTON QLD 4890

Dear Councillor Pascoe,

I refer to Carpentaria Shire Council’s letter of 4 February 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 22 March 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Bob Owen, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Mr Bob Owen
Chief Executive Officer
Carpentaria Shire Council
PO Box 31
NORMANTON QLD 4890

Dear Mr Owen

I refer to Carpentaria Shire Council’s letter of 4 February 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 22 March 2013.

The Minister has written to Councillor Frederick Pascoe, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941 or bill.gilmore@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government, Community Recovery and Resilience
I DLG - BRIEF FOR DECISION

Date: 13 February 2013

SUBJECT: Isaac Regional Council request to establish a bank guarantee and indemnity in favour of the Commonwealth

RECOMMENDATION:
That you:

Ref No: MC13/322

Date: 13 February 2013

BACKGROUND:

KEY ISSUES:

The provision of a bank guarantee falls under Part 5 of the Statutory Bodies Financial Arrangements Act 1982 (SBFA Act) as a borrowing, while the provision of the associated indemnity falls under Part 7 of the SBFA Act as a type 1 financial arrangement. The Treasurer’s approval is required before a local government can enter into a borrowing or a type 1 financial arrangement.

However, under the SBFA Act authority dated 29 August 2005, the Treasurer has delegated the powers relating to the provision of guarantees and indemnities by and on behalf of local governments to the Minister responsible for the Local Government Act 2009. This delegation has a threshold limit to a combined maximum per local government of $10M when providing guarantees and indemnities to Government entities.

Endorsed by: B Gilmour
Telefonie: 3227 6941
Date: As per Source sign-off

Endorsed by: S Johnston
Telefonie: 300 82463
Date: As per Source sign-off

Endorsed by: C Evans
Telefonie: 322 47497
Date: / /
The Department has reviewed the documentation received from Council and is of the view that Council is in a position to service a commitment of this amount, either by way of a call on cash reserves or capacity to service a debt, if the liability under the guarantee was to be realised.

It is therefore recommended that you approve Council’s request to provide a bank guarantee in favour of the Commonwealth in relation to the Anne Street Development Nebo Project being funded under the Housing Affordability Fund Program.

CONSULTATION:
Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication
☐ Yes  ☒ No

Does this support a media opportunity for the Minister’s Office?
☐ Yes  ☒ No
Ref No: MBN13/11

DLG – BRIEF FOR NOTING

Date: 8 February 2013

SUBJECT: Ex gratia payment to reimburse the Fraser Coast Regional Council in relation to stamp duty arising from the winding up of the Wide Bay Water Corporation

RECOMMENDATION:

That you:

- note the contents of this brief
- sign the attached letter to the Honourable Tim Nicholls MP, Treasurer and Minister for Trade seeking his approval to provide the ex gratia payment (Attachment 1)

BACKGROUND:

A regulation winding up the Wide Bay Water Corporation (WBWC) and making the Fraser Coast Regional Council its legal successor was passed by Governor in Council on 7 February 2013. This regulation makes the Council responsible for all assets and liabilities previously vesting in WBWC.

WBWC will be wound up on the ‘transfer day’ which is a day to be declared by gazette. The gazettal notice will be prepared once the Department of Local Government, Community Recovery and Resilience receives confirmation from Council that all is in order for the transfer to occur. This date is likely to be 28 February 2013.

KEY ISSUES:

Departmental officers have been liaising with officers of Queensland Treasury and Trade who have confirmed that stamp duty is payable in relation to the transfer of assets from WBWC to Council. Preliminary indications from Council suggest that there is approximately $430 million in assets to be transitioned across to Council.

There are three options in relation to how the issue of stamp duty can be addressed:

Option 1: make Council pay the stamp duty amount arising from the transition

Option 2: Queensland Treasury and Trade is to prepare a regulation under the Duties Act 2001 exempting Council from the requirement to pay stamp duty on the transition

Option 3: Queensland Treasury and Trade is to invoice Council for the cost of the stamp duty but provide an ex gratia payment equal to the cost of the stamp duty payable.

Officers of Queensland Treasury and Trade have indicated that the best way forward is Option 3. A letter to the Treasurer has been prepared for this purpose and is (Attachment 1). Option 3 is the quickest and most efficient way of resolving the stamp duty matter as it does not require new legislation.

CONSULTATION:

Queensland Treasury and Trade, Fraser Coast Regional Council and WBWC have been consulted regarding the stamp duty issue.

RIGHT TO INFORMATION: Contents/attachments suitable for publication

Does this support a media opportunity for the Minister's Office? □ Yes □ No

RTI Document No. 151
noted by

COS

Q
On 12 December 2001, the then Hervey Bay Council resolved to establish the Wide Bay Water Corporation as a local government owned corporation under the then *Local Government Act 1993*. The Fraser Coast Regional Council is the sole shareholder of the Corporation. In November 2012, Council resolved to wind-up the Corporation and become its legal successor.

Governor in Council passed a Regulation on 7 February 2013 which will wind-up the Corporation and transfer its assets and liabilities to the Council, on a date to be gazetted (the 'transfer day'). It is expected that the transfer day will be on or around 28 February 2013.

As a result of the transition, all assets of the Corporation will transfer to the Council on the transfer day. The transition of assets is likely to give rise to a stamp duty liability under the *Duties Act 2001*.

It is requested that consideration be given to providing the Council with an ex gratia payment equal to the cost of the liability arising under the *Duties Act 2001*. Preliminary indications from Council suggest that there is approximately $430 million in assets to be transitioned across to Council.

If you require any further information, please contact Bronwyn Blagoev, Director, Policy, Legal and Corporate Support on (07) 3222 2156 or bronwyn.blagoev@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
Community Recovery and Resilience
Pages 154 through 190 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Further extension of time request from Woorabinda Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Woorabinda Aboriginal Shire Council's request for an extension of time to 30 March 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Terry Munns, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Ms Mary Deakin, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

In a letter received on 7 February 2013, Council requested a further extension of time until 30 March 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as the Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements. QAO has requested further information from Council to enable the Auditor-General to form an opinion on these statements.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 30 March 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No

Endorsed by: Director: B Gilmore Telephone: 322 76941 Date: 12/02/2013

Endorsed by: DDG: S Johnston Telephone: 300 62463 Date: 12/02/2013

Endorsed by: Director-General: C Evans Telephone: 322 62497 Date: 12/02/2013

Received by: Chief of Staff R Ferrett Telephone: 322 78620 Date: 12/02/2013
Hon David Crisafulli MP
Minister for Local Government

Our ref: MC13/353

15 FEB 2013

Councillor Terry Munns
Mayor
Woorabinda Aboriginal Shire Council
C/- Post Office
WOORABINDA QLD 4702

Dear Councillor Munns,

Thank you for your letter received on 7 February 2013 requesting a further extension of time for the adoption of Woorabinda Aboriginal Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 30 March 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Ms Mary Deakin, Chief Executive Officer, to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref:  MC13/353

15 FEB 2013

Ms Mary Deakin
Chief Executive Officer
Woorabinda Aboriginal Shire Council
C/- Post Office
WOORABINDA QLD 4702

Dear Ms Deakin

Thank you for your letter received on 7 February 2013 requesting a further extension of time for the adoption of Woorabinda Aboriginal Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 30 March 2013.

The Minister has written to Councillor Terry Munns, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941 or bill.gilmore@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director, General
Department of Local Government,
Community Recovery and Resilience

Level 18 Mineral House
41 George Street Brisbane
PO Box 35009 City East
Queensland 4002 Australia
ABN 25 166 523 889

RTI Document No. 193
Pages 194 through 204 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Rockhampton Regional Council’s exemption application to dispose of land under section 227 of the Local Government Regulation 2012

RECOMMENDATION:

That you:

- do not approve Council’s application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the tendering and auction requirements of section 227 of the Regulation to dispose of Council owned land, containing an area of 97 metres square in area, to an adjoining land owner.

- sign the attached letter to Councillor Margaret Strelow, Mayor advising you do not approve Council’s application (Attachment 1)

- note Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Mr Evan Pardon, Council’s Chief Executive Officer advising of your decision (Attachment 2).

BACKGROUND:

Section 104 of the Local Government Act 2009 outlines the sound contracting principles local governments must consider when entering into a contract, including value for money and open and effective competition.

Section 236 of the Regulation provides a number of exemptions, including where you may exempt a local government from complying with section 227. No other exemption provided under section 236 of the Regulation is applicable to this application.

KEY ISSUES:

As part of Council’s Review Rationalisation and Realisation Program, a review was undertaken of Council’s property portfolio to indentify opportunities to dispose of land not required for operational or strategic purposes. At its meeting on 22 November 2011, Council resolved to dispose of this former night cart land situated at 193 Kent Street, Rockhampton (Lot 10 RP600202) to an adjoining property owner.

Council’s aerial mapping indicates that a building (132 William Street) may be encroaching on the night cart lane, however this is unknown at this time as Council has not undertaken any professional surveying.

On 5 February 2013, Council applied to you for the above exemption to dispose of the night cart lane to The Proprietors Diggora Terrace Body Corporate for $5,000 plus GST.

Council’s reasons for not tendering

Council considers that the disposal is justified due to the size, location, encroachment of a building and the nature of the night cart lane as it states it is not practical for it to be sold to one adjoining property owner by tender.

There are three adjoining property owners to this night cart lane. Council contacted the adjoining property owners to seek their expression of interest to purchase the night cart lane.
The adjoining property owners provided Council with a proposal with a method of sale that all, or the majority of the adjoining lot owners would be satisfied with.

Council received an expression of interest to purchase in writing from two adjoining lot owners, (130 William Street) and The Proprietors Diggora Terrace Body Corporate (116 Kent Street, on the corner of William and Kent Streets).

Council states the most suitable option is to sell the lot to The Proprietors Diggora Terrace Body Corporate, as all other adjoining property owners, except the Hinchcliffes, are in agreement, as cited in Council’s confidential report dated 27 November 2012.

The Proprietors Diggora Terrace Body Corporate (not Council) engaged an independent valuer to determine the market value of the night cart lane. The valuation report dated 20 December 2012 indicates the lot is of irregular shape, level and is presently used as a rear access laneway to adjoining property owners. This valuation is $5,000 plus GST.

Others matters considered

Council has confirmed the Councillors have no material personal interest in relation to the sale of the land. There are no Native Title issues associated with this lot.

The Department’s assessment of Councils’ application

Section 236 the Regulation also details the exemption criteria which allows a local government to dispose of a valuable non-current asset, other than by tender or auction, if the land to be disposed of is to a person who owns adjoining land. However, this includes a number of subsections, covering such matters as the land can only be disposed if no other person who owns other adjoining land is interested in the land.

Given there are two adjoining property owners interested in this lot, it is recommended you do not approve Council’s application for exemption under section 236 of the Regulation.

CONSULTATION:

Southern Regional Office of the Department contacted Council officers in preparation of this brief.

The Department’s Legal team has also been consulted in preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☒ No
13 MAR 2013

Councillor Margaret Strelow
Mayor
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Councillor Strelow

I refer to Rockhampton Regional Council's letter of 5 February 2013 seeking an exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) in relation to the disposal of night cart lane at 193 Kent Street, Rockhampton (Lot 10 RP600202).

Council's application has been assessed in terms of compliance with the sound contracting principles established under section 104 of the Local Government Act 2009. In this instance, I am unwilling to approve Council's application to be exempt from the tender requirements of section 227 of the Regulation in relation to the above disposal.

With the recent changes to the Regulation, exemptions are only granted in special circumstances where there are justifiable reasons why an open process is not considered appropriate. As Council states there are two interested parties in the night cart lane, Council should undertake an open and transparent tender process with a view to ensuring the best possible return is realised from the disposal. An expression of interest process could first be considered by Council to restrict submissions to the adjoining property owners of the night cart lane.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Evan Pardon, Chief Executive Officer, to advise him of my decision to not approve an exemption for tender for Lot 10 RP600202 under the Local Government Regulation 2012.
If your officers require any further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Our ref: MBN13/116
Your ref: 1680

13 MAR 2013

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Mr Pardon

I refer to Rockhampton Regional Council’s letter of 5 February 2013 seeking an exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) in relation to the disposal of night cart lane at 193 Kent Street, Rockhampton (Lot 10 RP600202).

Officers of the Department of Local Government, Community Recovery and Resilience have assessed Council’s application in terms of compliance with the sound contracting principles established under section 104 of the Local Government Act 2009, and the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience is unwilling to approve Council’s application to be exempt from the tender requirements of section 227 of the Regulation in relation to the above disposal.

With the recent changes to the Regulation, exemptions are only granted in special circumstances where there are justifiable reasons why an open process is not considered appropriate. As there are two interested parties in the night cart lane, Council should undertake an open and transparent tender process with a view to ensuring the best possible return is realised from the disposal. An expression of interest process could first be considered by Council to restrict submissions to the adjoining property owners of the night cart lane.

The Minister has written to Councillor Margaret Strelow, Mayor, to advise her of his decision to not approve an exemption for tender for Lot 10 RP600202 under the Local Government Regulation 2012.

Level 18 Mineral House
41 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
ABN 25 166 523 889

RTI Document No. 209
If you require any further information, please contact Jennie O’Connor, Acting Director Southern Region on (07) 3224 4129 or jennie.o’connor@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director-General
Department of Local Government,
Community Recovery and Resilience
SUBJECT: Ministerial Direction for dealing with Right to Information and Information Privacy applications for the Minister for Local Government, Community Recovery and Resilience

RECOMMENDATION:

That you sign the attached Direction for dealing with applications made under the Right to Information Action 2009 and the Information Privacy Act 2009 (Attachment 1).

BACKGROUND:

From 1 July 2009, the Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) replaced the Freedom of Information Act 1992 and provide appropriate safeguards for the way the public sector handles information.

The RTI Act also allows applications to be made directly to a Minister for access to documents that are in the possession of the Minister. Where an application is made to a Minister under the RTI Act, the Minister can direct another person to deal with the access application. This Direction can be to an officer delegated to make decisions regarding RTI on behalf of the Minister’s portfolio.

KEY ISSUES:

The existing Direction for dealing with applications made under the RTI Act was approved on 16 January 2013 (Attachment 2).

The attached Direction has been updated due to the change in the portfolio of the Minister for Local Government, now the Minister for Local Government, Community Recovery and Resilience.

If approved, this Direction will cover all future RTI and IP applications that are made to you.

CONSULTATION:

No external consultation.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☐ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☐ No
I, David Crisafulli, Minister for Local Government, Community Recovery and Resilience, DO HEREBY DIRECT, pursuant to section 31(1) of the Right to Information Act 2009 and section 51(1) of the Information Privacy Act 2009, the following officers specified below to carry out the functions under these Acts from the date hereto until otherwise determined.

**Decision-makers:**

1. Director, Governance and Business Support  
   Department of State Development, Infrastructure and Planning

2. Senior Administrative Review Officer  
   Department of State Development, Infrastructure and Planning

DATED the 18th day of February 2013

Hon David Crisafulli MP  
Minister for Local Government, Community Recovery and Resilience
SUBJECT: Ministerial Direction for dealing with Right to Information and Information Privacy applications for the Minister for Local Government

RECOMMENDATION:

That you sign the attached Direction for dealing with applications made under the Right to Information Action 2009 and the Information Privacy Act 2009 (Attachment 1).

BACKGROUND:

From 1 July 2009, the Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) replaced the Freedom of Information Act 1992 and provides appropriate safeguards for the way the public sector handles information.

The RTI Act also allows applications to be made directly to a minister for access to documents that are in the possession of the minister. Where an application is made to a minister under the RTI Act, the minister can direct another person to deal with the access application. This Direction can be to an officer delegated to make decisions regarding RTI on behalf of the minister’s portfolio.

KEY ISSUES:

The existing Direction for dealing with applications made under the RTI Act was approved on 26 June 2012 (Attachment 2).

The attached Direction has been updated to include reference to the IP Act, and one additional Decision-Maker within the Department of State Development, Infrastructure and Planning (as RTI Service Provider to the Department of Local Government).

If approved, this Direction will cover all future RTI and IP applications that are made to you.

CONSULTATION:

No external consultation.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☑ Yes ☐ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☑ No
RECOMMENDATION:
That you:

- note the contents of this brief detailing Northern Peninsula Area Regional Council's current financial position and recommended actions to address it.

BACKGROUND:

KEY ISSUES:
2) Affecting particular operations of agencies, Sch.4(4)(4)Disclosing deliberative process, Sch.4(4)(10) Affecting financial or property interests of State
Proposed course of action

Affecting particular operations of agencies, Sch.4(4)(4) Disclosing deliberative process, Sch.4(4)(10) Affecting financial or property interests of St
CONSULTATION:

Ref No: MBN13/119

Does this impact particular operations of agencies, Sch.4(4)(4) Disclosing deliberative process, Sch.4(4)(10) Affecting financial or property interests of State or agency?

RIGHT TO INFORMATION: Contents/attachments suitable for publication

☐ Yes  ☒ No

Does this support a media opportunity for the Minister’s Office?

☒ Yes  ☐ No
Pages 218 through 282 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision. Sch. 4(4)(3) Affecting particular operations of agencies, Sch. 4(4)(4) Disclosing deliberative process, Sch. 4(4)(10) Affecting financial or property interests of State or agency
SUBJECT: Torres Strait Major Infrastructure Program, Stage 5 (MIP 5)

RECOMMENDATION:
That you:
• note the contents of this brief
• sign the attached letter to the Hon Jenny Macklin MP, Federal Minister for Families, Community Services and Indigenous Affairs.

BACKGROUND:
MIP is jointly funded by the State and Commonwealth Governments and is aimed at capital improvements for Torres Strait communities in environmental health infrastructure including water, waste water, solid waste, serviced allotments for new houses and dust mitigation. MIP has been in place since 1998.

The MIP Management Committee (MMC), comprised of representatives from the Department of Local Government, the Torres Strait Regional Authority (TSRA) and the three local governments in the Torres Strait region, reviews the MIP candidate project schedule to provide advice on the most critical projects requiring attention, including Torres Strait coastal inundation mitigation projects.

On 8 October 2012, the Premier wrote to Minister Macklin, confirming the Queensland Government’s contribution of $13.2M to MIP 5, and stating that the merits of MIP 5 candidate projects should be assessed and prioritised and a Memorandum of Understanding (MoU) between the State and Commonwealth Governments entered into.

On 11 January 2013, you wrote to Minister Macklin and Minister Crean, advising your approval of $12 million of the State’s contribution to MIP 5 toward the construction /restoration of seawalls and other related coastal inundation mitigation works on six targeted communities within the Torres Strait Island Regional Council.

KEY ISSUES:
On 8 February 2013, Minister Macklin wrote to you expressing concern that the redirection of MIP funds will likely mean a deferral of some important planned MIP 5 projects.

The Commonwealth Government has committed $19.95M over four years (2012-16) for environmental health infrastructure in the Torres Strait under MIP 5. This funding is conditional on matched funding from the Queensland Government.

While the Commonwealth Government’s contribution to MIP 5 is significantly larger than the State Government’s allocation, the Commonwealth Government recognises that in 2010-11 the State Government made an allocation of $8M to the three local governments in the Torres Strait region for environmental health infrastructure, which was not matched by the Commonwealth at that time.

The Commonwealth Government has also committed up to $12M over two years (2012-14) to fund the construction and restoration of seawalls and other mitigation works in six islands in the Torres Strait region. This commitment is being made through the Commonwealth Departments of Regional Development Australia ($5M) and Families, Housing, Community Services and Indigenous Affairs (up
to $7M). The Commonwealth funding for sea walls is also conditional on matched funding from the Queensland Government.

The Queensland Government is not in a position to match the Commonwealth’s proposed contribution therefore it is likely that whatever decision was made in respect to Queensland’s contribution – either to fund the seawalls project or new infrastructure – there would be criticism by the Commonwealth about not matching funding. The provision of seawalls has been identified by the MIP Management Committee and other stakeholders in the region as a high priority. The rationale for the Queensland Government’s approval of $12M to the seawalls project is that it is sensible and logical to protect existing infrastructure before constructing any new infrastructure.

On 5 December 2012, the MMC met to discuss candidate projects for MIP 5. Commonwealth Government officers expressed concern that the State Government’s shortfall compared to the Commonwealth funding for MIP 5 and sea walls was approximately $10.7M. The Commonwealth Government could reduce its funding commitment for MIP 5 as a result of this shortfall.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  ☒ No
Does this support a media opportunity for the Minister’s Office?  □ Yes  ☒ No
Dear Minister Macklin

Thank you for your further letter of 8 February 2013 about funding for coastal management and the Major Infrastructure Program (MIP) in the Torres Strait.

Funding for coastal management and seawalls had been included in the Queensland Government budget submissions for MIP Stage 5.

As you are aware, the Queensland Government’s contribution for MIP 5 is $21.2 million to Stage 5, of which $12 million has been allocated for sea walls. The rationale for allocating Queensland’s funding to the seawalls project is that mitigation works to protect existing infrastructure which is at serious risk of tidal inundation is a high priority. I understand this position has been agreed by all stakeholders including the Torres Strait Major Infrastructure Program Management Committee.

In 2011-12, the Queensland Government made an allocation of $8 million to the three local governments in the Torres Strait region for environmental health infrastructure, which was not matched by the Commonwealth at that time. The Queensland Government allocated these funds to address priority unmet needs despite the Commonwealth not matching these funds.
I trust this clarifies the situation in relation to MIP 5 and I look forward to continuing the joint funding arrangements between our respective Governments to provide essential environmental health infrastructure in the Torres Strait communities.

If you require further information, please contact Richard Ferrett, Chief of Staff, on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Pages 287 through 296 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Application for referral to the Local Government Change Commission – boundary alteration between Ipswich City and Somerset Regional Councils

RECOMMENDATION:

That you:

- approve the referral of a local government boundary amendment between Ipswich City Council and Somerset Regional Council to the Local Government Change Commission (the Change Commission) for assessment
- sign the attached letter of referral to Mr David Kerstlake, Electoral Commissioner of Queensland (Attachment 1)
- sign the attached letters to Councillor Paul Pisasale, Mayor, Ipswich City Council and Councillor Graeme Lehmann, Mayor, Somerset Regional Council advising of your decision to refer the matter to the Change Commission (Attachments 2 and 3)
- note Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letters to Mr Carl Wulff, Chief Executive Officer, Ipswich City Council and Mr Bob Bain, Chief Executive Officer, Somerset Regional Council advising of your referral (Attachments 4 and 5).

BACKGROUND:

On 30 August 2012, the Department of Natural Resources and Mines wrote to Ipswich City Council to advise that a local government boundary anomaly existed whereby a property, described as Lot 2 on RP164048 and shown on the attached map, is split between Ipswich City Council and Somerset Regional Council (Attachment 6).

On 5 February 2013, Mr Carl Wulff, Chief Executive Officer of Ipswich City Council wrote to you requesting referral of the matter to the Change Commission for assessment to correct the anomaly.

KEY ISSUES:

Under section 18 of the Local Government Act 2009 (the Act), only the Minister for Local Government may apply to the Change Commission to assess whether to alter a local government change that was made under the 2007 reform process. As the boundaries of the Somerset Regional Council were established through the 2007 reform process, the relevant Councils are unable to apply to the Change Commission directly.

The property split by the Ipswich/Somerset boundary lies predominantly within Ipswich City Council (more than 90 per cent). Accordingly Ipswich City Council has proposed, with the agreement of Somerset Regional Council and the joint landowners, that the boundary be changed so the property is wholly located within Ipswich City Council.

Through consultation with Council officers it has been established the proposal has been considered and supported by Somerset Regional Council at its meeting of 16 January 2013.

ENDORSED BY:
It should also be noted, the application submitted by Mr Carl Wulff, Chief Executive Officer of Ipswich City Council, while supported by a document signed by Mr Wulff certifying his agreement to the proposed amendment, has not been formally considered by the Ipswich City Council.

Through discussion with Ipswich City Council officers it has been established that because of the minor nature of the change, which would result in no change to rating or voting arrangements between the respective Councils, the matter has only been discussed with the Mayor, Councillor Paul Pisasale and the Councillor for Division 10, Councillor David Pahlke.

Your power under the Act to refer proposals for a local government change to the Change Commission is not conditional upon endorsement of the proposal by the affected councils.

In light of the information provided and the minor nature of the proposed change, it is recommended you refer this application to the Change Commission for assessment of a boundary change to the boundary between Ipswich City and Somerset Regional Councils.

CONSULTATION:

The Department has consulted with Ms Angi Harms, Corporate Governance Manager, Ipswich City Council and Mr Chris Payne, Corporate and Community Services Manager, Somerset Regional Council.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  ☒ No

Does this support a media opportunity for the Minister’s Office?  □ Yes  ☒ No
27 MAR 2013

Mr David Kerslake
The Change Commission
Electoral Commissioner of Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Mr Kerslake

I refer to the enclosed application from Ipswich City Council dated 5 February 2013 requesting a review of its boundary with Somerset Regional Council.

In accordance with Chapter 2, Part 3 of the Local Government Act 2009, I refer Ipswich City Council’s application for assessment of a boundary change to exclude part of Lot 2 on RP164048 from the Somerset Regional Council area and have it included within the Ipswich City Council area.

The enclosed application includes documentation showing support for Ipswich City Council’s proposal from Somerset Regional Council, as the other affected local government, and the affected landowners.

If you require any further information, please contact Jennie O’Connor, Acting Director, Southern Region on (07) 3224 4129 or jennie.o’connor@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Enc (2)
Correspondence has been received from Ipswich City Council in relation to a boundary anomaly effecting Lot 2 on RP164048. The property is currently split by the Local Government Boundary of Ipswich City Council and Somerset Regional Council. As more than 90% of the property lies within Ipswich City Council it would be beneficial for both the provision of Local and State Government services to the property and the registered owners for the property to be located in Ipswich City Council in its entirety.

Ipswich City Council officers have liaised with the property's registered owners, who have requested the property be included in its entirety in the Ipswich City Council Area.

To further this matter on behalf of the owners, Ipswich City Council requires Somerset Regional Council to consider the owner's request and confirm support to the proposed amendment. If Council are agreeable, Ipswich City Council will write to the Minister Crisafulli, MP, requesting he refer the matter to the Local Government Change Commissioner to assess the proposed change under the provisions of the Local Government Act 2009.

**Recommendation**

THAT Council consent to the inclusion of the whole of Lot 2 on RP164048 into the Ipswich City Council Area and Ipswich City Council be advised accordingly.

**Decision:**

Moved - Cr Madden

Seconded - Cr Ogg

"THAT Council consent to the inclusion of the whole of Lot 2 on RP164048 into the Ipswich City Council Area and Ipswich City Council be advised accordingly."

Carried
5 February 2013

Dear Minister Crisafulli

Re: Local Government Boundary Anomaly – Lot 2 on RP164048 – City of Ipswich (Locality Marburg) and Somerset Regional Council (Locality of Minden)

The Department of Natural Resources and Mines (DERM) advised Ipswich City Council, in correspondence dated 30 August 2012, of the above boundary anomaly. Lot 2 on RP164048 is partially in the Ipswich City Council area (90%) and partially in the Somerset Regional Council area (10%) (refer Attachment A for property map).

The Corporate Governance Manager from Ipswich City Council has liaised with the property’s joint land owners and Somerset Regional Council regarding the boundary anomaly. As a result of discussions both the joint land owners (refer Attachment B) and Somerset Regional Council (refer Attachment C) agree with Ipswich City Council’s proposal that the property be located in its entirety in the Ipswich City Council area (refer Attachment D).

As specified in DERM’s correspondence of 30 August 2012 I now write to you requesting that matter be referred to the Local Government Change Commissioner (Electoral Commission of Queensland) to assess the proposed change under the provisions of the local Government Act 2009.

Should you require any further information in regard to this matter please contact Mrs Angela Harms, Corporate Governance Manager, on telephone (07) 3810 6229.

Yours faithfully

[Signature]

Chief Executive Officer

 enc

Sch.4(4)(6) Personal Information
I, [name redacted], in my capacity as registered owner of Lot 2 on RP164048, agree that Lot 2 on RP164048 should belong in its entirety to the City of Ipswich area and have no objections to the local government boundary being amended accordingly.

[Signature]
5/12/12 [Date]
I, GEOFFREY SMITH (name) of Somerset Regional Council, in my capacity as MANAGER FINANCE (position) agree that Lot 2 on RP164048 should belong in its entirety to the Ipswich City Council area and have no objections to the local government boundary being amended accordingly.

[sign] 24/1/2013 (date)
I, Carl Wulff, in my capacity as Chief Executive Officer, Ipswich City Council, agree that Lot 2 on RP164048 should belong in its entirety to the City of Ipswich area and have no objections to the local government boundary being amended accordingly.

(signed) 5 Feb 2013 (date)
Dear Councillor Pisasale,

I refer to Ipswich City Council’s letter of 5 February 2013 requesting referral to the Local Government Change Commission of a proposal to change the boundary between Ipswich City and Somerset Regional Councils to address an anomaly identified in relation to Lot 2 on RP164048.

Following consideration of Council’s submission, and in accordance with Chapter 2, Part 3 of the Local Government Act 2009, I have referred Council’s application to the Change Commission for assessment.

I am advised the request to refer this matter to the Change Commission has been made without the proposal being considered by Ipswich City Council. I understand, however, Council officers have made both yourself and Councillor for Division 10, Councillor David Pahlke aware of the matter.

Given the minor change proposed and limited impact on either Council which might result from the proposed change, on this occasion I have decided to refer the matter in the absence of Council’s endorsement of the proposal. However, for all future requests, please ensure the matter has been considered by Council before it is submitted for my consideration.

I will write to you again when I am in receipt of the Change Commission’s recommendations on this matter. I have also written to Councillor Graeme Lehmann, Mayor of Somerset Regional Council to advise of my referral.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Carl Wulff, Council’s Chief Executive advising of my referral.
If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
27 MAR 2013

Councillor Graeme Lehmann
Mayor
Somerset Regional Council
PO Box 117
ESK QLD 4312

Dear Councillor Lehmann,

I refer to correspondence received from Ipswich City Council dated 5 February 2013, requesting referral to the Local Government Change Commission of a proposal to change the boundary between Ipswich City and Somerset Regional Councils to address an anomaly identified in relation to Lot 2 on RP164048.

Following consideration of Ipswich City Council’s submission, including Somerset Regional Council’s support for the proposed change, in accordance with Chapter 2, Part 3 of the Local Government Act 2009, I have referred the application to the Change Commission for assessment.

I will write to you again when I am in receipt of the Change Commission’s recommendations on this matter. I have also written to Councillor Paul Pisasale, Mayor of Ipswich City Council to advise of my referral.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Bob Bain, Chief Executive of Council advising of my referral.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
27 MAR 2013

Mr Carl Wulff
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Dear Mr Wulff

I refer to your letter of 5 February 2013 to the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience requesting referral to the Local Government Change Commission of a proposal to change the boundary between Ipswich City and Somerset Regional Councils, to address an anomaly identified in relation to Lot 2 on RP164048.

Following consideration of Council’s submission, in accordance with Chapter 2, Part 3 of the Local Government Act 2009, the Minister has referred Council’s application to the Change Commission for assessment.

Minister Crisafulli noted in his assessment that the request to refer this matter to the Change Commission was made without the proposal being considered by Council. The Minister was aware however that Council officers made Councillor Paul Pisasale, Mayor, and Councillor for Division 10, Councillor David Pahlke aware of the matter.

Given the minor change proposed and limited impact on either Council which might result from the proposed change, on this occasion the Minister decided to refer the matter in the absence of Council’s endorsement of the proposal. However, for all future requests, the Minister has asked that such requests be considered by Council before being submitted for his consideration.

The Minister has written to Councillor Pisasale to advise him of the referral.

I will write to you again when the Minister has received the Change Commission’s recommendations on this matter. I have also written to Mr Bob Bain, Chief Executive Officer of Somerset Regional Council to advise him of the Minister’s referral.
If you require any further information, please contact Jennie O’Connor, Acting Director, Southern Region on (07) 3224 4129 or jennie.o’connor@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director-General
Department of Local Government,
Community Recovery and Resilience
Page 311 redacted for the following reason:

Duplicate
27 MAR 2013

Mr Bob Bain  
Chief Executive Officer  
Somerset Regional Council  
PO Box 117  
ESK QLD 4312

Dear Mr Bain

I refer to correspondence received from Ipswich City Council dated 5 February 2013, requesting referral to the Local Government Change Commission of a proposal to change the boundary between Ipswich City and Somerset Regional Councils to address an anomaly identified in relation to Lot 2 on RP164048.

Following consideration of Ipswich City Council’s submission, including Somerset Regional Council’s support for the proposed change, in accordance with Chapter 2, Part 3 of the Local Government Act 2009, the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has referred the application to the Change Commission for assessment.

The Minister has written to the Mayor, Councillor Graeme Lehmann to advise him of the referral.

I will write to you again when the Minister has received the Change Commission’s recommendations on this matter. I have also written to Mr Carl Wulff, Chief Executive Officer of Ipswich City Council to advise him of the Minister’s referral.

If you require any further information, please contact Jennie O’Connor, Acting Director, Southern Region on (07) 3224 4129 or jennie.o’connor@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans  
Director General  
Department of Local Government, Community Recovery and Resilience
Pages 313 through 337 redacted for the following reasons:
- - - - - - - - - - - - - - - - - - - - - - - - - - - -
73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Dispute regarding maintenance responsibility of canals at Noosa Waters

RECOMMENDATION:
That you:
• note the contents of this brief

KEY ISSUES:

ENDORSED BY:
Director: Gary Kleidon
A/Director-General: M Barrie
Chief of Staff: R Ferrett

TELEPHONE:
Director: 3006 4199
A/Director-General: 3006 2483
Chief of Staff: 3227 8820

DATE: 8 January 2013

Ref No: MC12/4477

DMG - BRIEF FOR DECISION

Executive Services Unit
Dept. of Local Government

NOTED or APPROVED

Hon. David Crisafulli MP
Minister for Local Government

Date:

RTI RELEASE

Sch. 4(4)(4) Disclosing deliberative process

RTI Document No. 338
Page 339 redacted for the following reason:
Duplicate
CONSULTATION:

The Department contacted Mr Chris Allan, Manager Environmental Operations, Infrastructure Services and Mr Wayne Jensen, Financial Services of Council regarding this matter.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  ☐ Yes  ☒ No

Does this support a media opportunity for the Minister’s Office?  ☐ Yes  ☒ No
Hon Andrew Cripps MP
Minister for Natural Resources and Mines

Ref CTS 18760/12
M21522012

15 JAN 2013

The Honourable Glen Elmes MP
Minister for Aboriginal and Torres Strait Islander
and Multicultural Affairs and
Minister Assisting the Premier
Member for Noosa
PO Box 1849
NOOSAVILLE BC QLD 4566

Dear Minister

Thank you for your letters of 4 December 2012 and 10 December 2012 on behalf of the Noosa Waters Residents Association regarding the responsibility for the repair and maintenance of the revetment walls throughout the Noosa Waters Estate, Noosaville.

The waterway is a reserve and was gazetted on 5 February 1993 for Local Government (Common Lake Area) purposes under the control of the Sunshine Coast Regional Council (the council) as trustee.

As trustee, the council is responsible for complying with a number of requirements including maintaining and managing the land in a manner consistent with achieving the purpose of the trust land. The Land Act 1994 (the Act) clearly stipulates a trustee’s responsibilities regarding the maintenance of improvements on trust land. Section 46 (3) of the Act states that unless the Minister otherwise decides, a trustee’s functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land. I have attached a copy of the Trust land trustee responsibilities fact sheet for your reference.

The former Noosa Shire Council was aware of its responsibilities and obligations in relation to the reserve by approving the plan of subdivision pursuant to section 5.10(9) of the Local Government (Planning and Environment) Act 1990 for Lake purposes.

Furthermore, I can confirm that any maintenance of structures within the adjoining privately held freehold land is the responsibility of the landowner. The location of the revetment walls will have to be determined by a surveyor to identify who is responsible for the maintenance of these walls.
If you have any questions about my advice to you, Ms Susan McDonald, Chief of Staff, will be pleased to assist you and can be contacted on telephone 3225 1861.

Yours sincerely

Andrew Cripps MP
Minister for Natural Resources and Mines

Att
Trust land trustee responsibilities

What is trust land?
Trust land is either a reserve or deed of grant in trust administered under the Land Act 1994.
Although trust land may only be dedicated or issued for a community purpose, previous legislation also provided for a number of other trust land purposes, known as operational purposes.
Community purpose trust land is available for the general community to use and includes:
- parks
- recreation areas
- sporting areas.
Operational purpose trust land is for the operation of government services and includes:
- schools
- departmental and official services
- local government services.

Trustees of trust land
A trustee is usually appointed by the Minister to manage the trust land.
For a person to be appointed as trustee, they must have some particular association or expertise with the trust land and its purpose, or with the local community.
A trustee may be:
- the State
- a statutory body, including a local government
- an incorporated body
- a named individual.
The State or a statutory body as defined in the Land Act 1994 may only exercise its powers as trustee in a way that is not inconsistent with the Land Act.
The trustee's responsibilities are similar if the trust land is for a community or operational purpose.

What are the trustees' responsibilities?
A trustee is responsible for complying with a number of requirements including:
- maintaining and managing the land in a manner consistent with achieving the purpose of the trust land
- fulfilling any conditions associated with appointment as trustee
- controlling pest plants and animals on the land
- maintaining records as required by the Minister or as required by other acts
- a duty of care for the land, including protecting and maintaining any improvements on the land
- obtaining a vegetation clearing permit before destroying any vegetation on the trust land
- complying with any directions issued by the Minister and completing management plans for the land as requested
- advising the Department of Environment and Resource Management (DERM) of any change of address or if an incorporated body, advise DERM if it loses its incorporated status
- maintaining account books required for annual auditing—if the annual income from the trust land is greater than the amount prescribed under the land regulations, the trustee would be required to provide a copy of the audited accounts to the nearest DERM business centre.
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The Statutory Bodies Financial Arrangements Act 1982
The guideline is not a substitute for reading and understanding the Act.

Further actions
Development
A development application under the Sustainable Planning Act 2009 for trust land will need to be supported by the evidence required under Schedule 14—State resources of the Sustainable Planning Regulation 2009.
Statutory requirements
The following products found on and below the surface of the land, are reserved to the State in accordance with the Forestry Act 1959, Mineral Resources Act 1989 and Petroleum Act 1923:
- quarry materials
- forest products
- mineral and petroleum products.

Secondary use
Secondary use includes a trustee lease, trustee permit or an inconsistent action
A trustee may authorise use and occupation of the trust land by third parties only in accordance with the provisions of the Land Act 1994, under a trustee lease or trustee permit.
A management plan for the trust land approved by the DERM may be required.
A trustee needs the department's approval to issue a trustee lease.
A trustee lease is generally consistent with the purpose of the trust land but in some cases may be inconsistent with the trust land purpose. In these circumstances, a trustee lease may still be issued provided it does not diminish the purpose of the trust land, and all further improvements are first approved by DERM.
Trustees may also issue a trustee permit for use of all or part of the reserve for a term up to three years. DERM is required to approve a term of a trustee permit longer than twelve months.
A trustee permit must be consistent with the purpose of a community purpose trust land and no structural improvements may be effected under a trustee permit. Existing structural improvements may be modified or used.

Rent
Rent received from a trustee lease or trustee permit must be spent on the maintenance or enhancement of the trust land unless DERM has given written approval.

Inconsistent action
The trustee is required to maintain and manage the land consistent with the purpose of the trust land. However, DERM may approve the trustee to use the trust land for an inconsistent action, provided that action does not diminish the trust land purpose or adversely affect any local business.

It is very important that applicants read the following DERM policy—available from the website <www.derm.qld.gov.au>:
- PUX/901/209 (Secondary Use of Trust Land).

Model by-laws
A trustee may adopt as its by-laws, all or any of the model by-laws prescribed in the land regulations.
If a trustee is a local government it may make local laws under the provisions of the Local Government Act, however, the local law must not be inconsistent with the Land Act 1994.

Mortgage
Trustees have no authority to mortgage trust land except for deeds of grant in trust issued under the provisions of the Land Act 1962 and only with DERM's approval. Approval to the borrowings is also required from the Treasurer under the Statutory Bodies Financial Arrangements Act 1982.

No power to sell
Trustees must be mindful that they are unable to dispose of (sell) trust land.

Removal of trustees
DERM can remove a trustee from their position if the trustee has breached the conditions of:
- the trust
- the appointment
The trustee can also be removed if the removal is in the public's interest.

Further information
For more information on the trustees' responsibilities of trust land, contact the nearest DERM business centre or visit DERM's website <www.derm.qld.gov.au>.

July 2010
L165

For general enquiries contact the Queensland Government call centre 137468 (13 QGOV) or visit www.derm.qld.gov.au
Pages 345 through 415 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
Sch.4(4)(4)Disclosing deliberative process
SUBJECT: Complaint from [Name] about conditions of operation imposed on his chicken farm by the Environmental Protection Act 1994 (EPA) and the Sustainable Planning Act 2009 (SPA)

RECOMMENDATION:

That you:
- note the contents of this brief related to the Department of Local Government, Community Recovery and Resilience's investigation of the complaint
- endorse the attached letter for signature by the Honourable Campbell Newman MP, Premier, responding to

BACKGROUND:

wrote to the Premier (received 19 February 2013) expressing his frustration at the fines he has incurred for activities in association with the operation of his chicken farm.

On 20 February 2013 this matter was referred to the Department by the Premier's office, with instructions of taking ‘a serious look at this and get to the bottom of this with Brisbane City Council’.

KEY ISSUES:

Poultry farms are defined as environmentally relevant activities (ERA) under the EPA. Currently Council, as the administering authority, must issue a development approval for the ERA in addition to the development approval which exists generally for the use of the land.

The Greentape Reduction project is implementing changes to the EPA and supporting Regulations, which will take effect on 31 March 2013. The amendments move responsibility for administering poultry farm ERAs to the Department of Agriculture, Fisheries and Forestry (DAFF). However, responsibility for enforcement of any breaches of development approval conditions prior to 31 March 2013 remains the responsibility of Council.

Accordingly, the Department contacted Council on the issues raised by . Council officers have advised the relevant development approvals and the related conditions were applied to the poultry farm prior to purchasing the business.

Council officers further advised that approximately three years ago Council started to receive complaints about the impacts from the chicken farm. At the time, Council officers recognised there may be scope to negotiate some changes to the development approval conditions and invited the landholder to attend a meeting for this purpose. The landholder declined the invitation.

Correspondence raises a number of matters for which he has been issued fines and advice from Council in relation to these. Details are as follows:

- generator use during power outage – Council responded to a complaint and found the use breached the EPA as use of a regulated device outside of the period 7am to 7pm. Council advised it understands is in the process of constructing an enclosure for the generator to reduce the noise impacts on surrounding properties.
failure to give written notification of an incident likely to cause serious environmental harm – suggests Council should have been aware a flood was a serious environmental incident. Council has advised the incident for which the fine was issued related to an attempt by Council to bury significant numbers of dead chickens on site. Council also advised it has opted to have the matter heard in the Magistrates Court rather than pay the infringement notice penalty.

• driving tractors and trucks on the property during daylight hours – Council advised the development approval conditions restrict use of heavy vehicles on the property between 7am and 7pm. The condition does not specify daylight hours.

• failure to maintain certain documentation – Council advised requirements relate to documented evidence required to ensure environmental issues are appropriately addressed given potential impacts of the ERA in close proximity to the Brisbane River. This is also a development approval condition.

• unbundled fuel tanks and generator – Council advised this is a development approval condition required to ensure environmental issues are appropriately addressed given potential impacts of the ERA in close proximity to the Brisbane River.

• being charged for offences following compliance – Council advised compliance notices were issued for numerous breaches and while some breaches were rectified, was issued with fines for not complying with certain elements within the compliance notices.

• storage of clay on the property to repair floors of chicken sheds – Council advised it is of the view the clay was placed on the land as illegal fill to build a dam. has opted to have the matter heard in the Magistrates Court rather than pay the infringement notice penalty.

suggests the EPA and SPA are at fault however, this legislation provides the framework for local governments as the administering and development assessment authority to impose development approval conditions at their discretion, as necessary to limit the impacts of such operations on surrounding properties.

In the circumstances, with responsibility for administering poultry farm ERAs being transferred to DAFF on 1 April 2013, should be encouraged to contact DAFF regarding renegotiation of the existing development approval conditions.

CONSULTATION:
The Department consulted with Mr David Armanelli, Manager Enforcement (DAs) of Council, Mr Garth Nolan, Manager Planning, Department of State Development, Infrastructure and Planning, Mr Lawrie Wade, Manager Environmental Reform Initiatives, Department of Environment and Heritage Protection and Mr John Darlington, Principal Policy Officer Animal Industries, DAFF.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister’s Office? □ Yes □ No
Dear [Personal Information]

Thank you for your letter received on 19 February 2013 expressing concerns about how sections of the Environmental Protection Act 1994 (the EPA) and Sustainable Planning Act 2009 negatively impact upon the running of your chicken farm. I apologise for the delay in responding.

I understand that this has been a very frustrating experience for you and I appreciate you taking the time to write to me.

On 31 March 2013, the EPA amendments took effect and introduced an integrated approval process for environmentally relevant activities and transferred responsibility for administering poultry farms to the Department of Agriculture, Fisheries and Forestry (DAFF). I would encourage you to contact DAFF’s Toowoomba office to request a review of the conditions currently attached to the environmental authority for your farm on telephone (07) 4688 1374 or by email at livestockregulator@daff.qld.gov.au.

About your concerns with the EPA, the Queensland Government is committed to reducing red tape by 20 per cent and, through the Greentape reduction project, is implementing changes to the EPA and supporting regulations. You can view the Department of Environment and Heritage Protection’s website at www.ehp.qld.gov.au for more details on this project.

While I note your continued dissatisfaction in dealing with the Brisbane City Council (the council) on these issues, the Queensland Government has limited power to intervene or direct any local government in these types of matters.

However, officers of the Department of Local Government, Community Recovery and Resilience contacted the council to obtain further information about your situation. Council advised that the development approval conditions were applied to the chicken farm, as part of its registration as an environmentally relevant activity under the EPA prior to you purchasing the operation.
I am told approximately three years ago the council started to receive complaints about operations at the chicken farm, which the council determined were a breach of the development conditions. I am also told the council has since issued you with infringement notices in some instances. For any fines issued prior to 31 March 2013, the council remains the responsible enforcement agency and I understand you have elected to have some of these matters decided in the Magistrates Court.

One option in dealing with this would be for you to ask the council for an internal review of the decision to issue a fine. I am told to help expedite any such requests for a review, all evidence in support of such a request needs to be supplied to the council at the time of the request. As mentioned above, I suggest you contact DAFF to discuss the current development conditions for your chicken farm.

Please note that I have also sent a copy of your letter and my response to The Right Honourable the Lord Mayor of Brisbane, Councillor Graham Quirk, requesting he investigate the matters raised in your letter.

Again, thank you for bringing your concerns to my attention and I hope this information is of assistance to you.

Yours sincerely

CAMPBELL NEWMAN
SUBJECT: Gold Coast City Council's proposed Local Law No. 12 (Animal Management) 2012.

RECOMMENDATION:

That you:

- approve the adoption of Council's Local Law No. 12 (Animal Management) 2012, in accordance with transitional provisions in section 299 of the Local Government Act 2009 (the Act) (Attachment 1)
- sign the attached letter advising the Mayor, Councillor Tom Tate, the proposed local law satisfactorily deals with State interests and Council may adopt the proposed local law (Attachment 2)
- note the Director-General, Department of Local Government, will sign the attached letter to Mr Dale Dickson, Council's Chief Executive Officer advising of your decision (Attachment 3).

BACKGROUND:

On 19 December 2012, Council submitted the above proposed local law in accordance with the former section 29A of the Act, for your approval. The former section 29A of the Act was in force immediately prior to the commencement, on 14 December 2012, of the Local Government and Other Legislation Amendment Act 2012, and provides a local government may only proceed further in making a proposed local law if it satisfies the Minister for Local Government:

- the overall State interest is satisfactorily dealt with by the proposed local law; and
- the proposed local law is drafted substantially in accordance with the drafting standards.

Despite recent amendments made to the Act, which no longer require a Council to seek your approval before making a local law, Council officers have advised Departmental officers that Council wishes to proceed under the former provisions to ensure compliance with the process previously adopted by Council resolution. Council has advised it will take steps in the near future to align its adopted local law process with the new provisions of the Act.

KEY ISSUES:

The Department has reviewed the material submitted by Council using the following criteria:

Consultation with State agencies
Council undertook a State-interest check on the proposed local law consulting with relevant State entities. The Department has reviewed Council's responses to the State-interest comments it received and is satisfied the proposed local law deals with the overall State interest.

Drafting standards
The Department is satisfied the proposed local law is drafted substantially in accordance with the Office of Parliamentary Counsel's Guidelines for drafting local laws.
Community engagement
The Department has reviewed Council's documentation in relation to the proposed local law and is satisfied Council has undertaken adequate community engagement in relation to the proposed local law.

Review of anti-competitive provisions
Council identified and assessed possible anti-competitive provisions in the proposed local law which may impact on businesses operating within the local government area.

Council undertook a public interest test (PIT) consulting with local businesses and the general community on the impacts associated with introducing the proposed local law. The PIT included an analysis between keeping the proposed local law and the alternatives of negative licensing and regulation through Council's planning scheme.

It was determined there would be a net cost to the community as a whole in moving to the identified alternatives. Accordingly, Council decided to retain the proposed anti-competitive and in the public interest provisions.

Following this assessment, it is recommended you grant approval for Council to adopt the proposed local law.

CONSULTATION:
A Southern Regional officer of the Department consulted with Council's Supervisor Animal Management, Mr John Madigan, in the preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No

Does this support a media opportunity for the Minister's Office?  □ Yes  □ No
Gold Coast City Council

Local Law No. 12

(Animal Management) 2012

This and the following 48 pages is a certified copy of
Local Law No. 12 (Animal Management) 2012
made, in accordance with the provisions of the Local Government Act 2009,
by Gold Coast City Council by resolution dated the ............2012.

______________________________
Dale Dickson
Chief Executive Officer
Our ref: MC13/5
Your ref: LG222/365/12(P19)

21 JAN 2013

Councillor Tom Tate
Mayor
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Dear Councillor Tate

I refer to Gold Coast City Council’s letter of 19 December 2012 about Council’s proposal to make Local Law No. 12 (Animal Management) 2012.

In accordance with relevant provisions of the Local Government Act 2009 (the Act), following a review of Council’s proposed local law, I am satisfied the local law sufficiently deals with the overall State interest and I have granted approval for Council to adopt the proposed local law.

The Director-General, Department of Local Government, has written to Mr Dale Dickson, Council’s Chief Executive Officer advising of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government
21 JAN 2013

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Dear Mr Dickson

I refer to your letter of 19 December 2012 about Gold Coast City Council’s proposal to make Local Law No. 12 (Animal Management) 2012.

The Honourable David Crisafulli MP, Minister for Local Government, has decided Council may adopt the proposed local law and has written to the Mayor, Councillor Tom Tate, advising of his decision.

It is noted Council has decided pursuant to section 299 of the Local Government Act 2009 to continue making the proposed local law under the provisions which existed immediately prior to the commencement of the Local Government and Other Legislation Amendment Act 2012. Accordingly, once the proposed local law has been made by Council resolution and notification published in the Gazette, Council is required to provide the Minister with a copy of the local law and a copy of the notice within seven days.

It would be appreciated if Council could also forward an electronic copy of the local law by email to nicole.zavodski@dlg.qld.gov.au.

If your officers require any further information, they can contact Gary Kleidon, Acting Director, Southern Region on (07) 3006 4199, who will be pleased to assist.

Yours sincerely

Stephen Johnston
Acting Director-General
Department of Local Government
Pages 425 through 463 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal
73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Gold Coast City Council proposed Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013.

RECOMMENDATION:

That you:

- approve Gold Coast City Council proceeding further in making proposed Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013, in accordance with transitional provisions in section 299 of the Local Government Act 2009 (the Act) (Attachment 1)

- sign the attached letter advising the Mayor, Councillor Tom Tate, that Council may proceed further in making the proposed local law (Attachment 2)

- note Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Mr Dale Dickson, Council's Chief Executive Officer advising of your decision (Attachment 3).

BACKGROUND:

On 28 February 2013 Council submitted the above proposed local law, in accordance with the former section 29A of the Act, for your approval. The former section 29A of the Act was in force immediately prior to the commencement, on 14 December 2012, of the Local Government and Other Legislation Amendment Act 2012, and provides a local government may only proceed further in making a proposed local law if it satisfies the Minister for Local Government that:

- the overall State interest is satisfactorily dealt with by the proposed local law
- the proposed local law is drafted substantially in accordance with the drafting standards.

Despite recent amendments made to the Act, which no longer require a local government to seek your approval before making a local law, Council officers have advised Departmental officers that Council wishes to proceed under the former provisions to ensure compliance with the process previously adopted by Council resolution. Council has advised it will take steps in the near future to align its adopted local law process with the new provisions of the Act.

KEY ISSUES:

The Department has reviewed the material submitted by Council using the following criteria:

Consultation with State agencies

Council undertook a State interest check on the proposed local law consulting with relevant State entities. The Department has reviewed Council's responses to the State interest comments it received and is satisfied the proposed local law deals with the overall State interest.

Drafting standards

The Department is satisfied the proposed local law is drafted substantially in accordance with the Office of Parliamentary Counsel's Guidelines for drafting local laws.
Community engagement

The Department has reviewed Council's documentation in relation to the proposed local law and is satisfied Council has undertaken adequate community engagement in relation to the proposed local law.

Review of anti-competitive provisions

No anti-competitive provisions were identified in the proposed local law. As a result there will be no direct impacts on the business community through the introduction of this proposal.

The Department's recommendation

Following the above assessment, it is recommended you grant approval for Council to adopt the proposed local law.

CONSULTATION:
Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister's Office? ☐ Yes ☒ No
Gold Coast City Council

Local Law No. 17

(Maintenance of Works in Waterway Areas) 2013
Hon David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience

Our ref: MC13/740
Your ref: LG222/365/48(P3)

- 3 MAY 2013

Councillor Tom Tate
Mayor
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Dear Councillor Tate,

I refer to Gold Coast City Council’s letter of 28 February 2013 about Council’s proposal to make Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013.

In accordance with the relevant provisions of the Local Government Act 2009 (the Act), I have granted approval for Council to proceed further in making the proposed local law.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience, has written to Mr Dale Dickson, Council’s Chief Executive Officer, advising of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Dear Mr. Dickson,

I refer to your letter of 28 February 2013 about Gold Coast City Council’s proposal to make Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has decided Council may proceed further in making the proposed local law and has written to the Mayor, Councillor Tom Tate, advising of his decision.

It is noted, pursuant to section 299 of the Local Government Act 2009 (the Act), Council has decided to continue making the proposed local law under the provisions of the Act which existed immediately prior to the commencement of the Local Government and Other Legislation Amendment Act 2012. Accordingly, once the proposed local law has been made by Council resolution and notification published in the Gazette, Council is required to provide the Minister with a copy of the local law and a copy of the notice within seven days.

It would be appreciated if Council could also forward an electronic copy of the local law to Nicole Zavodski via email at nicole.zavodski@dlg.qld.gov.au.

If your officers require any further information, they can contact Jennie O’Connor, Acting Director, Southern Region on (07) 3224 4129 or jennie.o’connor@dlgcrr.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans
Director-General
Department of Local Government,
Community Recovery and Resilience
Pages 469 through 498 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal
73(1) Not relevant - Out of scope full refusal
73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
Sch.4(4)(4) Disclosing deliberative process
SUBJECT: Approve the Gympie Regional Council's request for a change of project scope and additional funding for an approved project.

RECOMMENDATION:

That you:

- approve the change of scope of the ‘CBD flood management options study’ project approved under the 2012-13 Local Government Grants and Subsidies Program (LGGSP) – Local Government Floods Response Subsidy (LGFRS), to capture the town of Gympie plus surrounding townships at a revised total project cost of $200,000

- approve $60,000 in additional LGFRS funds to the revised project, bringing the total approved funding to $100,000, as a 50 per cent subsidy towards the revised total project cost of $200,000

- note that the project completion date will be two years from the date of this approval

- approve the transfer of $28,000 in program savings from the 2012-13 LGGSP Infrastructure Subsidy budget to the 2012-13 LGFRS budget

- sign the attached approval letter to Gympie Regional Council’s Mayor, Councillor Ron Dyne (Attachment 1)

- note the Director-General will sign the attached letter to Council’s Chief Executive Officer, Mr Bernard Smith (Attachment 2)

BACKGROUND:

In November and December 2012, you approved a total allocation of $12,051,116 to 57 projects under the 2012-13 LGFRS. This included approval to transfer $151,116 from the Director-General’s program budget area to the 2012-13 LGFRS budget of $11.9 million in order to fund all projects.

These approvals included $40,000 in funding under the 2012-12 LGFRS to the Gympie Regional Council for its ‘10041-07-043 CBD flood management options study’ project. This funding was approved as a 40 per cent subsidy towards the total project cost of $100,000. Council has not yet commenced the project or been paid any of the funding.

On 4 March 2013, Council wrote to you regarding this project requesting a change of scope and additional funding (Attachment 3). Council advises that due to recurring flood events in the Gympie region, including five significant floods in the past two years, Council seeks to broaden the scope of the approved project to capture the town of Gympie as well as the surrounding townships. Council’s revised project scope aims to identify a range of flood mitigation options to be implemented to reduce the vulnerability of key locations within the Gympie region that are repeatedly impacted by flooding and to reduce the costs and risks to the community.

KEY ISSUES:

Council is seeking your approval to change the scope of this approved project to become the ‘Gympie and district flood management options study’ at a revised total project cost of $200,000. Council is also seeking $60,000 in additional funds to bring the total LGFRS funding to $100,000, at a 50 per cent subsidy rate.
The objective of the revised project is to identify flood mitigation options to minimise the economic, social, environmental and reputational impacts of flood events to the town of Gympie and surrounding townships within the region. This will allow Council to assess identified mitigation options, conduct comprehensive cost benefit analysis of the options for a range of flood scenarios, and prioritise appropriate mitigation activities to be undertaken.

The completion date for this revised project will be two years from the date of this approval. However, Council advises that it anticipates that the revised project will be completed in September 2013, ahead of the 2014 wet season.

Currently there is $32,000 in unallocated funds available in the 2012-13 LGFRS budget. The $32,000 in unallocated funds is due to the Cloncurry Shire Council declining its approved 2012-13 LGFRS funding for its ‘Assessment of Council areas at risk of back flow flooding’ approved project.

In order to approve the allocation of $60,000 in additional funds to the Gympie Regional Council’s revised project, it will be necessary to transfer $28,000 in program savings from the 2012-13 LGGSP Infrastructure Subsidy.

Pending your approval, the Department will contact Gympie Regional Council to negotiate a sub-agreement and commencement of this project.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☒ Yes ☐ No
Councillor Ronald Dyne
Mayor
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

Dear Councillor Dyne,

I refer to your letter of 4 March 2013 requesting a change of project scope and additional funding for Council’s ‘CBD flood management options study’ project, which has previously been approved a $40,000 subsidy under the 2012-13 LGGSP Local Government Floods Response Subsidy (LGFRS).

I am pleased to advise that I have approved $60,000 in additional funds towards Council’s revised project, the ‘Gympie and District flood management options study’. This brings the total approved 2012-13 LGFRS funding to $100,000, a 50 per cent subsidy towards the revised total project cost of $200,000.

This approval for the revised ‘Gympie and District flood management options study’ project replaces the CBD flood management options study approved on 20 November 2012. This funding is to be used for the approved project as outlined in Council’s amended project plan.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Council’s Chief Executive Officer, Mr Bernard Smith to advise of my approval.

I hope this funding will help you address the impact of flooding in your community. I am keen to ensure the maximum amount of money gets spent this financial year and I would encourage you to commence work as soon as possible.
If your staff require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Mr Bernard Smith
Chief Executive Officer
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

Dear Mr Smith

I refer to Gympie Regional Council's letter of 4 March 2013 to the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience, requesting a change of project scope and additional funding for Council’s CBD flood management options study project, which was previously approved a $40,000 subsidy under the 2012-13 Local Government Floods Response Subsidy (LGFRS).

I am pleased to advise that the Minister has considered Council’s request and approved $60,000 in additional funds to Council’s revised project outlined in the table below. This brings the total approved 2012-13 LGFRS funding to $100,000, a 50 per cent subsidy towards the revised total project cost of $200,000.

This approval for the revised ‘Gympie and district flood management options study’ project replaces the CBD flood management options study approved on 20 November 2012. This funding is to be used for the approved project as outlined in Council’s amended project plan.

Officers from the Department of Local Government, Community Recovery and Resilience will be in contact with you regarding the terms of the sub-agreement, including the release of payments and reporting requirements.

The Minister has written to the Council’s Mayor, Councillor Ron Dyne notifying of the funding approval.
If you require any further information, please contact Bill Gilmore, Director, Finance and Funding on (07) 322 76941 or bill.gilmore@dlgerr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience
4 March 2013

Hon David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
PO Box 15031
CITY EAST QLD 4002

Dear Minister Crisafulli

Thank you again for taking the time to visit Gympie last Thursday.

Further to our meeting please find attached a proposed brief for a flood mitigation study for Gympie. Council has been liaising with the ORA since Thursday regarding the content of the document.

I trust it meets with your satisfaction and I look forward to your response following your consideration of the matter.

Yours sincerely

Cr Ron Dyne
Mayor
Gympie Flood Mitigation Brief

Introduction

Gympie and its surrounds are well known for its history of flooding from the Mary River with a significant event occurring on average every few years with five flood events of varying significance over the last two years. Not surprisingly the community is well practiced and resilient when it comes to such events and there has historically been a level of acceptance of the disruption and cost which comes with such an event. This historic mindset is now being challenged by the frequency of recent events and an awareness of what is happening nationally in terms of flood mitigation and the face that no comprehensive economic and technical analysis has been previously undertaken.

The impact of a significant flood event has many direct and consequential costs including:

- Damage to public infrastructure
- Financial cost to businesses directly impacts
- Loss of income to the broader business community due to the inability to trade
- Reputational damage
- Loss of business confidence
- Increased recurrent business costs e.g. insurance premiums
- Emotional impact on the community

With five events in two years, there is a responsibility to at least identify the real cost to the Gympie community of flood events. An extension of this will be the consideration of flood mitigation action which may or may not be viable on the basis of business case analysis. Technically anything can be put in place; the issue is at what cost and what corresponding benefit is achieved. Importantly the first priority is to establish the real cost the community of flooding and then analyse the options.

Ultimately the objective is to minimise the economic, social and environmental and reputational impact of flood events. This can only be done when proper understanding of the real social and economic cost of a flood event is carried out.

Gympie Flood Studies

The most recent Gympie Regional Flood Study was completed in February 2012 for the Mary River Basin. This study was undertaken for the purpose of assessing flooding behaviour of Gympie; Curra; Goomeri; Imbil; Kilkivan; Widgee; Rainbow Beach; and Tin Can Bay. The study produced peak flow levels, velocities and depths
for the 100 year ARI as well as flood profiles and flood inundation maps for each of the study areas.

Whilst the focus of Gympie’s flood mitigation will be on the CBD, there are other business areas around Gympie and a number of other townships investigated in the Gympie Flood Study which could also be considered for future flood mitigation works. Any existing technical studies which have been undertaken within Council’s jurisdiction are planned to be used to contribute to providing as much flood data as possible.

**Project Methodology**

1. **Establish Steering Committee incorporating Chamber of Commerce Nominees**

2. **Project Scope**

Gympie Regional Council (Council) seeks to identify ways and mechanisms to minimise the economic, environmental, social and reputational impacts of flood events to the town of Gympie and surrounding townships within the region. By engaging economic and engineering consultants and working with members of the local community and State Government, Council seeks to identify a range of flood mitigation options to be implemented to reduce the vulnerability of key locations within the Gympie Region being affected by the impacts of flooding and to reduce the costs that flooding has on the community. By increasing the resilience of the community to future flood events in the town of Gympie and its surrounds through a variety of mitigation options, Gympie Regional Council can be a safer place to live, work and enjoy.

3. **Collection of data relating to:**
   a. Economic impacts;
   b. Environmental impacts; and
   c. Social impacts

The data relating to these components will principally be in the form of an impact analysis. Flood data such as flood levels, hydrology etc. can be sourced from the Gympie Flood Study, Council databases and the Bureau of Meteorology.

4. **Determination of cost to the community of flood events of varying magnitudes**
5. Development of mitigation options including preliminary costs

Structural and non-structural mitigation options will be explored as part of this phase.

6. Cost benefit analysis of mitigation options for range of flood scenarios

7. Production of report outlining:
   a. Future mitigation activities to be undertaken.
   b. Funding proposals and sources

Notes

A minor component of the study will be a review of operational arrangements currently in place between the Chamber of Commerce and Council relating to flood event co-ordination and communication for the businesses community. It is envisaged that a Business Continuity Plan and Business Recovery Plan would be the outcome of this part of the project. The content of the study may also be used to inform future emergency management, land use planning and emergency response activities.

Timelines

Project Completion – September 2013

Project Cost

$200,000 jointly funded by the Queensland Government and Gympie Regional Council
SUBJECT: Further extension of time request from Whitsunday Regional Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Whitsunday Regional Council's request for an extension of time to 30 April 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Jennifer Whitney, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Scott Waters, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 12 March 2013, Council requested a further extension of time until 30 April 2013 to adopt the 2011-12 Annual Report. Council has advised this further extension is required as the Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements. QAO has advised the Department that it has requested confirmation from Queensland Treasury Corporation of funding approval and a copy of a final report from the Queensland Reconstruction Authority to enable the Auditor-General to form an opinion on these statements.

Council did request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

QAO may issue a qualified audit opinion based on going concern issues. The Department will provide further briefings to you if this eventuates.

The Department supports an extension to 30 April 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No
Hon David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Our ref: MC13/972
Your ref: Corporate Services: Auditing:SW:JG591:CC435

11 APR 2013

Councillor Jennifer Whitney
Mayor
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Dear Councillor Whitney

I refer to Whitsunday Regional Council’s letter of 12 March 2013 requesting a further extension of time for the adoption of Whitsunday Regional Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 30 April 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Scott Waters, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref:  MC13/972

Your ref:  Corporate Services: Auditing:SW:JGS91:CC435

11 APR 2013

Mr Scott Waters  
Chief Executive Officer  
Whitsunday Regional Council  
PO Box 104  
PROSERPINE QLD 4800

Dear Mr Waters,

I refer to Whitsunday Regional Council’s letter of 12 March 2013 requesting a further extension of time for the adoption of Whitsunday Regional Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 30 April 2013.

The Minister has written to Councillor Jennifer Whitney, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941 or bill.gilmore@dlgcrr.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans  
Director-General  
Department of Local Government,  
Community Recovery and Resilience

Level 18 Mineral House  
41 George Street Brisbane  
PO Box 5009 City East  
Queensland 4002 Australia

ABN 35 166 523 889

RTI Document No. 523
SUBJECT: Further extension of time request from Paroo Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:
That you:
- approve Paroo Shire Council's request for an extension of time to 31 January 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Lindsay Godfrey, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, will sign the attached letter to Ms Myrene Lovegrove, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:
On 20 December 2012, Council requested a further extension of time for Council to adopt the 2011-12 Annual Report until 31 January 2013. This further extension is required due to the delay in obtaining the Queensland Audit Office’s (QAO) certification of Council's general purpose financial statements due to accounting issues relating to the flood damage caused in both 2010 and 2012.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the Annual Report by 30 November each year. An extension of time can only be granted by you.

KEY ISSUES:
The Department supports an extension to 31 January 2013.

CONSULTATION:
The Department has liaised with the QAO on the requests for extensions of time. QAO has not raised any issues with this request.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes ☒ No
Does this support a media opportunity for the Minister’s Office? □ Yes ☒ No
Dear Councillor Godfrey,

I refer to Paroo Shire Council’s letter of 20 December 2012 requesting a further extension of time for the adoption of Paroo Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 31 January 2013.

The Director-General, Department of Local Government, has written to Ms Myrene Lovegrove, Chief Executive Officer, to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
21 JAN 2013

Ms Myrene Lovegrove
Chief Executive Officer
Paroo Shire Council
PO Box 75
CUNNAMULLA QLD 4490

Dear Ms Lovegrove

I refer to Paroo Shire Council’s letter of 20 December 2012 requesting an extension of time for the adoption of Paroo Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 31 January 2013.

The Minister has written to Councillor Lindsay Godfrey, Mayor, to advise of his decision.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding Services on (07) 3222 2676 or paul.carlson@dlg.qld.gov.au, who will be pleased to assist you.

Yours sincerely

Stephen Johnston
Acting Director-General
Department of Local Government
Pages 527 through 552 redacted for the following reasons:
- - - - - - - - - - - - - - - - - - - - - - -
73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
Sch.4(4)(4) Disclosing deliberative process

RTI RELEASE

RECOMMENDATION:

That you:

- approve Carpentaria Shire Council's request for an extension of time to 19 April 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Frederick Pascoe, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Bob Owen, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

In a letter received on 20 March 2013, Council requested a further extension of time until 19 April 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as the Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 19 April 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication

Yes □ No □

Does this support a media opportunity for the Minister’s Office?

Yes □ No □
Our ref: MC13/1064

11 APR 2013

Councillor Frederick Pascoe
Mayor
Carpentaria Shire Council
PO Box 31
NORMANTON QLD 4890

Dear Councillor Pascoe

I refer to Carpentaria Shire Council’s letter of 20 March 2013 requesting a further extension of time for the adoption of Carpentaria Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 19 April 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Bob Owen, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff, on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref: MC13/1064

11 APR 2013

Mr Bob Owen
Chief Executive Officer
Carpentaria Shire Council
PO Box 31
NORMANTON QLD 4890

Dear Mr Owen

Thank you for your letter received on 20 March 2013 requesting a further extension of time for the adoption of Carpentaria Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 19 April 2013.

The Minister has written to Councillor Frederick Pascoe, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding, on (07) 322 76941 or bill.gilmore@dlgerr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director, General
Department of Local Government, Community Recovery and Resilience

Level 18 Mineral House
41 George Street, Brisbane
PO Box 15009 City East
Queensland 4002 Australia

ABN 25 166 573 889

RTI Document No. 555
SUBJECT: Approval of Trigger Point Arrangements for 2012-13; Natural Disaster Relief and Recovery Arrangements

RECOMMENDATION:
That you:

• approve the Natural Disaster Relief and Recovery Arrangements (NDRRA) Trigger Point Arrangements for 2012-13 (in Attachment 1)

• sign the attached letter to Mr Graeme Newton, Chief Executive Officer, Queensland Reconstruction Authority (QldRA) advising of your decision (Attachment 2).

BACKGROUND:
Under the NDRRA, Queensland Treasury requires councils to contribute to each activated natural disaster event up to a maximum amount (trigger point), which is based on an individual council’s general rates revenue and whether a disaster management plan is in place when the concession is offered.

In previous years, the Minister for Local Government approved NDRRA local government trigger points, as the former Department of Local Government and Planning (DLGP) had responsibility for the administration of Restoration of Essential Public Assets relief measure for the NDRRA. While this responsibility transferred to the QldRA in 2011, you have indicated you will continue to approve the trigger points. The then Minister for Local Government approved the 2011-12 trigger points.

The 2012-13 trigger points, based on the approved methodology are provided at Attachment 1.

KEY ISSUES:
2011-12 Arrangements
The QldRA was established to develop, implement and manage a statewide plan for rebuilding and reconnecting communities affected by the floods and cyclones over the 2010-11 summer. This has included management of the Restoration of Essential Public Assets (REPA) component of the NDRRA paid to councils, which for events prior to November 2010 was managed by the DLGP.

On 21 September 2011, the QldRA contacted the DLGP requesting the 2011-12 trigger points. As QldRA has managed REPA since November 2010, DLGP sought clarity from Queensland Treasury as to which agency should develop the trigger points.

On 5 October 2011, Queensland Treasury advised that in its opinion, DLGP is best placed to calculate the trigger points for 2011-12, and QldRA would then apply the trigger point in determining council reimbursements under NDRRA.
2012-13 Arrangements

On 4 January 2013, the QldRA contacted the Department of Local Government requesting consideration and approval of the 2012-13 trigger points.

On 9 January 2013, Queensland Treasury confirmed that it was comfortable with the existing calculation methodology and that it had reviewed the draft trigger points for 2012-13 and had no issues with the amounts as calculated (in Attachment 1).

The Australian Government NDRRA Determination 2011 requires that to receive REPA funding, councils must develop and implement appropriate natural disaster mitigation strategies in respect of likely or recurring disasters (see Attachment 3).

CONSULTATION:

Mark Drew, Director, NDRRA Compliance and Project Control, Queensland Reconstruction Authority

William Ryan, Team Leader, Queensland Treasury and Trade.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No
29 JAN 2013

Mr Graeme Newton
Chief Executive Officer
Queensland Reconstruction Authority
PO Box 15428
CITY EAST QLD 4002

Dear Mr Newton

On 4 January 2013 officers of the Queensland Reconstruction Authority contacted the Department of Local Government seeking to implement Natural Disaster Relief and Recovery Arrangements (NDRRA) trigger points for the 2012-13 financial year.

The 2012-13 trigger points are to be based on the methodology approved by the Cabinet Budget Review Committee in January 2011.

I have approved the 2012-13 NDRRA trigger points as outlined in the attached schedule.

Please arrange for each of the councils to be informed of the revised trigger points to apply for the 2012-13 financial year.

If your officers require further information, they can contact Paul Carlson, Director, Finance and Funding Services on (07) 322 22676 or paul.carlson@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government

Enc (1)
NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS
DETERMINATION 2011 (Australian Government)

4.4 State must implement natural disaster mitigation strategies

4.4.1 A condition of assistance for restoration or replacement of an essential public asset is that:

a) the state has developed and implemented natural disaster mitigation strategies in respect of likely or recurring disasters, and has also encouraged local government bodies to develop and implement such strategies. (These strategies may have been developed by Commonwealth, state or local government bodies); and

b) if the state’s assistance has been for the restoration or replacement of an asset of a local government body, and the local government body had not developed and implemented appropriate natural disaster mitigation strategies in respect of likely or recurring disasters—the assistance the state would otherwise have given to the local government body is reduced by 10 per cent.

4.4.2 A state, or a local government body, is taken to have met the disaster mitigation requirement in subclause 4.4.1 by appropriate participation in a relevant Commonwealth programme. Commonwealth programmes include:

a) the Natural Disaster Risk Management Studies Programme;

b) the Natural Disaster Mitigation Programme;

c) the Regional Flood Mitigation Programme;

d) the Bushfire Mitigation Programme.

Note: for further details on establishing that disaster mitigation strategies are in place, see Guideline 3/2011.

4.4.3 Evidence of appropriate natural disaster mitigation strategies is to be provided at the time a state makes a claim under the Natural Disaster Relief and Recovery Arrangements.
SUBJECT: Application from Lockyer Valley Regional Council to be exempt from the tender and auction requirements of the Local Government Regulation 2012 to progress the Lockyer Valley Relocation Policy

RECOMMENDATION:

That you:

- approve Lockyer Valley Regional Council’s application for exemption under section 236(1)(e) of the Local Government Regulation 2012 (the Regulation) from the tendering and auction requirements of section 227 of the Regulation for the exchange of Council-owned land described in the attached Schedule (Attachment 1). This is for landowners who meet the eligibility criteria under Council’s Lockyer Valley Relocation Policy and subject to the following conditions:

1. the disposal, by way of land exchange with landowners who meet the eligibility criteria under Council’s amended Lockyer Valley Relocation Policy (Attachment 2) is carried out in accordance with the terms and conditions set out in the policy and Council’s application
2. the disposal, by way of land exchange, is limited to residential properties only
3. Council provides you and the Queensland Reconstruction Authority with a schedule identifying the land (including real property description, size of the land and any property transaction details) and relevant parties to the disposal, at the completion of the land exchange program
4. Council provides certification to you that the exchange of land has been carried out under the terms of the exemption and all conditions have been complied with.

- sign the attached letter to Councillor Steve Jones, Mayor, advising of your approval (Attachment 3).

- note Mr Craig Evans, Director-General, Department of Local Government Community Recovery and Resilience will sign the attached letter to Mr Ian Flint, Council’s Chief Executive Officer, advising of your approval (Attachment 4).

BACKGROUND:

Following severe flooding in the Lockyer Valley on 10 and 11 January 2011, which caused unprecedented damage throughout the region, Council worked with the Queensland Reconstruction Authority to establish the Grantham Reconstruction Area. Council purchased land within this area and adopted the Grantham Relocation Policy to facilitate a program of land exchange with property owners whose properties were adversely impacted by the January 2011 Floods.

On 4 August 2011 the then Minister for Local Government granted approval for an exemption to enable this process to proceed (Attachment 5).

The Grantham Relocation Policy was replaced by the Lockyer Valley Relocation Policy on 1 July 2012 to enable the continuation of the land swap program which will expire on 30 June 2013.

Sections 227 and 228 of the Regulation provide the process local governments must comply with to dispose of an asset such as land, unless an exemption under section 236 of the Regulation applies. Section 236 of the Regulation provides a number of exemptions, including where the Minister for Local Government exempts the local government from complying with section 227.
KEY ISSUES:

Council has stated the underlying objective of the land exchange program is to move residents out of the flood plains and into a sustainable location, well above flood height records. In order to achieve this objective Council has revised the Lockyer Valley Relocation Policy to include those property owners who meet the criteria and owned their property at the time of January 2013 flood event.

Following the severe flooding in January 2013, additional landowners expressed an interest in participating in the land offer program. Subsequently, on 13 February 2013 Council resolved to approve revisions to the Lockyer Valley Relocation Policy, updating the policy to:

- be extended to 30 June 2014
- include properties affected by the January 2013 event
- include the township of Glenore Grove
- amend the criteria such that the program will only be available to those property owners who meet the eligibility criteria and who were owners of the property at the time of the January 2013 event.

Council is seeking your approval to enable it to enter into a land exchange agreement with landowners identified under the revised policy and as per the attached Schedule.

Council’s reasons for not tendering

A land exchange program, such as proposed by Council, is not possible through an open tender or auction process as the proposal requires the restriction of the offer to those deemed eligible under Council’s Lockyer Valley Relocation Policy.

Council decided to include the relatively small number of residents who have purchased property since January 2011 and who sustained impact from flooding in January 2013, as per the criteria set out in Item 1.2.6 of p4 of the Policy.

Council has applied to you, as no other exemption provided under section 236 of the Regulation is applicable to this application.

Other matters considered

Council confirms the Mayor and Councillors have no material personal interest in the proposed land exchanges.

The Department’s assessment of Council’s argument

The Department of Local Government, Community Recovery and Resilience has assessed Council’s arguments for why the tendering and auction requirements of the Regulation are not appropriate in this case. It is considered that in the circumstance the requirement to follow sound contracting principles is outweighed by the human and social considerations.

This exemption application is consistent with the previous approval granted by you on 13 July 2012.

The Department recommends approval be given under section 236(1)(e) of the regulation for the land swap to proceed without the requirement for auction or tender subject to the above four conditions.

CONSULTATION:

Consultation was undertaken with the Queensland Reconstruction Authority and Lockyer Valley Regional Council during the preparation of the brief for the original exemption.
Consultation also occurred with the Policy, Legal and Corporate Support unit of the Department in the preparation of this brief (Attachment 6).

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No
Does this support a media opportunity for the Minister's Office?  □ Yes  □ No
### Schedule of Council Owned Land

<table>
<thead>
<tr>
<th>Real Property Description</th>
<th>Lot No's.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP247670</td>
<td>50, 51, 53, 67, 68, 71, 73, 76</td>
</tr>
<tr>
<td>SP251288</td>
<td>87, 89, 90, 91, 92, 93, 94, 95, 97, 99, 114, 115, 116, 117, 121, 122, and 123</td>
</tr>
</tbody>
</table>
Lockyer Valley Relocation Policy

**LOCKYER VALLEY REGIONAL COUNCIL**
**LOCKYER VALLEY MASTER PLAN AND LAND OFFER PROGRAM**

<table>
<thead>
<tr>
<th>Category</th>
<th>LAND USE PLANNING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COMMUNITY DEVELOPMENT</td>
</tr>
<tr>
<td></td>
<td>FINANCE AND INFORMATION</td>
</tr>
</tbody>
</table>

The policy covers a land offer from Lockyer Valley Regional Council to eligible property owners in the Lockyer Valley towns of Grantham, Helidon, Murphys Creek, Postmans Ridge, Withcott, Laidley, Glenore Grove and other affected areas whose homes were lost or deemed unsafe and uninhabitable as a result of the flood events of January 2011 and January 2013. It focuses on outcomes for the community and land use planning. It represents significant financial commitments for Lockyer Valley Regional Council.

The Policy cuts across a number of Council’s responsibilities and operational Groups.

**Date of Adoption by Council**  13 February 2013

**Directorate Responsibility**  Office of the Chief Executive Officer

**Review Date**  1 June 2014
1 POLICY

1.1 POLICY CONTEXT

Lockyer Valley Regional Council (LVRC) acknowledges the significant loss of life and property as a result of the devastating flood events of December 2010 and January 2011 and the tragic event of 10 January in particular, as well as the January 2013 flood event.

In order to address these extraordinary circumstances, Lockyer Valley Regional Council has committed to a new Grantham Master Plan and Land Offer Program. A new residential subdivision will be established and residential allotments will be offered to eligible property owners from Grantham, Helidon, Murphys Creek, Postmans Ridge, Withcott, Laidley, Glenore Grove and other affected areas.

Lockyer Valley Regional Council recognises that the Lockyer Valley will never feel that it has recovered from these tragedies until the town of Grantham is rebuilt. Council has decided that it has a unique and important role in rebuilding Grantham and its community and has planned and will fully fund the development of an area to the north of Grantham for residential purposes. The Land Offer Program will be offered to land owners who meet the eligibility criteria. If a land owner chooses to participate in this program, they will receive a block of land in the new subdivision and the title for the owner's exiting property will transfer to Council's ownership.

Council has purchased a large tract of land, approximately 937 acres in size, situated directly north of the existing town of Grantham and elevated above the flood level experienced in the January 2011 and January 2013 floods.

In March 2011, Council organised a series of public workshops to engage and consult with people in Grantham about a vision for the future of the town. The scope of the work included the existing location of Grantham and the new development. From those community meetings a draft Master Plan was developed by Council, in cooperation with the Queensland Reconstruction Authority, utilising urban planners and engineers. Council worked with expert financial planners and market analysts to determine the basis of a business case to ensure the success of the overall project.
The vision for the first stages of the development provides land for the voluntary relocation of participating land owners (through the Land Offer Program) to a high quality residential development, serviced by sewer, water and other utilities. Community members can establish themselves in a safe area that is close to the existing commercial heart of Grantham. Other services and benefits will attract a growing population to the town contributing to a sustainable future for Grantham. Subsequent stages will offer further land for relocation and help to underpin the financial viability of the whole project, including the costs associated with the stage one land provided to land owners through the Land Offer Program.

The Grantham Master Plan is tied to broad scale recovery for the whole of the Lockyer Valley and its residents, each of whom has a stake in the success of the initiative. Council will address the financial risks of the project and the associated expenditure by focusing on a quality project, with a range of economic development opportunities, to satisfy community needs for land as well as long-term, sustainable growth.

1.2 DECISION MAKING PRINCIPLES/PARAMETERS FOR THE GRANTHAM MASTER PLAN AND LAND OFFER PROGRAM

1.2.1 Council will undertake the Grantham Master Plan and Land Offer Program in stages. The two stages will provide a sufficient supply of lots to accommodate those members of the affected community who expressed an interest. Further stages will be developed over a number of years and sold to provide revenue to Council to help offset the cost of the Land Offer Program.

1.2.2 The Master Plan was developed in cooperation with the Queensland Reconstruction Authority's requirements to allow the development to proceed in a streamlined fashion.

1.2.3 Council will ensure that the Land Offer Program is delivered in a fair and equitable manner.

1.2.4 Participation in the Land Offer Program is entirely voluntary and no person/property owner(s) will be forced to participate.

1.2.5 Subject to clauses 1.2.11 and 3.1.4, the title for the owner's existing property will transfer to Council's ownership.

1.2.6 New home sites will be made available to all property owners in the Lockyer Valley towns of Grantham, Helidon, Murphys Creek, Postmans Ridge.
Withcott, Laidley Glenore Grove and other parts of the Lockyer Valley who suffered devastating loss of life and property damage as a result of flood events in January 2011 and January 2013 and who satisfy one or more of the following criteria:

1.2.6.1 Complete destruction of their house; and/or
1.2.6.2 The remains of their houses are deemed unsafe/uninhabitable/not fit for habitation and only suitable for demolition; and/or
1.2.6.3 The property value of the affected house is assumed to have been destroyed and the house to be unsalable as a dwelling fit for habitation; and/or
1.2.6.4 Homes and land were located in the areas identified in Map A or Map B.

1.2.7 The Land Offer Program will only be available to those property owners who meet the above criteria and who were owners of the property at time of the 10 and 11 January 2011 events or the 26-29 January 2013 event.

1.2.8 Council will offer an unencumbered residential allotment to property owners whose situation, arising from the flood events, meets the specific hardship criteria above at no cost on the basis the affected landholder transfers ownership of their land to Council without encumbrances.

1.2.9 Multiple offers will be made through stages of development to eligible property owners. Council will endeavour to provide a variety of lot sizes for eligible property owners.

1.2.10 Owners of existing properties will be offered a new residential site according to the following schedule in Table 1.
Table 1
Schedule of Land Offer Program and Contributions Required from Eligible Property Owners

<table>
<thead>
<tr>
<th>Existing Single Block Size</th>
<th>Land Offer Program</th>
<th>Applicable Fees</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 0m² and up to 1500m²</td>
<td>Residential block of approximately 1000m²</td>
<td><strong>No contribution required</strong></td>
<td>Blocks will have high quality services including: <strong>Sewer</strong> <strong>Town Water</strong> Kerb and Channel <strong>Footpaths</strong> <strong>Underground services</strong> Note that the sewer system will require a tank and pump to be installed at the land owners expense.</td>
</tr>
<tr>
<td>From 1501m² to 3000m²</td>
<td>Residential block of approximately 2000m²</td>
<td><strong>No contribution required</strong></td>
<td>Blocks will have high quality services including: <strong>Sewer</strong> <strong>Town Water</strong> Kerb and Channel <strong>Footpaths</strong> <strong>Underground services</strong> Note that the sewer system will require a tank and pump to be installed at the land owners expense.</td>
</tr>
<tr>
<td>3001m² to 8000m²</td>
<td>Residential block of approximately 4000m²</td>
<td><strong>No contribution required</strong></td>
<td>Blocks will have high quality services including: <strong>Town Water</strong> Kerb and Channel <strong>Footpaths</strong> <strong>Underground services</strong></td>
</tr>
</tbody>
</table>

Legal:306732919.2/Version 2/5.06.12
4000m² lot. services
A waste water treatment system will be required at additional cost to the owner. Landholder to arrange installation.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Residential Block</th>
<th>Required Contribution</th>
<th>Services Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>8001 m² or greater</td>
<td>Residential block of 10,000 m²</td>
<td>No contribution required</td>
<td>A waste water treatment system will be required at additional cost to the owner. Landholder to arrange installation.</td>
</tr>
</tbody>
</table>

* Existing single lot blocks with an area greater than 15,000 m² will be dealt with on a case by case basis.

1.2.11 Notwithstanding any other provision of this Policy, owners of multiple blocks who wish to participate in the Land Offer Program will be considered on a case by case basis in negotiations with Council. Following those discussions, Council may at its discretion provide an offer to the owner whereby Council will convey title to a new property or properties in exchange for the multiple blocks or some other consideration. Council approval in writing will be required to finalise arrangements with property owners in this category.

1.2.12 Property owners who participate in the Program and currently own properties larger than blocks being offered in the Program will not be paid compensation for the smaller size of the block they accept in the Program. Property owners with existing single lot blocks with an area greater than 15,000 m² will be dealt with on a case by case basis.

1.2.13 Property owners who participate in the Program and would like to obtain a lot larger than what they would receive for no contribution (as shown in the schedule in Table 1) will be able to pay a contribution to acquire a larger lot. The cost to do so will be determined by LVRC based on cost-recovery and will be provided, when finalised, to the community.
1.2.14 Council reserves the right to sell lots within the new subdivision on the open market at any time or to amend the terms of the policy at any time.

1.2.15 The Granthan Land Offer Program ends on the earlier of:

(a) The date that title to all of the remaining new allotments being made available by Council under this relocation policy have been transferred to residents; and

(b) 30 June 2014.

1.2.16 This Lockyer Valley Relocation Policy (the New Relocation Policy) supersedes the policies adopted by Council on 11 May 2011 (the Original Relocation Policy) and 13 June 2012.

1.2.17 All participants who participate in the Granthan Land Offer Program under the provisions of the Original Relocation Policy will be subject to the provisions of the New Relocation Policy.

1.2.18 Subject to clauses 1.2.11 and 3.1.4, property owners who participate in the Program will exchange their existing property for a new property and the ownership of the existing property will be transferred to Lockyer Valley Regional Council. All mortgages and other loans linked to the property will be acquitted by the private property owner in order for the transfer to take place. All fees and charges (eg mortgage release fees and other financial institution fees and duties) incurred by the landholder to provide clear title for transfer to Council will be met by the landholder. The title to the existing property shall be free on any requisitions on transfer.

1.2.19 The Land Offer Program’s key dates and processes are laid out in Table 2.

1.2.20 Home sites of 1000m² and 2000m² will be serviced by a sewer system that will require homeowners to install a tank and pump to utilise the system. Those costs are to be paid for by the land owner.

1.2.21 Council commits to open, timely and transparent communications with its residents and property owners throughout these processes.

1.2.22 Existing property (ie property to be transferred to Council) is to be left in a clean and tidy condition, free of all debris and other rubbish (eg. redundant tanks, effluent disposal systems, foundations, etc.) as at the time of transfer.
2 OBJECTIVES

Council represents the entire Lockyer Valley community when it commits to these unprecedented actions to support the residents and businesses of Grantham, Murphys Creek, Helidon, Postmans Ridge, Withcott, Laidley, Glenore Grove and other affected areas. Council undertakes the associated financial risks acknowledging that there are implications for the wider community and every ratepayer. Council will fulfil its responsibilities to all rate payers in the Lockyer Valley by following a comprehensive business plan which identifies and aims to mitigate the financial risks of the Land Offer Program over time.

Council’s overarching objectives for the Grantham Master Plan and Land Offer Program initiative are:

- To provide a sustainable future for Grantham and the surrounding region by focusing on a quality development that includes a range of economic development opportunities and community projects;
- To provide a fair and equitable program to offer a residential site on 1,000, 2,000, 4,000 or 10,000m² lots in the new development to owners of existing properties that were devastated by the January 2011 and January 2013 floods; and
- To contribute to the rebuilding of the entire Lockyer Valley community.
3 PROCEDURES

3.1 IMPLEMENTATION OF THE POLICY

3.1.1 Council will appoint an independent probity auditor to oversee the process to ensure accountability, fairness, openness and transparency for all processes and outcomes. Council will also work with community members so that the process is perceived to be fair.

3.1.2 It is anticipated that the property owner will commence construction on house blocks received as a result of the outcomes of the Land Offer Program within 12 months of the date of settlement. Council recognises that there may be extenuating circumstances which apply in some cases and is willing to enter into negotiation on a case by case basis. Proposals such as lease of existing homes back to their existing owners will be considered, for the duration of the construction period of a new dwelling.

3.1.3 The Land Offer Program commenced in May 2011. The process for allocation of the remaining new allotments is dealt with in Table 2.

3.1.4 Individual negotiations will be considered in certain circumstances. Council reserves the right to form other arrangements with residents for the provision of new allotments to residents in exchange for a resident's existing property or properties or for some other consideration.

3.1.5 Property owners are strongly encouraged to seek individual financial counselling and legal advice to ensure that they understand the implications of participating in the Program.
Table 2
Key Dates and Actions
Grantham Master Plan and Land Offer Program

<table>
<thead>
<tr>
<th>Key Dates</th>
<th>LVRC Actions</th>
<th>Eligible Property Owner(s) (EPO)Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2012 and ongoing</td>
<td>Eligible residents are invited to participate in Land Offer Program.</td>
<td>Interested residents to provide an indication of interest in the Land Offer Program by way of letter, email or fax.</td>
</tr>
<tr>
<td>Ongoing (may take up to 2 months depending on a resident's individual circumstances)</td>
<td>Council to confirm that resident is eligible to participate in Land Offer Program. Eligible residents will be provided with a copy of the Participation Deed. Owners who indicate an interest to participate and who Council confirms satisfy the eligibility criteria will be dealt with by Council on a first come first served basis.</td>
<td></td>
</tr>
<tr>
<td>Within 2 weeks of Council notifying the resident that the resident is eligible to participate in Land Offer Program.</td>
<td></td>
<td>Resident to provide written notice to Council specifying the new allotment which the resident would like to secure, together with a copy of the signed Participation Deed and the documents required to be provided under the Participation Deed (including a copy of the title to the Flood Affected Allotment and a letter from each party that holds a mortgage or other interest (eg a lease) over their Flood Affected Allotment consenting to the proposed arrangements).</td>
</tr>
<tr>
<td>Within 4 weeks of Council receiving notification from</td>
<td>Council to provide interested residents with</td>
<td></td>
</tr>
<tr>
<td>resident specifying the new allotment which the resident would like to secure.</td>
<td>contract and other documents for transfer of new allotment.</td>
<td>Resident to complete and return contracts and other required documents to Council. If the resident fails to complete and return the contract and other required documents to Council in the required time period, the resident will need to start the process again and will lose their entitlement to the allotment proposed to be allocated to them by Council.</td>
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<td>Within 4 weeks of Council delivering the documents to the resident.</td>
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Legal306732919.2!Version 25.06.12
Councillor Steve Jones AM
Mayor
Lockyer Valley Regional Council
PO Box 82
GATTON QLD 4343

Dear Councillor Jones,

I refer to your letter of 6 March 2013 to the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning about Lockyer Valley Regional Council’s application for ministerial exemption under section 236 of the Local Government Regulation 2012 (Regulation) to exchange Council owned land identified in Schedule 1 (the subject land) to landowners who meet the eligibility criteria under Council’s amended ‘Lockyer Valley Relocation Policy’. As this issue falls within my portfolio responsibility, your correspondence was forwarded to me for consideration.

In accordance with section 236(1)(e) of the Regulation, I have approved an exemption to Council from the tender and auction requirements of section 227 of the Regulation for the disposal of the subject land, by exchange with landowners who meet the eligibility criteria under Council’s ‘Lockyer Valley Relocation Policy’, subject to the following conditions:

1. the disposal, by way of land exchange with landowners who meet the eligibility criteria under Council’s amended Lockyer Valley Relocation Policy, is carried out in accordance with the terms and conditions set out in this policy and Council’s application
2. the disposal, by way of land exchange, is limited to residential purposes only
3. Council provides me and the Queensland Reconstruction Authority with a schedule, which identifies the land (including real property description, size of the land and any property transaction details) and relevant parties to the disposal at the completion of the land exchange program
4. Council provides certification to me that the exchange of lands has been carried out under the terms of the exemption and all conditions have been complied with.
The exemption is until all available blocks of land have been transferred to eligible residents or 30 June 2014, whichever is earlier.

Mr Craig Evans, Director-General of the Department of Local Government, Community Recovery and Resilience has written to Mr Ian Flint, Chief Executive Officer to advise him of my approval.

If your staff require any further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref: MBN13/347

Your ref: 7.56/8-7

19 APR 2013

Mr Ian Flint
Chief Executive Officer
Lockyer Valley Regional Council
PO Box 82
GATTON QLD 4343

Dear Mr Flint

I refer to Lockyer Valley Regional Council’s letter of 6 March 2013 to the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning about Council’s seeking an exemption under section 236 of the Local Government Regulation 2012 (Regulation), to exchange Council owned land identified in Schedule 1 (the subject land) to landowners who meet the eligibility criteria under Council’s amended ‘Lockyer Valley Relocation Policy.’

As this matter falls within the portfolio responsibilities of the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience, the correspondence was forwarded to the Minister for consideration.

In accordance with section 236(1)(e) of the Regulation, the Minister has approved an exemption to Council from the tender and auction requirements of section 227 of the Regulation for the disposal of the subject land, by exchange with landowners who meet the eligibility criteria under Council’s ‘Lockyer Valley Relocation Policy’, subject to the following conditions:

1. The disposal, by way of land exchange with landowners who meet the eligibility criteria under Council’s amended Lockyer Valley Relocation Policy, is carried out in accordance with the terms and conditions set out in this policy and Council’s application.

2. The disposal, by way of land exchange, is limited to residential purposes only.

3. Council provides the Minister and the Queensland Reconstruction Authority with a schedule, which identifies the land (including real property description, size of the land and any property transaction details) and relevant parties to the disposal at the completion of the land exchange program.
4. Council provides certification to the Minister that the exchange of lands has been carried out under the terms of the exemption and all conditions have been complied with.

The exemption is until all available blocks of land have been transferred to eligible residents or 30 June 2014, whichever is earlier.

Minister Crisafulli has written to Councillor Steve Jones, Mayor to advise him of his approval.

If you require any further information, please contact Jennie O’Connor, Acting Director, Southern Region on (07) 3224 4129 or jennie.o’connor@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director-General
Department of Local Government,
Community Recovery and Resilience
DEPARTMENT OF LOCAL GOVERNMENT AND PLANNING
BRIEF FOR DECISION

Received

Our Ref: MC11/2724
Date: 29 July 2011

TO
Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State

FROM
Strategy and Governance Group

SUBJECT
Lockyer Valley Regional Council - Application for ministerial exemption under section 185 from the tender and auctions requirements of section 176 of the Local Government (Finance, Plans and Reporting) Regulation 2010 to facilitate the Grantham Land Offer Program

Requested by
Departmentally generated

RECOMMENDATIONS

• That you approve, an application by Lockyer Valley Regional Council for exemption under section 185(1)(e) of the Local Government (Finance, Plans and Reporting) Regulation 2010 (the Regulation) from the tendering and auction requirements of section 176 of the Regulation in relation to an exchange of Council-owned land described as Lots 132 CA3121, Lot 1 RP 950917, Lot 2 RP 204243, Lot 127 CA3121, Lot 128 CA3121, Lot 124 CA3121, Lot 123 CA3121 and Lot 125 CA3121 with landowners who meet the eligibility criteria under Council’s ‘Grantham Relocation Policy’ and subject to the following conditions:
  - the disposal, by way of land exchange with the land-owners who meet the eligibility requirements under Council’s Grantham Relocation Policy, is carried out in accordance with the terms and conditions set out in the Grantham Relocation Policy and Council’s application
  - the disposal, by way of land exchange is limited to residential purposes only
  - Council provides you and the Queensland Reconstruction Authority a schedule which identifies the land (including the real property description, size of the land and any property transaction details) and relevant parties to the disposal at the completion of each ballot process
  - Council provides certification to you that the exchange of lands has been carried out under the terms of the exemption and that all conditions have been complied with

• That you sign the attached letter to Councillor Steve Jones, Mayor, Lockyer Valley Regional Council advising of your approval and the Honourable Anna Bligh MP, Premier, enclosing a copy of your approval notice to Lockyer Valley Regional Council (Attachment 1a and 1b).

• That you note that the Director-General, Department of Local Government and Planning will sign the attached letter to Mr Ian Flint, Chief Executive Officer, Lockyer Valley Regional Council and Mr Graeme Newton, Chief Executive Officer, Queensland Reconstruction Authority, enclosing a copy of your approval notice to Lockyer Valley Regional Council (Attachment 2a and 2b).
• That you note that a decision is required by 29 July 2011 to ensure that Stage 1 of Council’s Grantham Land Offer Program can be facilitated and to coincide with the gazettal of the Development Scheme for Grantham on 5 August 2011.

BACKGROUND SUMMARY

• On 10 January 2011, severe flash flooding in the Lockyer Valley caused unprecedented damage throughout the region. The impact of the devastation in the Lockyer Valley was most severely felt in the towns of Grantham, Postmans Ridge, Murphys Creek, Helidon and Withcott located along the river system in Lockyer Valley. Damage assessments following the disaster indicate that 10 houses were completely destroyed, 19 houses were beyond repair and 119 sustained significant damage.

• On 21 February 2011, the Queensland Reconstruction Authority (QRA) was established through the Queensland Reconstruction Authority Act 2011.

• The Grantham Reconstruction Area was declared via the Queensland Reconstruction Authority Regulation 2011 which was approved by Governor in Council on 7 April 2011 and published in the Government Gazette on 8 April 2011. The Grantham Reconstruction Area is located on higher ground to the immediate north of the existing Grantham Township.

• On 8 April 2011, Council purchased land within the Grantham Reconstruction Area for the purposes of facilitating a land exchange program with property-owners adversely affected by the January 2011 floods. The Council owned land is 937 acres in area and is described as Lot 132 CA3121, Lot 1 RP 850917, Lot 2 RP 204243, Lot 127 CA3121, Lot 128 CA3121, Lot 124 CA3121, Lot 124 CA3121, Lot 123 CA3121 and Lot 125 CA3121.

• The QRA has worked closely with Council and the community of Grantham to prepare a Development Scheme for the Grantham Reconstruction Area. The Development Scheme is currently undergoing a final representation period, during which four submitters who are affected land-owners have the opportunity to make representations to the Premier until 28 July 2011. Subject to resolution of any matters raised, at this stage the finalised Development Scheme is scheduled for gazettal on 5 August 2011.

• Together, the QRA’s Development Scheme and the Council’s Land Offer Program (underpinned by the Grantham Relocation Policy), enables the vision of a new Grantham to be realised, offering a future to local residents adversely affected by the floods. The Premier and Councillor Steve Jones, Mayor of Council have made commitments to the public to have some displaced Grantham residents in their new homes by Christmas 2011.

• On 2 June 2011, you were briefed on the detail of Council’s Grantham Relocation Policy, and you were provided with an update of the proposed Development Scheme and Temporary Local Planning Instrument used to facilitate the early commencement of earthworks in Grantham (Attachment 3).

• You were advised that the Grantham Relocation Policy (Attachment 4) administers the Council’s Land Offer Program and represents a milestone in the rebuilding efforts in Grantham and that the facilitation of the land exchange program is contingent upon you executing your powers, as Minister for Local Government, to exempt Council from the tendering or auction requirements of the Regulation.

• The Council has now applied to you seeking a ‘blanket approval’ exemption under section 185(1)(e) of the Regulation, from the tendering and auction requirements of section 176 of the Regulation.
ISSUES

Local Government Act and Regulation matters

- Sections 176 and 177 of the Regulation outline the tendering and auction requirements that Local Governments must follow in relation to the disposal of land.

- Section 185 provides certain exemptions to the tendering and auction requirements of sections 176 and 177 of the Regulation, including a power under section 185(1)(e) of the Regulation, which allows you as Minister for Local Government, to exempt a Local Government from complying with the tendering and auction requirements, with or without conditions.

- The power provided to you under section 185(1)(e) of the Regulation does not contain specific criteria that must guide your decision, however, it would be appropriate that consideration be given to the sound contracting principles outlined in section 106 of the Local Government Act 2009. The sound contracting principles are principles that Local Governments must have regard to when entering into a contract for the supply of goods or services, the carrying out of work or the disposal of assets (including land).

- The sound contracting principles include value for money, open and effective competition, the development of competitive local business and industry, environmental protection and ethical behaviour and fair dealing.

- A land exchange program, such as that proposed by Council, is not possible through an open tender or auction process given that the proposal requires the restriction of the offer to those deemed eligible under Council's Grantham Relocation Policy.

- Generally if an exemption under section 185(e) of the Regulation is granted, it is conditioned to ensure, as much as possible, that the relevant sound contracting principles are not adversely impacted.

- Given the limited eligibility of persons that can apply to be party to the land exchange program, the sound contracting principles of value for money and open and effective competition may be somewhat compromised. It is considered, however, that these considerations are outweighed by other human and social considerations and are protected as much as possible in the circumstances by the exchange framework provided within the Grantham Relocation Policy.

- Accordingly, it is considered appropriate that any exemption approved should be conditioned to ensure the land exchanges occur in compliance with that framework.

Precedent

- The current State policy position is that any application for an exemption seeking a blanket or ‘in principle’ approval for disposal of Local Government land will not be recommended. The rationale provides that the changing market conditions over the lifetime of an open-ended approval limits a Council’s ability to receive value for money and any proposed future disposals would require independent assessment to ensure open and effective competition.

- A blanket or ‘in principle’ approval under Section 185 has not been given by a Minister for Local Government before in Queensland. However, this application by Lockyer Valley Regional Council is a similar approach previously used by Redland City Council in relation to land exchanges for multiple lots on the Southern Moreton Bay Islands, where several development constraints deemed them to be unsuitable for residential development.
Due to the severe impacts and hardship faced by Grantham residents following the floods and the nature of the Grantham land exchange program, it is not considered that a precedent will ensue.

Council’s Land Offer Program

Council’s Land Offer Program involves the transfer of Council-owned land (identified as Lot 132 CA3121, Lot 1 RP 850917, Lot 2 RP 204243, Lot 127 CA3121, Lot 128 CA3121, Lot 124 CA3121, Lot 123 CA3121 and Lot 125 CA3121) with land-owners who meet the eligibility requirements under Council’s Grantham Relocation Policy.

Under the Grantham Relocation Policy, the Land Offer Program will only be available to residents who were property-owners in the townships of Grantham, Helidon, Murphys Creek, Postmans Ridge and Withcott at the time of the January 2011 floods and who meet at least one of the following eligibility criteria:

- complete destruction of the house
- the remains of the house are deemed unsafe/uninhabitable/not fit for habitation and only suitable for demolition
- the property value of the affected house is assumed to have been destroyed and the house to be unsaleable as a dwelling fit for habitation
- homes and land were located in the area identified in Map A of the Policy.

Council intends to offer an unencumbered residential allotment at no cost to property-owners in exchange for their unencumbered flood-affected property. All mortgages and other encumbrances and associated fees are required to be absorbed by property-owners to provide a clear title of transfer to Council.

Council intends to provide a variety of lot sizes between 1000 m² and 10 000 m² within the Grantham Reconstruction Area. Property-owners will be offered, where possible, a 'like for like' exchange. However, Council does not intend to pay compensation to owners who accept a lot which is of a smaller size than their existing lot. Details of the proposed Land Offer Program are provided in Attachment 5.

Council intends to reserve the right to sell lots within the new subdivision on the open market at any time, in order to cover the costs of purchasing the land. However, the Council undertakes to ensure that there will be sufficient lots available in the time period of this Land Offer Program to meet all requests from eligible property-owners.

The first round of land offers will be made from July 2011 comprising 80 residential lots. Subsequent rounds will be completed over a two year period, with nominations being sought by late 2011/early 2012.

Lots are proposed to be awarded by Council under a formalised ballot process. Consultants BDO have been appointed to act as an independent probity auditor to oversee the process to ensure accountability, fairness, openness and transparency for all processes and outcomes. An information evening for the first ballot process was held on 13 July 2011. The ballot will be held on 6 August 2011 at the Lockyer Valley Cultural Centre.
The QRA has initiated discussions with Queensland Treasury regarding ex gratia relief from transfer duties and registration fees related to the land swap program for Council and landowners. The QRA, with BDO, is also working to finalise a submission to the Australian Tax Office regarding capital gains tax relief for land-owners involved in the land swap.

The QRA is also working closely with Clayton Utz, who has provided advice on legal issues associated with the Development Scheme and Council's Land Offer Program on a pro bono arrangement.

Furthermore, the QRA is currently in discussions with the Department of Environment and Resource Management regarding waiving the lodgement and search fees associated with the land swap for Grantham residents.

CULTURAL IMPACT

The events of January 2011 have left the community of Grantham and the entire Lockyer Valley region devastated. This exemption under Section 185 of the Regulation (and facilitating Council’s Land Offer Program) is seen as an important and positive step towards community recovery and is recognised as a critical element of the Implementation Strategy for the proposed Development Scheme for Grantham.

EMPLOYMENT IMPACT

The development of a new residential area in Grantham and associated works will generate employment, helping to stimulate the local economy.

RIGHT TO INFORMATION PUBLICATION SCHEME

There is no publication with this brief.

CONSULTATION WITH STAKEHOLDERS

The Lockyer Valley Regional Council and the QRA have been consulted in the preparation of this brief.

Mr Stephen Johnston, Executive Director, Office of Local Government has reviewed and endorsed the contents of this brief.

FINANCIAL IMPLICATIONS

The Department is aware that Council spent approximately $7 million on purchasing the land required to facilitate the proposed Land Offer Program.

Council has estimated that it will invest between $30 to 40 million on developing the new residential area in Grantham.

POTENTIAL MEDIA

Given the media attention on Grantham since January 2011, the Grantham Relocation Policy and Land Offer Program is likely to attract ongoing media coverage.

There is some risk (albeit minor) that residents who are offered a smaller sized allotment to the one they currently own may feel unfairly treated.
There is an opportunity for this exemption approval to coincide with the release of the finalised Development Scheme for the Grantham Reconstruction Area (currently scheduled for gazetted on 5 August 2011).
Deputy Premier and Attorney-General,  
Minister for Local Government  
and Special Minister of State

Comments

Reference No: MC11/2724  
LG/11/2467

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Political Representatives

Local Government

Councillor Steve Jones, Mayor, Lockyer Valley Regional Council

State Government

Mr Ian Rickuss MP, Member for Lockyer

Federal Government

Mr Scott Buchholz MP, Member for Wright

Contact Officer: Approved:
Kara Salmon  
Senior Advisor  
South East Region
3381 7585

Signed  
13/07/11

Approved:
David Else  
A/Regional Director  
South East Region
5459 8290

21/07/2011

Endorsed:
Bill Gilmore  
A/Executive Director  
Regional Services
3225 8900

Signed  
27/07/2011

Kathy Schaefer  
Deputy Director-General  
3224 8410

Signed  
27/7/11

Page 7 of 7

RTI RELEASE
SUBJECT: Lockyer Valley Regional Council's application to be exempt from tender and auction requirements to extend the Grantham Land Offer Program until 30 June 2013.

RECOMMENDATION:

That you:

- approve Council's application for exemption under section 185(1)(e) of the Local Government (Finance, Plans and Reporting) Regulation 2010 (the Regulation) from the tendering and auction requirements of section 176 of the Regulation in relation to an exchange of Council-owned land, as described in the schedule (Attachment 1). This is for landowners who meet the eligibility criteria under Council's Lockyer Valley Relocation Policy and subject to the following conditions:

1. the disposal, by way of land exchange with landowners who meet the eligibility criteria under Council's 'Lockyer Valley Regional Policy' (granted on the basis of this policy dated 13 June 2012, as amended from time to time with the written approval of the Minister), is carried out in accordance with the terms and conditions set out in this policy and Council's application

2. the disposal, by way of land exchange, is limited to residential purposes only

3. Council provides you and the Queensland Reconstruction Authority with a schedule, which identifies the land (including real property description, size of the land and any property transaction details) and relevant parties to the disposal at the completion of the land exchange program

4. Council provides certification to you that the exchange of lands has been carried out under the terms of the exemption and all conditions have been complied with.

- sign the attached the letter to Councillor Steve Jones, Mayor, advising of your approval (Attachment 2).

- note Mr Neil Castles, Director-General, Department of Local Government will sign the attached letter to Mr Ian Flint, Council's Chief Executive Officer, advising of your approval (Attachment 3).

BACKGROUND:

Following severe flash flooding in the Lockyer Valley on 10 and 11 January 2011, which caused unprecedented damage throughout the region, Council worked with the Queensland Reconstruction Authority to establish the Grantham Reconstruction Area (GRA).

Council then purchased land within the GRA and adopted the Grantham Relocation Policy to facilitate a program of land exchange (the Land Offer Program) with property owners whose properties were adversely impacted by the January 2011 floods. This process required Ministerial approval for an exemption which was granted on 4 August 2011 (Attachment 4).

The Grantham Relocation Policy expired on 1 July 2012. Council has advised it continues to receive interest in the Land Offer Program under the previous policy and the Lockyer Valley Relocation Policy which was adopted on 13 June 2012. The new policy will expire when all available allotments have been transferred to eligible residents or 30 June 2013, whichever is the earlier.
To facilitate continuation of the Land Offer Program under the new policy, Council wrote to you on 4 July 2012 seeking a further exemption under section 185(1)(e) of the Regulation.

KEY ISSUES:

The previous exemption granted on 4 August 2011 was on the condition the land exchanges were carried out in accordance with the terms and conditions of the Grantham Relocation Policy.

The review of the new Lockyer Valley Relocation Policy has identified this policy varies from the original Grantham Relocation Policy in the following ways:

- Eligibility under the new policy has been amended slightly to include an additional map (Map B) showing properties in Laidley which are eligible under the policy. The properties have been identified as eligible, to clarify that owners of these properties are considered to meet the other criteria. To be eligible for the Land Offer Program under the new policy, a property owner must satisfy one or more of the following criteria:
  - complete destruction of their house; and/or
  - the remains of their house are deemed unsafe/uninhabitable/not fit for habitation and only suitable for demolition; and/or
  - the property value of the affected house is assumed to have been destroyed and the house to be unsaleable as a dwelling fit for habitation; and/or
  - house and land were located in the area identified in Map A or Map B.

- Under the previous policy, eligible residents entered a ballot to receive an offer to enter the Land Offer Program. Under the new policy, eligible residents will be invited to participate in the Land Offer Program and those residents expressing an interest and confirmed as meeting the eligibility criteria will be dealt with by Council on a first come, first served basis.

   Note: The Department has confirmed all eligible residents who entered the two ballots previously offered by Council were offered a parcel of land in the GRA. Some residents declined the offer as they did not get their preferred block. Council has also advised some residents are only now coming to terms with their situation and starting to look at their options moving forward. The method proposed by Council allows greater flexibility in dealing with residents when they are ready to consider this option.

In addition to the abovementioned changes in the new policy, the description of the land subject to Council's application for exemption has changed due to the original parcels of land purchased by Council being subdivided to facilitate the previous exchange program.

Other matters considered

Council confirms that the Mayor and Councillors have no material personal interest in relation to the Grantham land swap program.

The power provided to you under section 185(1)(e) of the Regulation does not contain specific criteria to guide your decision, however, it would be appropriate for consideration to be given to the sound contracting principles outlined in section 106 of the Local Government Act 2009. The sound contracting principles are principles which Local Governments must have regard to when entering into a contract for the supply of goods or services, the carrying out of work or the disposal of assets (including land). This includes value for money, open and effective competition, the development of competitive local business and industry, environmental protection and ethical behaviour and fair dealing. Generally if an exemption under section 185(e) of the Regulation is granted, it is conditioned to ensure, as much as possible, that the relevant sound contracting principles are not adversely impacted.
Department’s assessment of Council arguments

It is considered the new Lockyer Valley Relocation Policy has not been altered in a way which would impact on whether an exemption should be granted under section 185(1)(e) of the Regulation.

A land exchange program, such as proposed by Council, is not possible through an open tender or auction process as the proposal requires the restriction of the offer to those deemed eligible under Council’s Lockyer Valley Relocation Policy.

Given the limited eligibility of persons who can apply to be party to the land exchange program, the sound contracting principles of value for money and open and effective competition may be somewhat compromised. It is considered, however, these considerations are outweighed by other human and social considerations and are protected as much as possible in the circumstances by the exchange framework provided within the Lockyer Valley Relocation Policy.

Accordingly, it is considered appropriate that any further exemption approval should be conditioned to ensure the land exchanges occur in compliance with the exchange framework. It is therefore recommended you approve Council’s application under section 185(1)(e) of the Regulation, subject to the above four conditions.

CONSULTATION:

Consultation was undertaken with the Queensland Reconstruction Authority and Lockyer Valley Regional Council during the preparation of the brief for the original exemption.

Consultation also occurred with the Legal Services (Bronwyn Blagoev) and the Programs (Gary Kleidon) areas of the Department in the preparation of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  ☑ No
Pages 593 through 598 redacted for the following reasons:
73(1) Not relevant - Out of scope full refusal
73(1) Not relevant - Out of scope full refusal - Brief for noting or providing information not for decision.
SUBJECT: Further extension of time request from Kowanyama Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Kowanyama Aboriginal Shire Council’s request for an extension of time to 31 May 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Robert Holness, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Ms Glenda Teede, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 25 March 2013, Council requested a further extension of time until 31 May 2013 to adopt the 2011-12 Annual Report. Council has advised that due to a lack of key personnel and that Queensland Audit Office (QAO) has not yet certified Council’s general purpose financial statements, this further extension is required.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 31 May 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No

Does this support a media opportunity for the Minister’s Office?  □ Yes  □ No
Dear Councillor Holness,

I refer to Kowanyama Aboriginal Shire Council’s letter of 25 March 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 31 May 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Ms Glenda Teede, Chief Executive Officer, to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff, on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
11 APR 2013

Ms Glenda Teede
Chief Executive Officer
Kowanyama Aboriginal Shire Council
PO Box 30
NORMANTON QLD 4871

Dear Ms Teede

I refer to Kowanyama Aboriginal Shire Council’s letter of 25 March 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 31 May 2013.

The Minister has written to Councillor Robert Holness, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding, on (07) 322 76941 or bill.gilmore@dlgcrr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government, Community Recovery and Resilience
Further extension of time request from Burdekin Shire Council for adoption of 2011-12 Annual Report

That you:

- approve Burdekin Shire Council's request for an extension of time to 5 May 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Bill Lowis, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Ken Holt, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 28 March 2013, Council requested a further extension of time until 5 May 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements.

Council did request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 5 May 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication

Does this support a media opportunity for the Minister's Office?
Dear Councillor Lowis

I refer to Burdekin Shire Council’s letter of 28 March 2013 requesting a further extension of time for the adoption of Burdekin Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 5 May 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Ken Holt, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Our ref: MC13/1206

11 APR 2013

Mr Ken Holt
Chief Executive Officer
Burdekin Shire Council
PO Box 974
AYR QLD 4807

Dear Mr Holt

I refer to Burdekin Shire Council's letter of 28 March 2013 requesting a further extension of time for the adoption of Burdekin Shire Council's 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council's request. The new date by which Council must adopt its 2011-12 Annual Report is 5 May 2013.

The Minister has written to Councillor Bill Lowis, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 3227 6941 or bill.gilmore@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government, Community Recovery and Resilience
SUBJECT: Further extension of time request from Wujal Wujal Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Wujal Wujal Aboriginal Shire Council’s request for an extension of time to 30 April 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Clifford Harrigan, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Alan Neilan, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 28 March 2013, Council requested a further extension of time until 30 April 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as the Queensland Audit Office (QAO) would not yet certify Council’s general purpose financial statements until rework was undertaken of its valuation of its assets. This work is now complete and the QAO is assessing it.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 30 April 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister’s Office? □ Yes □ No
Hon David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Our ref: MC13/1212

11 APR 2013

Councillor Clifford Harrigan
Mayor
Wujal Wujal Aboriginal Shire Council
Wujal Wujal Community
VIA COOKTOWN QLD 4895

Dear Councillor Harrigan

I refer to Wujal Wujal Aboriginal Shire Council’s letter of 28 March 2013 requesting a further extension of time for the adoption of Wujal Wujal Aboriginal Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 30 April 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Alan Neilan, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
11 APR 2013

Mr Alan Neilan
Chief Executive Officer
Wujal Wujal Aboriginal Shire Council
Wujal Wujal Community
VIA COOKTOWN QLD 4895

Dear Mr Neilan

I refer to Wujal Wujal Aboriginal Shire Council’s letter of 28 March 2013 requesting a further extension of time for the adoption of Wujal Wujal Aboriginal Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 30 April 2013.

The Minister has written to Councillor Clifford Harrigan, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding on (07) 322 76941 or bill.gilmore@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director-General
Department of Local Government, Community Recovery and Resilience

Level 18 Mineral House
41 George Street, Brisbane
PO Box 15009 City East
Queensland 4002 Australia
ABN 25 166 523 889
SUBJECT: Further extension of time request from Maranoa Regional Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Maranoa Regional Council's request for an extension of time to 15 May 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Robert Loughnan, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Ms Julie Reitano, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 27 March 2013, Council requested a further extension of time until 15 May 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as the Queensland Audit Office (QAO) has not yet certified Council's general purpose financial statements. Council advises that its Annual Report is nearly complete and just awaiting completion of its general purpose financial statements.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 15 May 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication

Yes ☐ No ☒

Does this support a media opportunity for the Minister's Office?

Yes ☐ No ☐
Dear Councillor Loughnan,

I refer to Maranoa Regional Council’s letter of 27 March 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 15 May 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Ms Julie Reitano, Chief Executive Officer, to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff, on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Our ref: MC13/1214

11 APR 2013

Ms Julie Reitano
Chief Executive Officer
Maranoa Regional Council
PO Box 42
MITCHELL QLD 4465

Dear Ms Reitano

I refer to Maranoa Regional Council’s letter of 27 March 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 15 May 2013.

The Minister has written to Councillor Robert Loughnan, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding, on (07) 3227 6941 or bill.gilmore@dlgccrr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience
SUBJECT: Further extension of time request from Cloncurry Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Cloncurry Shire Council's request for an extension of time to 30 April 2013 to adopt Council's 2011-12 Annual Report

- sign the attached letter to Councillor Andrew Daniels, Mayor (Attachment 1)

- note the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr David Neeves, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 5 March 2013, Council requested a further extension of time until 30 June 2013 to adopt the 2011-12 Annual Report. Council has advised that this further extension is required as the Queensland Audit Office (QAO) would not yet certify Council's general purpose financial statements until rework was undertaken of its valuation of its assets. This work is now complete and Council has advised it will be adopting its Annual Report at its next meeting on 23 April 2013.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension only to 30 April 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No
Hon David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Our ref: MC13/1285
Your ref: Financial Audit and Year End/2011/12

16 APR 2013

Councillor Andrew Daniels
Mayor
Cloncurry Shire Council
PO Box 3
CLONCURRY QLD 4824

Dear Councillor Daniels

Thank you for your letter of 5 March 2013 requesting a further extension of time for the adoption of Cloncurry Shire Council’s 2011-12 Annual Report.

I regard to the reasons for Council’s request as satisfactory and have approved an extension of time to 30 April 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr David Neeves, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref: MC13/1285
Your ref: Financial Audit and Year End/ 2011/12

16 APR 2013

Mr David Neeves
Chief Executive Officer
Cloncurry Shire Council
PO Box 3
CLONCURRY QLD 4824

Dear Mr Neeves

I refer to Cloncurry Shire Council’s letter of 5 March 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 30 April 2013.

The Minister has written to Councillor Andrew Daniels, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding on (07) 322 76941 or bill.gilmore@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director-General
Department of Local Government, Community Recovery and Resilience
SUBJECT: Appointment of Transfer Managers

RECOMMENDATION:

That you:

- Approve the appointment of the four Transfer Managers on the terms and conditions as outlined in the brief

- Note that the Director-General of the Department of Local Government, Community Recovery and Resilience (DLGCRR) will sign the attached letters to Mr Rod Ferguson, Mr Peter Franks, Mr Graeme Kanofski and Mr Jeff Tate appointing them as Transfer Managers for the four de-amalgamating councils.

BACKGROUND:

Following the outcome of the de-amalgamation poll held on the 9 March 2013, a recruitment process facilitated by Talentpartners was conducted to fill the four Transfer Managers positions for the new council areas of Noosa, Douglas, Livingston and Mareeba Shires.

The positions were advertised nationally and 44 applications were received. Following short listing, ten applicants were interviewed on the 4th and 5th April by a panel consisting of Mr Craig Evans, Director-General DLGCRR, Mr Stephen Johnston Deputy Director-General DLGCRR, Mr John O'Connell, Assistant Under Treasurer, and Mr Peter Gibson, Talentpartners.

Following the interview process and referee checks conducted by Mr Peter Gibson, four applicants are recommended for appointment.

KEY ISSUES:

The recommended appointees are as follows:

- Noosa – Mr Peter Franks
- Livingstone – Mr Graeme Kanofski
- Douglas – Mr Jeff Tate
- Mareeba – Mr Rod Ferguson

Summaries of the 4 proposed appointees’ credentials and the outcome of the interview panels’ deliberations are attached.

The appointees will be appointed by way of a S122 contract under the provisions of the Public Service Act 2008.

The proposed salary levels have been established having regard to a number of factors including the salary rates for CEOs of the four existing councils the new councils are separating from, the size of the new councils to be established and the fact that appointments are short term in nature - being for a maximum period of just over eight months in duration.
This resulted in the following per annum salary rates:

- Noosa Livingstone
- Mareeba
- Douglas

The CEO remuneration levels proposed that equate to these rates are:

- Mr Peter Franks
- Mr Graeme Kanofski
- Mr Rod Ferguson
- Mr Jeff Tate

It should be noted that the above salaries will be pro-rated for the period of employment (estimated to be for eight months) and include a vehicle allowance, superannuation employer contribution and leave loading.

It is proposed to negotiate accommodation expenses individually with the successful applicants, not exceeding 50 per cent of their reasonable actual costs for the duration of the contract period.

CONSULTATION: Nil

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes X No

Does this support a media opportunity for the Minister's Office? X Yes ☐ No
Pages 654 through 669 redacted for the following reasons:

Sch.4(4)(6) Personal Information
SUBJECT: Ministerial approval under section 172(7) of the Local Government Act 2009

RECOMMENDATION:
That you:

- not approve a request from Carpentaria Shire Council for three councillors with a material personal interest to take part in Council’s Ordinary Meeting on 17 April 2013.
- sign the attached letter to Councillor Fred Pascoe, Mayor, advising of your decision (Attachment 1).

BACKGROUND:

Section 172 of the Local Government Act 2009 (the Act) states that a councillor has a material personal interest (MPI) in the matter if a councillor or their sibling (amongst others) stands to benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting.

Section 172(7) of the Act adds that the Minister may, by signed notice, approve a councillor with an MPI, taking part in the meeting if, because of the number of councillors, conduct of the meeting would be obstructed if the approval were not given.

On 9 April 2013, Mr Bob Owen, Chief Executive Officer, Carpentaria Shire Council, wrote to you on behalf of Council’s Mayor seeking your approval for three councillors with MPIs to take part in Council’s Ordinary Meeting of 17 April 2013:

Mr Owen is seeking a written notice to allow the councillors to remain in the meeting to vote on the tenderers for plant hire to be placed in Council’s preferred supplier pool. On this occasion, two of the councillors are tendering and the third has a sibling who is tendering.

KEY ISSUES:

Section 259 of the Local Government Regulation 2012 (the Regulation) states that a quorum of a local government is a majority of its councillors. As Council has seven councillors, including the Mayor, a quorum for Carpentaria Shire Council meetings is four.

Council held a Special Meeting on 8 April 2013, to place tenderers for plant hire in Council’s preferred supplier pool. At this meeting, two councillors were granted leave of absence for work and Of the five remaining councillors at the Special Meeting, two declared an MPI, consequently the quorum was lost and the matter was deferred to the next Ordinary Council Meeting of 17 April 2013.

Mr Owen has advised that Councillor Joyce Zahner is in Townsville and may not be able to attend the Ordinary Council Meeting of 17 April 2013.

The Department of Local Government, Community Recovery and Resilience has ensured Council is aware of the amendments to section 276 of the Regulation that allows a councillor to take part in a meeting by teleconferencing. In addition, the Department has offered Councillor Zahner the use of office and teleconferencing facilities in Townsville to enable her to join the meeting by teleconference. Mr Owen responded that he will discuss this option with Councillor Zahner.
The Department considers that recent amendments to the Regulation have provided Council with a suitable option to maintain a quorum and make a decision on the tenderers for plant hire without the need to utilise Ministerial powers under Section 172(7) of the Act.

CONSULTATION:

Mr Peter Whiting, Senior Advisor has consulted with Mr Bob Owen, Council's Chief Executive Officer.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  Yes  No

Does this support a media opportunity for the Minister's Office? Yes  No

Advice needed back to Council asap.

Council mtg is tomorrow 17/04/13.

Email Asap.

Ring to notify 'ahead'.

(As per Min. direction: please email + ring)

\[85x753\]

DLO 16.4.13
Our ref: MC13/1347
Your ref: AAP

16 APR 2013

Councillor Fred Pascoe
Mayor
Carpentaria Shire Council
PO Box 31
NORMANTON QLD 4890

Dear Councillor Pascoe

I refer to Carpentaria Shire Council’s letter of 9 April 2013, seeking approval under Section 172(7) of the Local Government Act 2009 for three councillors, with material personal interests, to take part in Council’s monthly meeting of 17 April 2013 and make a decision on plant hire tenderers to be placed in Council’s preferred supplier pool.

I understand from Council’s letter that two of your councillors are tendering and a third has a sibling who is also tendering on this occasion. I do realise this places Council in a difficult position to make a decision on this matter.

However, I am advised that on this occasion, Council can still maintain a quorum through the recently amended Local Government Regulation 2012 that now allows Council to decide when a councillor can take part in a meeting by teleconferencing.

I understand the Northern Regional Office of the Department of Local Government, Community Recovery and Resilience has offered their facilities to enable a councillor, who is understood to be in Townsville at the time of the meeting, to join the Council meeting by teleconference.

In this circumstance, I feel Council should take advantage of the teleconferencing opportunities. Approving councillors to take part in the meeting and vote on matters in which they, or their sibling, stand to gain a direct financial benefit should only be used after all other options are exhausted.

If you require any further information, please contact Jo Stephenson, Regional Director, Northern Region on (07) 4799 7195 or jo.stephenson@dlgcrqld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
SUBJECT: Extension of time request from Brisbane City Council for adoption of 2012-13 Annual Report

RECOMMENDATION:

That you:

- **approve** Brisbane City Council's request for an extension of time to 30 October 2013 to adopt Council's 2012-13 Annual Report
- **sign** the attached letter to Councillor Graham Quirk, Lord Mayor (Attachment 1)
- **note** the Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Colin Jensen, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

Brisbane City Council is required to comply with the requirements of the *City of Brisbane Regulation 2012* which mirrors requirements of the *Local Government Regulation 2012*. These regulations require that the general purpose financial statements be completed within four months of the end of the financial year, which is by 30 October, and the annual report adopted within one month of this date.

An extension of time can only be granted by you for either the general purpose financial statements or the annual report. However, these regulations stipulate that for the general purpose financial statements the extension of time is only to be given in 'extraordinary' circumstances.

On 9 April 2013, Council requested an extension of time until 8 October 2013 to adopt its 2012-13 Annual Report. Council has advised that this extension is required as the Queensland Audit Office (QAO) has advised Council the certified general purpose financial statements should be available by 19 August 2013. To meet the requirements of the new *City of Brisbane Regulation 2012* Council is required to adopt its Annual Report within a month after this date, which would be 19 September 2013. Council has advised that due to a recess in Council meeting dates the next available meeting to adopt its Annual Report will be its next meeting on 8 October 2013.

To provide some flexibility the Department recommends granting an extension of time for the adoption of the Annual Report to 30 October 2013.

KEY ISSUES:

The Department supports an extension only to 30 October 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication

☐ Yes ☐ No

Does this support a media opportunity for the Minister's Office?

☐ Yes ☐ No
Our ref: MC13/1398
Your ref: LM10486-2013

18 APR 2013

Councillor Graham Quirk
Lord Mayor
Brisbane City Council
GPO Box 2287
BRISBANE QLD 4001

Dear Councillor Quirk

Thank you for your letter of 9 April 2013 requesting a further extension of time for the adoption of Brisbane City Council’s 2012-13 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 30 October 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Colin Jensen, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Dear Mr Colin Jensen,

I refer to Brisbane City Council’s letter of 9 April 2013 requesting a further extension of time for the adoption of Council’s 2012-13 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2012-13 Annual Report is 30 October 2013.

The Minister has written to Councillor Graham Quirk, Lord Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding on (07) 322 76941 or bill.gilmore@dlgcrr.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans
Director-General
Department of Local Government, Community Recovery and Resilience
SUBJECT: Further extension of time request from Balonne Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Balonne Shire Council's request for an extension of time to 15 February 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Donna Stewart, Mayor (Attachment 1)
- note the Acting Director-General, Department of Local Government, will sign the attached letter to Mr Scott Norman, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 16 January 2013, Council requested a further extension of time until 15 February 2013 for Council to adopt the 2011-12 Annual Report. This further extension is required because of the delay in obtaining the Queensland Audit Office's (QAO) certification of Council's general purpose financial statements due to accounting issues relating to the flood damage caused in 2010, 2011 and 2012. Council has advised that the Annual Report is complete and is awaiting finalisation of these statements. Once complete, they will be adopted at the next Council meeting.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 15 February 2013.

CONSULTATION:

The Department has liaised with the QAO on the requests for extensions of time. QAO has not raised any issues with this request.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No

Does this support a media opportunity for the Minister's Office?  □ Yes  □ No
Our ref: MC13/164
Your ref: PO:PO [D2102/00436]

15 FEB 2013

Councillor Donna Stewart
Mayor
Balonne Shire Council
PO Box 201
ST GEORGE QLD 4487

Dear Councillor Stewart,

I refer to Balonne Shire Council’s letter of 16 January 2013 requesting a further extension of time for the adoption of Balonne Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 15 February 2013.

Mr Stephen Johnston, Acting Director-General, Department of Local Government, has written to Mr Scott Norman, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government
15 FEB 2013

Mr Scott Norman
Chief Executive Officer
Balonne Shire Council
PO Box 201
ST GEORGE QLD 4487

Dear Mr Norman

I refer to Balonne Shire Council’s letter of 16 January 2013 requesting an extension of time for the adoption of Balonne Shire Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 15 February 2013.

The Minister has written to Councillor Donna Stewart, Mayor, to advise of his decision.

If you require any further information, please contact Paul Carlson, Director, Finance and Funding Services on (07) 3222 2676, who will be pleased to assist you.

Yours sincerely,

[Signature]

Craig Evans
Director-General
Department of Local Government,
Community Recovery and Resilience
SUBJECT: De-amalgamation Poll – Information Campaign

RECOMMENDATION:

That you:

- approve the information campaign utilising mail-out, print and radio advertising under the Queensland Boundaries Commissioner’s authority as per Attachment 1.

- note the contents of this brief and that in order to complete the actions outlined it would be preferable to have a decision on this matter by 4 February 2013.

- note that a letter under the Queensland Boundaries Commissioner’s hand, print advertisements and radio script will be prepared in consultation with your Office and forwarded to Advertising Review Committee (ARC) as soon as practicable.

- note that prior to consultation with ARC, your approval and the Director-General’s approval is required.

BACKGROUND:

The Government’s policy is that local governments should try and make amalgamation work, however the appointment of the Queensland Boundaries Commissioner was a key commitment outlined in the Queensland Government’s First 100 Day Action Plan and Empowering Queensland Local Government policy to ensure those communities wishing to de-amalgamate had the opportunity to do so.

The Queensland Boundaries Commissioner was appointed on the 29 June 2012 to examine local government de-amalgamation proposals. The Commissioner completed his reports and provided these to you on 28 November 2012. You subsequently referred four de-amalgamation proposals to a poll which is to be held on 9 March 2013. Should a poll be successful and Executive Council on your advice approves the de-amalgamation, transitional work will be undertaken to prepare the councils for de-amalgamation.

Leading up to the March poll it is considered vital that the costs involved in a de-amalgamation and the mandatory voting requirement are presented to the Community.

KEY ISSUES:

The goal of the information campaign is, where possible, to ensure that all voters within the area eligible to vote are aware of the costs involved and the mandatory voting requirement.

This aim will be achieved by providing and distributing factual advice and information to de-amalgamation proponents, affected councils and the community prior to the 9 March 2013. The advice/information will focus on the estimated costs of de-amalgamation contained in the Boundaries Commissioner and Queensland Treasury Corporation reports. It is proposed that all information circulated and/or presented will be under the authority of the independent Commissioner.

It is a government requirement that all material used in this campaign is approved by the Advertising Review Committee, Department of the Premier and Cabinet.

Endorsed by: Director: Gary Kleidon A/DOG: B Gilmore
Telephone: 300 64196 Telephone: 3227 6041
Date: As per Source sign-off Date: As per Source sign-off

Received by: R Ferrett
Telephone: 3234 1870
Date: 31/03/17

Endorsed by: Chief of Staff
Telephone: 3227 6163
The campaign will include a letter under the Queensland Boundaries Commissioner's hand, to all eligible voters.

The letter will be supported by newspaper advertisements in local newspapers. These advertisements will reinforce the message in the Commissioner's letter.

The Commissioner also recommends inclusion of a series of 15 second radio clips.

Recommended completion Time frames

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The total cost of the proposed campaign is $103,972. The expenditure to date against the Boundaries Commission budget of $900,000 is $221,410. This is made up of actual expenditure to date of $168,000 and estimates of accommodation costs of $53,410. When allowing for the cost of the polls and associated expenditure there are adequate funds available to meet the cost of this information campaign as detailed in the attachment.

CONSULTATION:

Communications Services has been consulted and provided input and costings for the campaign.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  

☐ Yes ☒ No

Does this support a media opportunity for the Minister's Office?  

☒ Yes ☐ No
RTI Document No. 681
### Livingstone - Breakfast & Drive 15sec

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Total Media
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Total Ex GST
Plus 10% GST
Total Campaign Payable

### Livingstone Print

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Total Media
Production Charges
Sub Total Ex GST
10% GST
Total Amount Payable

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### Douglas - Breakfast & Drive 15sec

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Disclosing trade secrets, business affairs

RTI Document No. 683
### Noosa - Breakfast & Drive 15sec

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- Total Campaign Payable

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7) Disclosing trade secrets, business affairs or research

4) Disclosing trade secrets, business affairs or research

RTI Document No. 684
## Campaign Summary

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RTI RELEASE

Sch. 4(4)(7) Disclosing trade secrets, business affairs or research.
PCL XL error

Subsystem: GE VECTOR
Error: GEEmptyClipPath  Warning: IllegalMediaSize
SUBJECT: Further extension of time request from Palm Island Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Palm Island Aboriginal Shire Council’s request for an extension of time to 31 January 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Alf Lacey, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Mr Ross Norman, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 10 January 2013, Council requested a further extension of time until 31 January 2013 for Council to adopt the 2011-12 Annual Report. Council has advised that the Annual Report is complete and was adopted at the 30 January 2013 Council meeting.

Due to issues relating to the valuation of assets, the Queensland Audit Office (QAO) did not certify Council’s general purpose financial statements until 6 December 2012.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 31 January 2013.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☒ No
Thank you for your letter of 10 January 2013 requesting a further extension of time for the adoption of the Palm Island Aboriginal Shire Council's 2011-12 Annual Report.

I regard the reasons for Council's request as satisfactory and have approved an extension of time to 31 January 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Ross Norman, Chief Executive Officer, to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref: MC13/192

15 FEB 2013

Mr Ross Norman
Chief Executive Officer
Palm Island Aboriginal Shire Council
c/- Post Office
PALM ISLAND QLD 4816

Dear Mr Norman

I refer to Palm Island Aboriginal Shire Council’s letter of 10 January 2013 requesting an extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 31 January 2013.

The Minister has written to Councillor Alfred Lacey, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941, who will be pleased to assist you.

Yours sincerely

Craig Evan
Director-General
Department of Local Government, Community Recovery and Resilience
SUBJECT: Local Government Association of Queensland funding submission - Concept to Construction project

RECOMMENDATION:

That you:

BACKGROUND:

KEY ISSUES:

Endorsed by: Hon. David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience
Date: 9/4/13

Endorsed by: Hon. Jeff Seeney MP
Deputy Premier, Minister for State Development Infrastructure and Planning
Date: 9/4/13

RTI Document No. 690
CONSULTATION:

Departmental officers have consulted with DSDIP staff on the content of this brief.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☒ Yes ☐ No
Hon David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience

Our ref: MC13/207

03 MAY 2013

Councillor Margaret de Wit
President
Local Government Association of Queensland
PO Box 2230
FORTITUDE VALLEY BC QLD 4006

Dear Councillor de Wit

Thank you for your proposal of January 2013 seeking funding of $250,000 for a Development Assessment Innovation Project, entitled Concept to Construction.

We are pleased to advise that we have approved, in principle, a contribution of up to [Redacted]

If you require any further information, please contact Mr Stephen Johnston, Deputy Director-General on (07) 3006 2463 or stephen.johnston@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government, Community Recovery and Resilience

Jeff Seeney MP
Deputy Premier
Minister for State Development, Infrastructure and Planning
DLG – BRIEF FOR DECISION

Date: 3 April 2013


RECOMMENDATION:
That you:

- note the contents of this brief and the Queensland Local Government Grants Commission Report 2012 (Attachment 1)

- sign the attached letter to the Clerk of the Parliament (Attachment 2) requesting the tabling of the Queensland Local Government Grants Commission Report 2012

BACKGROUND:

- In accordance with Section 228 of the Local Government Act 2009
  ‘The Minister must table the following in the Legislative Assembly –
  a) the Grants Commission’s recommendations about the allocation of funding
  b) a breakdown of how the funding was allocated between local governments.’

- Section 228 does not specify a date by which this report is required to be tabled

- The Queensland Local Government Grants Commission Report satisfies these requirements

- The Chair of the Commission provided you with the Report after the Commission’s February 12 meeting.

KEY ISSUES:

The Commission’s report (Attachment 1) outlines the activities of the commission during the 2011-12 financial year. The report outlines the inputs and methods used in calculating the Financial Assistance Grant, in addition to the final grant allocations to each of the 73 councils.

The highlights detailed in the report include:

Commission visits - In the 2011-12 year, the commission visited Burke Shire Council and Doomadgee Aboriginal Shire Council and met elected councillors and council executive staff. Unfortunately, Mornington Aboriginal Shire Council had to withdraw due to unforeseen circumstances.

Road Audits - The 2011-12 was the largest road audit program to date, with 13 councils audited. The majority of these audits resulted in Council road data being modified, highlighting the importance of the audit program in ensuring the most accurate data is available for determination of the grant allocations.

Financial Assistance Grant Allocations 2012-13 - The Commission determined the allocations within the $418.24 million funding pool. Financial Assistance Grant funds are paid as untied grants under the provisions of the Commonwealth’s Local Government (Financial Assistance) Act 1995. The Commission noted advice that the Commonwealth had over-paid the Grant in 2011-12 due to overestimates of consumer price index and population growth. As a result, the Queensland cash allocation is $8.54M less than the 2011-12 cash allocation.
Methodology - 2012-13 was the second year of use of the new methodology by the Commission for determining the General Purpose Grant. This year was the first year since the 2007-08 council amalgamations that the amalgamation principle was not applied, following the end of the four year moratorium. For the previous four years, this principle had prevented amalgamated councils’ General Purpose Grants decreasing below the level of their combined 2007-08 Grants.

CONSULTATION:

Ms Lyn McLaughlin, Chairperson, Local Government Grants Commission; Bill Gilmore, Executive Officer Local Government Grants Commission

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☒ Yes □ No
Queensland Local Government Grants Commission
DATE: 8 January 2013


RECOMMENDATION:

That you:

- note the contents of this brief;
- sign the attached letter to the Premier informing him of your participation as a witness at the Public Hearing and to seek his endorsement of the position of the Queensland Government to be presented at the hearing (Attachment 1).

BACKGROUND:

On 28 November 2012, a 12 member Joint Select Committee (the Committee) was formed to inquire into the issue of constitutional recognition of local government, including assessing the likelihood of the success of a referendum.

You are attending, as a witness, the Public Hearing of the Committee on 16 January 2013 being held at the Parliament of New South Wales. The day's program and discussion areas for the round tables and hearings are provided at Attachment 2 and 3.

KEY ISSUES:

The Committee has been directed to inquire into the recommendation of the expert panel seeking an amendment to section 96 of the Constitution. The expert panel’s preferred form of words would amend section 96 to read:

The Parliament may grant financial assistance to any state or to any local government body formed by state or territory Legislation on such terms and conditions as the Parliament sees fit.

The Committee will be seeking state and territory governments’ position on the proposed form of words and the position on holding a referendum in 2013.

Support for constitutional recognition was a key item in the LNP Empowering Local Government policy. The policy states the following:

"In recognising local government as one of the three spheres of government, the LNP supports appropriate recognition of local government in the Commonwealth Constitution. This must not diminish the State's primary constitutional responsibility for local government."

The Committee has been asked to provide a final report to the Government by the end of March 2013, and is calling for submissions by 15 February 2013.

The Department is currently seeking confirmation from the Department of the Premier and Cabinet that they will be leading the State Government’s written submission to the Committee. The submission will require Cabinet endorsement.

CONSULTATION:

The Department is consulting with the Department of the Premier and Cabinet.
RIGHT TO INFORMATION: Contents/attachments suitable for publication  ☑ Yes ☐ No

Does this support a media opportunity for the Minister's Office?  ☐ Yes ☑ No
10 JAN 2013

The Honourable Campbell Newman MP
Premier of Queensland
PO Box 15185
CITY EAST QLD 4002

Dear Premier,

Re: Public Hearing of the Joint Select Committee on Constitutional Recognition of Local Government

On 28 November 2012, a 12 member Joint Select Committee (the Committee) was formed to inquire into the issue of constitutional recognition of local government, including assessing the likelihood of the success of a referendum.

The Committee has been directed to inquire into the recommendation of the expert panel seeking an amendment to section 96 of the Constitution. The expert panel’s preferred form of words would amend section 96 to read:

*The Parliament may grant financial assistance to any state or to any local government body formed by state or territory legislation on such terms and conditions as the Parliament sees fit.*

I will be attending as a witness the Public Hearing of the Committee on 16 January 2013 being held at the Parliament of New South Wales. The Committee will be seeking state and territory governments’ position on the proposed form of words and the position on holding a referendum in 2013.

I seek your endorsement to present the following Queensland position at the public hearing:

*The Queensland Government supports local government being recognised in the Commonwealth Constitution for financial assistance but believes now is not the appropriate time for a referendum given the lack of trust in the minority government.*
The Committee has been asked to provide a final report to the Government by the end of March 2013, and is calling for submissions by 15 February 2013.

As always, I am available at your convenience for any questions you may have.

Yours sincerely

David Crisafulli MP
Minister for Local Government
Joint Select Committee on Constitutional Recognition of Local Government

PUBLIC HEARING

Wednesday 16 January 2013 :: Waratah Room :: New South Wales Parliament

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Joint Select Committee on Constitutional Recognition of Local Government

Discussion areas for roundtables / public hearing – 16 January 2013

At the commencement of each roundtable, a short opening statement will be made by one member of the roundtable to summarise the topic area, before questions commence.

Roundtable 1 – Constitutional issues (experts)

- Validity of the Commonwealth directly funding local government (Pope and Williams);
- Impact of constitutional change on the federal balance;
- Expert Panel’s proposed form of words;
- Impact on federal financial relations; and
- Options other than constitutional amendment to improve local government financial sustainability.

Roundtable 2 – Considerations for a successful outcome (experts)

- Impact of a referendum held concurrently with next election;
- Impact of putting multiple referendum questions put at the same time;
- Impact of delaying a referendum to the 44th Parliament or after;
- Panel’s public engagement and communication conditions:
  - Public engagement and popular ownership;
  - National civics education campaign;
  - Official yes/no case and pamphlet; and
  - Partisan yes/no campaigns.

Public hearing with local government associations

- Unanimity of local government support for financial recognition;
- Local government advocacy with state and territory government on the proposal; and
- Position on timeframe for holding a referendum on the issue in 2013.

Public hearing with state and territory governments

- Position on the proposed form of words; and
- Position on holding a referendum in 2013.

Roundtable 3 – Administrative and legislative arrangements (Commonwealth agencies)

- Legislative steps and timing for a referendum in 2013;
- Process for changes to the Referendum (Machinery Provisions) Act 1984;
- Cost of a referendum;
- Preparatory activities by the Australian Electoral Commission;
- How a national civics education and partisan campaigns could be managed;
- Commonwealth negotiations for state and territory support; and
- Options other than constitutional amendment to improve local government financial sustainability.
SUBJECT: Further extension of time request from Wujal Wujal Aboriginal Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Wujal Wujal Aboriginal Shire Council's request for an extension of time to 31 March 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Clifford Harrigan, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Mr Alan Neilan, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 31 January 2013, Council requested a further extension of time until 31 March 2013 for Council to adopt the 2011-12 Annual Report. Council has advised that this extension is required as Queensland Audit Office (QAO) has not certified Council's general purpose financial statements due to issues relating to the valuation of its assets.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 31 March 2013.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication  □ Yes  □ No

Does this support a media opportunity for the Minister's Office?  □ Yes  □ No
Dear Councillor Clifford Harrigan,

Thank you for your letter of 31 January 2013 requesting a further extension of time for the adoption of the Wujal Wujal Aboriginal Shire Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 31 March 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Alan Neilan, Chief Executive Officer to advise him of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Mr Alan Neilan  
Chief Executive Officer  
Wujal Wujal Aboriginal Shire Council  
Wujal Wujal Community  
VIA COOKTOWN QLD 4895

Dear Mr Neilan,

I refer to Wujal Wujal Aboriginal Shire Council’s letter of 31 January 2013 requesting an extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 31 March 2013.

The Minister has written to Councillor Clifford Harrigan, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941 or bill.gilmore@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans  
Director-General  
Department of Local Government, Community Recovery and Resilience
DLG – BRIEF FOR DECISION
Date: 20 February 2013

SUBJECT: Cook Shire Council request for change of project scope for Cooktown Botanic Gardens Fence project

RECOMMENDATION:

That you:

- **approve** a change of scope for Cook Shire Council’s Cooktown Botanic Gardens Fence project to include installation of interpretive signage within the Gardens

- **note** that this approval will not alter the maximum subsidy available to Council for this project

- **sign** the attached letter to Councillor Peter Scott, Mayor, Cook Shire Council advising of your decision (Attachment 1)

- **note** that Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience will sign the attached letter to Mr Stephen Wilton, Chief Executive Officer, Cook Shire Council (Attachment 2).

BACKGROUND:

On 16 February 2012, the then Minister for Local Government approved funding of $72 000 for Cook Shire Council’s Cooktown Botanic Gardens Fence project under the 2011-12 Local Government Grants and Subsidies Program (LGGSP). At the time of this approval, the estimated cost of the project was $180 000.

The project involved erecting a metal perimeter fence around the cultivated parts of the Cooktown Botanic Gardens in order to exclude feral animals, particularly pigs, which had been causing significant damage.

KEY ISSUES:

On 24 January 2013, Council wrote to you advising that construction of the fence was complete at an actual cost of $141 632. Council’s letter requests your approval for an increase in project scope to include installation of interpretive signage now that the gardens are protected.

Council has advised it can complete the proposed extended project within the original project budget and timeframe.

To date, project subsidy payments to Council amount to $29 688, leaving $42 312 of the approved subsidy yet to be paid.

The Department supports Council’s request for a change in scope as no additional funds are sought and installation of the interpretive signage is eligible for funding under LGGSP guidelines.

CONSULTATION:

On 11 February 2013, Council clarified that the cost of wages of existing council staff will not be included in project claims as it is aware that these costs are ineligible expenses (Attachment 3).

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☑ Yes ☐ No

Does this support a media opportunity for the Minister’s Office? ☑ Yes ☐ No
Dear Councillor Scott

I refer to Cook Shire Council’s letter of 24 January 2013 requesting approval for a change of scope for the Cooktown Botanic Gardens Fence project.

I am pleased to note that the originally planned project works have been completed for less than anticipated and congratulate Council for achieving this efficiency.

Having reviewed the arrangements proposed by Council, I am happy to approve extension of the project scope to include installation of interpretative signage as described. I hope that this will allow Council and the Cooktown community to reap maximum possible benefit from the savings made.

In giving this approval, I note the increase in scope will not change the maximum project subsidy and that Council does not expect the project completion date will be impacted.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience, has written to Mr Stephen Wilton, Chief Executive Officer, advising of the approval of Council’s request.

If you require further information, please contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Mr Stephen Wilton  
Chief Executive Officer  
Cook Shire Council  
PO Box 3  
COOKTOWN QLD 4895

Dear Mr Wilton,

I refer to Cook Shire Council’s letter of 24 January 2013 requesting approval for a change of scope for the Cooktown Botanic Gardens Fence project.

Having reviewed the arrangements proposed by Council, the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience, has approved extension of the project scope to include installation of interpretative signage as described. Minister Crisafulli commented that he was pleased originally planned project works have been completed for less than anticipated and he congratulated Council for achieving this efficiency.

The Minister has noted that the approved increase in project scope will not change the maximum project subsidy and that Council does not expect the project completion date will be impacted.

The Minister has written to Councillor Peter Scott, Mayor, advising of this approval and expressing his hope that it will allow Council and the Cooktown community to reap maximum possible benefit from the savings made.

If you require further information, please contact Jo Stephenson, Director, Northern Region on (07) 4799 7195, who will be pleased to assist.

Yours sincerely

Craig Evans  
Director-General  
Department of Local Government,  
Community Recovery and Resilience
Pages 708 through 709 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal
SUBJECT: Extension of time request from Barcoo Shire Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Barcoo Shire Council’s request for an extension of time to 28 February 2013 to adopt Council’s 2011-12 Annual Report
- sign the attached letter to Councillor Julie Groves, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Mr Robert O’Brien, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 21 January 2013, Council requested an extension of time until 20 February 2013 for Council to adopt the 2011-12 Annual Report. Council has advised that this extension is required as Queensland Audit Office (QAO) did not certify Council’s general purpose financial statements until 27 November 2012 and this date is its next available Council meeting.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 28 February 2013, rather than 20 February 2013, to afford the Council one week’s leeway.

CONSULTATION:

Not applicable.

RIGHT TO INFORMATION: Contents/attachments suitable for publication ☐ Yes ☒ No

Does this support a media opportunity for the Minister’s Office? ☐ Yes ☒ No
FEB 2013

Councillor Julie Groves
Mayor
Barcoo Shire Council
PO Box 14
JUNDAH QLD 4736

Dear Councillor Groves,

I refer to Barcoo Shire Council’s letter of 21 January 2013 requesting an extension of time for the adoption of Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 28 February 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Mr Robert O’Brien, Chief Executive Officer to advise him of my decision.

If your officers require further information, they can contact Richard Perrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
15 FEB 2013

Mr Robert O’Brien
Chief Executive Officer
Barcoo Shire Council
PO Box 14
JUNDAH QLD 4736

Dear Mr O’Brien

I refer to Barcoo Shire Council’s letter of 21 January 2013 requesting an extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 28 February 2013.

The Minister has written to Councillor Julie Groves, Mayor to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941 or bill.gilmore@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience

Level 18 Mineral House
41 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
ABN 25 166 523 889
SUBJECT: Further extension of time request from Maranoa Regional Council for adoption of 2011-12 Annual Report

RECOMMENDATION:

That you:

- approve Maranoa Regional Council's request for an extension of time to 31 March 2013 to adopt Council's 2011-12 Annual Report
- sign the attached letter to Councillor Robert Loughnan, Mayor (Attachment 1)
- note the Director-General, Department of Local Government, Community Recovery and Resilience, will sign the attached letter to Ms Julie Reitano, Chief Executive Officer of Council advising of your decision (Attachment 2).

BACKGROUND:

On 31 January 2013, Council requested a further extension of time until 31 March 2013 for Council to adopt the 2011-12 Annual Report. Council has advised that this extension is required as the Queensland Audit Office (QAO) has not certified Council's general purpose financial statements due to implementation of a new computer system and loss of experienced finance staff.

Council did not request an extension of time to present its general purpose financial statements to the QAO.

Under the previous Local Government (Finance, Plans and Reporting) Regulation 2010, councils are required to present the general purpose financial statements to QAO by 15 September, and to adopt the annual report by 30 November each year. An extension of time can only be granted by you.

For future years, all councils are required to comply with the requirements of the Local Government Regulation 2012. Specifically, the general purpose financial statements are required to be completed by 30 October and the annual report adopted within one month of this date. An extension of time can only be granted by you.

KEY ISSUES:

The Department supports an extension to 31 March 2013.

CONSULTATION:

QAO has been advised of this request for a further extension of time.

RIGHT TO INFORMATION: Contents/attachments suitable for publication □ Yes □ No

Does this support a media opportunity for the Minister's Office? □ Yes □ No
Our ref: MC13/298

15 FEB 2013

Councillor Robert Loughnan
Mayor
Maranoa Regional Council
PO Box 42
MITCHELL QLD 4465

Dear Councillor Loughnan

I refer to Maranoa Regional Council’s letter of 31 January 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

I regard the reasons for Council’s request as satisfactory and have approved an extension of time to 31 March 2013.

Mr Craig Evans, Director-General, Department of Local Government, Community Recovery and Resilience has written to Ms Julie Reitano, Chief Executive Officer, to advise her of my decision.

If your officers require further information, they can contact Richard Ferrett, Chief of Staff on (07) 3234 1870, who will be pleased to assist.

Yours sincerely,

[Signature]

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Our ref: MCI3/298

15 FEB 2013

Ms Julie Reitano
Chief Executive Officer
Maranoa Regional Council
PO Box 42
MITCHELL QLD 4465

Dear Ms Reitano,

I refer to Maranoa Regional Council’s letter of 31 January 2013 requesting a further extension of time for the adoption of Council’s 2011-12 Annual Report.

The Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience has approved Council’s request. The new date by which Council must adopt its 2011-12 Annual Report is 31 March 2013.

The Minister has written to Councillor Robert Loughnan, Mayor, to advise of his decision.

If you require any further information, please contact Bill Gilmore, Director, Finance and Funding Services on (07) 322 76941, who will be pleased to assist you.

Yours sincerely,

Craig Evans
Director General
Department of Local Government,
Community Recovery and Resilience
SUBJECT: Regional Organisation of Councils Cape York and Torres Shire request for financial assistance to develop strategic plan for Cape York Region

RECOMMENDATION:

- note the contents of the brief
- approve the contribution of $31,500 from the Department of Local Government, Community Recovery and Resilience to the Regional Organisation of Councils Cape York and Torres Shire (ROCCY) Strategic Planning Project
- sign the attached letter to Councillor Philemon Mene, Deputy Chairperson of the ROCCY and Mayor of Napranum Aboriginal Shire Council, advising of the approved funding (Attachment 1).
- note the opportunity for an announcement at the next meeting of the ROCCY to be held on 12 March 2013

BACKGROUND:

The ROCCY comprises membership from Aurukun, Cook, Hope Vale, Kowanyama, Lockhart River, Mapoon, Napranum, Northern Peninsula Area, Torres Shire Council and the Weipa Town Authority.

On 14 December 2012, Councillor Mene wrote to the Acting Director-General seeking financial assistance to assist the ROCCY with its strategic planning process. (Attachment 2).

On 8 February 2013, the Director-General replied to Councillor Mene and advised that the request will be considered by the Department (Attachment 3).

The ROCCY has been operating for 10 years and its members have decided that a substantial review of its operations and strategic plan is required.

KEY ISSUES:

Strategic plan for Cape York Region proposal

The ROCCY is very keen to adopt a whole-of-region strategic plan involving member councils in Cape York. The strategic plan will cover resource sharing arrangements and initiatives to address common issues. This will also strengthen the existing good relationship between Cook Shire and Indigenous councils. Importantly, the Weipa Town Authority is also very supportive of this approach as it progresses toward normalisation of local government arrangements.

In its submission, ROCCY outlines the purpose of the project is ‘to increase the support and communications networks and build strong partnerships in a bid to see greater outcomes for the efforts of all tiers of government and constituents’.

The ROCCY has obtained quotes from consultants to coordinate the strategic planning process and has endorsed De Chastel and Associates to undertake the project.

Each of the member councils has agreed to contribute $2,000 to the development of the strategic plan which demonstrates a commitment to, and ownership of, the project.
Due to the limited resources of the member councils (the majority of which are Indigenous) to fully fund the proposed project, the ROCCY has sought funding of $31,500 from the Department to help meet the project costs.

The Department has funding available under its Indigenous Councils' Capacity Building Program which focuses on rural remote and Indigenous councils and supports the request for funding.

The Department, as part of its funding contribution will request progress reports on development of the plan and a copy of the completed product.

**Regional Roads Group proposal**

The Department is aware that the ROCCY recently submitted a separate proposal to the Department of Transport and Main Roads (DTMR) that it become a Regional Road Group under the Roads Alliance, a partnership between the Queensland Government, represented by DTMR, and local government, represented by the Local Government Association of Queensland (LGAQ), to deliver better roads sooner across Queensland. Under the Alliance, local governments and DTMR regional representatives voluntarily work together through Regional Road Groups. The 19 road groups across Queensland are responsible for managing the planning, design, construction and maintenance needs of the Local Roads of Regional Significance (LRRS) network.

The Roads Alliance Board decided not to fund ROCCY directly to establish itself as a Regional Road Group; instead it has agreed to fund a feasibility study to determine whether ROCCY has the capacity to undertake this function in the future. The feasibility study, which will not commence for some time yet, may also be undertaken by De Chaste! and Associates who have advised the Board and DTMR about their proposed role in the strategic planning project outlined above. DTMR advises that, if supported by the feasibility study, it would not expect ROCCY to become a functioning Regional Roads Group for a number of years at the earliest.

The Department was concerned that the proposal to the Roads Alliance Board and the proposal to the Department covered by this brief, were similar and that there was a potential for duplication. This has been clarified as not being the case with DTMR, which is of the view that a whole of region strategic plan would provide a useful basis for ROCCY assuming responsibility as a Regional Roads Group at some point in the future.

**CONSULTATION:**

Consultation has occurred with Cook Shire Council, Weipa Town Authority and the ROCCY secretariat hosted by the Cook Shire Council.

The LGAQ and Department of Transport and Main Roads provided advice on the Regional Roads Alliance proposal.

**RIGHT TO INFORMATION:** Contents/attachments suitable for publication  ☒ Yes  ☐ No

Does this support a media opportunity for the Minister's Office?  ☐ Yes  ☒ No
Our ref: MBN13/98

09 APR 2013

Councillor Philemon Mene
Deputy Chairperson
Regional Organisation of Councils of
Cape York and Torres Shire
PO Box 572
COOKTOWN QLD 4895

Dear Councillor Mene,

I refer to your letter of 14 December 2012 seeking funding for the Regional Organisation of Councils Cape York and Torres Shire (ROCCY) strategic plan.

I am pleased to advise that I have approved your request for $31,500 to undertake the strategic planning process for member councils. I commend the member councils for also investing in the project.

A condition of funding is that you provide to the Department of Local Government, Community Recovery and Resilience a progress report on the project when 50 per cent complete and a copy of the final strategic planning document. The Department will provide the necessary documentation to you in the near future to enable payment of the funding.

The Department is delivering a range of capacity building initiatives for rural, remote and indigenous councils in 2013 and is pleased to be able to assist the ROCCY with its strategic planning process.

If you require further information, please contact Max Barrie, Director, Program Implementation and Review on (07) 3404 3691 or max.barrie@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely,

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience
Hi both,

Could one of you please log in Source and assign to Max.

Thanks...

Kind regards

David Attrill
Correspondence Coordinator
Department of Local Government | Queensland Government
tel: +61 7 3222 2033

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Steve

Have not seen the letter before although I was expecting it. Peter McCulkin, Chair of Weipa Town Authority raised this with me at a Weipa Working Group meeting before Christmas.

I advised we would not be averse to a proposal however I told him that councils would need to contribute for it to have any chance of getting past the Minister.

The councils are chipping in $2K each and I think its worth supporting especially if it provides a long term business plan for ROCCY - and it will give us leverage to promote shared services/resources among councils. If you are agreeable, well put it up for approval.

We'll deal with it here with input from Northern Region

(David - please log in Source and assign to me thanks)

24/01/2013
Max Barrie
Director, Program Implementation and Review
Department of Local Government
Queensland Government
tel +61 7 340 43691 (ext 43691)
post PO Box 15009 City East Qld 4002
visit Level 17 Mineral House 41 George St Brisbane
max.barrie@dlg.qld.gov.au
www.dlg.qld.gov.au

From: Stephen Johnston
Sent: Thursday, 24 January 2013 2:35 PM
To: Max Barrie
Subject: FW: Regional Organisation of Councils of Cape York & Torres Shire - Proposal

Max

has this been "sourced" and if so who is delaing with it?

Stephen Johnston
Acting Director General
Department of Local Government
Queensland Government
tel +61 7 3006 2463 (ext 32463)
mobile 4(4)(6) Personal Inform
post PO Box 15009 City East Qld 4002
visit Level 17 41 George Street Brisbane
stephen.johnston@dlg.qld.gov.au
www.dlg.qld.gov.au

Please consider the environment before printing this email

From: ROCCY Cape York
Sent: Monday, 21 January 2013 2:04 PM
To: Stephen Johnston; Max.Barrie@dlg.psr.qld.gov.au
Subject: Regional Organisation of Councils of Cape York & Torres Shire - Proposal

Good afternoon A/DG Johnston and Max

Please find attached document. I must apologise for the fact that this document was not sent in December. Deputy Cahirman Mayor Mene was acting in place of the Chairman and did not see my email request to sign, scan and send until today. We look forward to discussion on your consideration in this matter.

24/01/2013
Regards

Kym C Jerome for Deputy Chairman Mayor Philemon Mene
CEO
Regional Organisation of Councils
of Cape York and Torres Shire
P O Box 572
COOKTOWN Q 4895
Mobile: 07 40 820 575 Fax: 07 40 820 597

24/01/2013
14/12/2012

Mr Stephen Johnston  
A/Director-General  
Level 18, Mineral House  
41 George Street  
Brisbane, QLD, 4000  
PO Box 15009, City East, QLD, 4002

Signed, scanned and sent via email: Stephen.Johnston@dlgpr.qld.gov.au

Dear Mr Johnston

Re: Proposal to develop a ‘Strategic Plan’ for the ROCCY

Synopsis

The ROCCY membership consists of Aurukun, Cook, Hope Vale, Kowanyama, Lockhart River, Mapoon, Napranum, Northern Peninsular Area and Torres Shire councils and Weipa Town Authority. We write to ask for your support and advice on how we might obtain funding for the above. The members of the ROCCY are very keen to increase the support and communications networks and build strong partnerships in a bid to see greater outcomes for the efforts of all tiers of Government and of course, constituents.

Support Request

The ROCCY is entering its 10th anniversary year in 2013 and the members have decided that they wish to take a substantial review of their processes via a review and development of the strategic plan. It is proposed that we examine the future direction and priorities of ROCCY via a workshop with the full ROCCY membership as part of that visioning exercise to determine the best operational characteristics for the future implementation of ROCCY’s vision and priorities.

We would also seek feedback of internal and external stakeholders (inc State and Federal Governments) to assist us to determine the future direction and purpose. To achieve this objective we would need to acquire funding support as we operate on a membership basis with some fee for service income for works undertaken in various areas.
With internal costs to ROCCY the total amount of funding support we would be seeking:

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<thead>
<tr>
<th>Consultant</th>
<th>ROCCY Costs: Venue hire (Lunches/M&amp;A Teas) and consumables</th>
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<tbody>
<tr>
<td>Council Contributions</td>
<td>Funding Assistance required</td>
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</table>

We await your reply at your earliest convenience.

Kind regards

Mayor Philemon Mene  
Deputy Chairman  
Regional Organisation of Councils of Cape York and Torres Shire  
P O Box 572  
COOKTOWN Q 4895

CC: Max Barrie BARRIE Max <Max.Barrie@dlgpsr.qld.gov.au>,
Dear Councillor Mene

Thank you for your emailed letter dated 14 December 2012 to Stephen Johnston, the former Acting Director-General of the Department of Local Government, seeking advice and financial assistance for a proposed review and development of a strategic plan for the Regional Organisation of Councils of Cape York and Torres Shire.

Your request is being considered by the Department and a recommendation will be made to the Honourable David Crisafulli MP, Minister for Local Government, Community Recovery and Resilience in the near future.

If you require any further information, please contact Max Barrie, Director, Program Implementation and Review on 3404 3691 or max.barrie@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely,

Craig Evans
Director-General
Department of Local Government, Community Recovery and Resilience