



City of
Ipswich

AGENDA

FINANCE AND GOVERNANCE COMMITTEE

Thursday, 14 November 2024

10 minutes after the conclusion of the Infrastructure, Planning and Assets Committee or such later time as determined by the preceding committee

Council Chambers, Level 8
1 Nicholas Street, Ipswich

MEMBERS OF THE FINANCE AND GOVERNANCE COMMITTEE

Councillor Paul Tully (**Chairperson**)
Councillor Jacob Madsen (**Deputy Chairperson**)

Mayor Teresa Harding
Deputy Mayor Nicole Jonic
Councillor Andrew Antonioli
Councillor Jim Madden
Councillor Marnie Doyle

FINANCE AND GOVERNANCE COMMITTEE AGENDA

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** Item includes confidential papers

FINANCE AND GOVERNANCE COMMITTEE NO. 2024(06)

14 NOVEMBER 2024

AGENDA

WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

BUSINESS OUTSTANDING

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE FINANCE AND GOVERNANCE COMMITTEE NO. 2024(05) OF 15 OCTOBER 2024**

RECOMMENDATION

That the minutes of the Finance and Governance Committee held on 15 October 2024 be confirmed.

OFFICERS' REPORTS

2. ****PROPOSED ACQUISITION OF LAND AND EASEMENT FOR INF04680 - LOWRY LANE AND COLVIN STREET DRAINAGE REHABILITATION**

This is a report concerning the proposed acquisition of part of land at 1 Colvin Street and the proposed acquisition of an easement over land at 6 Colvin Street, North Ipswich. The land acquisition is required to improve visibility for vehicles and pedestrians at the corner of Lowry Lane and Colvin Street and the easement acquisition will facilitate the rehabilitation of part of the local stormwater network, including the rectification of a reoccurring sink hole in the railway corridor.

RECOMMENDATION

- A. That Council resolve to acquire part of land located at 1 Colvin Street, North Ipswich, more particularly described as part of Lot 3 on RP3174 (Council file reference 6225), for road purpose.
- B. That the method of acquiring part of Lot 3 on RP3174 will be as a purchase by agreement with the affected person/s pursuant to the *Property Law Act 1974*.

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- C. That Council resolve to acquire an easement over part of land located at 6 Colvin Street, North Ipswich, more particularly described as part of Lot 254 on SL11757 (Council file reference 6241), for drainage purpose.
 - D. That the method of acquiring the easement over part of Lot 254 on SL11757 will be by agreement and pursuant to the *Property Law Act 1974*.
 - E. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

3. ****PROPOSAL TO ACQUIRE PROPERTY LOCATED AT SOUTH RIPLEY WITH ENVIROPLAN LEVY FUNDS**

This is a report concerning the proposed purchase of thirty-two (32) hectares of land at South Ripley using Ipswich Enviroplan Levy funds. The property is in a pivotal position within the Flinders Karawatha Environmental Strategic Corridor between Flinders-Goolman Conservation Estate and White Rock-Spring Mountain Conservation Estate.

RECOMMENDATION

- A. That Council resolve to acquire the property listed in Confidential Attachment 1 for the purpose of the Ipswich Enviroplan Program.
- B. That the method of acquisition shall be as a purchase by agreement with the affected person/s pursuant to the *Property Law Act 1974*.
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.
- D. That Council be kept informed as to the progress and outcome of the acquisition.

4. ****BOUNDARY ANOMALIES BETWEEN IPSWICH CITY COUNCIL AND SOMERSET REGIONAL COUNCIL**

This is a report concerning the proposed amendment of local government boundaries in relation to two properties located on the boundary of Ipswich City Council (ICC) and Somerset Regional Council (SRC). SRC are seeking Council’s consent for SRC to make application to seek a determination for a local government boundary change to the individual property that has been identified.

RECOMMENDATION

- A. That Council resolve to support an application by Somerset Regional Council to the Minister for Housing, Local Government, Planning and Public Works and to the Local Government Change Commission to have included 76 Postmans Track, Marburg, more particularly described as Lot 20 on SP344163, in its entirety, in Somerset Regional Council boundary and excluded from Ipswich City Council boundary.
- B. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take action in order to implement Council's decision.

5. INCREASED SPENDING ON ARBORICULTURE PANEL ARRANGEMENTS

This is a report concerning the recommendation to approve a shorter extension, variation and increase expenditure for Contracts associated with 14985 Arboriculture Services. This approval is requested to vary the existing contract extension period.

The contracts relating to this extension include the following suppliers:

- Bush Born Enterprises Pty Ltd as the trustee for The Bush Bourne Unit Trust trading as Australian Tree Services
- PowerClear Pty Ltd
- Heritage Tree Services Pty Ltd ATF Rowan Family Trust
- River City Garden & Lawn Pty Ltd
- Savco Vegetation Services Pty Ltd
- Benjamin Young Family Trust t/a Arbor Australis Consulting Pty Ltd

Approval is sought to vary the contracts of all six (6) 14985 Arboriculture Services suppliers. It is requested to vary (by shortening) the remaining available twelve (12) month extension to a period of six (6) months only, which will support smoother contract transition and operational continuity. It is intended to award a new contract/s by 30 June 2025 allowing for transition between contracts prior to the commencement of the 2026 peak demand season.

This extension will result in increased expenditure under these contracts to an estimated combined total \$10.3M excluding GST.

RECOMMENDATION

- A. That Council approve an increase in expenditure for the provision of Arboriculture Services with the suppliers listed below from \$7,510,000.00 to \$10,300,000.00

excluding GST for the contracted period to January 2025. This constitutes an increase of \$2,790,000.00 excluding GST.

- (i) Contracts 14985 Arboriculture Services
 - Bush Born Enterprises Pty Ltd as the trustee for The Bush Bourne Unit Trust trading as Australian Tree Services
 - PowerClear Pty Ltd
 - Heritage Tree Services Pty Ltd ATF Rowan Family Trust
 - River City Garden & Lawn Pty Ltd
 - Savco Vegetation Services Pty Ltd
 - Benjamin Young Family Trust t/a Arbor Australis Consulting Pty. Ltd
- (ii) to reduce the remaining final extension option of all contracts from one (1) year, to near six (6) months (25 January 2025 to 30 June 2025)
- (iii) and to amend the estimated purchase price of all contracts from \$7,510,000.00 excluding GST to approximately \$10,300,000.00 excluding GST combined, over the entire term (amended terms per A(ii) above).

- B. That Council enter into a deed of variation with the Suppliers to appropriately amend the existing contractual arrangements.
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

6. CONSISTENCY REVIEW: LOCAL LAWS AND THE NEW PLANNING SCHEME

Council is preparing to implement a new planning scheme (the draft scheme) later this year/early in 2025. As a result of this, a project has been undertaken comparing the draft scheme with Council’s current local laws to determine any critical gaps or inconsistencies that could impede regulatory functions once the draft scheme commences.

Out of Council’s 14 Local Laws and Subordinate Local Laws only 7 require changes – with 18 key changes identified. In July 2024, Council resolved to commence the formal local law-making process to enable those key changes to the identified local laws to be made in a timely manner and coincide with the commencement of the draft scheme. The local law-making process has now been completed and this report provides outcomes of the public consultation, anti-competitive provisions review and State interest check process with the amending laws now presented for adoption.

If adopted, **commencement of the amended laws does not occur until a notice is published in the Queensland Government Gazette**. This notice will be published to

coincide with the commencement of the draft scheme whenever that occurs later this year/early in 2025.

RECOMMENDATION

- A. That it be noted that no submissions were received during the public consultation period, as detailed in Attachment 2 of the report, for the following:
- a) *Local Law (Amending) Local Law No.1 (Administration) 2024*
 - b) *Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024*
 - c) *Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024*
 - d) *Local Law (Amending) Local Law No. 5 (Parking) 2024*
 - e) *Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024*
 - f) *Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024*
 - g) *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024*
- B. That it be noted that State interest checks were conducted on the proposed amending local laws with feedback received that resulted in one amendment to *Local Law (Amending) Local Law No.5 (Parking) 2024* as set out in Attachment 3 of the report.
- C. That it be noted that minor errors were identified following the public consultation period that do not change the intent within the laws as advertised and do not require further public consultation.
- D. That the proposed amending local laws and subordinate local laws listed in Recommendation A do not contain any significant anti-competitive provisions as detailed in Attachment 1 of the report.
- E. That Council make the following local laws and subordinate local laws as advertised and subject to the amendments shown in tracked changes, as set out in Attachments 4 to 10 of the report:
- a) *Local Law (Amending) Local Law No.1 (Administration) 2024*
 - b) *Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024*
 - c) *Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024*
 - d) *Local Law (Amending) Local Law No. 5 (Parking) 2024*
 - e) *Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024*
 - f) *Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024*
 - g) *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024*

F. That pursuant to section 32 of the *Local Government Act 2009*, Council adopt consolidated versions of the following local laws and subordinate local laws, as set out in Attachments 11 to 17 of the report:

- a) *Local Law No.1 (Administration) 2013*
- b) *Local Law No.3 (Commercial Licensing) 2013*
- c) *Subordinate Local Law No.3.1 (Commercial Licensing) 2013*
- d) *Local Law No. 5 (Parking) 2013*
- e) *Subordinate Local Law 5.1 (Parking) 2013*
- f) *Subordinate Local Law 6.1 (Animal Management) 2013*
- g) *Local Law No. 8 (Nuisances and Community Health and Safety) 2013*

G. That it be noted that commencement of the laws listed in Recommendation E will not occur until publication of a notice in the Queensland Government Gazette, and that publication of the notice will coincide with the commencement of Council's new planning scheme.

7. ****CEO PERFORMANCE APPRAISAL FY2024**

This is a report concerning the appraisal of the Chief Executive Officer (CEO) performance for the period 1 July 2023 to 30 June 2024, and the associated remuneration review.

RECOMMENDATION

- A. That the CEO Performance Review Report FY2024 be noted.
- B. That Council approve the variation to the CEO's Employment Contract.
- C. That the Mayor be authorised to execute the Employment Contract Variation Agreement on behalf of Council.

8. **INVESTIGATIONS POLICY**

(report to be provided prior to the meeting).

NOTICES OF MOTION

MATTERS ARISING

QUESTIONS / GENERAL BUSINESS

FINANCE AND GOVERNANCE COMMITTEE NO. 2024(05)

15 OCTOBER 2024

MINUTES

COUNCILLORS' ATTENDANCE:

Councillor Paul Tully (Chairperson); Councillors Jacob Madsen (Deputy Chairperson), Mayor Teresa Harding, Deputy Mayor Nicole Jonic, Andrew Antonioli, Jim Madden and Marnie Doyle and Pye Augustine (Observer)

COUNCILLOR'S APOLOGIES:

Nil

OFFICERS' ATTENDANCE:

Chief Executive Officer (Sonia Cooper), General Manager Corporate Services (Matt Smith), General Manager Planning and Regulatory Services (Brett Davey), General Manager Environment and Sustainability (Kaye Cavanagh), General Manager Community, Cultural and Economic Development (Ben Pole), Corporate Governance Manager (Shasha Ingbritsen), Acting Chief Financial Officer (Christina Binoya), Treasury Accounting Manager (Paul Mollenhauer), Property Services Manager (Alicia Rieck), Senior Property Officer (Acquisitions and Disposals) (Bianca Gaudry), Senior Property Officer (Tenure) (Kerry Perrett), Manager Community and Cultural Services (Don Stewart), Resource Recovery Manager (David McAlister), Workplace Safety and Wellbeing Manager (Chris Lee), Manager, Legal and Governance (General Counsel) (Tony Dunleavy), Chief of Staff – Office of the Mayor (Melissa Fitzgerald), Manager Media Communications and Engagement (Mark Strong), Coordinator Communications (Lucy Stone), Senior Media Officer (Darrell Giles) and Theatre Technician (Harrison Cate)

WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY

Councillor Marnie Doyle delivered the Acknowledgement of Country

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE FINANCE AND GOVERNANCE COMMITTEE
NO. 2024(04) OF 3 SEPTEMBER 2024**

RECOMMENDATION

Moved by Councillor Andrew Antonioli:
Seconded by Deputy Mayor Nicole Jonic:

**That the minutes of the Finance and Governance Committee held on
3 September 2024 be confirmed.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antonioli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

2. **PROCUREMENT: DISPOSAL OF VALUABLE NON-CURRENT ASSET LEASES -
235 SMITHS ROAD, REDBANK**

This is a report concerning the procurement and recommendation of a proposed new sub lease of the following facility between Ipswich City Council (Council) and the below listed organisation.

*22250

Redbank Collingwood Park
Sports Complex

Australian Crawl
(Goodna) Pty Ltd t/a
Just Sports n Fitness

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:
Seconded by Councillor Andrew Antonioli:

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender 22250 for the disposal of an interest in land to the recommended organisation (lessee), for the management and operation of the below facility.**

Tender	Location	Lot / Plan	Lessee
22250	Redbank Collingwood Park Sports Complex 235 Smiths Road, Redbank	Lot 1 on SP221978 & Lot 4 on SP148559	Australian Crawl (Goodna) Pty Ltd t/a Just Sports n Fitness

- B. That Council enter into a sublease with the Lessee:**
- (i) at an annual rent excluding GST, payable to Council; and
 - (ii) for a term, as outlined below;

Tender	Lessee	Rent	Term
22250 (Option 1)	Australian Crawl (Goodna) Pty Ltd t/a Just Sports n Fitness	\$24,000.00 or 10% turnover, whichever is greater	10 years

- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Tully	Nil
Madsen	
Harding	
Jonic	
Antoniolli	
Madden	
Doyle	

The motion was put and carried.

3. PROCUREMENT - WORKPLACE HEALTH AND SAFETY MANAGEMENT SOFTWARE SUBSCRIPTION

This is a report seeking a resolution by Council to enter into a contract with VelocityEHS Australia Pty Ltd (VelocityEHS) for the provision of the workplace health and safety management software system that is currently utilised as part of Council’s workplace health and safety compliance management.

The exception under section 235(a) of the *Local Government Regulation 2012* applies due to the proprietary nature of the incumbent supplier's Workplace Health and Safety Management system meaning that there is only one supplier who is reasonably available to continue providing the system.

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:

Seconded by Councillor Jim Madden:

- A. That pursuant to Section 235(a) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of the Workplace Health and Safety Management software system.**
- B. That Council enter into a contractual arrangement (Council file reference 5329) with VelocityEHS Australia Pty Ltd, at an approximate purchase price of \$115,000 excluding GST over the entire term, being an initial term of one (1) year, with options for extension at the discretion of Council (as purchaser), of an additional two (2) x one (1) year terms.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

4. **PROCUREMENT - WHOLE OF GOVERNMENT BANKING SERVICES**

This is a report concerning Whole of Government (WoG) banking services. Queensland Treasury has recently completed an extensive tender process for banking services. The new Master Agreement (contract) for banking services includes allowance for other agencies such as Council to enter into an Agency Service Agreement/s (ASA) with the appointed service providers to procure banking services under the same terms. Council's banking services to date have been procured through such an arrangement to take advantage of the favourable terms negotiated by the State. Council now has the option to sign a Service Order, and an 'Accession Agreement' to become a party to the agreement.

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:

Seconded by Councillor Andrew Antonioli:

- A. That pursuant to Section 235(f) of the *Local Government Regulation 2012* (Regulation), Council utilise government agency contractual arrangement by The State of Queensland acting through Queensland Treasury for the provision of Queensland Whole of Government Banking Services with Commonwealth Bank of Australia (Supplier) who is a party to the government agency contractual arrangement.**
- B. That under the government agency contractual arrangement with Commonwealth Bank of Australia, the approximate total cost to Council is estimated to be \$7,800,000 excluding GST over the entire 11 year term, the end date of the initial term being, with current options for extension at the discretion of The State of Queensland acting through Queensland Treasury of an additional two (2) X three (3) year terms.**
- C. That pursuant to Section 235(f) of the *Local Government Regulation 2012* (Regulation), Council utilise government agency contractual arrangement by The State of Queensland acting through Queensland Treasury for the provision of Queensland Whole of Government Banking Services with Australian Postal Corporation (Supplier) who is a party to the government agency contractual arrangement.**
- D. That under the government agency contractual arrangement with the Australian Postal Corporation, the approximate total cost to Council is estimated to be \$1,909,000 excluding GST over the entire 11 year term, the end date of the initial term being, with current options for extension at the discretion of The State of Queensland acting through Queensland Treasury of an additional two (2) X three (3) year terms.**
- E. That Council may enter into ancillary contractual arrangements with the suppliers, as allowed by the government agency contractual arrangement.**
- F. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antonioli

NEGATIVE

Councillors:

Nil

Madden
Doyle

The motion was put and carried.

5. PROCUREMENT - CONTRACT EXTENSION 13482 GROUNDS MAINTENANCE AND ASSOCIATED SERVICES

This is a report concerning the recommendation to approve a shorter extension, variation and increase expenditure for Contracts 13482-1, 13482-2, 13482-4 and 13482-5 Grounds Maintenance and Associated Services Contracts. This approval is requested to vary the existing contract extension period.

The contracts relating to this extension include:

13482-1 SKYLINE LANDSCAPE SERVICES (QLD) PTY LTD

13482-2 AUSTSPRAY ENVIRONMENTAL WEED CONTROL PTY LTD

13482-4 SAVCO VEGETATION SERVICES PTY LTD

13482-5 RIVERCITY GARDEN & LAWN PTY LTD

Approval is sought to vary the contracts of all four (4) 13482 Grounds Maintenance and Associated Services suppliers. It is requested to vary (by shortening) the remaining available twelve (12) month extension to a period of six (6) months only, which will support smoother contract transition and operational continuity. It is intended to award a new contract/s by 30 June 2025 allowing for transition between contracts prior to the commencement of the 2026 growing season.

This extension will result in increased expenditure under these contracts to an estimated combined total \$15.3M excluding GST.

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Councillor Jim Madden:

- A. That the contractual arrangement (Council contract (13482-1) with SKYLINE LANDSCAPE SERVICES (QLD) PTY LTD; (13482-2) with AUSTSPRAY ENVIRONMENTAL WEED CONTROL PTY LTD; (13482-4) with SAVCO VEGETATION SERVICES PTY LTD and (13482-5) with RIVERCITY GARDEN & LAWN PTY LTD (Suppliers) for Grounds maintenance and Associated Services be varied as follows:**

- (i) to reduce the remaining final extension option of all contracts from one (1) year, to near six (6) months (25 January 2025 to 30 June 2025), and
 - (ii) to amend the estimated purchase price of all contracts from \$10,788,058.00 excluding GST to approximately \$15,300,000.00 excluding GST combined, over the entire term (amended terms per A(i) above).
- B. That Council enter into a deed of variation with the Suppliers to appropriately amend the existing contractual arrangements.
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

6. PROCUREMENT: VARIATION TO CONTRACT 16456 PROGRAM PARTNER FOR THE IPSWICH CENTRE CBD TRANSFORMATION

This is a report concerning Council contract 16456 Program Partner for the Ipswich Centre CBD Transformation. This report provides detail regarding the requirement to vary the existing contractual arrangement between Ipswich City Council and Ranbury Management Group Pty Ltd.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:

Seconded by Councillor Marnie Doyle:

- A. That the contractual arrangement (Council contract 16456 Program Partner for the Ipswich Centre CBD Transformation) with Ranbury Management Group Pty Ltd (Supplier) be varied as follows:**
- (i) for continuity of services already being provided under contract;**
 - (ii) to amend the purchase price from \$2,971,786.80 excluding GST to approximately \$3,071,679.24 excluding GST over the entire term;**
 - (iii) to extend the agreement expiry date to 30 June 2025.**
- B. That Council enter into a deed of variation with the Supplier to appropriately amend the existing contractual arrangement.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

7. PROPOSED ACQUISITIONS OF LAND FOR INF04658 RIPLEY ROAD UPGRADE - CUNNINGHAM HIGHWAY TO FISCHER ROAD

This is a report concerning the land requirements for INF04658 Ripley Road and Fischer Road upgrade. The associated works will also include the creation of a service road and several signalised intersections (the Project).

“The attachment/s to this report are confidential in accordance with section 254J(3)(h) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Councillor Andrew Antoniolli:

Seconded by Deputy Mayor Nicole Jonic:

- **A.** That pursuant to Section 5(1)(b)(i) of the *Acquisition of Land Act 1967*, Council as “constructing authority” proceed to acquire the land described in Confidential Attachment 1, for Road purpose.
- B.** That in the first instance, the method of acquiring the subject land will be by agreement with the affected person/s in accordance with Division 3, *Acquisition of Land Act 1967*; however, if agreement cannot be reached, or operational timeframes intervene, the method of acquiring the subject land will be in accordance with Division 2, *Acquisition of Land Act 1967*.
- C.** That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.
- D.** That Council be kept informed as to the progress and outcome of the acquisitions.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

8. RENEWAL OF EXPENDITURE LEASE OVER FREEHOLD LAND LOCATED AT KARALEE SHOPPING VILLAGE, 39 JUNCTION ROAD, CHUWAR (KIOSK 1)

This is a report concerning the renewal of an expenditure lease over Kiosk 1, Karalee Shopping Village, 39 Junction Road, Chuwar (the “Kiosk”) between CVS Lane Capital Partners Pty Ltd as trustee for CVS Lane Karalee Retail Trust (Lessor) and Ipswich City Council (Council).

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Deputy Mayor Nicole Jonic:

- A. That Council, as Lessee, renew the existing lease, relating to Kiosk 1, Karalee Shopping Village, 39 Junction Road, Chuwar, more particularly described as part of Lot 100 on SP318001, for library purpose (existing lease).
- B. That Council renew the existing lease (Council file reference number 6210) with CVS Lane Capital Partners Pty Ltd as trustee for CVS Lane Karalee Retail Trust (Lessor) for a further period of three (3) years:
- (i) at a commencing annual rent of \$25,970.76 per annum excluding GST plus annual outgoings, payable by Council, with no options for extension.
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, to be authorised to implement Council’s decision.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

MOVE INTO CLOSED SESSION

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Councillor Marnie Doyle:

That in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 9 titled Update on Previous Council Decision and Proposed Amendment to Trustee Lease over 135 Brisbane Terrace, Goodna.

The meeting moved into closed session at 12.00 pm.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

NEGATIVE

Councillors:

Nil

Antonioli
Madden
Doyle

The motion was put and carried.

MOVE INTO OPEN SESSION

RECOMMENDATION

Moved by Councillor Andrew Antonioli:
Seconded by Councillor Marnie Doyle:

That the meeting move into open session.

The meeting moved into open session at 12.08 pm.

9. UPDATE ON PREVIOUS COUNCIL DECISION AND PROPOSED AMENDMENT TO TRUSTEE LEASE OVER 135 BRISBANE TERRACE, GOODNA

This is a report concerning a previous decision of the Governance and Transparency Committee, Item No. 10 on the 18 April 2023, and adopted at the Ordinary Council meeting on 27 April 2023; and the Amendment of the Trustee Lease over part of a Reserve located at 135 Brisbane Terrace, Goodna, described as Lease B in Lot 128 on SP178961, between Ipswich City Council (**Council**) as Trustee and Goodna and Districts Rugby League Football Club Inc. (**Goodna RL**).

In accordance with the above decision, a Trustee Lease was entered into in August 2023, at a commencing annual rent of \$11,250 ex GST, for the period 1 July 2023 to 30 June 2028 and with no options for extension. The Trustee Lease was registered on the property title on 30 October 2023.

On or about December 2023, the Mayor and the Manager, Community and Cultural Services met with Goodna RL to address concerns regarding the agreed-upon rent and the difficulties it poses amidst prevailing trading conditions.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

- A. Council acknowledges the contents of this report and the existing Trustee Lease between Council (Trustee Lessor) and Goodna and Districts Rugby League Football Club Inc (Trustee Lessee) which continues to operate.

- B. That Recommendation C of the previous decision, being the Governance and Transparency Committee, Item No. 10 endorsed on the 18 April 2023, and adopted at the Council Ordinary meeting of 27 April 2023 be repealed.
- C. (1) After taking into consideration the factors outlined in this report, Council as Trustee Lessor, resolve to vary the Trustee Lease, (Council file reference number 5400) by amending the quantum of the commencing annual rent payable by Goodna and Districts Rugby League Club Inc (Trustee Lessee) to Council, to the amount of \$5,625 ex GST.
- Or, in the alternative to Council adopting the recommendation in paragraph (1) above, Council adopts the recommendation contained below in paragraph (2);
- (2) Council resolve that the current Trustee Lease between Council and Goodna and Districts Rugby League Football Club Inc continues to operate, in accordance with the terms of the executed Trustee Lease dated 22 August 2023.
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

Deputy Mayor Nicole Jonic proposed a variation to the motion:

- A. That Council acknowledges the contents of this report and the existing Trustee Lease between Council (Trustee Lessor) and Goodna and Districts Rugby League Football Club Inc (Trustee Lessee) which continues to operate.
- B. That after taking into consideration the factors outlined in this report, Council as Trustee Lessor, resolve to vary the Trustee Lease, (Council file reference number 5400) by amending the quantum of the commencing annual rent payable by Goodna and Districts Rugby League Club Inc (Trustee Lessee) to Council, to the amount of \$5,625 ex GST.
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:

Seconded by Councillor Andrew Antonioli:

- A. That Council acknowledges the contents of this report and the existing Trustee Lease between Council (Trustee Lessor) and Goodna and Districts Rugby League Football Club Inc (Trustee Lessee) which continues to operate.**

- B. That after taking into consideration the factors outlined in this report, Council as Trustee Lessor, resolve to vary the Trustee Lease, (Council file reference number 5400) by amending the quantum of the commencing annual rent payable by Goodna and Districts Rugby League Club Inc (Trustee Lessee) to Council, to the amount of \$5,625 ex GST.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

ADJOURN MEETING

RECOMMENDATION

Moved by Councillor Paul Tully:

Seconded by Mayor Teresa Harding:

That the meeting be adjourned at 12.11 pm to reconvene at 12.40 pm.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

The meeting reconvened at 12.41 pm.

Councillor Marnie Doyle was not present when the meeting reconvened.

10. FRAUD AND CORRUPTION CONTROL POLICY

This is a report concerning the review of the Fraud and Corruption Control Policy.

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:

Seconded by Councillor Jim Madden:

That the revised policy titled Fraud and Corruption Control Policy as detailed in attachment 2 be adopted.

Councillor Marnie Doyle returned to the meeting at 12.43 pm.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Tully

Nil

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

The motion was put and carried.

11. AMENDMENTS TO CEO DELEGATIONS DUE TO LEGISLATIVE UPDATES

This is a report concerning updates to the delegations to the CEO due to recent changes to legislation.

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Councillor Jim Madden:

- A. **That the Delegations to the Chief Executive Officer as detailed in Attachment 1 to the report by the Senior Governance Officer dated 11 September 2024 be adopted.**
- B. **That the delegations to the Chief Executive Officer as detailed in Attachment 2 be amended as detailed in Attachment 3.**
- C. **That the delegations to the Chief Executive Officer detailed in Attachment 4 be repealed.**

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

12. MONTHLY FINANCIAL PERFORMANCE REPORT - AUGUST 2024

This is a report concerning Council's financial performance for the period ending 31 August 2024, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION

Moved by Councillor Andrew Antoniolli:

Seconded by Councillor Jim Madden:

That the report on Council's financial performance for the period ending 31 August 2024, submitted in accordance with section 204 of the *Local Government Regulation 2012*, be considered and noted by Council.

AFFIRMATIVE

Councillors:

Tully

Madsen

Harding

Jonic

Antoniolli

Madden

Doyle

NEGATIVE

Councillors:

Nil

The motion was put and carried.

13. REPORT - REGULATION ADVISORY COMMITTEE NO. 2024(02) OF 1 OCTOBER 2024

This is the report of the Regulation Advisory Committee No. 2024(02) of 1 October 2024.

RECOMMENDATION

Moved by Councillor Andrew Antonioli:
Seconded by Deputy Mayor Nicole Jonic:

That Council adopt the recommendations of the Regulation Advisory Committee No. 2024(02) of 1 October 2024.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Tully	Nil
Madsen	
Harding	
Jonic	
Antonioli	
Madden	
Doyle	

The motion was put and carried.

14. MONTHLY FINANCIAL PERFORMANCE REPORT - SEPTEMBER 2024

This is a report concerning Council's financial performance for the period ending 30 September 2024, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Mayor Teresa Harding:

That the report on Council's financial performance for the period ending 30 September 2024, submitted in accordance with section 204 of the *Local Government Regulation 2012*, be considered and noted by Council.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Tully	Nil
Madsen	
Harding	
Jonic	
Antonioli	
Madden	
Doyle	

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 11.41 am.

The meeting closed at 12.57 pm.

**** Refer Council Ordinary Meeting of 24 October 2024 for amendment**

Doc ID No: A10835843

ITEM: 2

SUBJECT: PROPOSED ACQUISITION OF LAND AND EASEMENT FOR INF04680 - LOWRY LANE AND COLVIN STREET DRAINAGE REHABILITATION

AUTHOR: SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

DATE: 17 OCTOBER 2024

EXECUTIVE SUMMARY

This is a report concerning the proposed acquisition of part of land at 1 Colvin Street and the proposed acquisition of an easement over land at 6 Colvin Street, North Ipswich. The land acquisition is required to improve visibility for vehicles and pedestrians at the corner of Lowry Lane and Colvin Street and the easement acquisition will facilitate the rehabilitation of part of the local stormwater network, including the rectification of a reoccurring sink hole in the railway corridor.

RECOMMENDATION

- A. That Council resolve to acquire part of land located at 1 Colvin Street, North Ipswich, more particularly described as part of Lot 3 on RP3174 (Council file reference 6225), for road purpose.
- B. That the method of acquiring part of Lot 3 on RP3174 will be as a purchase by agreement with the affected person/s pursuant to the *Property Law Act 1974*.
- C. That Council resolve to acquire an easement over part of land located at 6 Colvin Street, North Ipswich, more particularly described as part of Lot 254 on SL11757 (Council file reference 6241), for drainage purpose.
- D. That the method of acquiring the easement over part of Lot 254 on SL11757 will be by agreement and pursuant to the *Property Law Act 1974*.
- E. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

RELATED PARTIES

There were no declarations of conflicts of interest.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

Closed-circuit television (CCTV) inspections of Council's stormwater network at Lowry Lane and Colvin Street, North Ipswich in 2020 identified sections of drainage infrastructure in poor condition, including severely broken pipes, complex cracks and even collapsed in some areas. The damage resulted in the blocked flow of stormwater and localised flooding.

In addition to Council findings, Queensland Rail reported a reoccurring sink hole within the railway corridor at Riverlink, North Ipswich. Further investigations were conducted to identify the cause of the sinkhole and its relation to the issues in the localised network.

The intent of the *Colvin Street and Lowry Lane Drainage Rehabilitation* project is to create a long-term solution for the Colvin Street and Lowry Lane stormwater outlet and to rectify the cause of the reoccurring sinkhole in the railway corridor. Works include pipe replacement and change of alignment for the downstream portion of the stormwater network that are in poor condition, as identified in CCTV investigations.

Through the internal design review of the project, a road safety improvement was identified with the truncation of the property boundary at 1 Colvin Street, North Ipswich, improving sight distance for both vehicles and pedestrians. The truncation works have been proposed as part of the drainage project; however, no significant gain will be achieved in the drainage alignment with the truncation, meaning the land requirement is dependent on a negotiated outcome with the landowner(s).

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

- *Local Government Act 2009*
- *Property Law Act 1974*
- *Land Title Act 1994*

POLICY IMPLICATIONS

The matter of the report is consistent with Council's approved *Property Acquisition and Disposal Policy*.

RISK MANAGEMENT IMPLICATIONS

The risk of not resolving to acquire the land to truncate the corner of 1 Colvin Street will mean that there would be no improvement to visibility for vehicles and pedestrians at the corner of Lowry Lane and Colvin Street.

The risk of not resolving to acquire the easement will result in Council not meeting the land access requirements to facilitate the rehabilitation of this part of the local stormwater network, including the rectification works to the area of the rail corridor with a reoccurring sink hole.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the acquisition of the land and the easement is available from within the Capital Works Program 2024-2025. Expenses include property valuations, agreed purchase price, preparation, and registration of new plans of survey, transfer duties and registration of documents with Queensland Titles Registry.

COMMUNITY AND OTHER CONSULTATION

Internal Stakeholder Engagement

Property Services continue to work with Council’s Capital Delivery Branch and Legal Services who support the recommendations within this report and will be working together to achieve the recommended outcomes.

External Stakeholder Engagement

Council Officers have been liaising with Department of Transport and Main Roads throughout the design process and continue to work with them on the finalisation of the project design, including that of the easement area at 6 Colvin Street.

Since September, Council Officers have also been liaising with the Landowners of 1 Colvin Street, including consulting on the design of the project, land requirements and potential property impacts from associated works.

Closer to the time of construction, engagement will commence with Landowners who adjoin the project area of works, consulting with officers from Stakeholder Engagement and Capital Delivery (Design) to discuss the project delivery, and potential property impacts from associated works (access, noise etc.).

CONCLUSION

It is recommended that Council proceed with the voluntary acquisition of part of land at 1 Colvin Street, North Ipswich and the acquisition of an easement over part of land at 6 Colvin Street, North Ipswich under the *Property Law Act 1974*.

The part land acquisition will provide increased safety to road users and pedestrians while the Easement will facilitate work required for the rehabilitation of the local stormwater network.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS – 1 Colvin Street NORTH IPSWICH	
OTHER DECISION	
(a) What is the Act/Decision being made?	Acquisition of part of land by way of negotiated purchase under the <i>Property Law Act 1974</i> .
(b) What human rights are affected?	No human rights are affected by this decision as the method of acquisition will be by negotiation and the landowners have no

	obligation to accept Council’s offer to acquire. End of assessment.
(c) How are the human rights limited?	N/A
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	N/A
(e) Conclusion	The decision is consistent with human rights.

HUMAN RIGHTS IMPACTS – 6 Colvin Street NORTH IPSWICH	
OTHER DECISION	
(a) What is the Act/Decision being made?	Acquisition of Easement by way of negotiation under the <i>Property Law Act 1974</i> .
(b) What human rights are affected?	None. The Department of Transport and Main Roads is not an individual. Only individuals have human rights. End of assessment.
(c) How are the human rights limited?	N/A
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	N/A
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Title Search - 1 Colvin Street
2.	Acquisition Plan - 1 Colvin Street
3.	Title Search - 6 Colvin Street
4.	Acquisition Plan - 6 Colvin Street

Bianca Gaudry
SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

I concur with the recommendations contained in this report.

Alicia Rieck
PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Anthony Dunleavy
MANAGER, LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A10358326

ITEM: 3

SUBJECT: PROPOSAL TO ACQUIRE PROPERTY LOCATED AT SOUTH RIPLEY WITH ENVIROPLAN LEVY FUNDS

AUTHOR: SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

DATE: 2 SEPTEMBER 2024

EXECUTIVE SUMMARY

This is a report concerning the proposed purchase of thirty-two (32) hectares of land at South Ripley using Ipswich Enviroplan Levy funds. The property is in a pivotal position within the Flinders Karawatha Environmental Strategic Corridor between Flinders-Goolman Conservation Estate and White Rock-Spring Mountain Conservation Estate.

RECOMMENDATION

- A. That Council resolve to acquire the property listed in Confidential Attachment 1 for the purpose of the Ipswich Enviroplan Program.**
- B. That the method of acquisition shall be as a purchase by agreement with the affected person/s pursuant to the *Property Law Act 1974*.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**
- D. That Council be kept informed as to the progress and outcome of the acquisition.**

RELATED PARTIES

There is no declaration of conflicts of interest.

IFUTURE THEME

Natural and Sustainable

PURPOSE OF REPORT/BACKGROUND

Council became aware of the South Ripley property detailed in **Confidential Attachment 1** listed on the open market in June 2023. With support from the CEO, discussion commenced with the landowners regarding Council’s interest in the property.

Council assesses such opportunities against specific criteria based upon the inherent ecological values of the land, flora and fauna and its strategic position in the landscape and

cost versus value, etc. Under the current Enviroplan acquisition guideline, this property has high environmental value and represents a key acquisition.

The property is zoned both 'Conservation' and 'Recreation' under the current *Ipswich Planning Scheme*. Under the *Draft Ipswich Planning Scheme*, the site is wholly zoned 'Conservation'.

Based on an initial desktop assessment (**Confidential Attachment 2**) this property meets principle and supplementary criteria under the *Ipswich Enviroplan Program & Levy Policy*, in particular:

- Enhancement of the overall protection and sustainable use of the natural environment within the city;
- Environmental significance and biodiversity values (including level of threat);
- Level of priority within the Nature Conservation Strategy;
- Proximity to the current or future Natural Area Estate;
- Creation of strategic and new habitat areas that build connectivity;
- Protection of water quality and catchment values;
- Landscape and aesthetic values;
- Nature-based recreation opportunities;
- Benefit to the community; and
- Ultimate cost of purchase (capital and recurrent costs).

An independent market valuation determined the land's market value as outlined in **Confidential Attachment 3**.

The acquisition of this property aligns with the recommendations adopted at the Ordinary Council Meeting on 25 May 2023 (Item 2. Enviroplan Targeted Acquisition within Identified Strategic Areas Under the Natural Environment Strategy) and further to this at the Confidential Executive Leadership Team Weekly Meeting – Confidential Matters on 9 October 2023 (Item 2. Enviroplan Acquisition Plan Update). See **Confidential Attachments 4 and 5**.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Regulation 2012

Local Government Act 2009

Property Law Act 1974

Land Act 1994

POLICY IMPLICATIONS

The matter of the report is consistent with Council's approved *Property Acquisition and Disposal Policy* and *Ipswich Enviroplan Program and Levy Policy*.

Negotiations aligned with Council's obligations under the Ipswich Enviroplan Program and Levy Policy.

RISK MANAGEMENT IMPLICATIONS

Risks of not adopting the recommendations include:

- Property may not be available again in the future.
- Lower quality land management techniques if lots not under Council control will reduce existing environmental values.

Risks of adopting the recommendations include:

- Property may not align with the Natural Environment Strategy once a detailed property review has been completed; and
- Less funding available to purchase other properties.

FINANCIAL/RESOURCE IMPLICATIONS

Enviroplan Levy funds are required to purchase the properties and implement capital investment to make the site secure. The acquisition will require a budget amendment.

Council is holding sufficient funds as "restricted cash" in relation to the Enviroplan. These restricted funds are for purposes outlined in the '*Enviroplan Separate Charge*' in each annual budget. This includes the acquisition of land for environmental purpose.

COMMUNITY AND OTHER CONSULTATION

After seeing the property listed on the open market in June 2023, Property Services sought CEO support to initiate discussion with the listing agent over Council's interest in the land and to gauge any flexibility in the landowners asking price, which surpassed the market value assessed by Council's independent valuer.

The property was later removed from the market and though discussions progressed between Council and the landowner, an outcome to purchase (conditional upon an endorsed Council decision) could not be reached.

In May 2024, the landowners contacted Council to advise that they would be willing to further negotiate with Council.

In September 2024, Council presented the owners with an 'Offer to Acquire' subject to approval (**Confidential Attachment 6**). The offer was accepted by the landowner with the understanding this purchase is pending a decision by Council.

CONCLUSION

The subject property holds important environmental value worthy of protecting. Investing Enviroplan Levy funds in purchase will align with Council’s Natural Environmental Strategy. Council would provide ongoing management of the land, protecting its environmental values now and for future generations.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	That Council resolve to acquire property located at South Ripley for the purpose of the Ipswich Enviroplan Program.
(b) What human rights are affected?	The proposed act or decision does not affect human rights as the process is voluntary. Further consideration is unnecessary. End of assessment.
(c) How are the human rights limited?	Not applicable.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable.
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Property Title Search
2.	Enviroplan Acquisition Initial Assessment
3.	Property Valuation
4.	Adopted Officers Report - Council 25 May 2023
5.	Adopted Officers Report - Confidential ELT Weekly Meeting 9 October 2023
6.	Offer to Acquire

Bianca Gaudry
SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

I concur with the recommendations contained in this report.

Alicia Rieck
PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Anthony Dunleavy
MANAGER, LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A10854365

ITEM: 4

SUBJECT: BOUNDARY ANOMALIES BETWEEN IPSWICH CITY COUNCIL AND SOMERSET REGIONAL COUNCIL

AUTHOR: PROPERTY OFFICER

DATE: 23 OCTOBER 2024

EXECUTIVE SUMMARY

This is a report concerning the proposed amendment of local government boundaries in relation to two properties located on the boundary of Ipswich City Council (**ICC**) and Somerset Regional Council (**SRC**). SRC are seeking Council's consent for SRC to make application to seek a determination for a local government boundary change to the individual property that has been identified.

RECOMMENDATION/S

- A. That Council resolve to support an application by Somerset Regional Council to the Minister for Housing, Local Government, Planning and Public Works and to the Local Government Change Commission to have included 76 Postmans Track, Marburg, more particularly described as Lot 20 on SP344163, in its entirety, in Somerset Regional Council boundary and excluded from Ipswich City Council boundary.**
- B. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take action in order to implement Council's decision.**

RELATED PARTIES

There was no declaration of conflicts of interest

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

On 6 September 2024 the Department of Resources (DoR) notified the landowner that the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) had not received correspondence from either Council on a proposed Local Government Area boundary change to realign an acre of land into the landowner's property at Marburg. As DoR was unaware of whether either Council had commenced any action DoR recommended

the landowner contact each Council to correspond with DHLGPPW to progress the appropriate change to the Local Government boundary.

The landowner has contacted ICC via email dated 27 September 2024 requesting ICC provide a letter of support to the Local Government Area boundary change in Marburg to ensure their property is fully within the SRC boundary.

ICC received correspondence from SRC dated 22 October 2024 confirming SRC's endorsement of a Plan of Subdivision on 30 November 2023 for reconfiguring a lot by Boundary Realignment (two lots into two lots) in Postmans Track, Marburg. DA24083 was approved with consent from ICC. The new Lots are Lot 10 on SP344163 and Lot 20 on SP344163. SRC have requested ICC provide a letter of support for the boundary realignment.

Anomalies do occur when a local government boundary effectively divides a parcel of land between two local government boundary areas. Consequently, these properties are sometimes divided into two different suburbs or localities, which cause confusion for landowners, Councils' and essential services.

ICC and SRC have discussed the anomalies and determined, in accordance with the *Local Government Act 2009* (LGA), that SRC make application to the Minister for Housing, Local Government, Planning and Public Works (**Minister**) for the Local Government Change Commission (**Change Commission**) to resolve the anomalies.

Under Division 2 Section 18 of the LGA, proposals for changes to local government boundaries can only be made by the Minister. When considering a local government boundary matter, the local government and the Change Commission must have regard to the matters prescribed under Section 19 of the LGA and that the change is in the public interest. A notice of results is published in the local newspaper, the Queensland Government Gazette, and on the ECQ website. A Change Commission decision is not subject to appeal.

The following criteria are assessed for each property to determine the appropriate local government area:-

- (a) Locality;
- (b) Legal and practical access;
- (c) Rates and service delivery; and
- (d) Emergency services.

The affected Lot 20 on SP344163 is partially located within the Ipswich City Council (Locality of Marburg) and Somerset Regional Council (Locality of Marburg).

The boundary anomaly is shown in Attachment 1.

Access to Lot 20 on SP344163 (Lot 20 is via Postmans Track, Marburg with the majority of the lot being located within the SRC boundary.

SRC has since progressed the matter and has requested ICC's support for SRC to submit the local government boundaries to be changed to the Department of Resources (**DoR**) and the

Department of Housing, Local Government, Planning and Public Works (**DHLGPPW**). ICC's role in the local government boundary change is to provide a letter of support only. SRC is the responsible party in the preparation and submission of the application to the Local Government Change Commission.

The Minister is the only authority who can refer a proposed local government boundary change to the Change Commission. The results of a Change Commission review must be handed to the Minister for a decision.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

POLICY IMPLICATIONS

There are no known policy implications for a boundary realignment.

RISK MANAGEMENT IMPLICATIONS

A local government boundary should not dissect a property, a property should be entirely contained in one (1) Local Government area only. The proposed local government boundary change will eliminate all matters pertaining to local government electorates and any discrepancies with emergency services.

ICC and SRC have considered the impact of the local government boundary change in relation to the above issues and jointly made the decision that this is the most practical way forward and in the public interest.

FINANCIAL/RESOURCE IMPLICATIONS

Local government boundaries that are amended where affected properties are included in the ICC Local Government area will be included in the rating and delivery services such as waste collection with subsequent revenue being received by ICC.

ICC will need to amend its public works records and roads and asset registers which are transferred as a consequence of any local government boundary change. Any transfer of affected properties to SRC will include public works, rating and delivery of services and subsequent revenue for those properties. The rating effect on ICC of the proposed changes is expected to be minimal.

COMMUNITY AND OTHER CONSULTATION

Internal consultation by ICC has been undertaken with the following departments;

- Planning and Regulatory Services have no concerns in regard to the proposed boundary realignment so that the lots are contained in the one LGA

- Environment and Sustainability Branch have no objection to the proposed boundary realignment
- Transport Planning have no issues with the proposal from a strategic transport perspective

SRC will write to the affected properties owners and advise them of the anomalies prior to any application to the Minister.



CONCLUSION

The boundary anomalies have been subject to appropriate internal consultation to provide a letter of support to SRC. This will enable SRC to make the application to the Minister for Local Government to request the Change Commission under sections 19 and 20 of the *Local Government Act 2009* to make the changes to the local government boundary.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Signing of letter to support the Local Government area boundary change affecting land located at 76 Postmans Track, Marburg described as Lot 20 on SP344163
(b) What human rights are affected?	No human rights are affected by this decision. The decision to support the proposal is provided under the provisions of the Local Government Act 2009 and ensures the affected property is fully within the one Local Government boundary area. End of assessment.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Map for Boundary Anomaly for Lot 20 on SP344163 ↓ 
2.	SP344163 - 76 Postmans Track, Marburg ↓ 
	CONFIDENTIAL
3.	Title Search - 20SP344163 - 76 Postmans Track, Marburg

Judi Howard
PROPERTY OFFICER

I concur with the recommendations contained in this report.

Alicia Rieck
PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Anthony Dunleavy
MANAGER, LEGAL AND GOVERNANCE (GENERAL COUNSEL)

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER (CORPORATE SERVICES)

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Map for boundary anomaly for Lot 20 on SP344163



Doc ID No: A10803904

ITEM: 5
SUBJECT: INCREASED SPENDING ON ARBORICULTURE PANEL ARRANGEMENTS
AUTHOR: CONTRACTS OFFICER
DATE: 9 OCTOBER 2024

EXECUTIVE SUMMARY

This is a report concerning the recommendation to approve a shorter extension, variation and increase expenditure for Contracts associated with 14985 Arboriculture Services. This approval is requested to vary the existing contract extension period.

The contracts relating to this extension include the following suppliers:

- Bush Born Enterprises Pty Ltd as the trustee for The Bush Bourne Unit Trust trading as Australian Tree Services
- PowerClear Pty Ltd
- Heritage Tree Services Pty Ltd ATF Rowan Family Trust
- River City Garden & Lawn Pty Ltd
- Savco Vegetation Services Pty Ltd
- Benjamin Young Family Trust t/a Arbor Australis Consulting Pty. Ltd

Approval is sought to vary the contracts of all six (6) 14985 Arboriculture Services suppliers. It is requested to vary (by shortening) the remaining available twelve (12) month extension to a period of six (6) months only, which will support smoother contract transition and operational continuity. It is intended to award a new contract/s by 30 June 2025 allowing for transition between contracts prior to the commencement of the 2026 peak demand season.

This extension will result in increased expenditure under these contracts to an estimated combined total \$10.3M excluding GST.

RECOMMENDATION/S

A. That Council approve an increase in expenditure for the provision of Arboriculture Services with the suppliers listed below from \$7,510,000.00 to \$10,300,000.00 excluding GST for the contracted period to January 2025. This constitutes an increase of \$2,790,000.00 excluding GST.

(i) Contracts 14985 Arboriculture Services

**Bush Born Enterprises Pty Ltd as the trustee for The Bush Bourne
Unit Trust trading as Australian Tree Services
PowerClear Pty Ltd
Heritage Tree Services Pty Ltd ATF Rowan Family Trust
River City Garden & Lawn Pty Ltd**

**Savco Vegetation Services Pty Ltd
Benjamin Young Family Trust t/a Arbor Australis Consulting Pty.
Ltd**

- (ii) to reduce the remaining final extension option of all contracts from one (1) year, to near six (6) months (25 January 2025 to 30 June 2025)
 - (iii) and to amend the estimated purchase price of all contracts from \$7,510,000.00 excluding GST to approximately \$10,300,000.00 excluding GST combined, over the entire term (amended terms per A(ii) above).
- B. That Council enter into a deed of variation with the Suppliers to appropriately amend the existing contractual arrangements.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

RELATED PARTIES

1. Bush Born Enterprises Pty Ltd as the trustee for The Bush Bourne Unit Trust trading as Australian Tree Services
2. PowerClear Pty Ltd
3. Heritage Tree Services Pty Ltd ATF Rowan Family Trust
4. River City Garden & Lawn Pty Ltd
5. Savco Vegetation Services Pty Ltd
6. Benjamin Young Family Trust t/a Arbor Australis Consulting Pty Ltd

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

This report recommends the approval to exercise the remaining final contract extension – subject to varying (shortening) the length and, increasing the spend for 14985 Arboriculture Services with the aforementioned Suppliers.

This report seeks approval to vary the final contract extension from one (1) year to six (6) months. The timing of the expiration of the current arrangement, requires variation to facilitate a smooth transition between contracts, outside of a period of peak demand. The current expiry date of 24 January 2025 falls for Council in this peak period. It is therefore requested to amend contract expiry to a period of low demand, 30 June 2025, allowing a time for transition to a new contract/s. The Council intends to use this extension to explore further category management planning initiatives, with the goal of improving contract effectiveness for both the Council and Suppliers.

The original resolution of 26 November 2020 to enter into these contracts stated (in part):

- C. That Council enter into a contract for the provision of Arboriculture Services with the suppliers listed below for a period of three (3) years with the option to extend the contract by two (2) x further, one (1) year periods, for the estimated sum of five million, two hundred and seventy nine thousand, six hundred and four dollars excluding GST (\$5,079,604.00) total cost if all extensions are executed):**

A further resolution of 26 October 2023 stated (in part)

- A. That Council approve an increase in expenditure for the provision of Arboriculture Services with the suppliers listed below from \$5,079,604.00 to \$7,510,000.00 excluding GST for the contracted period up to January 2025. This constitutes an increase of \$2,430,396.00 excluding GST.**

Current spend to August 2024 was \$8,364,852, surpassing the estimated amount of the 26 October 2023 resolution, for the same reasons that are listed below, regarding the subject of this report.

Based on the monthly average, the projected contract expenditure for the remaining extension may total \$1.9M (January – June 2025) across the four Suppliers, with an anticipated total contract expenditure of \$10.3M excluding GST (\$8.4M to August 2024 + \$1.9M to 30 June 2025). The increase cost is attributed to, greater service demand, increasing costs such as fuel, plant and equipment, labour costs arising from recent award wage adjustments, higher than expected Consumer Price Index (CPI) increase, and an increase in the area services by contractors.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Regulation 2012

POLICY IMPLICATIONS

There are no policy issues with this report.

RISK MANAGEMENT IMPLICATIONS

The risk to Council if the recommendation is not approved is the delay in maintenance activities for Council's Arboriculture maintenance.

FINANCIAL/RESOURCE IMPLICATIONS

Funding is available from within existing budget area.

COMMUNITY AND OTHER CONSULTATION

Representatives of Asset and Infrastructure Services Department have been consulted in consultation with this recommendation.

CONCLUSION

Council to approve the increase as listed above for Contract 13485 Arboriculture Services.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The Recommendation states that Council exercise its final extension of contract 14985 Arboriculture Services for six months.
(b) What human rights are affected?	No Human Rights are affected by this decision. This is because all contractors are companies.
(c) How are the human rights limited?	Not Applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not Applicable
(e) Conclusion	The decision is consistent with human rights.

John O'Donnell
CONTRACTS OFFICER

I concur with the recommendations contained in this report.

David Niebling
CATEGORY SPECIALIST

I concur with the recommendations contained in this report.

Tanya Houwen
MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Michael Jordan
FIELD SERVICES MANAGER

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A10614658

ITEM: 6
SUBJECT: CONSISTENCY REVIEW: LOCAL LAWS AND THE NEW PLANNING SCHEME
AUTHOR: SENIOR PROJECT MANAGER (CORPORATE SERVICES)
DATE: 24 OCTOBER 2024

EXECUTIVE SUMMARY

Council is preparing to implement a new planning scheme (the draft scheme) later this year/early in 2025. As a result of this, a project has been undertaken comparing the draft scheme with Council's current local laws to determine any critical gaps or inconsistencies that could impede regulatory functions once the draft scheme commences.

Out of Council's 14 Local Laws and Subordinate Local Laws only 7 require changes – with 18 key changes identified. In July 2024, Council resolved to commence the formal local law-making process to enable those key changes to the identified local laws to be made in a timely manner and coincide with the commencement of the draft scheme. The local law-making process has now been completed and this report provides outcomes of the public consultation, anti-competitive provisions review and State interest check process with the amending laws now presented for adoption.

If adopted, **commencement of the amended laws does not occur until a notice is published in the Queensland Government Gazette**. This notice will be published to coincide with the commencement of the draft scheme whenever that occurs later this year/early in 2025.

RECOMMENDATIONS

- A. That it be noted that no submissions were received during the public consultation period, as detailed in Attachment 2 of the report, for the following:**
- a) Local Law (Amending) Local Law No.1 (Administration) 2024*
 - b) Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024*
 - c) Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024*
 - d) Local Law (Amending) Local Law No. 5 (Parking) 2024*
 - e) Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024*
 - f) Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024*
 - g) Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024*
- B. That it be noted that State interest checks were conducted on the proposed amending local laws with feedback received that resulted in one amendment to**

Local Law (Amending) Local Law No.5 (Parking) 2024 as set out in Attachment 3 of the report.

- C. That it be noted that minor errors were identified following the public consultation period that do not change the intent within the laws as advertised and do not require further public consultation.
- D. That the proposed amending local laws and subordinate local laws listed in Recommendation A do not contain any significant anti-competitive provisions as detailed in Attachment 1 of the report.
- E. That Council make the following local laws and subordinate local laws as advertised and subject to the amendments shown in tracked changes, as set out in Attachments 4 to 10 of the report:
- a) ***Local Law (Amending) Local Law No.1 (Administration) 2024***
 - b) ***Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024***
 - c) ***Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024***
 - d) ***Local Law (Amending) Local Law No. 5 (Parking) 2024***
 - e) ***Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024***
 - f) ***Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024***
 - g) ***Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024***
- F. That pursuant to section 32 of the *Local Government Act 2009*, Council adopt consolidated versions of the following local laws and subordinate local laws, as set out in Attachments 11 to 17 of the report:
- a) ***Local Law No.1 (Administration) 2013***
 - b) ***Local Law No.3 (Commercial Licensing) 2013***
 - c) ***Subordinate Local Law No.3.1 (Commercial Licensing) 2013***
 - d) ***Local Law No. 5 (Parking) 2013***
 - e) ***Subordinate Local Law 5.1 (Parking) 2013***
 - f) ***Subordinate Local Law 6.1 (Animal Management) 2013***
 - g) ***Local Law No. 8 (Nuisances and Community Health and Safety) 2013***
- G. That it be noted that commencement of the laws listed in Recommendation E will not occur until publication of a notice in the Queensland Government Gazette, and that publication of the notice will coincide with the commencement of Council's new planning scheme.

RELATED PARTIES

There are no known related parties or conflicts of interest at the time of writing.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

At its meeting of 25 July 2024, the Council resolved (resolution C2024/05/184) as follows:

- A. That Council propose to make:
 - a. *Local Law (Amending) Local Law No. 1 (Administration) 2024* as set out in Attachment 1 of the report.
 - b. *Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024* as set out in Attachment 2 of the report.
 - c. *Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024* as set out in Attachment 3 of the report.
 - d. *Local Law (Amending) Local Law No. 5 (Parking) 2024* as set out in Attachment 4 of the report.
 - e. *Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024* as set out in Attachment 5 of the report.
 - f. *Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2024* as set out in Attachment 6 of the report.
 - g. *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024* as set out in Attachment 7 of the report.
- B. That Council undertake a preliminary assessment of any potentially anti-competitive provisions to determine whether the provisions will result in any significant impacts.
- C. If the preliminary assessment undertaken under Recommendation B identifies an anti-competitive provision that will result in a significant impact, Council undertake consultation on the anti-competitive provision as part of the public consultation process outlined in Recommendation D.
- D. That Council approve proceeding to public consultation for the proposed laws in Recommendation A of this report.
- E. That Council approve to proceed to State Government interest check on the below laws in accordance with section 29A of the *Local Government Act 2009*:
 - a. *Local Law (Amending) Local Law No. 1 (Administration) 2024* as set out in Attachment 1 of the report.
 - b. *Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2024* as set out in Attachment 2 of the report.
 - c. *Local Law (Amending) Local Law No. 5 (Parking) 2024* as set out in Attachment 4 of the report.
 - d. *Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024* as set out in Attachment 7 of the report.
- F. That, following completion of the actions identified in Recommendations B, C, D, and E, a report be provided to a future Council meeting to progress the proposed local laws and subordinate local laws in Clause A to the final stage of the formal local law-

making process, in accordance with the *Local Government Act 2009* and Council's *Local Law-Making Process Policy*.

As a reminder of the amendments that were identified and proposed please see **ATTACHMENT 18** for the explanatory notes that were attached to the previous report to Council and used in public consultation.

ACTION TAKEN ON THE RESOLUTION (C2024/05/184)

Recommendations A, B and C – Anti-Competitive Provisions

Council undertook anti-competitive reviews and assessments as per legislated requirements and found, in summary, that no provisions, including any significant provisions, exist in the amending laws that would require consultation. Further information can be found in **ATTACHMENT 1**.

Recommendation D – Public Consultation

Council undertook public consultation during the period 9 to 30 August 2024 in accordance with legislation and Council's Making Local Laws Policy. In summary, the Shape Your Ipswich page received 1,235 views with 1,072 unique visitors. No submissions were received. As this review is essentially a consistency exercise, it was expected that there may not be extensive feedback given the draft scheme has been subject to a robust public and State Government consultation exercise. Additionally, the messaging was clear in the consultation that this was about alignment with the draft scheme, and that the community will be given the opportunity to comment on the local laws more broadly when the more comprehensive review is undertaken later. Further information on the consultation can be found in **ATTACHMENT 2**.

Recommendation E – State Interest Checks

As per legislated requirements, when making local laws Council must undertake consultation with the State government to determine any interest or feedback with the proposed laws. Relevant State departments were consulted on 4 September asking for feedback by COB Friday 28 September 2024. In summary, four (4) agencies/departments provided feedback. Three advised they have no comments, with one requesting that a change be made to a definition relating to heavy vehicle parking. In reviewing the feedback, it was recognised that this minor change suggested would provide clarity for the reader of the definition and would not change the policy intent. Given that this was the only feedback received, and whilst it doesn't relate to the draft scheme changes, it is proposed that this minor change be captured as part of this review. **ATTACHMENT 3** provides a report on the State interest checks including the proposed change. The proposed change has been incorporated into the proposed *Local Law (Amending) Local Law No.5 (Parking) 2024* (Attachment 7) and the proposed consolidated *Local Law No. 5(Parking) 2013* (Attachment 14).

Recommendation F – final stage of making local laws and subordinate local laws

Following completion of Recommendations, A -E, this report puts forwards the recommendations for the final stage of making the amending local laws and amending

subordinate local laws along with the consolidated versions (where the amendments are consolidated into the previously adopted laws).

PLEASE NOTE: In finalising the amending local laws that were advertised several minor errors were picked up that related to consistency and do not change any intent within the laws as they were advertised and do not require further consultation. The amending laws with the track changes of those minor amendments can be seen in **ATTACHMENTS 4-10**. For completeness and transparency those minor amendments are:

A. <i>Local Law (Amending) Local Law No.1 (Administration) 2024</i>	No further minor amendments
<i>Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024</i>	No further minor amendments
<i>Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024</i>	<ul style="list-style-type: none"> • Correction of section number • Remove old scheme names • Remove 'for' from a sentence • Capital letter removal
<i>Local Law (Amending) Local Law No. 5 (Parking) 2024</i>	<ul style="list-style-type: none"> • Update of terminology not previously picked up relating to residential area and rural zone. • (Note updated definition of <i>parking or storing a heavy vehicle</i> following State Interest Check feedback also shown in track changes)
<i>Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024</i>	No further minor amendments
<i>Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024</i>	No further minor amendments
<i>Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024</i>	A couple of words need capital letters

The consolidated versions (where the amendments are consolidated into the previously adopted laws) highlight in the Table of Reprints the reprint with the amending law listed – the commencement date will be updated on upon gazettal. The consolidated versions of the laws are **ATTACHMENTS 11-17**.

NEXT STEPS: REQUIREMENTS OF THIS REPORT

Procedurally, Council needs to:

- Acknowledge the public consultation outcome; the State Interest check outcome and that there are no anti-competitive provisions (**Recommendations A, B and D of this report**); and
- Adopt the amending local laws and amending subordinate local laws as they were advertised during the public consultation period and subject to the amendments made in tracked changes (**Recommendation E of this report**); and
- Adopt the consolidated versions (**Recommendation F of this report**); and
- Acknowledge that the commencement of the laws will coincide with the commencement of the new planning scheme (**Recommendation G of this report**).

Following completion of the above recommendations, and pursuant to the *Local Government Act 2009*, the laws will not commence until published in the Queensland Government Gazette. This notice will be published to coincide with the commencement of the draft scheme whenever that occurs later this year/early in 2025.

Following publication of the gazette notice, a copy of the adopted laws and gazette notice will be sent to the Minister, and our website and local laws register updated. Internal and external communications will occur at the same time to announce commencement of the laws. Implementation of changes, for example, internal processes, will occur to coincide with the commencement of the laws and draft scheme.

B. AMENDING LAWS

- C. ATTACHMENT 4 - Local Law (Amending) Local Law No.1 (Administration) 2024**
ATTACHMENT 5 - Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024
ATTACHMENT 6 Subordinate Local Law (Amending) Subordinate Local Law No.3.1 (Commercial Licensing) 2024
ATTACHMENT 7 - Local Law (Amending) Local Law No. 5 (Parking) 2024
ATTACHMENT 8 - Subordinate Local Law (Amending) Subordinate Local Law 5.1 (Parking) 2024
ATTACHMENT 9 - Subordinate Local Law (Amending) Subordinate Local Law 6.1 (Animal Management) 2024
ATTACHMENT 10- Local Law (Amending) Local Law No. 8 (Nuisances and Community Health and Safety) 2024

CONSOLIDATED LAWS

- D. ATTACHMENT 11 - Local Law No.1 (Administration) 2013**
ATTACHMENT 12 - Local Law No.3 (Commercial Licensing) 2013
ATTACHMENT 13 - Subordinate Local Law No.3.1 (Commercial Licensing) 2013
ATTACHMENT 14 - Local Law No. 5 (Parking) 2013
ATTACHMENT 15 - Subordinate Local Law 5.1 (Parking) 2013

ATTACHMENT 16 - *Subordinate Local Law 6.1 (Animal Management) 2013*
ATTACHMENT 17 - *Local Law No. 8 (Nuisances and Community Health and Safety) 2013*

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Act 2009
Local Government Regulation 2012
ICC Local Law-Making Policy
National Competition Policy: Guidelines for conducting reviews on anti-competitive provisions in local laws

POLICY IMPLICATIONS

The changes identified in the local laws do not change Council's policy intent or current regulation practices. The majority relate to changing definitions to align with the draft scheme, minor word changes to provide clarity and minor changes to adhere with drafting standards for local laws.

RISK MANAGEMENT IMPLICATIONS

Without making changes to the local laws there is a risk that regulatory functions may be impeded due to definitions, zones etc not being in alignment with the draft planning scheme (once adopted). Critical inconsistencies/gaps have been identified.

FINANCIAL/RESOURCE IMPLICATIONS

The changes do not impact current regulation practices. The legal costs to review, analyse, and draft amending local laws and consolidated local laws is \$47,000. There are some minor costs associated with advertising the public consultation notice and gazettal notice. The funding for this project has been split between last financial year's budget and this financial year's budget.

COMMUNITY AND OTHER CONSULTATION

The community and State Government had the opportunity to comment on the proposed local laws as part of the process discussed in the report. As this is essentially a consistency exercise, it was expected that there may not be extensive feedback given the draft scheme has been subject to a robust public and State Government consultation exercise. The community will be given the opportunity to comment on the local laws more broadly when the more comprehensive review is undertaken at a later date.

CONCLUSION






A review has been undertaken to identify key changes to the local laws that are needed because of changes in the planning scheme. This report concludes the formal local law-making process which includes public consultation and State interest checks to enable those

key changes to be made in a timely manner. If this report is adopted by Council, commencement of the laws does not occur until a notice is published in the Queensland Government Gazette. This notice will be published to coincide with the commencement of the draft scheme whenever that occurs later this year/early in 2025.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Alignment of Council’s local laws with the draft planning scheme that will commence in late 2024/early 2025 with the adoption of amending and consolidated local laws.
(b) What human rights are affected?	Right to Freedom of Movement
(c) How are the human rights limited?	Some people may consider that restrictions for certain approvals on where a person may conduct an activity may impede their right to freedom of movement. While there are no new restrictions being considered in this report, the adoption of the consolidated version of laws may be interpreted as Council making a new decision on restrictions or otherwise. That is not the case as changes relate to aligning wording to that in the draft scheme, but for completeness is added here.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Council must balance the safety of the community, the usability of any Council area, and the accessibility of the area to the public. No onerous restrictions on movement have been identified in Council’s existing laws and restrictions which are identified in the laws for an approval are to ensure health, safety, amenity, usability, and liveability. While this report is not proposing the addition or removal of restrictions on activities, it is recognised that the removal of restrictions could create an unenforceable model which could risk public health and safety. Human rights and a risk approach will be considered in the comprehensive review undertaken on local laws at a later date.
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Anti-Competitive Provision Report <i>(under separate cover)</i> 
2.	Public Consultation Report <i>(under separate cover)</i> 
3.	State Interest Check Report <i>(under separate cover)</i> 
4.	Local Law (Amending) Local Law No.1 (Administration) 2024 <i>(under separate cover)</i> 
5.	Local Law (Amending) Local Law No.3 (Commercial Licensing) 2024 <i>(under separate cover)</i> 

6.	Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2024 <i>(under separate cover)</i> 
7.	Local Law (Amending) Local Law No. 5 (Parking) 2024 <i>(under separate cover)</i> 
8.	Subordinate Local Law (Amending) Subordinate Local Law No. 5.1 (Parking) 2024 <i>(under separate cover)</i> 
9.	Subordinate Local Law (Amending) Subordinate Local Law No. 6.1 (Animal Management) 2024 <i>(under separate cover)</i> 
10.	Local Law (Amending) Local Law No.8 (Nuisances and Community Health and Safety) 2024 <i>(under separate cover)</i> 
11.	Consolidated - Local Law No. 1 (Administration) 2013 <i>(under separate cover)</i> 
12.	Consolidated - Local Law No. 3 (Commercial Licensing) 2013 <i>(under separate cover)</i> 
13.	Consolidated - Subordinate Local Law No. 3.1 (Commercial Licensing) 2013 <i>(under separate cover)</i> 
14.	Consolidated - Local Law No. 5 (Parking) 2013 <i>(under separate cover)</i> 
15.	Consolidated - Subordinate Local Law No. 5.1 (Parking) 2013 <i>(under separate cover)</i> 
16.	Consolidated - Subordinate Local Law No. 6.1 (Animal Management) 2013 <i>(under separate cover)</i> 
17.	Consolidated - Local Law No. 8 (Nuisances and Community Health and Safety) 2013 <i>(under separate cover)</i> 
18.	Explanatory Notes from previous report <i>(under separate cover)</i> 

Barbara Dart

SENIOR PROJECT MANAGER (CORPORATE SERVICES)

I concur with the recommendations contained in this report.

Shasha Ingbritsen

CORPORATE GOVERNANCE MANAGER

I concur with the recommendations contained in this report.

Matt Smith

GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A10613248

ITEM: 7
SUBJECT: CEO PERFORMANCE APPRAISAL FY2024
AUTHOR: MANAGER, PEOPLE AND CULTURE
DATE: 6 SEPTEMBER 2024

EXECUTIVE SUMMARY

This is a report concerning the appraisal of the Chief Executive Officer (CEO) performance for the period 1 July 2023 to 30 June 2024, and the associated remuneration review.

RECOMMENDATION/S

- A. That the CEO Performance Review Report FY2024 be noted.
- B. That Council approve the variation to the CEO's Employment Contract.
- C. That the Mayor be authorised to execute the Employment Contract Variation Agreement on behalf of Council.

RELATED PARTIES

There was no declaration of conflicts of interest.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

The *Local Government Act 2009* at Section 12 (4) (d) provides the Mayor with the responsibility of conducting a performance appraisal of the chief executive officer, at least annually, in the way that is decided by the local government.

Council's CEO Annual Performance Appraisal Policy (refer Attachment 1) has determined to undertake this requirement through an Advisory Panel that is chaired by the Mayor with a minimum of two (2) councillors as members to assist the Mayor in the conduct of the CEO's performance appraisal each year.

For the period 26 November 2020 to 28 March 2024, Council's CEO Performance Advisory Panel (the Panel) membership was:

- Mayor Teresa Harding (Chair)

- Councillor Andrew Fechner
- Councillor Marnie Doyle

To strengthen the CEO Performance Review process and to improve the quality and timeliness of feedback provided to the CEO, the Panel implemented a new process in 2023 where they provide the CEO with ongoing performance feedback via quarterly reviews.

To prepare for each quarterly review, the Panel requested Councillor feedback and a self-assessment from the CEO. The Panel would then meet to review Councillor feedback provided and the CEO self-assessment for the relevant period and would prepare for the review meeting.

Quarterly performance reviews were completed on:

- Monday 30 October 2023 (for the period 1 July 2023 – 30 September 2023)
- Monday 22 January 2024 (for the period 1 October 2023– 31 December 2023)

Note that no quarterly performance review was completed for the period 1 January 2024 to 31 March 2024 due to the 16 March 2024 Local Government elections, and the requirement for the new Council to confirm a new panel member for the CEO Performance Appraisal Panel.

On 25 July 2024, Council resolved that:

- the current CEO Performance Appraisal Panel Chair Mayor Teresa Harding and panel member Councillor Marnie Doyle complete the CEO Final Performance Appraisal for FY2023-2024
- Council appoint Councillor Paul Tully as the third panel member of the CEO Performance Appraisal Panel, commencing duties for the FY2024-2025 CEO Performance Agreement and Appraisal.

The final performance review was completed by Mayor Teresa Harding and Councillor Doyle on:

- Wednesday 4 September 2024 (for the full year 1 July 2023 to 30 June 2024)

The outcome of the CEO Performance Review FY2024 is contained in a confidential report (refer confidential Attachment 2).

The CEO Performance Advisory Panel seeks to request a variation to CEO Employment Contract as an outcome of the CEO Performance Review FY2024. A confidential Councillors Briefing Note and the Variation to Contract is attached (refer confidential Attachments 3 and 4).

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

FINANCIAL/RESOURCE IMPLICATIONS

If approved, the variation to the CEO remuneration is funded through the relevant operational budget.

COMMUNITY AND OTHER CONSULTATION

The CEO has been consulted in the review of their performance in FY2024, and in development of the CEO Performance Agreement FY2025.

CONCLUSION



It is recommended that the Finance and Governance Committee note the appraisal of the Chief Executive Officer (CEO) performance for the period 1 July 2023 to 30 June 2024 and endorse the associated remuneration review.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Variation of the CEO employment contract. This decision is made at Council's discretion, based on clause 8 of the CEO employment contract, that states: The salary component may be reviewed annually. Any review shall take into account Council policies, the Employee's performance, the performance of Council, and prevailing market rates for comparable positions. Any adjustment to the salary component as a result of a review must be taken in accordance with the Ipswich City Council CEO Performance Appraisal Policy.
(b) What human rights are affected?	The variation of the CEO employment contract does not contravene Human Rights.
(c) How are the human rights limited?	Not applicable.
(d) Is there a good reason for limiting the relevant rights?	Not applicable.

Is the limitation fair and reasonable?	
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	CEO Annual Performance Appraisal Policy  
	CONFIDENTIAL
2.	CEO Performance Review Report FY2024
3.	Councillors Briefing Note - Variation to CEO Employment Contract
4.	Variation to CEO Employment Contract

Talia Love-Linay
MANAGER, PEOPLE AND CULTURE

I concur with the recommendations contained in this report.

Talia Love-Linay
MANAGER, PEOPLE AND CULTURE

“Together, we proudly enhance the quality of life for our community”

