



COOLOOLA SHIRE COUNCIL

MINUTES

of the

GENERAL MEETING

CHAIRMAN: Cr M Venardos OAM (Mayor)

**Held in the Boardroom
Old Bank Building,
Cnr Nash & Channon Streets,
Gympie Qld 4570**

**On Tuesday, 27 November 2007
at 9.00 am**



Cooloolo Shire Council

GENERAL MINUTES

*Mayor MJ Venardos OAM (Chairman),
Crs. CR Chapman OAM, FG Nissen AM, NR Ellis, LJ
Friske, R. Owen, SS Jocumsen, DR Neilson, IT
Petersen, WJ McIntyre, WW Sachs, J Watt and M.
Prior*

APPOINTMENTS etc.

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The meeting commenced at 9.00am.

PRESENT: Deputy Mayor Cr I.T. Petersen (Chairman), Crs C.R. Chapman OAM, F.G. Nissen AM, W.J. McIntyre, W.W. Sachs, S.S. Jocumsen, M. Prior, L.J. Friske, R. Owen and N.R. Ellis.

Also in attendance were Acting Chief Executive Officer (Mr C Manson) and Minutes Clerk (Mrs L Birt).

The Chairman Cr Petersen advised that Cr Watt had phoned in early to tender her apologies for today's meeting.

SECTION 1: OPEN WITH PRAYER

Cr Nissen offered a Prayer for the advancement of the Shire and the true welfare of its people.

One Minutes silence was observed for family and friends of deceased residents of the Shire.

SECTION 2a: LEAVE OF ABSENCE

Cr M.J Venardos OAM has been granted Leave of Absence from today's meeting (Minute G44/10/07 refers)

Cr D.R Neilson has been granted Leave of Absence from today's meeting (Minute G78/11/07 refers)

SECTION 2b: APOLOGY

G84/11/07 Moved: Cr R. Owen

Seconded: Cr M Prior

That the apology from Cr J. Watt be accepted.

Carried

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G85/11/07 Moved: Cr N.R. Ellis

Seconded: Cr S.S. Jocumsen

That the Minutes of the General Meeting held on 20 November 2007 taken as read and confirmed with the alteration to the heading under Petitions which reads “Petition re Planning Scheme Definitions” to be amended to read:-

“Petition re How Council Determines Natural Ground Level.”

Carried

SECTION 4: PETITIONS

4/1

Petition re Council Minutes/Agendas on website
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Cr Prior tabled the following Petition:

From: Dennis Etheridge, 19 Atlantis Avenue, Cooloola Cove plus 21 other signatories

Re: Placement of Agendas on Website

“We, the ratepayers and residents of Cooloola Council wish to draw to the attention of the Council our continuing desire for open and accountable government by you. In particular we seek Council’s agreement to place full Agendas of all Committee meetings on the Council website by close of business Friday and to have minutes of all Committee meetings on the website not more than 48 hours after the meeting.

We wish to respectfully point out that many residents and ratepayers live considerable distances from Gympie and that the current and proposed trial arrangements would involve them in significant cost and time to oversight the business of council. Only the arrangements proposed above would allow them to adequately monitor decisions and issues being dealt with by Council and we urge Council to introduce this long overdue reform.”

G86/11/07 Moved: Cr M Prior

Seconded: Cr R. Owen

That the Petition be received and referred to the Acting Chief Executive Officer for investigation and report to the General Meeting of Council, to be held on 4 December 2007 for further consideration.

Carried

4/2

Petition re Closure of the Eel Creek Road Bulk Refuse Bin Site

Cr Owen tabled the following Petition

From: Mrs Karen Barry, Primary Petitioner for Langshaw Ratepayers and Residents, 144 Crust Road, Langshaw plus 36 signatories

Re: Petition against the Closure of the Eel Creek Road Bulk Refuse Bin Site

“ We. The ratepayers and residents of Langshaw, fervently request that there be:

- *NO CLOSURE OF THE BULK REFUSE BIN FACILITIES located in the service depot on Eel Creek Road in Langshaw for the foreseeable future;*
- *NO CHANGE IN THE COST of refuse removal services for Langshaw ratepayers; and*
- *NO CHANGE IN THE RUBBISH REMOVAL SERVICES provided by Cooloola Shire Council to the Langshaw area.*

We strongly request this for the following reasons:

1. *The existing bulk refuse bin service works well for – and is appreciated by – ALL Langshaw ratepayers and residents – including the aged and disabled.*
2. *the existing bulk refuse bin site is convenient for ALL Langshaw ratepayers and residents – including the aged and disabled – as it lies on their way in to town.*
3. *the number of refuse bins in the existing facilities is adequate for the needs of Langshaw ratepayers and residents because the Langshaw area has not grown nor increased its volume of refuse over the past three or four DECADES.*
4. *the existing costs of the bulk refuse bin facilities, as shown on rates assessments, are acceptable to Lanshaw’s ratepayers and residents.*
5. *Any increase in the costs of the existing bulk refuse bin facilities, as shown on Cooloola Shire Council rates assessments, will DEFINITELY NOT be acceptable by Langshaw’s ratepayers and residents; such an increase would be seen as being unfair, unwarranted and undemocratically implemented.*
6. *The reasons given in our previous two petitions concerning the changes proposed by Council continue to be paramount; Langshaw’s narrow, steep, unsealed roads that are prone to flooding would be far more dangerous than they are at present if garbage trucks were also travelling on them at regular intervals. The damage to the twelve unsealed roads in this area by these trucks is also of great concern.*

As you can see by the above points and by the signatures on the petition attached to this document, Langshaw ratepayers and residents have valid

reasons for opposing any changes to the refuse services provided to Langshaw ratepayers and residents.

We ask Cooloola Shire Councillors the question: if it's not broken, why fix it?

If Council cites vandalism to the existing facilities as one of its reasons for change, Langshaw residents suggest that video cameras be installed at the existing service depot to catch offenders 'doing the wrong thing'; thus offenders could be fined and would be unlikely to re-offend. This option would be cheaper and simpler than supplying thousands of dollars worth of wheelie bins, causing hundreds of thousands of dollars worth of road damage, and compromising the safety of local constituents.

If Council cites increasing costs in maintenance expenses as one of its reasons for closing the refuse facility, let it be reminded that the following are extremely expensive as well:-

- *Greatly increased road works costs;*
- *Increased litter pollution removal costs;*
- *Increased litigation due to the health risks posed by unhygienic wheelie bins in an area where the bins cannot be kept clean;*
- *Flow-on costs due to damage inflicted to garbage trucks travelling on Langshaw's narrow, steep, unsealed roads;*
- *Flow-on costs due to stress suffered by garbage truck drivers on Langshaw's narrow, steep, unsealed roads, and*
- *Increased accidents occurring on Langshaw's narrow, steep, unsealed roads.*

While it may be said that the existing rubbish refuse facilities do not allow for recycling, it is well-known that the Council's tips do not make provision for recycling materials either, so this reason is not a valid one.

Langshaw ratepayers and residents are confident that a democratic resolution can be found to reverse the arbitrary stance Cooloola Shire council has so far displayed in this matter. We sincerely hope common sense and logic will prevail.

We trust that Cooloola Shire's councillors will soften their despotic attitude and that those who have been elected to represent us will do as they have been elected to do and listen to their constituents. We hope also that you will concede to the validity of our arguments and will agree to exempt the entire Langshaw area from these changes.

We thank the Council for this opportunity to oppose the changes to Langshaw's refuse removal facilities."

POSTSCRIPT:

"In our previous petition, it was noted that there was no signage at the present facilities to advise users of exactly what is allowed to be deposited

and where it may be deposited. We must admit that this is partially incorrect. Signage is present at both entrances; however:

- *It is easily missed as the writing is quite small;*
- *It is difficult to understand ie 'Dispose of bulky items etc prohibited' does not make proper sense (it should be 'Bulky Items etc etc are prohibited');*
- *'Offenders will be prosecuted' is erroneous (how can Council prosecute when they cannot catch offenders?) and*
- *Does not specify that waste is ONLY to be placed in the bins and not on the ground.*

PETITION READS:

We, the ratepayers and residents of Langshaw, strongly and sincerely request that:

- *There be NO closure of the Langshaw road-side refuse service depot;*
- *There be NO wheelie bins issued to the Langshaw area as a whole; and*
- *Rubbish removal services remain unchanged in Langshaw for the future.*

G87/11/07 Moved: Cr R. Owen

Seconded: Cr S.S. Jocusen

That the Petition be received and referred to the Health & Community Services Manager for investigation and report to the Works & Services Committee Meeting to be held on 4 December 2007.

Carried

4/3	Petition re Report from Council's Director of Planning & Development relative to Council's assessment of building height and compliance etc.
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Cr Owen tabled the following Petition regarding a report from Council's Director of Planning & Development relative to Council's assessment of building height and compliance etc.

From: G.A. Howe, 52 Rumbalara Avenue, Rainbow Beach Qld 4581 and 9 other signatories

"We, the undersigned ratepayers and residents of the Cooloola Shire, draw your attention to the report made by the Director of Planning to Council's General Meeting of 27-11-07 regarding previous petitions enquiring about Council's assessment of building height and compliance. The report recommends that Council accept it and note its contents.

We request Council to note that these contents still provide no adequately definitive answers to the simple and explicit questions which have been repeatedly asked.

Consequently we ask yet again that council provide sound and pertinent answers to these questions, namely:

➤ ***How does Council determine natural ground level?***

*The report mentioned confirms the vital importance of Natural Ground level as a value within the calculation of building height. It states how it is used. However in no part of the report does the Director explain how Council actually determines this value if and when contention arises, **which it does – often!***

➤ ***What are Council's entitlements and policies toward assessment and enforcement of building compliance?***

Saying, as the report does, 'preliminary advice suggests' only tells us that more advice is needed. When will this more complete advice be forthcoming?

Additionally the only response action described is the 'most effective and expensive' one 'for a severe offence'. How expensive is such action, and what is the cost of not taking it? What other options are available? The overall question reasonably requires a full report on the range of options available to Council and its policy and standards for variously employing them.

These questions are neither a trivial nor a passing issue within the Rainbow Beach community. We respectfully request that it be dealt with accordingly."

G88/11/07 Moved: Cr R. Owen

Seconded: Cr M Prior

That the Petition be received and referred to the Director of Planning & Development to investigate and report to the General Meeting of Council to be held on 4 December 2007.

Carried

<p>SECTION 5: ADOPTION OF ADMINISTRATION & FINANCE COMMITTEE RECOMMENDATIONS</p>

G89/11/07 Moved: Cr I.T. Petersen

Seconded: Cr S.S. Jocusen

That the Recommendations of the Administration and Finance Committee Meeting held on 20 November 2007 as presented, be received, with the exception of Recommendation F17/11/07,

F26/11/07 and F41/11/07 which are to be withdrawn and dealt with later in this meeting.

Carried

G90/11/07 Moved: Cr I.T. Petersen Seconded: Cr S.S. Jocusen

That the Recommendations of the Administration and Finance Committee Meeting held on 20 November 2007 (as amended), be adopted.

Carried

<p>Recommendation F17/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007</p>

G91/11/07 Moved: Cr N.R. Ellis Seconded: Cr M Prior

That Recommendation F17/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007 be deleted and the following placed in its stead:-

”Recommend that Council provide \$200 towards the Tin Can Bay Country Club Inc Ladies Bowls for their annual carnival.”

Carried

<p>Recommendation F26/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007</p>

G92/11/07 Moved: Cr L.J. Friske Seconded: Cr N.R. Ellis

That Recommendation F26/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007 be withdrawn and referred to the General Meeting of Council to be held on 4 December 2007 in conjunction with the Petition received today.

Carried

Finance Manager Mrs Y Oliver entered the meeting at 9.20am.

Recommendation F44/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007

G93/11/07 Moved: Cr N.R. Ellis

Seconded: Cr L.J. Friske

That Recommendation F44/11/07 of the Recommendations of the Administration & Finance Committee Meeting held on 20 November 2007 be deleted and referred to the new Council for consideration during their 2008/09 Budget deliberations.

Carried

Mrs Oliver left the meeting at 9.25am.

SECTION 6: REPORT BY ADMINISTRATION & FINANCE COMMITTEE CHAIRMAN (Cr I Petersen)

Cr Petersen presented the following Report to the Meeting:-

“Council had sought to have the annual surplus from Local Government Workcare distributed as a dividend in the same way as previous years. This annual bonus had been very useful in reducing the cost of Council’s workcover obligation.

The LGAQ however took the decision to retain the surplus to enhance service delivery. Under the current circumstances, the merit of that decision is acknowledged. LGAQ advised that the strategy would be complimented by service initiatives being jointly developed by LGW and LGM to assist councils to deal with the Local Government Reform process.

The Committee is recommending that Council approve the replacement centre ring fence at the Gympie Showgrounds and provide the \$50,000 contribution as budgeted.

Considerable discussion took place about renovations to the Tin Can Bay Scout Hall. Staff advice was that a minimum expenditure of \$20,000 would be required to stabilise the building but these measures would not guarantee its ongoing structural integrity. It was felt that the risk was too great and the Committee is recommending that the Mayor and Division 5 Councillor hold discussions with T.S. Quiberon to explore options.

The Gympie & District Tennis Association advised that a Council Financial Assistance Grant of \$4,000 assistance in kind was largely unexpended, and requested that the residual be carried over into 2007 / 08. The Committee is recommending that this work be brought forward for completion this financial year.

Tin Can Bay RSL and Community Hall contacted Council in relation to urgently needed upgrading of the kitchen. This facility provides a valuable community service in addition to the club rooms themselves and the desire to provide additional services such as day respite care has been thwarted by the closure of the kitchen. Club and community members will undertake most of the work themselves and the Committee is recommending that Council underwrite the project to a maximum of \$25,000."

G94/11/07 Moved: Cr I.T. Petersen Seconded: Cr S.S. Jocusen

That the Report be received.

Carried

<p>SECTION 7: ADOPTION OF SHIRE GROWTH AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS</p>

G95/11/07 Moved: Cr L.J. Friske Seconded: Cr W.W. Sachs

That the Recommendations of the Shire Growth & Economic Development Committee Meeting held 20 November 2007 as presented, be received.

Carried

G96/11/07 Moved: Cr F.G. Nissen AM Seconded: Cr W.J. McIntyre

That the Recommendations of the Shire Growth & Economic Development Committee Meeting held on 20 November 2007 be adopted.

Carried

SECTION 8: REPORT BY SHIRE GROWTH & ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN (Cr J. Watt)

Nil

SECTION 9: PLANNING AND DEVELOPMENT DEPARTMENT MATTERS (M Hartley)

9/1 Petition re How Council Determines Natural Ground Level

G97/11/07

Minute G53/11/07 Refers.

That the Petition be received and referred to the Director of Planning & Development for investigation and report to the General Meeting of Council to be held on 27 November 2007.

From; Peter Croker, 16 Belle Ct, Rainbow Shores, Rainbow Beach and 9 other signatories

'We, the undersigned ratepayers and residents of the Cooloola Shire, draw your attention to the fact that the following requests for information remain unanswered:

- 1) the methodology Council employs to determine, or verify 3rd party determinations of, natural ground level. This is a critical assessment as the planning scheme directly employs it in defining a range of construction values, including its definition of building height and number of stories above ground. The community is entitled to ensure that this assessment is being made objectively and consistently. No explanation of this methodology has yet been provided.*
- 2) Council's ability to measure and enforce building approval conditions – as per point 2 of General Meeting Minute G90/09/07, which requires that the matter be addressed in a report by the Director of Planning. The matter remains unexplained as, amongst other shortcomings, the Director of Planning's most recent report incorrectly applies King & Co legal advice to the matter of compliance assessment when in fact this advice applies to primary contracting works."*

Report: (Director of Planning & Development – M. Hartley)

The following Report was tabled at the Planning & Development Committee Meeting held on 13 November 2007 and subsequently withdrawn at the General Meeting of Council held on 20 November 2007. A new resolution was Put and Lost and Council did not then resolve to receive this report as per my recommendation.

The said report is reproduced below.

- 1.0** The matter was considered at the General Meeting held 6 November 2007. Minute G04/11/07 refers:

“That the Petition be received and referred to the Director of Planning & Development to report to the Planning & Development Committee meeting to be held on 27 November 2007, for Council’s consideration”.

- 2.0** The petition is reproduced below:

“We, the undersigned ratepayers and residents of the Cooloola Shire, submit that:

- *Council has still not provided adequate response to community requests for explanation of the definition and implementation of the critical planning standards listed below.*
- *These matters are of ongoing and general concern to the community and cannot be deemed ‘exhausted’ within the confines of Council’s attitude to proceedings at 43 Tingira Close.*

We, the undersigned request a full and proper response to the following outstanding enquiries:

- 1) *the methodology Council employs to determine, or verify 3rd party determinations of natural ground level. This is a critical assessment as the planning scheme directly employs this value in its definition of building height and number of stories above ground. The community is entitled to ensure that this assessment is being made objectively and consistently.*
- 2) *Council’s ability to measure and enforce building approval conditions – as per point 2 of General Meeting minute G90/09/07, which requires that the matter be addressed in a report by the Director of Planning. The matter remains unreported.”*

- 3.0** The petition raises two issues, namely what constitutes natural ground level for the purpose of determining building height, and Council’s ability to measure buildings and enforce conditions of approval.

“Natural Ground Level” is defined by the planning scheme to mean:

- (a) the ground level of the lot on the day the first plan of survey showing the lot was registered (this is the benchmark for determining the existing level of a lot at any time); or
- (b) if the ground level on the day mentioned above is not known, the natural ground level as determined by the local government.

- 4.0** As advised in previous reports addressing this issue, “maximum height” is defined by the planning scheme to mean the vertical distance from natural ground level to the highest projection on a building or structure.

These two administrative terms constitute the methodology by which the height of proposed buildings is assessed and determined.

- 5.0** Where a proposed new building requires development approval from Council for a material change of use, concept drawings prepared by a designer (architect/draftsperson) are lodged with the application. Professionally prepared plans of this type would illustrate natural ground level as a matter of course as it is an integral ingredient in the overall design of a building. If necessary, Council officers have the ability to seek clarification on this issue through the information and referral stage of the Integrated Development Assessment System.

Assessing and determining the proposed height of a building illustrated on concept drawings is not ordinarily an overly difficult aspect of the overall assessment of an application for development approval.

Conditioning of a development approval in respect to building height is usually only necessary in circumstances where the concept drawings illustrate a building height nearing some pre-determined standard (eg. 8.5 metres in the case of a probable solution in the planning scheme). In such cases, it would be reasonable and relevant for Council to impose a condition requiring a Surveyor’s Certificate confirming the as-constructed building height does not exceed a nominated height, prior to occupancy of the building.

It would be highly irregular to impose a condition requiring Council itself to conduct the survey of the as-constructed building. In fact, preliminary advice from King and Company Solicitors suggests the imposition of such a condition may offend section 3.5.32(1)(c) of the Integrated Planning Act, which provides that a condition must not state that works to be carried out for a development must be undertaken by an entity other than the applicant.

In terms of enforcement where Council is satisfied there is non-compliance with conditions of approval, options available to Council

**SECTION 10: CORPORATE SERVICES DEPARTMENT
MATTERS (MJ Venardos OAM, C Manson, B.
Hayes)**

10/1 LGAQ Circular # 2007-399 – Local Government Reimbursement of
Councillor Expenses Guidelines

Re: **G99/11/07** LGAQ Circular #2007-399 – Local Government
Reimbursement of Councillor Expenses Guidelines
From: Mr Greg Hallam PSM, Executive Director, Local Government
Association of Queensland, PO Box 2230, Fortitude Valley BC,
QLD 4006.
File: FG95/00076 Doc ID 855128
Date: 20 November 2007

“The Local Government Act requires Councils to adopt a policy on reasonable reimbursement of expenses.

Section 236B of the Local Government Act relates to reimbursement of expenses and provision of facilities for councillors. Within 6 months of the election the Council must make a policy about the payment of reasonable expenses incurred by the Councillors in discharging their duties and responsibilities as Councillors. The policy must also include the facilities provided to Councillors.

These reimbursements and facility provisions will be in addition to the remuneration of Councillors decided by the Remuneration Tribunal. Although the Remuneration Tribunal will provide their recommendations at the end of the year the remainder of monies provided to the Councillors such as car and phone allowances will not be known until the new Council makes the reimbursement of expenses and provision of facilities policy after the 2008 election.

The Department of Local Government, Sport and Recreation will be developing guidelines to assist Councils develop the policy and is seeking submissions on matters to be included in the guidelines.

LGAQ is encouraging Councils and Councillors to make submissions regarding these guidelines. Submissions can be completed online with consultation closing 14 December, 2007 at 5pm.

The LGAQ contact for this matter is Natalie Kent, Manager Finance, Governance and Community phone 07 3000 2239 or e-mail natalie_kent@lgaq.asn.au

G99/11/07 Moved: Cr N.R. Ellis

Seconded: Cr S.S. Jocumsen

That the information be received.**Carried**

Acting Director of Corporate Services Mr B Hayes entered the meeting at 9.43am.

10/2	Rescission Notice
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Re: **G100/11/07** Rescission Notice
 From: Division 2 Councillor – R. Owen
 File:
 Date: 19 November 2007

“Five Days Notice are required to be given under Section 451 of the Local Government Act 93 to rescind a Motion of Council.

Could the CEO inform all Councillors that at the next meeting after the appropriate notices have been delivered to the Councillors and the legalities can be followed, that

I Cr Ron Owen will move a motion that the motion from the General Meeting of the 13th November 2007 which was referred to that meeting by G16/11/07, ‘That the Cooloola Shire Council’s Operational Plan 2007/2008 Review as at 30th September 2007 be adopted.’

be rescinded and replaced by a motion reading

‘That the Cooloola Shire Council Operational Plan 2007/2008 Review be withdrawn and reviewed and replaced with a document in compliance with S. 31, Local Government Finance Standard 2005, Division 2 Operational Plans as amended to come into affect on 1st July 2006’

Report: (Division 2 Councillor – R. Owen)

As on Tuesday the 13th November 2007 the Acting CEO Mr Craig Manson informed council during the debate that the format for the Operational Plan had been in use for many years, staff may not be aware that amendments were made to come into effect on the 1st July 2006 which require much more information be supplied. It is in view of these additional requirements and councils risk of intervention by the State Government departments that administer these requirements that I suggest this rescission motion should be carried.

By ignoring those requirements Council is not complying with its statutory requirements as outlined in both the Local Government Act and the Local Government Finance Standard, for the following reasons:

- A. There are many items for which there is no linking budget line, and the Operational Plan thence, with no allocation of funds for staff planning no action can be commenced so this plan cannot be operated on by council for the year 2007/2008 as council staff and use of funds has to comply with the budget and operational plan.
- B. For many items, staff have simply put “To be commenced”, with no further detail on when such action is to commence. This would not appear to meet the requirements of S. 512 of the Local Government Act, which requires “an assessment of progress”. Which does not mean that the line can be addressed by inserting the words “as assessment of progress” as this would be as meaningless as “to be commenced”.
- C. There are no ‘performance measures’ for the 07/08 year as required by the Local Government Finance Standard 2005.
- D. Under the Local Government Act, Councils are required to develop both an annual Operational Plan and a budget, and there should be clear links between the two (see S. 508(2) below).

S. 508, Local Government Act, Preparation and Adoption of Operational Plan

- (1) A local government must, for each financial year, prepare and, by resolution, adopt an operational plan.
 - (2) The local government must ensure each operational plan is prepared and adopted in enough time, before the start of the financial year for which it is prepared, to allow preparation and adoption of a budget for the financial year consistent with the plan.
- E. Councils are required by law to consider quarterly progress reports from staff on both the Operational Plan and the Budget (see S. 512 below).

S. 512. Local Government Act, Evaluation of Activities.

- (1) a local government must make assessments of its progress towards implementing its corporate and operational plans.
- (2) The chief executive officer must present a written report on the assessments to a meeting of the local government at regular intervals, of not more than 3 months, decided by it.

The document provided to council on the 13th November 2007 is a copy of the Operational Plan with some additional information inserted into the once empty spaces. This cannot replace the requirement under the Act for a written report by the CEO, it is not signed by the CEO and does not include any assessments of progress by the CEO.

- F. Councils are required to comply with the Local Government Finance Standard 2005, in terms of its requirements for the format of Operational Plans.

S. 510, Local Government Act, Requirements of operational

A local government's operation plan or an amendment of its Operational plan must comply with the Local Government Finance Standards and its corporate plan.

- G. The Local Government Finance Standard is as follows:

S. 31, Local Government finance Standard 2005, Division 2 Operational Plans.

- (1) An operational plan prepared and adopted by a local government for a financial year starting on or after 1 July 2006 must state the following:-
 - (a) The outcomes mentioned in its corporate plan under section 29(1)(c);
 - (b) The proposed strategies, mentioned in its corporate plan, for achieving the outcomes;
 - (c) The proposed outputs of the local government for the financial year to which the plan relates;
 - (d) The proposed activities to be carried out by the local government to deliver the proposed outputs.
 - (e) The performance measures adopted by the local government about the delivery of the proposed outputs.

It is very hard to relate any of the information supplied to Council in its Draft Operational Plan Review, complying with the above requirements of the Act. Given that the Operational Plan should be the key mechanism by which ratepayers can access the performance of council, the council may be exposed to other breaches of the Local Government Act which require open and accountable information be available to residents.

Report: (Acting Director of Corporate Services – B. Hayes)

In response to issues raised in Cr Owens report, and recently received correspondence from Ms Vivien Griffin, (Councillors have been provided with copies), staff have known of changes to the legislation requiring particular information to be contained in operational plans from 1st July, 2006 onwards.

Council adopted the Corporate Plan 2007-2012 on June 19, 2007 by way of Minute G67/06/07.

Subsequent to the Corporate Plan being adopted, the Operational Plan 2007-2008 was adopted on June 26, 2007 by way of Minute G90/06/07. All Councillors received a copy of the Draft Operational Plan for comment as an attachment to the Agenda for the General Meeting held on June 26, 2007. The

Council resolution relating to this rescission notice is the acceptance of a quarterly update based on that adopted Plan.

The Budget 2007/2008 was adopted by Council on July 10, 2007 by way of Minute G23/07/07.

Section 508 of the Local Government Act 1993 requires Council to prepare an Operational Plan for each financial year allowing sufficient time to prepare and adopt a Budget for the financial year consistent with the Operational Plan.

There is no requirement to display Budget line links in the Operational Plan. Indeed, as the Budget is not framed until after the Operational Plan is adopted it would not be possible to do so.

Section 31 of the Local Government Finance Standard 2005 outlines various requirements for operational plans. These requirements include that the Operational Plan must state:-

- the outcomes mentioned in the Corporate Plan.
- the proposed strategies mentioned in the Corporate Plan for achieving the outcomes.
- the proposed outputs for the financial year to which the Operational Plan relates.
- the proposed activities to be carried out to deliver the proposed outputs.
- the performance measures adopted regarding delivery of the proposed outputs.

Section 512 of the Local Government Act 1993 requires that a local government makes an assessment of its progress towards implementing its Corporate and Operational Plans and further, that the Chief Executive Officer present written reports on the assessments on at least a 3 monthly basis.

The form and content of such reports are not prescribed in the Act, the Regulation or the Standard.

As is normal practice for reports to Council, the Operational Plan Review is presented by the Chief Executive Officer as an Agenda item for Council's consideration. There is no requirement for this report to be signed.

Councillors will recall that the Chief Executive Officer, at the Corporate Planning day in April advised the Councillors that a comprehensive revision of the Corporate Plan structure was intended, however Councillors agreed that given amalgamation issues the existing structure continue to be utilised with a review to be considered for the 2008/2009 year. The Operational Plan, as detailed above, follows the structure of the Corporate Plan.

Further to telephone consultation with staff from the Department of Local Government, Sport and Recreation, it is considered that the current format of Council's Operational Plan which includes the major Programs and Goals

(consistent with the Corporate Plan), Activities, Performance Targets, and a periodic review of progress made towards achieving the performance targets, meets the requirements of the relevant legislation.

As a review of the Corporate Plan is to be considered Council may wish to have a review of Operational Plan matters at that time.

Council should be aware that amalgamation issues currently mean that staff workloads are stretched at this time.

Recommendation: (Division 2 Councillor – R. Owen)

That resolution G41/11/07 from the General Meeting of the 13th November 2007

‘That the Cooloola Shire Council’s Operational Plan 2007/2008 Review as at 30th September 2007 be adopted.’
be rescinded.

Recommendation: (Division 2 Councillor – R. Owen)

That the Cooloola Shire Council Operational Plan 2007/2008 Review be withdrawn and reviewed and replaced with a document in compliance with S.31, Local Government Finance Standard 2005, Division 2 Operational Plans as amended to come into affect on 1st July 2006.

Cr Jocusen left the meeting at 9.46am and returned at 9.47am.

G100/11/07 Moved: Cr R. Owen

Seconded: Cr W.W. Sachs

That this Rescission Notice lay on the table until advice has been received from the Auditor General in respect to the compliance with the Local Government Finance Standards Act.

Lost

A DIVISION was called with the following results:

FOR: Cr R. Owen, Cr S.S. Jocusen, Cr M. Prior, Cr W.W. Sachs.

AGAINST: Cr N.R. Ellis, Cr L.J. Friske, Cr W.J. McIntyre, Cr F.G. Nissen AM, Cr C.R. Chapman OAM, Cr I.T. Petersen.

The Chairman Cr I.T. Petersen advised that it would have been more appropriate for Minute G41/11/07 to read - “That the Cooloola Shire Council’s Operational Plan 2007/2008 Review as at 30th September 2007 be received.”

G101/11/07 Moved: Cr L.J. Friske

Seconded: Cr N.R. Ellis

That as a matter of clarification only, Minute G41/11/07 of the Minutes of the General Meeting held on 13 November 2007 would have been more appropriately worded:-

“That the Cooloola Shire Council’s Operational Plan 2007/2008 Review as at 30th September 2007 be received rather than adopted.”

Carried

SECTION 11: LATE ITEMS

Nil

SECTION 12: GENERAL BUSINESS

Letters of Congratulations and Thanks

Cr Petersen advised that the Mayor has requested that he put forward a request that Council send letters to the Prime Minister elect, the Hon Kevin Rudd, the Prime Minister the Hon John Howard, Hon Warren Truss (Member for Wide Bay) and the Hon Alex Somlyay (Member for Fairfax).

G102/11/07 Moved: Cr N.R. Ellis

Seconded: Cr W.W. Sachs

That Council forward letters of congratulations to the Hon Kevin Rudd, Hon Warren Truss and Hon Alex Somlyay following their success at the recent Federal Election.

Further that Council forward a letter of thanks to the Prime Minister Hon John Howard for his assistance over the past eleven years.

Carried

G103/11/07 Moved: Cr M Prior

Seconded: Cr S.S. Jocusen

That Council write to the incoming Minister for the Environment requesting assistance to stop the proposed Traveston Crossing Dam.

Carried

Cr Petersen said it was great to read a complimentary letter to Council staff which was published in the Gympie Times last Saturday wherein thanks were extended to all Council staff for their exemplary work ethics.

G104/11/07 Moved: Cr M Prior

Seconded: Cr W.J. McIntyre

That the letter to the Editor in the Gympie Times on Saturday 24 November 2007 headed “Let’s hear it for our Council staff” from Mr Steve Meredith praising Council staff for their work ethics be placed on all Council notice boards for employees attention.

Carried

Scrubby Creek Road Upgrade

Cr Ellis advised that he had recently received a phone call from a local resident in the Scrubby Creek area praising Council and its workforce for a job well done on the Scrubby Creek Road upgrade work just completed.

G105/11/07 Moved: Cr N.R. Ellis

Seconded: Cr L.J. Friske

That Council’s thanks be extended to all employees involved in the Scrubby Creek Road upgrade, for their diligence and good work.

Carried

Wheelie Bin Service Letter to Residents

Cr Owen drew Councillors attention to a letter addressed to residents/ratepayers in rural areas of the Shire with the following heading:- “Residents relative to Shire Wide 240L Wheelie Bin Service <area> Property Parcel Number <no>.” Cr Owen advised that he would like a change to be made to paragraph 4 on Page 2 of the said letter and detailed his suggestions.

Discussion ensued.

G106/11/07 Moved: Cr R. Owen Seconded:

That paragraph 4 on Page 2 of the Health & Community Services Department's letter to rural residents/ratepayers relative to a proposed wheelie bin service in their area be amended to read as follows:-

'Should you for any reason not require a wheelie bin service please reply in writing by the nominated date.'

The Chairman ruled that this matter would be held over until such time as the Health & Community Services Manager was in attendance at this meeting.

Melawondi Road Maintenance Work

Cr Owen thanked the Director of Engineering and Council staff for seeing the repairs to Melawondi Road have been carried out. Residents of the area are very pleased with the repairs.

G107/11/07 Moved: Cr R. Owen Seconded: Cr W.W. Sachs

That a letter of thanks be forwarded to all staff involved in the Melawondi Road maintenance works, for a job well done.

Carried

LGAQ – Climate Change Workshop

Cr Prior advised that she attended the Local Government Association of Queensland's "Climate Change Workshop" held last Thursday.

Cr Prior briefed Council on the Workshop.

G108/11/07 Moved: Cr M Prior Seconded: Cr W.W. Sachs

That the Director of Planning & Development be requested to report on how Council can move forward on the issue of a Policy on Climate Change.

Carried

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr R. Owen, Cr L.J. Friske, Cr M. Prior, Cr S.S. Jocusen, Cr W.W. Sachs, Cr W.J. McIntyre, Cr F.G. Nissen AM, Cr C.R. Chapman OAM.

AGAINST: Cr I.T. Petersen.

Pigeon problems throughout the Shire

Cr Jocusen advised Councillors that he had been approached by a number of residents throughout the Shire complaining about the large number of pigeons and the damage and filth they create.

G109/11/07 Moved: Cr S.S. Jocusen Seconded: Cr R. Owen

That Council request the Health & Community Services Manager to look into ways in which the number of pigeons throughout the Shire can be eliminated and table a report to Council.

Carried

Gympie Highway By-Pass

Cr Sachs expressed concern about funding of the Gympie Highway By Pass under the new Labor Government.

Discussion ensued.

G110/11/07 Moved: Cr W.W. Sachs Seconded: Cr N.R. Ellis

That Council seek a meeting with the new Federal Transport Minister concerning the funding status of the proposed Gympie Highway By-Pass.

Carried

Dangerous Section of Road on Bruce Highway from Fraser Road to Rammutt Road, Chatsworth

Cr Sachs advised that he has concerns about a dangerous section of the Bruce Highway between Fraser Road and Rammutt Road.

Discussion ensued.

- Dept of Main Roads – Annual Report 2006-07

G112/11/07 Moved: Cr W.W. Sachs

Seconded: Cr S.S. Jocusen

That the information be received.

Carried

SECTION 14: IN COMMITTEE MATTERS

Nil

There being no further business the meeting closed at 10.13am.

Confirmed this FOURTH day of DECEMBER 2007.

CHAIRMAN