

Gympie Regional Council Meeting – Update 13 December 2023

Thank you to everyone that attended Wednesday's meeting. We had council staff having to add additional seating to the public gallery area again thanks to another great turnout.

Well, wasn't that a different atmosphere!! As we present ourselves every month for the past 11 months, legally, lawfully and peacefully the council CEO found it in himself to feel threatened that he required two (2) security guards to be present prior to the doors being opened to the public and remained for the duration of the meeting. One stood guard at the base of the stairs and the other at the entrance to the public meeting area.

This is the first time the council felt the need to have security there. Was it for them or us? This is a direct indication that the serving of the Grandmother's Lore documents to the CEO two days before having had an impact. Are they running scared? The second indicator of the impact of the notice being served to council is that since the notice the National and Qld Flags have not been flown at the chambers.

We have witnessed this exact same position with the Gympie Court House and the Police Station, neither are flying any flags since being served on 11 December 2023. The people are gaining their power back.

The meeting opened with the pastor referencing the 12 steps of the alcoholics anonymous. It was a most interesting psychological process where his finishing statement was "Hope there is a peaceful period". Very interesting to those of us present that such an analogy was used at that time and the reference to a peaceful time.

Item 4.1 Petition for No Fluoride

Council has received a petition with 651 signatories concerned about the adding of Industrial Waste Fluoride into the regions water supply. The Office of the CEO has officially received the above petition dated 28 November 2023 and correspondence acknowledging receipt of said petition has been sent through to the principal petitioner on the 7 December 2023.

RECOMMENDATION: That Council notes, as per section 8.0 of the Standing Orders, that this petition was received by Office of the Chief Executive Officer (CEO) on the 28 November 2023 and refers the matter to the CEO for consideration, with a report relating to action on this matter to be presented to a future meeting of Council.

It will be interesting to see if council is brave enough to tackle this with the current councillors or leave it on the table until after the council elections and new councillors are elected. My guess is that the CEO will defer until after the new council sits. Let's wait and see at the next meeting on 24th January 2024.

The recommendation was seconded by Cr Smerdon and all voted in favour except Cr Waldock. Could it be that he won't be running again and doesn't care about the people he is supposed to be representing?

6.1 Corporate Services Directorate Update

An interesting report was presented by the Manager of Human Resources as the Director and Finance Managers were away at the Gold Coast for a LGQ meeting. The Manager made the statement that he is to read from the report and not answer questions as he is not familiar with the finance side of the report. The main discussion point was the upcoming council election on 16 March 2024.

Section 257 of the Local Government Regulation 2012 (the Regulation) provides that Council must meet at least once in each month at one (1) of Council's public offices or, for particular meetings, at another place fixed by Council by resolution, for the meeting. The Regulation also provides that local governments must publish, at least once a year, details of the days and times of both the ordinary meetings of the local government and any standing committees. The details must be published on the local government's website and in a newspaper circulating in the area. The proposed date for the 2024 local government elections is found at the Electoral Commission Queensland website www.ecq.qld.gov.au/elections/election-events/2024-localgovernment-elections.

The caretaker period is the period of time before a local government election when the Council cannot make any major policy decisions. This is to avoid binding the future elected council with significant policy changes. The caretaker period usually starts when the public notice of the election is given and ends at the conclusion of the election. The tentative date for the **notice of election is 29 January 2024**.

6.2 – November 2023 Finance Report

Operating Revenue: The financial report at 30 November 2023 shows overall operating revenue received of **\$64.0m** which is trending higher than the year-to-date budget of \$61.0m.

Excluding funds held in trust, total cash on hand at 30 November 2023 was \$87.4m and of these funds, \$86.5m was invested with the Queensland Treasury Corporation with \$0.25m invested with Auswide Bank and \$0.25m invested with Bendigo Bank.

Interest and Investment Revenue \$810,000. The higher than forecast cash balance has resulted in increased interest and investment revenue received to date on council's investments and term deposits, Higher than forecast interest revenue on overdue rates has also been received.

The percentage of outstanding rates at 30 November 2023 was 9.86% compared to 9.89% for the same period in the prior financial year. There is obviously a high number of ratepayers that are defying council illegal rates demands.

Cr Polley asked about the late rates payments saying he thought that it was around 9.2% on average for the rates collection. He questioned what was the trigger for council if they are the same people?

The council officer stated that best practice for councils across Qld is between 2-3% rates in arrears. This proves there is a higher number of ratepayers in Gympie Region that question the authority for council to charge rates.

Of interest from the councillors was the ramp up of the voluntary buy back scheme of flood affected houses which is 100% funded by State and Federal Government funding.

It was an interesting point that wages were significantly higher for the November period as there was a once off payout of \$300,000 for termination payment to a former employee. That is a significant payout to a council employee!!

Cr Milne stated she noted the cash reserve chart has nosedived.

The council officer stated that the sewerage upgrade costs are to be financed through the cash reserves first.

The council officer stated to councillors that this report is to give council a snapshot on how council spends its funds.

The question many ratepayers ask is where do all the income streams go? Also, why is it that Qld Treasury is the only organisation that can audit the council books, considering over 90% of funds from rates, fees and charges are invested in the Qld Treasury. This is the biggest short of council.

Cr Polley stated that budgets are a nebulous thing and the concern is the forecast on where Gympie is growing / going.

6.3 Procurement Report

The council officer stated this is a regular report to council on the procurement program. One item council tabled for endorsement was the Agricultural Chemical Products tender. The recommendation was that Council resolve to establish a preferred supplier arrangement.

Cr Smerdon asked with the chemical tender were there any local firms accepted?

The council officer stated that none were local but with a local presence.

Cr Smerdon stated that council should try to give local suppliers opportunity, like Norco.

Cr Polley asked if everyone makes the panel or is there a cut off to make the panel?

The Council officer stated it would be discretionary to the panel.

Cr Fredman thinks sometimes the cost of traffic controllers cost more than the job in reference to the traffic management services tender.

6.4 2024 Gympie Show Sponsorship

The most interesting part of this discussion was the time taken to discuss whether Cr Smerdon should leave the room due to a conflict of interest. Cr Milne took an opportunity it would seem to get square with Cr Smerdon following the comments he had made in the Gympie newspaper on 8 December 2023 where Cr Smerdon saying he had been approached by a number of people to run for Division 1 following his move from Division 6 to Tin Can Bay. Cr Smerdon stated in the newspaper that Cooloola Coast needs a councillor prepared to put in the hard yards, listen to the residents and ratepayers alike, follow through on any enquiries from the public, and is generally just willing to assist them. He stated that "I know many are frustrated and looking for a councillor with no personality clashes, who treats everyone the same and helps all". This demonstrates there is no loyalty among councillors and is clear that the best interests of the councillor seeking re-election is the priority. Following a conversation with the mayor, Cr Smerdon offered to leave the room for the item discussion. This seemed to please Cr Milne.

The Gympie District Show Society Inc (the Society) applied for a community grant in the 2023-24 financial year to support the 2024 Show; however, as the application could not demonstrate a financial need (noting that under existing guidelines a major event grant is for a maximum grant amount of \$40,000 for cash and in-kind services), the grant application was unsuccessful.

Cr Polley questioned why the Show Society had to apply for the funding as the Gympie Muster did not have to apply and received funding.

Cr Waldock stated that looking at this as a business, it's 0.04% of council budget and looking at the investment for the future he felt it was worth it.

Cr Devereaux stated the show was about supporting the regions primary producers.

Cr Milne stated she was thoughtful of the grant funding for the next round of funding applications.

The Mayor stated he supported the case, as councillors and council we work with community and encourage all ratepayers to approach council for opportunities to build community.

The Show Society applied for \$80,000 with the maximum support offered by council in the funding being \$40,000.

6.5 TechnologyOne – Account Managed Services Support

Council is in the process of implementing TechnologyOne's One Council Enterprise Resource Planning and Electronic Document and Records Management System solutions. As Council transitions to TechnologyOne's One Council Enterprise Resource Planning and Electronic Document and Records Management System solutions it is equally critical in council's view for council to have fit-for-purpose application support across all the TechnologyOne's One Council ERP modules.

An interesting point regarding this item was that the establishment of an agreement for Account Managed Services **was not included in initial contract negotiations**, as these services were not required in the initial stages of the implementation of TechnologyOne's One Council Enterprise Resource Planning and Electronic Document and Records Management System solutions.

One would have to ask what the representatives of council were thinking when this contract was presented to council for tabling with councillors and mayor for budget approval.

A quote has now been received from TechnologyOne for the provision of **25 hours per month** of Account Managed Services for a total price of \$83,520 (exclusive of GST), **\$91,872 (inclusive of GST)**.

In a typical council way of managing the laws that are written to be abused by them, this is typical of the abuse of the people's knowledge and consent.

Under s235(a) of the Local Government Regulation 2012, Council can enter into a medium sized contractual arrangement **without first inviting written quotes or tenders** if it resolves that it is satisfied that there is only one supplier who is reasonably available. As anyone who has written tenders or applied for tenders before, you know that as a business you write the tender to achieve the outcome you are after. This is clearly identified in this process.

7.1 Community Sustainability Directorate Report

These quarterly reports are an opportunity to reflect on achievements and learnings and to encourage information sharing across the Directorates, the Organisation and Council.

The Gympie Saleyards facilitated \$4.8M in gross sales during this period in a low-per kilogram price environment, noting this is expected to improve as rainfall in the region increases. Capital works projects continue with the awarding of the tender for a new automated drafting system and the purchase and installation of two new head bail units.

The Kilkivan Office has been busy during September/October receipting rates payments over the counter and providing responses for associated queries regarding road maintenance and rubbish bin replacements/pickups.

A very interesting section of this report is the use of the council office for transactions regarding the Queensland Government Agent Program (QGAP) where the report includes that numbers are increasing. Many young people of the area are obtaining their drivers licence and buying their first vehicle under a new registration, or getting a vehicle transferred into their name through QGAP.

Cr Devereaux asked if there was an ability to minimise the use of acronyms as it gets confusing reading the report.

Now they know how the public feels trying to wade through the language used in these reports.

Cr Milne asked if the reports could be made public.

Cr Smerdon spoke on behalf of the Tin Can Bay School wild pig problem being a good result for the area.

Cr Milne immediately countered by stating what Cr Smerdon failed to recognise was the one day response turn around by council officers to complete and was a great result for the school.

7.2 Customer Service Charter

The goals of the Customer Service Charter are to document Council's commitment to providing high quality service to its customers; explain how to contact council and how we will respond to requests; outline the standard of service and timeframes that customers can expect when interacting with council; and provide a consistent approach to customer service across the organisation.

The Council Officer stated the Charter has been revised to reflect Council's current Corporate Values; outline where we operate with reference to the traditional lands of the Kabi Kabi, Wakka Wakka and Butchulla peoples; include information on how people can make payments (e.g., BPay, in person); include information that we will strive to answer phone calls within 60 seconds; include a new commitment that "For all enquiries, we will **acknowledge your request within two business days**"; confirm the current timeframe that "Staff from the relevant council area will provide you with an answer or estimated time for **resolution within 10 business days of your request**. From time-to-time, these timeframes may be affected by circumstances beyond our control. The get out clause!!

Cr Devereaux asked was the public made aware of the 10 days response time.

The council officer responded by saying most residents are good!!

The question has to be asked, did council seek input from the Elders of Kabi Kabi when drafting this document. The answer is NO!!

7.3 Heritage Reference Group Update

Heritage Reference Group The purpose of the Heritage Reference Group is to provide feedback on matters relating to the conservation of cultural heritage for the benefit of the present community and future generations of the Gympie region. This includes components of the built, human adapted and natural environment, which have cultural heritage significance.

Again, NO input was received from the Kabi Kabi elders with regards to what clarifies clarity relating to the conservation of cultural heritage for the benefit of the present community and future generations of the Gympie region. Council used the services of Dr Elaine Brown who according to Cr Fredman "knows everything about Gympie history".

Speaking with Aunty Bucky at the meeting, the Kabi Kabi elders have a concern of the basic knowledge the expert used by council has had no contact with the elders for input into this group.

The council officer stated that Gympie Regional Council looks after the heritage, but **leaves the “ownership with the State”**, as there is a cost to it.

7.4 Wishlist House - Waiving of Plumbing Application Fees

Ausmar Homes has partnered with Wishlist to build a new charity home at Serenity Drive, Southside, where proceeds raised through the sale of the Wishlist House will fund priority items at Gympie Hospital for the benefit of local patients and their families.

Council has subsequently received a request to waive the remaining paid plumbing fees associated with the Wishlist Gympie House. This would include waiving fees totalling \$1,567.40 being for the following: \$166.80 – Assessment Fees \$449.60 – Inspection Fees \$951.00 – Sewer Connection Fee (not eligible for the 60% concession).

7.5 Planning Scheme - Amendment Package 3 Public Consultation Summary and Recommendations

Further to Council’s previous consideration and endorsement of Amendment Package 3 to the Gympie Regional Council Planning Scheme 2013 (the Planning Scheme), several statutory steps have now been completed. This report is to update Council on the progress of the amendment package, and to discuss issues raised as a result of public consultation.

Amendment Package 3 comprises a consolidated amendment package of administrative, minor and major amendments, as follows:

- (i) the rezoning of the Low impact industry land at Southside to Residential Living and Limited Development – Constrained Land (to reflect flooding constraints) consistent with the Southside Structure Plan;
- (ii) an increase in the number of caravans, tent sites or cabins permitted without a development application within the Rural Zone from four caravans, tent sites or cabins to eight (8);
- (iii) clarification of the levels of assessment for operational work and for dwelling houses proposed on unmaintained road;
- (iv) amendments to update the design criteria in Planning Scheme Policy 1: Development Standards;
- (v) minor administrative corrections;
- (vi) further amendments to planning provisions around Tourist Park developments in the Rural Zone including amenity protection for residents, and management of effluent and waste water; and
- (vii) changes arising from the adoption of the Recreational Vehicle Strategy.

A total of three submissions were received on this aspect and all were in support of the proposed amendment.

(ii) Tourist parks

The proposed increase in the number of cabins, caravans or campsites permitted without a development application in the Rural zone from four to eight attracted nine submissions, two in support for the proposed changes, six objecting to the proposal and one submission from Seqwater identifying the need to protect water quality from potential impacts generated by Tourist park uses.

A tourist park, if consisting of eight sites, can accommodate **up to 48 people**.

Compliance and Unlawful Operation

During Council’s workshop on 8 November 2023, consideration of the proposed revision of Amendment Package 3 raised questions regarding: the amount of Tourist parks operating within the region, customer complaints, and compliance matters associated with unlawful operation of Tourist parks (or noncompliance with conditions of approval).

Investigation of available online information and marketing for Tourist parks has identified that there are approximately 150 to 180 properties conducting this use throughout the region.

However, there is also several properties advertising upwards of 30 sites. Less than 50 properties were advertised as having some kind of toilet facilities for guests. This is the purpose of advertising only self-contained toilet facilities on sites such as Wiki Camps etc.

Many of the sites currently being actively advertised as operational Tourist parks do not have a development approval nor would they qualify as being **‘accepted development subject to requirements’ (ADSR)** under the current version of

the planning scheme. This is where council and government overreach is using their drafted laws to enforce controls over ratepayers. These exact rules are being used to stop families supporting an income in these troubling financial times to keep food on the table.

Most important is that these rules are being used to stop families from being able to house the elderly family members in tiny homes and caravans so that they can keep them safe and comfortable on their properties. This amount of overreach is what the people have had enough of councils.

Following consideration of submissions received in response to the exhibition of Amendment Package 3, it is recommended;

1. the threshold for Tourist parks on rural land to be Accepted Development Subject to Requirements be retained at four or less campsites.
2. The additional assessment benchmarks for Tourist parks included in the exhibited rural zone code be retained.
3. Amendment Package be re-exhibited for a period of not less than 20 business days.

7.6 Temporary Local Planning Instrument - Biodiversity Protection.

At the Ordinary Meeting of 23 August 2023 Council considered a report on the renewal of the Temporary Local Planning Instrument – Protection of Biodiversity Values (the TLPI) and resolved that Council authorises the Chief Executive Officer to write to the Minister for State Development, Infrastructure, Local Government and Planning to seek approval of the proposed TLPI in accordance,

After discussion with Councillors at the Planning Scheme workshop held on 22 May 2023, it was proposed that the TLPI provisions, having been “road tested” by Council over the past 18 months, be rolled into the new GRC Planning Scheme to ensure the scheme **addresses biodiversity conservation** and thereby **also addressing the State Planning Policy**. This proposal was NOT put to the ratepayers and residence prior to this meeting to vote on the acceptance of this policy. These deals are being done behind closed doors where the people who elected the representatives are being excluded from having their say heard.

It was further noted the current TLPI will lapse on 24 February 2024, before a new planning scheme could come into effect, giving rise to the report to Council and the resolution of 23 August 2023 where Council resolved to seek the Minister’s approval of a new TLPI to ensure no gap in the protection of biodiversity would occur.

This council has failed the people by actively refusing to hold monthly public meetings advertised within each divisional representation with those they are supposed to represent the vote for.

Not one of these councillors have gone to the public to hear how the people want these councillors to vote on every item that is up for discussion, NOT ONE!! Their vote is NOT a personal vote, as many of them seem to think. They are voting on the wishes of the people; **this is not a personal vote** and the new council after March local government elections are held, this will be changing. **The people take back control!!**

These are the policies that council is accepting by stealth through the under the table policies delivered to the people of Gympie straight from the state government.

7.7 Place Name and Memorial Request

The request for a memorial seat at Mullins Creek Park and the naming of the culvert on Window Road Canina. Levi Hanna was a fourteen (14) year old Gympie resident who was tragically killed in a traffic incident on Tin Can Bay Road in February 2023. Earlier this year a request was made by Levi’s immediate family, through discussions with the Mayor, for the culvert on Window Road Canina to be named Levi’s Crossing and for a memorial seat to be installed at Mullins Creek Park.

Council endorsed the naming of the unnamed culvert on Window Road in Canina ‘Levis Crossing’.

7.8 Community Grants Program 2023/24 – Environment

The **Community Group Environment Levy Grants Program provided** an annual grants scheme that distributed 20% of the **Environment Levy budget to local environmental groups working towards conserving our biodiversity** and

enhancing our water quality, **minimising our greenhouse gas emissions** and **building our region's resilience to a changing climate**, and/or supporting a thriving environment.

Council's Community Grants Program is designed to provide financial assistance to enhance the social, environmental, economic and/or cultural wellbeing of the Gympie region.

Council endorsed the Environment Program Grant Category Guidelines 2023/24.

8.1 New Lease to Gympie Eight Ball Association over part of Reg English Complex - Lease Area E, 33 Cartwright Road, Gympie

The recommendation that Council offer a new Trustee Lease to Gympie Eight Ball Association over part of Lot 515 CP MCH4139 (Lease Area E) in Council's standard community trustee lease format was carried.

8.2 Proposed Disposal of Land - Lot 2 SP 186025 - 124 Centro Way, Gympie

Council is upgrading the sewer pump station located at 124 Centro Way ("old sewer pump station"). The old sewer pump station sits on a small lot held by council in trust for the State of Queensland and is situated alongside the driveway to the carpark for the Gympie Central Shopping Centre.

It was recommended council resolved to dispose of the non-current asset other than by tender or auction.

8.3 The State of Queensland (represented by Department of Housing) - Proposed lease renewal Jane Street, Gympie (formally known as Gympie Caravan Park)

Council had previously entered a two-year (2) lease with the Department of Housing (the Department) for the property formally known as the Gympie Caravan Park, which is due to expire on 5 April 2024.

Since the floods of 2022, the Department has been redeveloping and transforming the site, providing high quality transitional, affordable housing solutions for residents displaced by flooding, as well as people experiencing homelessness or risk of homelessness. To date they have established thirty-four (34) homes including two (2) fully accessible and eight (8) tiny homes.

Council resolved the Department, rather than Council, is best placed to lead/manage the provision of the services provided at this site and therefore considered appropriate to offer a further ten (10) year lease over the property.

8.4 Voluntary Home Buy Back Program - Property Acquisitions

Queensland Reconstruction Authority (QRA) have been assisting Council in acquiring flood affected properties as part of funding provided under the Voluntary Home Buy-Back Program (VHBB).

Nineteen (19) homeowners have entered into Contracts for the purchase of their properties and settlements completed, with five (5) of those having the homes removed or deconstructed to date. Another ten (10) properties have accepted their Letter of Offer and will be due to settle within the next two (2) months. A further eleven (11) properties are yet to accept the Letter of Offer forwarded to them by the State.

Expenses relating to the acquisition of the properties are included in funding through the Resilient Home Program, which is jointly funded by the Commonwealth and Queensland Governments under the Disaster Recovery Funding arrangements.

8.5 Proposed Trustee Lease Renewal Tansey Show Society Inc. & Tansey Polocrosse Club Inc - Lot 36 SP259716

The Trustee Lease is due to expire on 20 January 2024 and the Club has expressed their interest in continuing the agreement for another ten (10) years with similar terms and conditions as the current Lease.

8.6 Proposed Trustee Lease Renewal Tin Can Bay Tennis Club Inc. - Lot 15 Crown Plan MCH3168

Council currently leases part of the Trustee land located at Lot 15 Crown Plan MCH3168 (Lease area B) to the Tin Can Bay Tennis Club Inc. for the Sport and Recreational purposes.

Council agreed to offer a Trustee Lease to the Tin Can Bay Tennis Club Inc. in Council's standard trustee community lease format, to include the following terms and conditions: a) Term of Lease – 10 years.

8.7 RFT2022-23-022 DRFA Program - Construction Package 03 (Eastern Roads)

The Gympie Region experienced intense rainfall events in January, February and May 2022 which led to extensive flooding resulting in damage to essential public assets. In response to this damage to essential public assets, Council has successfully sought activation under Disaster Recovery Funding Arrangements (DRFA).

The project qualifies as “eligible expenditure” under the Queensland Disaster Funding Guidelines.

Council resolved to accept the Panel’s recommendation that Council proceed with accepting the Tender received from Durack Civil Pty Ltd for \$27,632,402.56 (exclusive of GST).

11.1 Borumba Pumped Hydro Energy Storage - Agreement For Council Road Improvements

THIS ITEM WAS NOT FOR THE PUBLIC MEETING BUT BEHIND CLOSED DOORS.