
MINUTES OF THE GENERAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 27 SEPTEMBER 2017 COMMENCING AT 9.04AM

ATTENDANCE

Mayor Cr. T D Golder chaired the meeting, with Deputy Mayor Cr. J L Chambers, Cr. P J Flynn, Cr. G B McMullen, Cr. W M Newman, Cr. D J Scheffe, Chief Executive Officer – Julie Reitano, and Minutes Officer – Kelly Rogers in attendance.

AS REQUIRED

Director Infrastructure Services – Cameron Castles, Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate, Community & Commercial Services – Sharon Frank, Manager Procurement & Commercial Services – Ryan Gittins, Manager Planning & Building Development – Danielle Pearn, Manager Environmental Health, Waste & Rural Land Services – Sandra (Kay) Crosby.

WELCOME

The Mayor welcomed all present and declared the meeting open at 9.04am.

APOLOGIES

Resolution No. GM/09.2017/48

Moved Cr Chambers

Seconded Cr Newman

That apologies be received and leave of absence granted for Councillors Chandler, Stanford and O’Neil for this meeting, noting that both Cr. O’Neil and Stanford were in attendance at the South West Local Government Association Meeting (SWQLGA) in Thargomindah.

CARRIED

6/0

CONFIRMATION OF MINUTES

Resolution No. GM/09.2017/49

Moved Cr Newman

Seconded Cr Scheffe

That the minutes of the General Meeting (18-13.09.17) held on 13 September 2017 be confirmed.

CARRIED

6/0

BUSINESS ARISING FROM MINUTES

There was no business arising from the minutes.

ON THE TABLE

Item Number: 5.1 **File Number:** D17/58487

SUBJECT HEADING: **APPLICATION FOR PERMISSIBLE CHANGE AND REQUEST TO EXTEND THE RELEVANT PERIOD OF A DEVELOPMENT PERMIT REF: (2015/19299, C12.318)**

Location: 'Amaroo', 291 Donnybrook Road, Roma QLD 4455 (Lot 2 on RP23179)

Officer's Title: **Planning Officer**

Executive Summary:

Council received a request for an extension to the relevant period and permissible change to the development permit issued for a Material Change of Use – “Intensive Animal Industry” (Cattle Feedlot – 3000 Standard Cattle Units) located at ‘Amaroo’, 291 Donnybrook Road, Roma (properly described as Lot 2 on RP23179).

The development permit was scheduled to lapse on 29 April of this year but the applicant has submitted a request to have the relevant period extended for a further four years. If approved, the applicant will have until 27 September 2021 to commence the approved use.

Because Council policy regarding road work contributions has changed since the original approval was issued, the applicant has agreed that should the relevant period be extended, then conditions of the development permit will have to be amended to bring it into line with current Council requirements. This can be achieved through a permissible change to the development permit, which the applicant sought as part of this application.

Resolution No. GM/09.2017/50

Moved Cr McMullen

Seconded Cr Scheffe

That Council approve the request to Extend the Relevant Period and request for a Permissible Change to the Development Approval for a Material Change of Use – “Intensive Animal Industry” (Cattle Feedlot – 3000 Standard Cattle Units) located at ‘Amaroo’, 291 Donnybrook Road, Roma (properly described as Lot 2 on RP23179), and issue an Amended decision notice:

That:

Extends the relevant period for a further four years, to 29 April 2021.

And includes the following “Advisory Note” as a Preamble to the development approval conditions:

- (i) The land use category for the site may change upon commencement of any approved use on the site. Council’s current Revenue Statement, which includes the minimum general rate levy for the approved use/s, is available on the Council website: www.maranoa.qld.gov.au**

And amends Conditions 4(a) – 4(d):

From

- a) Applicant to pay a yearly contribution of \$5,547.00 towards the ongoing maintenance of the gravel shoulders and sealed pavement on the 1.7km of Hodgson Lane South, the 2.1km of Bindango Road (Bungeworgorai Road), and the 2.9km of Donnybrook Road to the feedlot access.**

- b) Applicant to pay a contribution of \$3,643.00 based on the percentage of additional traffic, towards widening of the two crests and floodway of the 2.9km section of the Donnybrook Road and the feedlot access.
- c) Applicant to pay a contribution of \$3,225.00 based on the percentage of additional traffic, towards the widening around the horizontal curves which are the Hodgson Lane South/Bindango Road (Bungeworgorai Road) and Bindango Road (Bungeworgorai Road)/Donnybrook Road intersections.
- d) Applicant to pay contribution of \$6,343.00 based on percentage of additional traffic, towards the widening of the 1.7km of Hodgson Lane South.

To

- a) Applicant to pay a contribution of \$4,058.00 based on the percentage of additional traffic, towards widening of the two crests and floodway of the 2.9km section of the Donnybrook Road and the feedlot access.
- b) Applicant to pay a contribution of \$3,592.40 based on the percentage of additional traffic, towards the widening around the horizontal curves which are the Hodgson Lane South/Bindango Road (Bungeworgorai Road) and Bindango Road (Bungeworgorai Road)/Donnybrook Road intersections.
- c) Applicant to pay contribution of \$7,065.55 based on percentage of additional traffic, towards the widening of the 1.7km of Hodgson Lane South.
- d) Payment of all development contributions required by Conditions 4(a) - 4(c) above, must be made to Council prior to commencement of the approved use. These charge amounts are valid for the 2017/18 financial year and will be adjusted annually thereafter in accordance with any increases in the Consumer Price Index for Brisbane, for the extent of the relevant period for the approved use.

CARRIED

6/0

Responsible Officer	Planning Officer
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ON THE TABLE – CONFIDENTIAL ITEMS

The following confidential item had been left on the table at the General Meeting held on 23 August 2017:

- Item C.6 – Request for waiver of development infrastructure charges associated with Development Approval 2016/19547 – Material Change of Use – “Caravan Park”

PRESENTATIONS/PETITIONS AND DEPUTATIONS

There were no presentations/petitions or deputations at the meeting.

CONSIDERATION OF NOTICES OF BUSINESS

There were no notices of business for consideration.

CONSIDERATION OF NOTICES OF MOTION

There were no notices of motion for consideration.

RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

No notices of motion were received for the next meeting.

BUSINESS

DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES

Cr. Newman declared a perceived 'Conflict of Interest' in the following item, due to her daughter-in-law working at the applicant's business. Cr. Newman left the Chamber at 9.08am, taking no further part in discussion or debate on the matter.

Item Number:	13.1	File Number: D17/74466
SUBJECT HEADING:	APPLICATION FOR OUTDOOR DINING PERMIT FOR THE NEW ROYAL HOTEL	
Location:	63 - 69 Burrowes Street Surat	
Officer's Title:	Environmental Health Officer	

Executive Summary:

The Applicant, The New Royal Hotel located at 63 - 69 Burrowes Street Surat, has applied for an Outdoor Dining Permit for the footpath immediately in front of the premises.

Discussion:

A 'Mover' and 'Seconder' for a draft motion as recorded below were obtained, however the Manager Environmental Health, Waste & Rural Land Services suggested that Council consider an additional matter that had been raised relating to the footpath. As a result no vote was taken on the draft motion at that time and it was recommended the matter lay on the table until a later point during the meeting to consider this aspect.

Resolution No. GM/09.2017/51

Moved Cr Flynn

Seconded Cr McMullen

That Council approve the use of the footpath for outdoor dining purposes, in accordance with the following conditions:

1. **Placement of all tables and chairs, are limited to the footpath area immediately in front of the premises located at 63 – 69 Burrowes Street, Surat as shown on the plans provided.**
2. **Placement of all tables, chairs, umbrellas and fence/barricade shall not impede pedestrian traffic using the footpath.**
3. **Approval to use the footpath for outdoor dining shall be limited to the following hours: Monday – Sunday: 7.00 am – 10.00 pm.**
4. **Council's approval must be displayed in a prominent position, easily viewed by patrons, and must be produced upon request from an authorised person.**
5. **The permit holder must have a \$10,000,000 public liability insurance policy inclusive of the footpath dining area that indemnifies Council against personal injury and property damage resulting from the outdoor dining approval, of which a copy of the insurance cover must be supplied to Council.**
6. **The permit holder must ensure the outdoor dining area does not cause a nuisance.**

7. All facilities and equipment used for outdoor dining must at all times be maintained:
 - a. In good working order and condition; and
 - b. In a clean and sanitary condition.
8. All equipment used for outdoor dining, including all tables, chairs, umbrellas and fence/barricade must be removed upon close of business each day.
9. The permit holder must ensure that all furniture used in the area identified in the approval is:
 - a. Aesthetically acceptable to the local government; and
 - b. Kept in a proper state of repair.
10. The permit holder must ensure that the area identified in the approval is regularly cleaned:
 - a. During business hours for the principal premises; and
 - b. Daily, after the close of business of the principal premises.
11. The outdoor dining approval shall be for a period of twelve (12) months, after which the applicant will be required to apply for another permit.
12. Any claims for personal injury resulting from the outdoor dining approval and operation, are to be notified to Council as soon as the applicant is notified.

NO VOTE TAKEN

Resolution No. GM/09.2017/52

Moved Cr Flynn

Procedural Motion - That the matter lay on the table for further consideration at a later point during the meeting.

CARRIED

5/0

At cessation of discussion and debate on the abovementioned item, Cr. Newman entered the Chamber 9.13am.

Item Number:

13.2

File Number: D17/74889

SUBJECT HEADING:

**REQUEST FROM YULEBA DEVELOPMENT GROUP TO
SUBMIT JOINT APPLICATION FOR STRONGER
COMMUNITIES PROGRAM**

Officer's Title:

Regional Grants & Events Development Coordinator

Executive Summary:

The Yuleba Development Group approached Council seeking support for a joint application under the Federal Government's Stronger Communities Programme.

Due to the time-frames involved with submitting the grant, Council has previously provided in-principle approval, and this report was put forward to ratify that decision.

Resolution No. GM/09.2017/53
Moved Cr Newman
Seconded Cr Chambers

That Council ratify its decision to participate in a joint application with the Yuleba Development Group under the Federal Government's Stronger Communities Programme.

CARRIED

6/0

Responsible Officer
Regional Grants & Events Development Coordinator,
Item Number:
13.3
File Number: D17/75913
SUBJECT HEADING:
MARANOA PLANNING SCHEME
Officer's Title:
Manager Planning & Building Development
Executive Summary:

Council received Ministerial approval to adopt the proposed Maranoa Planning Scheme (planning scheme). The Minister's approval was subject to six conditions being complied with prior to the adoption of the proposed planning scheme.

The purpose of this report was for Council to resolve to adopt and commence the planning scheme in accordance with Statutory Guideline 01/16: Making and amending local planning instruments (MALPI).

Discussion:

Mayor Golder enquired about arrangements with respect to the Key Resource Areas. The Director Development, Facilities & Environmental Services advised that the previously discussed amendment was not considered a minor change by the Deputy Premier's Office, and that their recommendation was to proceed with adoption of the scheme in the first instance. Council could then put forward any amendments for further consideration following the scheme's adoption.

Cr. Newman spoke in favour of the motion, indicating that she was delighted that Council had finally reached this stage in a long process and congratulated staff and all involved for their achievement, acknowledging that Council will now operate under the one planning scheme with the approval from the Minister being received.

Resolution No. GM/09.2017/54
Moved Cr Newman
Seconded Cr Chambers
That Council:

- 1. Adopt the Maranoa Planning Scheme subject to compliance with the conditions of approval imposed by the Minister, and including the following Planning Scheme Policies:**
 - (i) Planning Scheme Policy - Landscaping**
 - (ii) Planning Scheme Policy - Development Application Requirements**
 - (iii) Planning Scheme Policy - Cultural Heritage and Character Places**
- 2. Commence the Maranoa Planning Scheme and Planning Scheme Policies on Friday 29 September 2017.**
- 3. Notify each submitter whose interests will be impacted as a result of Council complying with the Minister's conditions, about the planning scheme amendments related to their submission that Council has been required to make.**

CARRIED

6/0

Responsible Officer
Manager - Planning & Building Development

COUNCILLOR BUSINESS

Item Number: 22.1 **File Number:** D17/75348

SUBJECT HEADING: ROMA CEMETERY - FUTURE PLANNING

Author and Councillor's Title: Cr. David Scheffe

Executive Summary:

The Roma lawn cemetery doesn't present aesthetically as well as other lawn cemeteries, and a change in design for memorial plaque placement could greatly improve this. The change in design should greatly reduce Council's cost of maintenance now and into the future as the lawn cemetery grows. Council also needs to look into the lifespan of the current cemetery area and plan for future growth.

Discussion:

Cr. Scheffe spoke in favour of the motion, indicating that the report was put forward in response to feedback received from the community. He further said that this was an opportune time to review how the Roma Cemetery was running as it had been quite some time since a review had been undertaken. This being the case it was timely that Council consider future plans in this regard well in advance of future budget preparations.

Resolution No. GM/09.2017/55

Moved Cr Scheffe

Seconded Cr McMullen

That:

1. Information be gathered on the current maintenance program for the lawn cemetery – including service frequency, time, cost and maintenance challenges.
2. Council investigate an alternative design for memorial plaque placement at the Roma lawn cemetery that could improve the cemetery's presentation and potentially reduce ongoing maintenance costs.
3. Council look into the expected life span of the current cemetery and investigate if there is a need to allow for future expansion.
4. The findings be tabled for consideration at an upcoming Council meeting, with the report including additional input / feedback / suggestions from:
 - Councillors collectively;
 - Employees – who operate and maintain the facility as it exists/is constructed at the moment;
 - Manager Communication, Information & Administration Services who has had a long association with the operations of the cemetery;
 - A sample of other Councils who offer and maintain various types of lawn cemeteries;
 - Some individuals who visit the cemetery;
 - Local funeral directors.
5. In the event that Council resolves that the findings in the next report support the progression of the project to the next stage, that wider community input be sought in time for the project to be considered in the next budget deliberations.

CARRIED

6/0

Responsible Officer

Manager – Communication, Information & Administration Services

CONFIDENTIAL ITEMS

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss items it has deemed to be of a confidential nature and specifically pertaining to the following sections:

- (a) the appointment, dismissal or discipline of employees;
- (b) industrial matters affecting employees;
- (c) the local government budget;
- (d) rating concessions;
- (e) contracts proposed to be made by it;
- (f) starting or defending legal proceedings involving the local government;
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

Resolution No. GM/09.2017/56

Moved Cr McMullen

Seconded Cr Chambers

That Council close the meeting to the public at 9.20am.

CARRIED

6/0

Cr. Flynn declared a perceived 'Conflict of Interest' in relation to the following two (2) items –

- Item C.17 – August 2017 – Monthly Business Unit Report – Airports
- Item C.18 – Roma Airport Fee Waiver and Pavement Concession

This declaration was made due to his personal business operations (Baggage handling) out of the Roma Airport. Cr. Flynn left the Chamber at 10.27am, taking no part in discussions on the abovementioned items.

SUBJECT HEADING: SUSPENSION OF STANDING ORDERS

COUNCIL ADJOURNED THE MEETING FOR A BRIEF RECESS FOLLOWED BY MORNING TEA AT 10.35AM

Cr. Flynn entered the Chamber at 10.35am at the call of Suspension of Standing Orders.

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS

COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 11.13AM.

Discussion resumed in relation to Item C.18 – Roma Airport Fee Waiver and Pavement Concession. Cr. Flynn again declared a perceived 'Conflict of Interest' in relation to this item, and left the Chamber at 11.13am, taking no further part in discussion on the item.

At cessation of discussion in relation to the abovementioned item, Cr. Flynn entered the Chamber at 11.16am.

The Chief Executive Officer left the Chamber at 11.39am, prior the commencement of Council's discussions in relation to Item C.19 – Superannuation Changes & Associated Request to Vary Contract as the matter pertained to her Contract.

The Director Development, Facilities & Environmental Services, who relieves in the position as and when required was present for the item. The Director Corporate, Community & Commercial Services who authorised the report was also present to answer any questions Councillors had.

At cessation of discussions in relation to the abovementioned item, the Chief Executive Officer entered the Chamber at 11.40am.

The Mayor declared a potential 'Conflict of Interest' in relation to Item C.22 – Update on Item C.16 Minutes of Council Meeting 14 June 2017, as the land under consideration adjoins his mother's property. Mayor Golder left the Chamber at 12.08pm, taking no part in discussions on the matter.

At cessation of discussions on the abovementioned item, Mayor Golder entered the Chamber at 12.14pm.

SUBJECT HEADING: SUSPENSION OF STANDING ORDERS
COUNCIL ADJOURNED THE MEETING FOR LUNCH AT 12.42PM

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 1.21PM

Resolution No. GM/09.2017/57

Moved Cr McMullen

Seconded Cr Newman

That Council open the meeting to the public at 1.43pm.

CARRIED

6/0

LATE ITEMS

Item Number:

L.1

File Number: D17/77061

SUBJECT HEADING:

**AMENDMENT TO GM/08.2017/04 - NHVR REGULATOR
AMENDMENT TO AGRICULTURAL COMBINATION
LENGTHS**

Officer's Title:

Manager - Maintenance Delivery & Works

Executive Summary:

The National Heavy Vehicle Regulator (NHVR) requested consideration/consent for a proposed introduction across Queensland to provide an increase in agricultural combination length from 25m up to 30m, for agricultural combinations travelling on-road under Excess Dimension - Agricultural Vehicles & Agricultural Vehicles (Form 14). This was taken to Council on 16 August 2017. The previous resolution requires re-wording as requested by The National Heavy Vehicle Regulator (NHVR).

Previous Resolution:

Resolution No. GM/08.2017/04

Moved Cr McMullen

Seconded Cr Stanford

That:

Council authorise the Chief Executive Officer (or delegate) to consent to this increase in agricultural combination length via email to: hv.policy@tmr.qld.gov.au.

Specifically, this is for the permit only access of agricultural combinations as regulated by the National Heavy Vehicle Regulator.

CARRIED

8/0

Resolution No. GM/09.2017/58

Moved Cr McMullen

Seconded Cr Newman

That Council amend Resolution GM/08.2017/04 from its General Meeting held on 16 August 2017 (and the minutes be annotated) to reflect:

- 1. Council authorise the Chief Executive Officer (or delegate) to consent to this increase in agricultural combination length via e-mail to: <mailto:hv.policy@tmr.qld.gov.au>**
- 2. Specifically, combinations that exceed thirty (30) metres in length must be approved under the permit only access of agricultural combinations as regulated by the National Heavy Vehicle Regulator.**

CARRIED

6/0

Responsible Officer

Manager - Maintenance Delivery & Works

Item Number:

L.2

File Number: D17/77283

SUBJECT HEADING:

REALLOCATION OF FUNDS FOR ROMA WATER STRATEGY PROJECTS

Officer's Title:

Manager - Water, Sewerage & Gas

Executive Summary:

The request sought reallocation of funds from the Works 4 Queensland projects to Miscamble Street Reservoir project to allow it to be completed.

Resolution No. GM/09.2017/59

Moved Cr Schefe

Seconded Cr Flynn

That Council approve the reallocation of \$150,000 from WO18706 (Delivery Main Northern Bore to Northern Road) to WO18651 Miscamble Street, Roma Reservoir).

CARRIED

6/0

Responsible Officer

Manager - Water, Sewerage & Gas

CONFIDENTIAL ITEMS

Item Number: C.1 **File Number:** D17/69832

SUBJECT HEADING: APPLICATION FOR TEMPORARY ROAD CLOSURE - ROAD ADJOINING LOT 9 ON WAR46 AND LOT 6 ON FTY791

Officer's Title: Administration Officer - Land Administration

Executive Summary:

The Department of Natural Resources and Mines sought Council's views on an application it has received for the proposed temporary closure of an area of approximately 17 hectares being the road adjoining Lot 9 on WAR46 and Lot 6 on FTY791.

Resolution No. GM/09.2017/60

Moved Cr Newman

Seconded Cr McMullen

That Council advise the Department of Natural Resources and Mines it objects to the temporary closure of an area of approximately 17 hectares being the road adjoining Lot 9 on WAR46 and Lot 6 on FTY791 as closure of this portion of the road reserve would isolate the reserve to the north, which provides access to two (2) different allotments.

CARRIED

6/0

Responsible Officer

Administration Officer - Land Administration

Item Number: C.2 **File Number:** D17/74152

SUBJECT HEADING: APPLICATION FOR CONVERSION OF TENURE - LOTS 1, 2, 6 AND 7 ON KE15; LOTS 3 AND 4 ON KE16; LOTS 3 AND 4 ON KE29

Officer's Title: Administration Officer - Land Administration

Executive Summary:

The Department of Natural Resources and Mines sought Council's views on applications it has received for conversion over the following Grazing Homestead Perpetual Leases (GHPL) to freehold tenure –

- GHPL 36/7421 over Lot 1 on KE15
- GHPL 36/7352 over Lot 2 on KE15
- GHPL 36/7550 over Lot 6 on KE15
- GHPL 36/7353 over Lot 7 on KE15
- GHPL 36/7970 over Lot 3 on KE16
- GHPL 36/7549 over Lot 4 on KE16
- GHPL 36/7372 over Lot 3 on KE29
- GHPL 36/7286 over Lot 4 on KE29

Resolution No. GM/09.2017/61

Moved Cr Newman

Seconded Cr Flynn

That Council advise the Department of Natural Resources and Mines it has no objection to the conversion of the following Grazing Homestead Perpetual Leases:

- GHPL 36/7421 over Lot 1 on KE15
- GHPL 36/7352 over Lot 2 on KE15

- GHPL 36/7550 over Lot 6 on KE15
- GHPL 36/7353 over Lot 7 on KE15
- GHPL 36/7970 over Lot 3 on KE16
- GHPL 36/7549 over Lot 4 on KE16
- GHPL 36/7372 over Lot 3 on KE29
- GHPL 36/7286 over Lot 4 on KE29

And:

Should survey be required to establish boundaries of the land parcels then:

- Council will contribute to the costs associated with completing full survey of the land parcels;
- The contribution will be limited to costs associated with establishing road reserves to encase roads within the parcels, if they are listed in Council's Road Register;
- Reimbursement will be made following receipt of documents confirming the road reserves have been registered and all associated costs have been paid; and
- Council authorises the Chief Executive Officer (or delegate) to negotiate arrangements with the landowner.

CARRIED

6/0

Responsible Officer	Administration Officer - Land Administration
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Item Number:

C.3

File Number: D17/75504

SUBJECT HEADING:

MAJOR MITCHELL CARAVAN PARK - OPTION TO RENEW LEASE

Officer's Title:

Administration Officer - Land Administration

Executive Summary:

Formal written notice was received advising that Cashellwest Pty Ltd as trustee for the Hilly Family Discretionary Trust wishes to exercise their option to extend the lease of the Major Mitchell Caravan Park for a further five (5) year term.

Resolution No. GM/09.2017/62

Moved Cr Chambers

Seconded Cr Flynn

That Council approve the extension of the Major Mitchell Caravan Park Lease Agreement for a further five (5) years until 31 January 2023.

CARRIED

6/0

Responsible Officer	Administration Officer - Land Administration
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Item Number: C.4 **File Number:** D17/74891

SUBJECT HEADING: IN-KIND ASSISTANCE FOR THE GRANDE COUNTRY CARNIVALE

Officer's Title: Regional Grants & Council Events Development Coordinator

Executive Summary:

The organisers of The Grande Country Carnivale sought further in-kind assistance for the event's weekend activities at Bassett Park on 21-22 October, 2017.

Resolution No. GM/09.2017/63	
Moved Cr Scheffe	Seconded Cr Newman
That Council decline the request for further in-kind assistance for the use of a water truck during the Grande Country Carnivale, to be held at Bassett Park on 21-22 October.	
CARRIED	4/2
Cr. Mayor Golder called for a division of the vote.	
The outcomes were recorded as follows:	
Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Flynn	Cr. McMullen
Cr. Newman	
Cr. Scheffe	

Responsible Officer	Regional Grants & Council Events Development Coordinator
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Item Number: C.5 **File Number:** D17/76472

SUBJECT HEADING: FENCING NON COMPLIANCE NOTICE

Officer's Title: Manager - Environmental Health, Waste & Rural Land Services

Executive Summary:

A Compliance Notice, in accordance with Maranoa Regional Council Local Law No. 4, was issued to the property owner. The property owner was given 42 days to maintain and or erect a new fence on land adjoining Wallumbilla North Road, Hillview Road and R Smith Road belonging to the property owner by Friday 19 May 2017 to prevent the risk of each of the following:

- (a) Animals escaping from the land onto the public roadways; and*
- (b) Interference with the safe movement of traffic on, and the safe use of, the above named public roadways.*

To date, the requirements of the Compliance Notice have not been implemented to the satisfaction of the authorised officer.

Council resolved on 28 June 2017, "That Council move to eliminate risks stated in (a) and (b) above by implementing the requirements of the issued compliance notice (attached to the officer's report) by:

- (a) Clearing the fence lines; and
 (b) Installing a five (5) barb wire fence with appropriate steel strainers and stays together with installation of gateways at a cost of approximately \$3,850 per kilometre for approximately 14.35 kilometres.”

Resolution No. GM/09.2017/64
Moved Cr McMullen
Seconded Cr Chambers

That Council move to eliminate the risks stated in (a) and (b) above by implementing the requirements of the issued Compliance Notice (attached to the previous officer’s report) by:

1. Having a local government worker issue a Reasonable Entry Notice to the property owner in accordance with section 142 of the *Local Government Act 2009* stating that a local government worker(s) will be entering the property to take the Specified Action which he has failed to complete within the reasonable time specified in the Compliance Notice; and
2. Subsequently having the local government worker(s) take the Specified Action required by the Compliance Notice in accordance with the Reasonable Entry Notice, including:
 - (a) clearing of all identified fence lines; and
 - (b) installing a five (5) barb wire fence with appropriate steel strainers and stays together with installation of gateways at a cost of approximately \$3,850 per kilometre for approximately 14.35 kilometres.

CARRIED

6/0

Responsible Officer	Manager - Environmental Health, Waste & Rural Land Services
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Item Number: C.6 **File Number:** D17/74085

SUBJECT HEADING: REQUEST FOR WAIVER OF DEVELOPMENT INFRASTRUCTURE CHARGES ASSOCIATED WITH DEVELOPMENT APPROVAL 2016/19547 - MATERIAL CHANGE OF USE - "CARAVAN PARK"

Location: 155 Geoghegan Road, Roma QLD 455

Applicant: Roma Clay Target Club Inc

Author and Councillor’s Title: Cr. Tyson Golder

Executive Summary:

Council recently granted approval to the Roma Clay Target Club INC (RCTC) for the development of a “Caravan park” at 155 Geoghegan Road, Roma. The RCTC has requested that Council waive the infrastructure contributions required to be paid in accordance with the conditions of the development approval.

Resolution No. GM/09.2017/65
Moved Cr Newman

That the matter continue to lay on the table for discussion at an upcoming workshop prior to formal consideration.

CARRIED

6/0

Responsible Officer	Manager Planning and Building Development
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Item Number: C.7 File Number: D17/65766

SUBJECT HEADING: APPLICATION FOR SELLING PERMIT - ROMA SALEYARDS 2017/02

Officer's Title: Manager - Saleyards

Executive Summary:

An application for a permit to sell (cattle) at the Roma Saleyards was lodged for Council's consideration.

An assessment has been made of the application and mandatory documents provided. The assessments were made in accordance with Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Local Law No 1 (Administration) 2011.

Based on these assessments, officers recommended that the application be approved.

Resolution No. GM/09.2017/66

Moved Cr Flynn

Seconded Cr Newman

That, in accordance with the provisions of *Local Law 1 (Administration) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, Council grants a permit to sell to Ray White Rural Livestock Roma with the following terms and conditions:

AGENTS SELLING PERMIT - ROMA SALEYARDS

Issued in accordance with Maranoa Regional Council Local Law No. 1 (Administration) 2011, Local Law No. 6 (Operation of Saleyards) 2011 and Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

The following definitions apply in this document:

Approval:

- (a) has the meaning given in *Local Law No. 1 (Administration) 2011, schedule 1*; and
- (b) includes this Permit for the undertaking of the Prescribed Activity.

Approval Holder see Permit Holder.

Authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

Commencement Date means the 27th day of September 2017.

Commodity vendor declaration, for fodder—

- (a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and
- (b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.

Council means Maranoa Regional Council.

Expiry Date means 22rd day of August 2020.

Fees means fees charged for a service or facility made available for use by Council at the Saleyard under the *Local Government Act 2009*, section 262(3)(c).

Further Term, if the Permit Holder applies to Council to renew or extend the Permit and Council, under *Local Law No. 1 (Administration) 2011*, section 14, grants the application - means a period of 3 years.

Permit means this Permit to undertake the Prescribed Activity.

Permit Holder means the holder of this Permit, Ray White Rural Livestock Roma.

Prescribed Activity means the use of the Saleyard by a person if the person:

- (a) sells or offers to sell stock by auction or otherwise at the Saleyard; or
- (b) consigns stock from the Saleyard.

Sale Day means any day and time during the Term fixed by Council or the Saleyard Manager as a day on which the sale of cattle at or from the Saleyard may be conducted.

Saleyard means the Roma Saleyards, located on land described as Lot 285 on CRP WV1474, Title Reference 50926377.

Saleyard Law includes, collectively:

- (a) *Local Law No. 1 (Administration) 2011*; and
- (b) *Local Law No. 6 (Operation of Saleyards) 2011*; and
- (c) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

Saleyard Manager means the person appointed by Council as the manager and/or operator of the Saleyard.

Selling pen means each pen allocated for the sale of stock or a specified type of stock at the Saleyard by Council from time to time.

Stock has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

Term means the period commencing on the Commencement Date and expiring on the Expiry Date.

Zoonosis means infectious diseases which are naturally transmitted from vertebrate animals to human.

2. GRANT OF PERMIT

Council grants the Permit Holder the Permit for the Prescribed Activity subject to the conditions specified in this Permit.

3. TERM OF PERMIT

Unless sooner cancelled or suspended, the Permit remains in force for the Term. Under *Local Law No. 1 (Administration) 2011*, section 14, the Permit Holder may, before the end of the Term, apply to Council to renew or extend the Permit for the Further Term.

4. SALES

4.1 Stock Sales

- (a) Council may fix the days and times during which regular stock sales may be conducted at the Saleyard.
- (b) The Permit Holder is authorised to sell or offer to sell cattle by auction or otherwise at the Saleyard on all Sale Days but, subject to condition 4.1(c), not on any other day.

- (c) Council may grant an approval to the Permit Holder to conduct a sale of stock at the Saleyard on a day, or at a time, other than a Sale Day or time fixed under condition 4.1(a).
- (d) The Permit Holder must not conduct a sale at the Saleyard on a day, or at a time, other than a Sale Day unless the Permit Holder:
 - (1) has obtained Council's approval under condition 4.1(c); and
 - (2) complies with the conditions (if any) imposed on the approval under condition 4.1(c).
- (e) If Council grants an approval to the Permit Holder to conduct a sale at the Saleyard on a day, or at a time, other than a day and time fixed under condition 4.1(a) then the sale will, for the purposes of this Permit, be a Sale Day.

4.2 Sale Charges

Council may, from time to time, prescribe fees applicable for use of the Saleyard and associated facilities.

4.3 Compliance with Council decisions and Saleyard Manager directions

- (a) The Permit Holder must comply with each decision of Council about the operation of the Saleyard.
- (b) The Permit Holder must comply with each lawful direction of the Saleyard Manager.

5. OBLIGATIONS OF THE PERMIT HOLDER

5.1 Conditions ordinarily imposed

- (a) Stock must not be sold or offered for sale at any place at the Saleyard other than the pens designated as selling pens by the Saleyard Manager at the Saleyard.
- (b) Council may, from time to time, nominate a particular day of the week as a regular Sale Day for the sale of stock, for example, each of the following:
 - (1) bulls;
 - (2) store cattle;
 - (3) prime cattle.
- (c) Council may, from time to time, change a regular Sale Day for the sale of stock or a specified type of stock at the Saleyard.
- (d) The Permit Holder must:
 - (1) at all times during the currency of the Permit, have and maintain a place of business in the local government area of Council; and
 - (2) use the Saleyard for the operation of the Prescribed Activity on a bona fide commercial basis, for example, the Prescribed Activity must be undertaken at the Saleyard:
 - (a) regularly; and
 - (b) except where circumstances beyond the control of the Permit Holder do not permit - on each regular Sale Day for the sale of stock at the Saleyard.

- (e) The Permit Holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the Permit Holder which are brought into the Saleyard.
- (f) If stock are delivered to the Saleyard for sale by the Permit Holder, the Permit Holder must:
- (1) count the stock delivered to the Saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person or the Saleyard Manager; and
 - (2) *deleted intentionally*; and
 - (3) complete the reception/delivery docket in the prescribed form of Council for all stock entering and leaving the Saleyard; and
 - (4) if 1 or more of the stock escape from the Saleyard - bring the stock under control and procure the safe return of the stock to the Saleyard; and
 - (5) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the Permit Holder produces to an authorised person or the Saleyard Manager on demand:
 - (a) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and
 - (b) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and
 - (c) a complete and continuous written record which:
 - tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the Saleyard; and
 - identifies the fodder fed to stock by reference to a specified period; and
 - identifies the stock to which the fodder was fed during the specified period; and
 - identifies the pens in which the stock were located during the specified period; and
 - (6) not request that Council allocate, for the sale of stock by the Permit Holder on a Sale Day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the Permit Holder on the Sale Day; and
- Example—**
If 6,000 or less cattle are offered for sale at the Saleyard on a Sale Day, 18 cattle should be allocated to each selling pen.
- If more than 6,000 cattle are offered for sale at the Saleyard on a Sale Day—
- (a) firstly, 18 cattle (limited to steers and heifers) should be allocated to each selling pen; and
 - (b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.
- In any event, a permit holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.
- (g) ensure that all stock are provided with sufficient food and water; and

- (h) if 1 or more stock at the Saleyard contract, or is suspected of contracting, a disease:
 - (1) isolate the stock from all other animals; and
 - (2) take immediate action to ensure prompt notification, treatment and removal of the stock; and
- (i) if 1 or more of the stock die at the Saleyard — promptly remove the dead stock from the Saleyard by a waste transporter to a waste disposal facility.
- (j) If the Permit Holder is offering cattle for sale at the Saleyard, the Permit Holder must:
 - (1) have the cattle drafted and penned in selling pens as directed by an authorised person or the Saleyard Manager; and
 - (2) not draft or pen cattle in selling pens other than selling pens allocated to the Permit Holder by an authorised person or the Saleyard Manager; and
 - (3) not swap or exchange selling pens to be used for the sale of cattle with a person other than the Permit Holder. However, on the morning of a Sale Day, the Saleyard Manager may allocate the selling pens of a Permit Holder (“First Permit Holder”) for use by another permit holder, but only in circumstances where the First Permit Holder has drafted and penned the cattle of the First Permit Holder in the selling pens allocated to the First Permit Holder and 1 or more selling pens allocated to the First Permit Holder remain empty; and
 - (4) be present at the Saleyard to:
 - (a) facilitate the weighing of the cattle; and
 - (b) provide details to the weighbridge operator at the Saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and
 - (c) attest to the second count of the cattle following the counting out of the cattle from the selling pens.
- (k) The Permit Holder must perform National Livestock Identification Scheme identification procedures:
 - (1) as necessary to ensure the efficient operation of the Saleyard; and
 - (2) in the manner directed by an authorised person or the Saleyard Manager.
- (l) The Permit Holder must not bring or permit to be brought onto the Saleyard any animal which is infected with a contagious disease or zoonosis.

5.2 Compliance with Laws

The Permit Holder must comply with each of the following:

- (a) the Saleyard Law;
- (b) any local law or subordinate local law made about or in connection with the operation of the Saleyard, developed by Council; and
- (c) any other applicable laws including, but not limited to:
 - (1) the *Local Government Act 2009* (Qld);
 - (2) the *Motor Dealers and Chattel Auctioneers Act 2014*;
 - (3) the *Motor Dealers and Chattel Auctioneers Regulation 2014*;
 - (4) any law or regulation, whether Local, State or Commonwealth which relates to the welfare of livestock (including the Model Code of Practice for the Welfare of Animals: Cattle, Second Edition); and
 - (5) the EU Code of Practice for Agents.

6. INSURANCE

- (a) The Permit Holder must take out and maintain, at all times during the Term, the following insurance policies:
- (1) insurance under the *Workers Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self-employed contractors, directors, trustees and partners; and
 - (2) public liability insurance in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims; and
 - (3) a general business (liability) insurance policy in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims.
- (b) The Permit Holder must, upon receipt of a written request at any time from Council, produce evidence that the insurances required by condition 6(a) have been effected and maintained.
- (c) The public liability insurance policy must insure the Permit Holder and Council (in its capacity as the owner of the Saleyard) severally, for their respective entitlements and interests, and for this purpose accept that the insured comprises at least the Permit Holder and Council as if a separate insurance policy were issued to each of them (but not so as thereby to increase the sum insured).
- (d) Each insurance policy must:
- (1) limit the insurer's entitlement to avoid the policy to be available only against whichever of the insured has actually breached its obligation of disclosure or an obligation under the policy; and
 - (2) contain no exclusions, endorsements or alterations not approved in writing by Council (that approval not to be unreasonably withheld); and
 - (3) otherwise contain provisions acceptable to, or required by Council (but Council may not require unreasonably) the inclusion, retention, modification or exclusion of a provision; and
 - (4) remain current at all times during the Term.
- (e) Each insurance policy must be taken out and maintained with a reputable insurer.
- (f) This condition 6 shall survive suspension or cancellation of each of the Permit and the Term.

7. RELEASE AND INDEMNITY

- (a) The Permit Holder will be liable for loss or damage (including personal injury whether or not resulting in death) suffered by Council or any officer, servant or agent of Council arising from the unlawful or negligent acts or omissions of the Permit Holder, its employees, subcontractors or agents, in the course of the undertaking of the Prescribed Activity under this Permit.
- (b) The Permit Holder releases and indemnifies Council and all officers, servants and agents of Council from and against all actions whatsoever and howsoever arising which may be brought or made against any of them by any person, including the Permit Holder, arising from:
- (1) any wilful or negligent act or omission of the Permit Holder or any person for whose conduct the Permit Holder is liable; and
 - (2) any unlawful or negligent act or omission of the visitors, invitees or licensees of the Permit Holder; and
 - (3) death, injury, loss or damage suffered by the Permit Holder, its employees, subcontractors or agents, or any of its visitors, invitees or licensees except where the death, injury, loss or damage is caused by the negligence or other wrongful act or omission of Council or any officer, servant or agent of Council.

- (c) The release and indemnity in this condition 7(a) and (b) are given by the Permit Holder in consideration of the grant of the Permit by Council.
- 8. PROCEDURE FOR AMENDING, SUSPENDING OR CANCELLING THE PERMIT**
- (a) *Local Law No. 1 (Administration) 2011*, section 18 applies if Council considers there is a ground under section 17 of *Local Law No. 1 (Administration) 2011* to amend, suspend or cancel the Permit.
- (b) *Local Law No. 1 (Administration) 2011*, section 16 applies if the Permit Holder applies to Council to amend the conditions of the Permit.
- 9. TRANSFER OF PERMIT**
- (a) *Under Local Law No. 1 (Administration) 2011*, section 15(2) the Permit cannot be transferred if it is of a category declared to be non-transferable under a subordinate local law.
- (b) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, section 6, and schedule 2 declare that a Permit for the Prescribed Activity (as defined in condition 1.1) is non-transferable.
- 10. EXCLUSIVITY**
- The Permit Holder acknowledges that:
- (a) the Permit Holder is not granted an exclusive right to undertake the Prescribed Activity at the Saleyard at any time; and
- (b) before or after the date of the Permit, Council may grant 1 or more Permits or Approvals to undertake the Prescribed Activity at the Saleyard to any of the following:
- (1) a person other than the Permit Holder;
 - (2) a person who is the holder of a current Permit or Approval to undertake the Prescribed Activity at the Saleyard;
 - (3) a person who is not the holder of a current Permit or Approval to under the Prescribed Activity at the Saleyard;
- (c) no person who is the holder of a Permit or Approval to undertake the Prescribed Activity at the Saleyard is granted an exclusive right to undertake the Prescribed Activity at the Saleyard.

CARRIED

6/0

Responsible Officer

Manager - Saleyards

Item Number: C.8 **File Number:** D17/73094

SUBJECT HEADING: EXCESS ANIMAL APPLICATION 2017/56 - EXCESS DOG

Officer's Title: Administration Officer - Customer & Community Services

Executive Summary:

An excess animal application for an additional dog was lodged for Council's consideration.

Assessments have been made of the application, mandatory documents provided, site inspection results reviewed and the background checks performed on the dog owner and nominated dog(s). The assessments were made in accordance with the criteria specified in Local Law No 1 (Administration) 2011.

Based on these assessments, officers recommended that the application be approved.

Resolution No. GM/09.2017/67

Moved Cr Newman

Seconded Cr McMullen

That, in accordance with the provisions of *Local Law No 1 (Administration) 2011* and *Local Law No 2 (Animal Management) 2011*, Council grants an excess dogs approval for the keeping of the two (2) dogs identified in Excess Animal Application Number 2017/56 (each an "identified dog") identified as microchip numbers 956 000 003 415 388 & Excess Dog 956 000 004 443 609. On the premises, Unit 2/3 Crawford Street Roma in Excess Animal Application Number 2017/56 (the "premises") for a term of 1 year subject to the following conditions:

- (a) this approval allows for a total of two (2) dogs to be kept on the premises and is limited to the two (2) identified dogs; and
- (b) if any identified dog dies or is relocated to other premises or is kept by another owner or keeper at other premises, the dog may not be replaced by another dog unless the keeping of the dogs on the premises is approved under another excess dogs approval; and
- (c) the approval holder must ensure each and every identified dog is:
 - (i) implanted with a prescribed permanent identification device in accordance with section 14 of the *Animal Management (Cats and Dogs) Act 2008*; and
 - (ii) registered with Council; and
- (d) the approval holder must take all reasonable steps to prevent each and every identified dog kept on the premises from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
- (e) the approval holder must ensure that any enclosure in which any identified dog is kept on the premises is properly drained and that run-off is kept off adjoining premises; and
- (f) the approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
- (g) the approval holder must ensure that any enclosure in which any identified dog is kept on the premises is maintained in:
 - (i) a clean and sanitary condition and disinfected regularly; and
 - (ii) an aesthetically acceptable condition; and

- (h) the approval holder must ensure a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*; and

The approval holder must notify Council in writing in the event of the suspension or cancellation of a relevant approval for the keeping of any identified dog on the premises within 3 days of the suspension or cancellation of the relevant approval. For example, if the approval holder is the occupier of the premises and the owner of the premises suspends or cancels the approval holder's right to keep any identified dog at the premises, the approval holder must notify Council in writing of the suspension or cancellation of the approval within 3 days of the suspension or cancellation.

CARRIED

6/0

Responsible Officer	Administration Officer - Customer & Community Services
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Item Number: C.9 **File Number:** D17/74754

SUBJECT HEADING: PAYMENT ARRANGEMENT - ASSESSMENT 12008967

Officer's Title: Rates Officer

Executive Summary:

Correspondence was received from the Applicant requesting consideration of their payment arrangement application. This arrangement will extend beyond the current financial year timeframe that is adopted in Council's adopted Revenue Statement.

Resolution No. GM/09.2017/68

Moved Cr Chambers

Seconded Cr Scheffe

That Council accept the requested payment arrangement of \$200/week until 30 June 2019 at which time the matter will be further reviewed.

CARRIED

6/0

Responsible Officer	Rates Officer
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Item Number: C.10 **File Number:** D17/71662

SUBJECT HEADING: TENDER 18004 - LEASE OF ROMA AIRPORT KIOSKS AND CAR PARKS

Officer's Title: Manager - Procurement & Commercial Services

Executive Summary:

Council publicly advertised the tender, inviting interested parties to submit tenders for the lease of Roma Airport Kiosks and Car Parks.

The report tabled the results of the tender process.

Resolution No. GM/09.2017/69

Moved Cr Newman

Seconded Cr Scheffe

That Council approve the approach outlined in Option 1 of the Officer's report which would result in the withdrawal of a tenderer from the process.

MOTION LOST (The Mayor exercised his casting vote against the motion)

3/4

Resolution No. GM/09.2017/70
Moved Cr Golder
Seconded Cr McMullen
That:

1. Council obtain a commercial valuation for the site.
2. On receipt of the commercial valuation, authorise the Chief Executive Officer (or delegate) to undertake further negotiations with all tenderers.
3. The outcome of these negotiations be presented to Council for further consideration.

CARRIED

4/2

Responsible Officer	Manager - Procurement & Commercial Services
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Item Number:

C.11

File Number: D17/75031
SUBJECT HEADING:
TENDER 18008 - WASTE MATERIAL & RESOURCE RECOVERY CONTRACT - ROMA WASTE FACILITY
Officer's Title:
Manager - Procurement & Commercial Services
Executive Summary:

Council publicly invited suitably qualified and experienced Tenderers to submit a proposal for the provision of waste management activities at the Roma Waste Facility, in order to improve environmental outcomes and increase the efficiency and lifespan of the facility.

The Tender opened on 2 August 2017 and closed on 7 September 2017. The Tender close date had been extended with the original closing date 24 August 2017.

A Tenderer has requested that Council receive a late submission for this Tender. This request is tabled for Council's consideration.

Resolution No. GM/09.2017/71
Moved Cr Chambers
Seconded Cr Flynn
That Council decline the request to receive a late submission for Tender 18008 – Waste Material & Resource Recovery Contract – Roma Waste Facility.

CARRIED

5/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Scheffe	

Responsible Officer	Manager - Procurement & Commercial Services
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Item Number: C.12 **File Number:** D17/75086

SUBJECT HEADING: APPROVAL OF VARIATION TO CONTRACT 17013 - RELINING OF SEWER MAINS IN MAJOR & MCDOWALL STREETS, ROMA

Officer's Title: Manager - Procurement & Commercial Services

Executive Summary:

Council publicly invited tenders from suitably qualified and experienced contractors to design and install a sewer relining product at several sites in Roma. The tender was awarded at the General Meeting held on 26 April 2017.

This report sought Council's approval of a variation to complete the required works.

There is sufficient funding available for the variation from funds carried forward from last financial year.

Discussion:

Cr. Scheffe spoke in favour of the motion, indicating that the works required were urgent and had been identified during the process of relining. In closing he said that it was essential that these works be carried out while the contractors were on site.

Resolution No. GM/09.2017/72

Moved Cr Scheffe

Seconded Cr Newman

That Council:

1. Approve the variation to Tender/Contract 17013, endorsing additional expenditure totaling \$90,213.48 (Inc. GST), for a total contract value of \$473,884.31 (Inc. GST).
2. Assign the expenditure to Work Order 18388.

CARRIED

6/0

Responsible Officer

Manager - Procurement & Commercial Services

Item Number: C.13 **File Number:** D17/75112

SUBJECT HEADING: TENDER 17016 - REGISTER OF PRE-QUALIFIED SUPPLIERS FOR VEGETATION MANAGEMENT SERVICES

Officer's Title: Manager - Procurement & Commercial Services

Executive Summary:

This tender sought suitably competent and equipped Contractors who are interested in providing vegetation management services (e.g. mowing and slashing, brush cutting, spraying, specialist arboricultural services/qualified arborists) to submit a Tender for the provision of vegetation management services (to supplement Council's operations).

The Tender opened on 31 March 2017 with a closing date of 28 April 2017.

Responses were reviewed by an evaluation panel and the report submitted for Council's consideration.

Resolution No. GM/09.2017/73

Moved Cr Scheffe

Seconded Cr McMullen

That:

1. Council approve the addition of the following businesses to Council's Register of Pre-qualified Suppliers for Vegetation Management Services (including Grounds Maintenance), being established in accordance with s 232 of the *Local Government Regulation 2012*, with businesses registered under the proposed sub-panels (under the headings below/following page).
2. Pre-qualification (for the mentioned businesses) remain current until the end of March 2019.
3. Council authorise the Chief Executive Officer to enter into a Deed of Agreement with the selected tenderers formalising the terms and conditions detailed in the draft agreement.

Urban Allotments

Geoffrey Raymond Blinco T/A Blinco's Yard Service	5 Star Local
Joshua Karl Hornick T/A Josh Hornick Structural Landscaping	5 Star Local
Moley's Cleaning Service Pty Ltd	5 Star Local
The trustee for Peak Tractors ATF the RW and JG Peak Family Trust T/A Peak Tractors Pty Ltd	5 Star Local

Urban Public Space (e.g. long drains)

KHB Construction Pty Ltd	5 Star Local
The trustee for Peak Tractors ATF the RW and JG Peak Family Trust T/A Peak Tractors Pty Ltd	5 Star Local
T & W Earthmoving (QLD) Pty Ltd T/A T&W Earthmoving	3 Star Local

Urban Major Facilities

Geoffrey Raymond Blinco T/A Blinco's Yard Service	5 Star Local
Joshua Karl Hornick T/A Josh Hornick Structural Landscaping	5 Star Local
Moley's Cleaning Service Pty Ltd	5 Star Local

Rural Roadside Slashing

KHB Construction Pty Ltd	5 Star Local
The trustee for Peak Tractors ATF the RW and JG Peak Family Trust T/A Peak Tractors Pty Ltd	5 Star Local

Herbicide (manual application)

Geoffrey Raymond Blinco T/A Blinco's Yard Service	5 Star Local
KHB Construction Pty Ltd	5 Star Local

CARRIED

6/0

Responsible Officer	Manager - Procurement & Commercial Services
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Item Number: C.14 **File Number:** D17/75822

SUBJECT HEADING: QUOTATION REQUEST - PRODUCTION OF TYPE 4 MATERIAL AT WELLS PIT

Officer's Title: Manager - Procurement & Commercial Services

Executive Summary:

Council released a quotation request to the Register of Pre-Qualified Suppliers for on-Site Crushing Services specifically the External Pits sub-panel.

The quotation period opened on 14 September 2017, with a closing time and date of 2pm 19 September 2017.

Resolution No. GM/09.2017/74	
Moved Cr McMullen	Seconded Cr Chambers
That Council:	
<ol style="list-style-type: none"> 1. Select Goodland Gravel Pty Ltd as the preferred supplier for the production of Type 4 material at Wells Pit. 2. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Goodland Gravel Pty Ltd, noting the lump-sum rate of \$359,590 (Inc. GST) for the entire scope of work (including provisional items). 3. Assign the expenditure to Work Order 15797. 	
CARRIED	6/0

Responsible Officer	Manager - Procurement & Commercial Services
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Item Number: C.15 **File Number:** D17/75115

SUBJECT HEADING: QUOTATION REQUEST - PRODUCTION OF TYPE 3.2 ROAD BASE AT ROMA QUARRY

Officer's Title: Manager - Procurement & Commercial Services

Executive Summary:

Council released a quotation request to the Register of Pre-Qualified Suppliers for on-Site Crushing Services specifically the Road Base sub-panel.

The quotation period opened on 14 September 2017 with a closing time and date of 9am 21 September 2017.

Responses were reviewed by an evaluation panel and the report was submitted for Council's consideration.

Resolution No. GM/09.2017/75
Moved Cr Newman
Seconded Cr Schefe
That Council:

1. Not proceed with any of the received quotations.
2. Formally thank all respondents for their participation in the process.

CARRIED

6/0

Responsible Officer	Manager - Procurement & Commercial Services
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Item Number:
C.16
File Number: D17/75202
SUBJECT HEADING:
UPDATE ON OUTSTANDING GAS ACCOUNTS 1000003 AND 1000446
Officer's Title:
Lead Debtors Officer / Debtors System Administrator
Executive Summary:
This report provided Council with an update on two natural gas services which remain unpaid.
Resolution No. GM/09.2017/76
Moved Cr Schefe
Seconded Cr Flynn
That Council:

1. Contact the customer in accordance with the Debt Recovery Policy and advise the customer that if they do not make full payment or make application to Council for a payment arrangement for both natural gas accounts 1000003 and 1000446 by Monday 16 October 2017, the gas connections to the premises will be disconnected on Thursday 19 October 2017 without further notice.
2. Include details of the existence and operation of the Energy and Water Ombudsman Queensland, including contact details.

CARRIED

5/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Schefe	

Responsible Officer	Lead Debtors Officer / Debtors System Administrator
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Cr. Flynn declared a perceived 'Conflict of Interest' in the following two (2) items due to his personal business operations out of the Roma Airport (baggage handling services). Cr. Flynn left the Chamber at 2.12pm, taking no further part in discussions or debate on both matters.

Item Number: C.17 **File Number:** D17/73799

SUBJECT HEADING: **AUGUST 2017 - MONTHLY BUSINESS UNIT REPORT - AIRPORTS**

Officer's Title: **Manager - Airports (Roma, Injune, Surat, Mitchell)**

Executive Summary:

This monthly report was presented to Council to provide a summary of the performance of Council's Airports (Roma, Injune, Surat & Mitchell) over the past month and year to date. The information in this report aimed to review the month's activities, give an overview of financial performance and bring to Council's attention any emerging issues.

Resolution No. GM/09.2017/77

Moved Cr Newman

Seconded Cr Chambers

That Council receive and note the Officer's report as presented.

CARRIED

5/0

Responsible Officer	Manager - Airports (Roma, Injune, Surat, Mitchell)
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Item Number: C.18 **File Number:** D17/75971

SUBJECT HEADING: **ROMA AIRPORT FEE WAIVER AND PAVEMENT CONCESSION**

Officer's Title: **Manager - Airports (Roma, Injune, Surat, Mitchell)**

Executive Summary:

A waiver of Landing and Passenger Fees at Roma airport on 16 and 17 March 2018 for a Fokker 70 and a pavement concession have been requested for the Aircraft.

Resolution No. GM/09.2017/78

Moved Cr Newman

Seconded Cr Schefe

That prior to formal consideration, Council:

- 1. Notify the applicant of the potential implications of the aircraft's ability to land on the runway pavement in the event that repairs to the pavement are in progress during the planned landing timeframe.**
- 2. Request additional information from the applicant, including:**
 - The provision of a letter from Outback Futures in support of the proposal;**
 - Written confirmation as to whether a local charity could be the beneficiary of a portion of the intended donated funds for the upcoming event and any potential future requests;**
 - Confirmation that the applicant can land at the Roma Airport within the hours specified by Council, given that Council will incur additional costs for associated security screening requirements if landing were to take place outside the specified hours.**

- **Confirmation of the proposed approach in acknowledging Council's support of this request if approved.**

CARRIED

5/0

Responsible Officer

Manager – Airports (Roma, Injune, Surat, Mitchell)

At cessation of discussion and debate on the two abovementioned items (C.17 and C.18), Cr. Flynn entered the Chamber at 2.16pm.

The Chief Executive Officer left the Chamber at 2.16pm, prior to the commencement of Council's discussion and debate of the following item (C.19 – Superannuation Changes & Associated Request to Vary Contract) as the matter pertained to her Contract.

The Director Development, Facilities & Environmental Services, who relieves in the position as and when required was present for the item. The Director Corporate, Community & Commercial Services who authorised the report was also present to answer any questions Councillors had.

Item Number:

C.19

File Number: D17/76423

SUBJECT HEADING:

UPDATE ON SUPERANNUATION CHANGES & ASSOCIATED REQUEST TO VARY CONTRACT

Officer's Title:

Manager - Organisational Development

Executive Summary:

The report provides an overview of recent changes to superannuation, and tables an associated request from the Chief Executive Officer.

Resolution No. GM/09.2017/79

Moved Cr Chambers

Seconded Cr Scheffe

That Council:

1. **Approve the requested Contract Variation for the Chief Executive Officer to give effect to an agreement under s 220B (2) of the *Local Government Act 2009*, noting that the total employment cost (TEC) will remain the same.**
2. **Authorise the Mayor to sign the agreement, upon confirmation from LGIAsuper that the agreement complies with Council's legislative obligations in relation to superannuation.**

CARRIED

6/0

Responsible Officer

Manager - Organisational Development

At cessation of discussion and debate on the abovementioned item, the Chief Executive Officer entered the Chamber at 2.17pm.

Item Number: C.20 **File Number:** D17/76426

SUBJECT HEADING: ORGANISATIONAL STRUCTURE UPDATES

Officer's Title: Chief Executive Officer

Executive Summary:

The report proposed a further change to the title for community safety officers, provided Councillors with an update of consultation with the Injune team members and their respective managers and also discussed a proposed resourcing arrangement to fill a vacant library position.

Resolution No. GM/09.2017/80

Moved Cr Chambers

Seconded Cr Newman

That:

1. The title be updated to Animal Control / Community Safety Officers for four (4) of the officers.
2. Council provide its support to the reallocation of tasks to enable the officers to maximise their time in the field.
3. One of the 5 positions be retitled to Animal Control / Community Safety Officer & Local Law Administration.
4. Council receive and note the input from the Injune Team members and their respective managers about the structure and resourcing for the Injune Office. Further, that Council approve the advertising of the Customer Service Officer in a full time capacity.
5. Council authorise the Chief Executive Officer to sign the documentation associated with the trainee for the Library.

CARRIED

6/0

Responsible Officer

Chief Executive Officer

Item Number: C.21 **File Number:** D17/76492

SUBJECT HEADING: MEMORANDUM OF UNDERSTANDING - DEPARTMENT OF TRANSPORT AND MAIN ROADS AND COUNCIL

Officer's Title: Chief Executive Officer

Executive Summary:

The report sought formal authority from Council for the Chief Executive Officer to make payments under the Memorandum of Understanding between the Department of Transport and Main Roads (RoadTek), for current and future projects.

Resolution No. GM/09.2017/81

Moved Cr Flynn

Seconded Cr Schefe

That Council:

1. Authorise the Chief Executive Officer to make payments for the current invoice.

2. Delegate to the Chief Executive Officer authority to make future payments invoiced as part of the Memorandum of Understanding.
3. The minutes of the 16 December 2015 be annotated to remove the words from the subject header "Relating To The Pickanjinie North Road Upgrade Project".

CARRIED

6/0

Responsible Officer	Chief Executive Officer
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The Mayor declared a potential 'Conflict of Interest' in relation to the following item (Update on Item C.16 Minutes of Council Meeting 14 June 2017), as the land under consideration adjoins his mother's property. Mayor Golder left the Chamber at 2.22pm, taking no part in discussions or debate on the matter.

The Deputy Mayor, Cr. Chambers took the role of 'Acting Chair' during his absence.

Item Number: C.22 **File Number:** D17/76772

SUBJECT HEADING: UPDATE ON ITEM C.16 - MINUTES OF COUNCIL MEETING 14 JUNE 2017

Officer's Title: Chief Executive Officer

Executive Summary:

The Chief Executive Officer has received a query from a resident affected by Council's decision on 14 June, 2017. An undertaking was given to investigate the resident's query and provide an update on the matter raised.

During the course of the review, the Chief Executive Officer identified that some additional information needed to be brought to Council's attention before the earlier resolution was enacted. This would provide Council with the opportunity to fully consider the way forward.

Resolution No. GM/09.2017/82

Moved Cr Newman

Seconded Cr Schefe

That Council authorise the Chief Executive Officer to write to the resident providing additional background to the reasons for Council's decision and the approach moving forward.

CARRIED

5/0

Responsible Officer	Chief Executive Officer
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At cessation of discussion and debate on the abovementioned item, Mayor Golder entered the Chamber at 2.23pm.

LATE CONFIDENTIAL ITEMS
Item Number: LC.1 **File Number:** D17/77551

SUBJECT HEADING: UPDATE ON COMPULSORY ACQUISITION PROCESS & CONSIDERATION OF ADDITIONAL INFORMATION - ASSESSMENT NO. 15009822

Officer's Title: Chief Executive Officer

Executive Summary:

Council considered a counter offer at its meeting on 28 June 2017. Council declined the offer and reiterated its previous offer.

The report tabled some additional correspondence, received after Council's consideration of the matter.

Resolution No. GM/09.2017/83
Moved Cr Chambers
Seconded Cr Flynn

That Council approve the draft letter of response, inclusive of the minor amendments discussed at the meeting.

CARRIED

5/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. Scheffe	

Responsible Officer
Chief Executive Officer

Cr. Newman declared a perceived 'Conflict of Interest' in the following item, due to her daughter-in-law working at the applicant's business. Cr. Newman left the Chamber at 2.26pm, taking no further part in discussion or debate on the matter.

Item Number: 13.1 **File Number:** D17/74466

SUBJECT HEADING: APPLICATION FOR OUTDOOR DINING PERMIT FOR THE NEW ROYAL HOTEL

Location: 63 - 69 Burrowes Street Surat

Officer's Title: Environmental Health Officer

Executive Summary:

The Applicant, The New Royal Hotel located at 63 - 69 Burrowes Street Surat, has applied for an Outdoor Dining Permit for the footpath immediately in front of the premises. This item had been laid on the table earlier during the meeting. Consideration of the matter resumed.

Discussion:

Earlier during the meeting a draft motion was 'Moved' by Cr. Flynn and 'Seconded' by Cr. McMullen prior to the matter being laid on the table. It had been suggested by the Manager that Council consider an additional matter that had been raised relating to the footpath

An amendment to the draft motion was proposed in response to the additional request. Both the 'Mover' and 'Seconder' indicated they were in favour of the amended draft motion. The draft motion was then put to the vote, with the outcome recorded below.

Resolution No. GM/09.2017/84

Moved Cr Flynn

Seconded Cr McMullen

That the proposed outdoor dining area be paved to Council's footpath standards with Council issued pavers (surplus to Council needs) and be installed at the applicant's cost.

Upon completion of the paving installation, an authorised person of Council will inspect the paved area for compliance with Council's footpath standards.

Subject to the completion of the footpath works and subsequent compliance approval being given by Council's authorised person, Council approves the use of the footpath for outdoor dining purposes, in accordance with the following conditions:

- 1. Placement of all tables and chairs, are limited to the footpath area immediately in front of the premises located at 63 – 69 Burrowes Street, Surat as shown on the plans provided.**
- 2. Placement of all tables, chairs, umbrellas and fence/barricade shall not impede pedestrian traffic using the footpath.**
- 3. Approval to use the footpath for outdoor dining shall be limited to the following hours: Monday – Sunday: 7.00 am – 10.00 pm.**
- 4. Council's approval must be displayed in a prominent position, easily viewed by patrons, and must be produced upon request from an authorised person.**
- 5. The permit holder must have a \$10,000,000 public liability insurance policy inclusive of the footpath dining area that indemnifies Council against personal injury and property damage resulting from the outdoor dining approval, of which a copy of the insurance cover must be supplied to Council.**
- 6. The permit holder must ensure the outdoor dining area does not cause a nuisance.**
- 7. All facilities and equipment used for outdoor dining must at all time be maintained:**
 - a. In good working order and condition; and**
 - b. In a clean and sanitary condition.**

8. All equipment used for outdoor dining, including all tables, chairs, umbrellas and fence/barricade must be removed upon close of business each day.
9. The permit holder must ensure that all furniture used in the area identified in the approval is:
 - a. Aesthetically acceptable to the local government; and
 - b. Kept in a proper state of repair.
10. The permit holder must ensure that the area identified in the approval is regularly cleaned:
 - a. During business hours for the principal premises; and
 - b. Daily, after the close of business of the principal premises.
11. The outdoor dining approval shall be for a period of twelve (12) months, after which the applicant will be required to apply for another permit.
12. Any claims for personal injury resulting from the outdoor dining approval and operation, are to be notified to Council as soon as the applicant is notified.

CARRIED

5/0

Responsible Officer	Environmental Health Officer
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At cessation of discussion and debate of the abovementioned item, Cr. Newman entered the Chamber at 2.30pm.

Item Number: L.3 **File Number:** N/A

SUBJECT HEADING: 2017 – 19 WORKS FOR QUEENSLAND (W4Q) PROGRAMME

Councillor's Title: Cr. David Schefe

Executive Summary:

Council received notification from the Queensland Government for Council's submitted projects under the 2017 - 19 – Works for Queensland (W4Q) Program. It was noted that a joint media release would be prepared with the Minister's office.

Resolution No. GM/09.2017/85

Moved Cr Schefe

Seconded Cr Chandler

That Council acknowledge receipt of successful endorsement by the State Government of the projects put forward by Council under the 2017 - 19 – Works for Queensland (W4Q) Program as follows:

Project Title	Endorsed Funding Amount
Regional Floodway Program	\$ 585,000
Bore 12 Reservoir and Booster	\$ 400,000
Metering Unmetered Connections in Roma	\$ 65,000
Golf Links Subdivision Fire Flow Augmentation	\$ 200,000
Lighting for Roma Netball Courts	\$ 100,000
Total	\$1,350,000

CARRIED

6/0

Responsible Officer	Lead Corporate Communications & Design Officer
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CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 2.32pm.

These Minutes are to be confirmed at the next General Meeting of Council to be held on 11 October 2017, at Roma Administration Centre.

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Mayor

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Date