

BUSINESS PAPER

Special Meeting

Tuesday 3 March 2020

Roma Administration Centre

NOTICE OF MEETING

Date: 3 March 2020

Mayor:

Councillor T D Golder

Deputy Mayor:
Councillors:

Councillor J L Chambers
Councillor N H Chandler
Councillor P J Flynn
Councillor G B McMullen
Councillor W M Newman
Councillor C J O'Neil
Councillor D J Schefe
Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director
Corporate, Community & Commercial Services)
Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **Special Meeting** to be held at the Roma Administration Centre on
March 3, 2020 at 11.00AM



Julie Reitano
Chief Executive Officer

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Confidential Items

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items that it's Councillors or members consider it necessary to close the meeting.

C Confidential Items

C.1 Minor Change on the New Head Funding Agreement

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

C.2 Request for Letter of Support - 'Remapping Mitchell' project

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

C.3 Request for Letter of Support to Restore, Upgrade and Add to the Roma Cenotaph - The Roma RSL Sub Branch

Classification: Closed Access

Local Government Regulation 2012 Section 275(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.

Closure

NOTICE OF RESCISSION

Meeting: Special 3 March 2020

Date: 26 February 2020

Item Number: 5.1

File Number: D20/16534

SUBJECT HEADING: Injune Caravan Park - Lease Agreement Request for Extension

Classification: Open Access

Officer's Title: Chief Executive Officer

Original Resolution Meeting Date: 21 February 2020

Resolution Number: SM/02.2020/26

Resolution:

That Council not grant the tenant any further lease or other rights to occupy or manage the Injune Caravan Park after the expiry of the current lease term on 25 March 2020 as per resolution GM/01.2019/36.

Rescission Recommendation:

That Council Rescind Resolution Number SM/02.2020/26 stating:

That Council not grant the tenant any further lease or other rights to occupy or manage the Injune Caravan Park after the expiry of the current lease term on 25 March 2020 as per resolution GM/01.2019/36.

Background:

At the Special Meeting on 21 February 2020, Council resolved not to grant the tenant of the Injune Caravan Park any further lease or other rights to occupy after the expiry of the current lease term. As a result of further considerations at the Council meeting on 26 February 2020, Resolution No. SM/02.2020/36 is no longer able to be enacted.

It is proposed that Council rescind the resolution.

Supporting Documentation:

Nil

Notice prepared by: Chief Executive Officer

OFFICER REPORT

Meeting: Special 3 March 2020

Date: 27 February 2020

Item Number: 6.1

File Number: D20/16846

SUBJECT HEADING: Council Meeting Schedule

Classification: Open Access

Officer's Title: Lead Officer - Councillors' Support & Community Engagement

Executive Summary:

Review of the final General (Ordinary) Council meeting date for this term of Council, in the lead up to the 2020 Local Government Elections on Saturday 28 March 2020.

Officer's Recommendation:

That Council:

1. Confirm the final General Meeting (Ordinary) meeting date for the term of this Council.
2. Authorise the Chief Executive Officer to advertise/circulate the updated meeting schedule to the public, Councillors and staff, if an alternate date is approved to that previously adopted on 13 November 2019.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

ECQ – Electoral Commission Queensland

Context:

Why is the matter coming before Council?

To formally consider the current meeting schedule.

Corporate Plan:

Is this type of matter incorporated in, or consistent with, Council's 5 Year Corporate Plan? If so, where/how?

Yes

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Council has informally discussed the potential to hold its final General (Ordinary) Meeting for the term of this Council on Wednesday 11 March 2020, in the lead up to the 2020 Local Government Elections on Saturday 28 March 2020.

The current meeting schedule (adopted on 13 November 2019), schedules the final meeting for Wednesday 25 March 2020.

Following the Local Government Elections on Saturday 28 March 2020, the incoming Council is legislatively required to set meeting dates for the new term of Council at its Post-Election Meeting.

Council is currently in the Caretaker period, which commenced on the day when the Electoral Commission of Queensland (ECQ) published the public notice about holding the election on Saturday 22 February 2020.

The Caretaker period ends at the conclusion of the election, and ECQ will advise when the election has ended for each local government.

Legislation places limits during the caretaker period as specified under the heading-

‘Legislation, Local Laws, State Policies & Other Regulatory Requirements’

Legislation, Local Laws, State Policies & Other Regulatory Requirements:
What does the legislation and other statutory instruments include about the matter under consideration?

The following sections of *Local Government Regulation 2012* apply:

256 Agenda of post-election meetings

(1) The matters a local government must consider at a post-election meeting include the day and time for holding other meetings.

*(2) A **post-election meeting** is the meeting mentioned in section 175(1) of the Act.*

Section 277 Public notice of meetings

(1) A local government must, at least once in each year, publish a notice of the days and times when—

(a) its ordinary meetings will be held; and

(b) the ordinary meetings of its standing committees will be held.

(2) The notice mentioned in subsection (1) must be published—

(a) in a newspaper circulating generally in the local government’s area; and

(b) on the local government’s website.

(3) The local government must display in a conspicuous place in its public office a notice of the days and times when—

- (a) its meetings will be held; and
- (b) meetings of its committees will be held.

The following sections of the *Local Government Act 2009* apply:

5 Caretaker period arrangements

90A Caretaker period

(1) The **caretaker period** for a local government is the period during an election for the local government that—

(a) starts on the day when public notice of the holding of the election is given under the [Local Government Electoral Act, section 25](#)(1); and

(b) ends at the conclusion of the election.

(2) There is no caretaker period during a by-election or fresh election.

90B Prohibition on major policy decision in caretaker period

(1) A local government must not make a major policy decision during a caretaker period for the local government.

(2) However, if the local government considers that, having regard to exceptional circumstances that apply, it is necessary to make the major policy decision in the public interest, the local government may apply to the Minister for approval to make the decision.

(3) The Minister may give the approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for the local government to make the major policy decision in the public interest.

(4) The Minister's approval may be given on conditions with which the local government must comply.

90C Invalidity of major policy decision in caretaker period without approval

(1) A major policy decision made by a local government during a caretaker period for the local government is invalid to the extent the local government—

(a) does not have the Minister's approval under [section 90B](#) to make the decision; or

(b) does not comply with any conditions of the Minister's approval under [section 90B](#)(4).

(2) A contract is void if it is the subject of a major policy decision that is invalid.

(3) A person who acts in good faith in relation to a major policy decision of a local government, or in relation to a contract that is the subject of a major policy decision, but who suffers loss or damage because of any invalidity of the decision under subsection (1) or because the contract is void under subsection (2), has a right to be compensated by the local government for the loss or damage.

(4) The person may bring a proceeding to recover the compensation in a court of competent jurisdiction.

90D Prohibition on election material in caretaker period

(1) A local government or a controlled entity of a local government must not, during a caretaker period for the local government, publish or distribute election material.

(2) **Election material** is anything able to, or intended to—

(a) influence an elector about voting at an election; or

(b) affect the result of an election.

Examples—

a fact sheet or newsletter that raises the profile of a councillor

(3) The prohibition under subsection (1) does not apply to making a how-to-vote card available under the [Local Government Electoral Act 2011, section 179](#)(6).

(4) In this section—

control means the capacity of an entity to dominate decision-making, directly or indirectly, in relation to the financial and operating policies of another entity so as to enable the other entity to operate with the first entity in pursuing the first entity's objectives.

controlled entity, of a local government, means an entity subject to the control of either or both of the following—

(a) the local government;

(b) another entity subject to the control of the local government.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision? What are relevant sections of the policy or plan?

N/a

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say?

Councillors of Maranoa Regional Council

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$) ? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

No

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$) ? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

No

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

No

Risks:

Is there any uncertainty associated with the requested decision? What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does)

No

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

Consider the current meeting schedule.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

That Council:

1. Confirm the final General Meeting (Ordinary) meeting date for the term of this Council.
2. Authorise the Chief Executive Officer to advertise/circulate the updated meeting schedule to the public, Councillors and staff, if an alternate date is approved to that previously adopted on 13 November 2019.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.1 Work with our communities to identify priorities, and provide leadership and advocacy to grow our region

4.1.3 Participate in local government decision making in accordance with the Local Government Principles (Section 4) and Councillors' responsibilities (Section 12) under the Local Government Act 2009.

Supporting Documentation:

Nil.

Report authorised by:

Manager - Communication, Information & Administration Services

Director - Corporate & Community Services

OFFICER REPORT

Meeting: Special 3 March 2020

Date: 28 February 2020

Item Number: 6.2

File Number: D20/17177

SUBJECT HEADING: Representation on TSBE, Western Rail Alliance for Inland Rail Project Development

Classification: Open Access

Officer's Title: Manager - Economic & Community Development

Executive Summary:

The Inland Rail System in Australia is coming and we want to make sure that the whole region maximises the opportunities that it will present. Toowoomba and Surat Basin Enterprise (TSBE) has decided to set up a "Western Line Rail Alliance" to stimulate demand on the South Western Queensland Line to encourage the modal shift from road to rail.

TSBE has requested the assistance of Council's Manager Economic and Community Development, Ed Sims, to participate on a working group to establish the alliance.

This report seeks the endorsement of Ed Sims' participation to the working group, and an amendment to the 2019/20 Operational Plan.

Officer's Recommendation:

That Council endorse the Manager of Economic and Community Development's participation in the group, and that this be reflected in the Economic Development 2019/20 Operational Plan.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council, Western Downs Regional Council, Murweh Shire Council, Toowoomba, and Surat Basin Enterprise.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
MRC	Maranoa Regional Council
WDRC	Western Downs Regional Council
MSC	Murweh Shire Council
TSBE	Toowoomba and Surat Basin Enterprise

Context:

Why is the matter coming before Council?

Council is requested to endorse the participation of the invited officer in the Western Rail Alliance, and amend the operational plan to include the project.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

TSBE has decided to form an alliance of stakeholder local governments along the Western Rail line in Southern Queensland in order to develop the potential of rail freight and intermodal activities. Support from Western Downs Regional Council and Murweh Shire Council is secured.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

This activity is entirely consistent with local government operations and will benefit the region.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

Nil

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

The proposed Melbourne to Brisbane Rail Project will alter the balance between road and rail transport by shifting a proportion of heavy freight off the roads and on to rail. This project will change the way we do business and holds the potential to introduce opportunities for greater efficiencies and improved safety on our road transport systems.

The proposed system links to the Charlton Wellcamp Industrial Park and the Toowoomba Wellcamp Intermodal Hub. Accordingly, communities along the Western Rail line will benefit from closer proximity to an export standard freight and logistics hub at Wellcamp, and an International airport. The proposed logistics hub close to Wellcamp Airport, will contain "cool chain" capability, and together with the opportunity to reduce time to market, will make feasible, alternative horticulture and food production, it may also increase manufacturing opportunities along the line to Charleville. This together with the opportunity to aggregate our demand for freight transport may add to the business case to justify improving capacity of the Western Rail line.

It is in the best interests of the Maranoa that Council participates in this initiative of TSBE.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

No applicable to this project.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$) ? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Within current budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$) ? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Not foreseen.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

The community of the Maranoa generally has the potential to benefit from this project.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Nil	

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

That Council endorse the Manager of Economic and Community Development's participation in the group, and that this be reflected in the Economic Development 2019/20 Operational Plan.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

As per above advice.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.2 Encourage additional investment in the Maranoa, developing our local economy and increasing our region's population

4.2.1 In partnership with the community, commence implementation of the Maranoa Tourism strategy, with the key strategies including: - Attracting, Encouraging and Creating New Business - Supporting and Assisting Current Business - Attracting New Residents and Visitors - Leveraging Existing Facilities, Land and Resources - Developing skills and entrepreneurship - Building Community Partnerships

Supporting Documentation:

[1](#) TSBE Inland Rail Committee

D20/17178

Report authorised by:

Chief Executive Officer

From: Ali Davenport [<mailto:Ali@tsbe.com.au>]
Sent: Thursday, 27 February 2020 5:12 PM
To: Office of the CEO <ceo@maranoa.qld.gov.au>
Subject: request for Ed Sims to join a Western Line Freight Alliance

Good afternoon Julie

As you know, Inland Rail is coming and we want to make sure that the whole region maximises the opportunities it will present. TSBE has decided to set up a Western Line Rail Alliance to stimulate demand on the Western Line and encourage the modal shift from road to rail. Would you be happy for Ed Sims to be on this committee? I believe Ed's background in economic development in the region would be very beneficial and we already have a great working relationship. The WDRC will be part of this group and we'll be speaking to Murweh Council as well as a producer from each region who spends a lot on transport. I anticipate an initial face-to-face group meeting, which is likely to be held in Miles or Roma, and the rest of the meetings will be held over the phone.

Please let me know if you are happy for Ed to participate.

Kind regards

Ali Davenport



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-----Safe Stamp-----

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