

BUSINESS PAPER

Ordinary Meeting

Wednesday 14 April 2021

Roma Administration Centre

NOTICE OF MEETING

Date: 6 April 2021

Mayor:

Councillor T D Golder

Deputy Mayor:
Councillors:

Councillor G B McMullen
Councillor J R P Birkett
Councillor M C Edwards
Councillor J L Guthrie
Councillor J M Hancock
Councillor W L Ladbrook
Councillor C J O'Neil
Councillor W M Taylor

Chief Executive Officer:

Ms Julie Reitano

Executive Management:

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

Attached is the agenda for the **Ordinary Meeting** to be held at the Roma Administration Centre on 14 April, 2021 at 9:00AM.



Julie Reitano
Chief Executive Officer

TABLE OF CONTENTS

Item No	Subject	
1	Welcome	
2	Attendances	
3	Confirmation of Minutes	
	Ordinary 24 March 2021	5
4	Declaration of Conflicts of Interest	
5	On the Table	
6	Presentations/Petitions and Deputations	
7	Consideration of notices of business	
8	Consideration of notices of motion	
8.1	Venue change for Qld Symphony Orchestra Livestream	64
	Prepared by: Specialist - Arts & Culture	
8.2	Request for Date Change - Are You Lonesome Tonight	66
	Prepared by: Specialist - Arts & Culture	
9	Reception of notices of motion for next meeting	
Reports		
10	Office of the CEO	
10.1	Local Government Remuneration Commission Schedule - Commencing 1 July 2021	68
	Prepared by: Manager - Communication, Information & Administration Services	
	Attachment : Local Government Remuneration-Commission Report 2020	76
11	Corporate & Community Services	
11.1	Policy review - Cemeteries Operations	103
	Prepared by: Manager - Communication, Information & Administration Services	
	Attachment : Cemeteries Operations Policy	110
11.2	Policy review - Burials on Private Property	120
	Prepared by: Manager - Communication, Information & Administration Services	
	Attachment : Council Policy: Burials on Private Property	125

11.3	2021 Ordinary Council Meeting Schedule	127
	Prepared by: Lead Officer - Elected Members & Community Engagement	

12 Infrastructure Services

12.1	Construction Water Main Miscamble Street, Roma - Tender Award	141
	Prepared by: Manager - Water, Sewerage & Gas	
12.2	Yuleba & Wallumbilla Community Banner Projects	146
	Prepared by: Deputy Director / Strategic Road Management Project Officer - Program & Contract Management	
12.3	Addition to the Road Register - Unnamed Road off Sunnyside Road	150
	Prepared by: Assets Officer - Transport Network	

13 Development, Facilities & Environmental Services

13.1	Application for funding - QFPI Round 6 - Local Government Assistance Program.....	164
	Prepared by: Rural Land Services & Funding Officer / Team Coordinator	
	Attachment 1: QFPI Round 6 - Applicant Guidelines	170
	Attachment 2: QFPI Round 6 - Frequently Asked Questions	179
	Attachment 3: Application form - Local Government Assistance Program	180
13.2	Update on issues relating to the provision of 1080 baiting services	187
	Prepared by: Rural Land Services & Funding Officer / Team Coordinator	
	Attachment : Minutes - Rural lands team post baiting meeting - November 2020.....	Error! Bookmark not defined.
13.3	Purchase of Lot 9 on SP119660 - Yuleba	200
	Prepared by: Support Officer - Facilities	
	Attachment 1: Email received from Queensland Rail 24/03/2021- Commercial in Confidence Prop-18-76282 Proposed sale of Queensland Rail Land at Perry Street Yuleba - Lot 9 on SP119660	204
	Attachment 2: Map - Proposed sale of surplus land from Queensland Rail - Lot 9 on SP119660	206
	Attachment 3: Executed Lease between Queensland Rail and Council - Lot 9 on SP119660	207
	Attachment 4: Letter to Council from the Yuleba Development Group - Regarding of Council to Purchase Lot 9 on SP119660	238
	Attachment 5: Email trail between Queensland Rail and Council.....	240
13.4	Request for Financial Assistance - Roma RSL Sub Branch.....	245
	Prepared by: Support Officer - Economic & Community Development	
	Attachment 1: Action Sheet - General Meeting - 11 March 2020 - C.1 - Request for Financial Assistance From Roma Returned and Services League (RSL)	250

Attachment 2:	Letter from Roma RSL Sub Branch requesting continued financial support for 2022 - 24.03.2021	251
Attachment 3:	Steven Brown - Quote for PA System for Roma ANZAC day services 2021 - 24.03.2021	252
13.5	Girl Guides Queensland Roma - Surrender of Lease	253
Prepared by:	Administration Officer - Land Administration	
Attachment :	Girl Guides Queensland - Lease Surrender Request....	257

Status Reports

Next General Meeting

- To be held at the Roma Administration Centre on 28 April 2021.

Confidential Items

In accordance with the provisions of section 254J(3) 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 Planning and Environment Consultancy**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.
- C.2 Community Safety Fees & Charges Adoption (Financial year 2021/22)**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(c) the local government's budget.
- C.3 Financial Year 2022 Fees and Charges - Airports**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(c) the local government's budget.
- C.4 Internal Review - Assessments 13001193 and 14005151**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(d) rating concessions.
- C.5 Application for a Concession - Assessment 14005839**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(d) rating concessions.
- C.6 Request from Roma Aeroclub - hangar space**
Classification: Closed Access
 Local Government Regulation 2012 Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for

which a public discussion would be likely to prejudice the interests of the local government.

C.7 Roma Airport Car Park Operations

Classification: Closed Access

Local Government Regulation 2012 Section 254J(3)(c) the local government's budget.

Councillor Business

14	Councillor Business
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Closure

MINUTES OF THE ORDINARY MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 24 MARCH 2021 SCHEDULED TO COMMENCE AT 9.00AM

ATTENDANCE

Mayor Cr. T D Golder chaired the meeting with Deputy Mayor Cr. G B McMullen, Cr. J R P Birkett, Cr. M C Edwards, Cr. J L Guthrie, Cr. J M Hancock, Cr. W L Ladbrook, Cr. C J O'Neil (in person from 9.00am – 11.45am and by telephone from 2.22pm to 6.37pm), Cr. W M Taylor, Chief Executive Officer – Julie Reitano, and Minutes Officer – Kelly Rogers in attendance.

AS REQUIRED

Deputy Chief Executive Officer/Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate & Community Services – Sharon Frank, Manager Organisational Development & Human Resources – Noela Ward, Manager Facilities (Land, Buildings & Structures) – Tanya Mansfield, Manager Planning and Building Development – Danielle Pearn, Manager Economic & Community Development – Ed Sims, Manager Saleyards – Paul Klar, Environment, Health & Waste Officer – Bob Campbell.

WELCOME

The Mayor welcomed all present and declared the meeting open at 9.14am.

CONFIRMATION OF MINUTES

Resolution No. OM/03.2021/47	
Moved Cr McMullen	Seconded Cr Birkett
That the minutes of the Ordinary Meeting held on 10 March 2021 and the Special Meeting held on 17 March 2021 be confirmed at a later point during the meeting.	
CARRIED	9/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Confirmation of the minutes took place later during the meeting at 7.31pm.

Resolution No. OM/03.2021/48	
Moved Cr Edwards	Seconded Cr Taylor
That the minutes of the Ordinary Meeting held on 10 March 2021 be confirmed.	
CARRIED	8/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Resolution No. OM/03.2021/49

Moved Cr McMullen

Seconded Cr Birkett

That the minutes of the Special Meeting held on 17 March 2021 be confirmed.

CARRIED

8/0

Responsible Officer

Lead Officer – Elected Members & Community Engagement

CHANGE TO ORDER OF BUSINESS

ITEM LC.5 - ADOPTION OF ORGANISATIONAL STRUCTURE

The Mayor advised that the first item of business would be Item LC.5 – Adoption of Organisational Structure, as per the last Special Meeting, which was held on 17 March 2021 (Resolution Number SM/03.2021/38).

Resolution No. OM/03.2021/50

Moved Cr Edwards

Seconded Cr McMullen

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, that Council resolve to close the meeting [at 9.18am] to the public to discuss confidential items that its Councillors consider is necessary to close the meeting.

In accordance with Section 254J(5) of the *Local Government Regulation 2012*, the following table provides:

- The matters to be discussed;
- An overview of what is to be discussed while the meeting is closed.

Agenda Item	Matters to be discussed (Reasons to close the meeting under the <i>Local Government Regulation 2012</i>)	Overview
LC.5 – Adoption of Organisational Structure	Section 254J(3)(b) (i) industrial matters affecting employees; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.	The report tables a proposed restructure in compliance with resolution OM/01.2021/72 for Council's consideration, together with clarifying information about the proposal and potential refinement opportunities.

CARRIED

9/0

Responsible Officer

Lead Officer – Elected Members & Community Engagement

Resolution No. OM/03.2021/51

Moved Cr McMullen

Seconded Cr Birkett

That Council open the meeting to the public [at 10.05am].

CARRIED

9/0

Responsible Officer

Lead Officer – Elected Members & Community Engagement

Item Number:

LC.5

File Number: D21/23627

SUBJECT HEADING:

ADOPTION OF ORGANISATIONAL STRUCTURE

Officer's Title:

Chief Executive Officer

Executive Summary:

A copy of the proposed structure in compliance with resolution OM/01.2021/72 was tabled for Council's consideration.

The report also tabled information that Council may wish to consider as part of the adoption decision:

- *Clarifying information about the assumptions upon which the initial proposed structure was based;*
- *3 opportunities for Council to refine the final structure.*

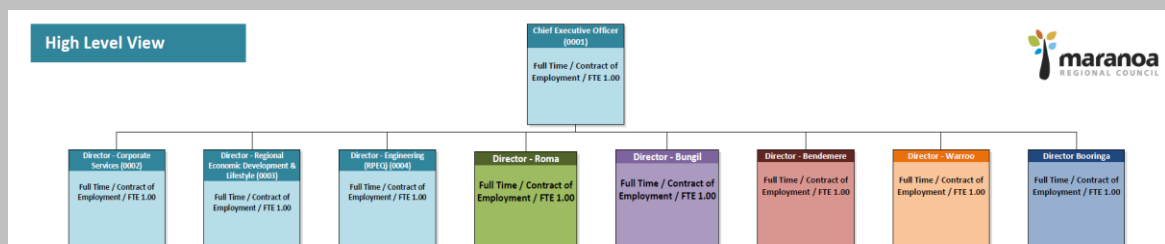
The recommendations aim to take into consideration some of the key pieces of feedback during the community and employee consultation processes.

Moved Cr Golder

Seconded Cr Edwards

That:

- 1. Council adopt the detailed organisational structure as presented by the Mayor and tabled at the meeting (24 March 2021) to commence full operation from 1 September 2021.**



- 2. Council publish:**

- **The high level structure for inclusion on Council's website;**
- **A detailed structure with staff names and teams for internal use.**

- 3. Employees be notified of Council's decision, with individual advice to employees and their representatives for the positions that are directly affected by the adopted changes.**

- 4. Authorise the Mayor to obtain direct legal advice about the extent to which council**

can be legally involved in this process with specific reference to the following:

- a) Input into the formation of the five new Director position descriptions, including essential criteria to ensure that accountabilities and responsibilities reflect Council's strategic intent and that a key prerequisite to selection is that successful applicants must have previous experience at performing this new role or more senior roles to enact the executive decision making required of these new roles;
- b) Input and recommendation of contract term options and Employer of Choice options available to Council including final advertisement to secure the right candidates etc.;
- c) Request any other advice that may be relevant to the strategic intent of the council in relation to these roles, not outlined in above;
- d) Authorise the Mayor to brief and answer any questions and clarifications about the intent of these strategic inclusions and other relevant information as outlined above (requesting legal advice);
- e) Acknowledge that this legal advice will be sent directly to the Mayor and subsequently shared with Councillors and Chief Executive Officer;
- f) Accessing Local Buy Panel of Legal Services with legal fees charged to General Ledger 0250 62094;
- g) Commence the Customer Service transition to promote local Customer Service Centre phone numbers (as we have the existing employees and systems in place, but they will be broadly promoted);
- h) Commence preparation (officers) of a draft 2021/2022 Council budget by both function and local area for Council's consideration, with it being developed in consultation with regional and local employees;
- i) Hold a Special Meeting on 5 May 2021 at 10.00am for Council's review of the draft 2021/2022 budget by both whole of region and local area based on business as usual budget including minimum capital expenditure and rates & charges capped in line with a rates freeze for all categories 2021/2022 draft budget.

NO VOTE TAKEN

Cr Hancock proposed an amendment to the motion, which Mayor Golder indicated he would not accept.

Moved Cr Hancock

Seconded Cr O'Neil

We include a budget figure in the resolution.

MOTION LOST

3/6

Cr. Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
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Cr. Hancock	Cr. Birkett
Cr. O'Neil	Cr. Edwards
Cr. Taylor	Cr. Golder
	Cr. Guthrie
	Cr. Ladbrook
	Cr. McMullen

COUNCIL ADJOURNED THE MEETING
 FOR MORNING TEA AT 10.23am

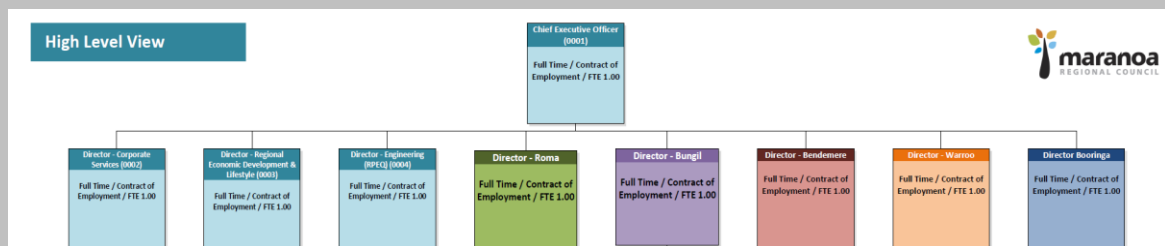
SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
 COUNCIL RESUMED THE MEETING AT 10.58am

Moved Cr Golder

Seconded Cr Edwards

That:

- Council adopt the detailed organisational structure as presented by the Mayor and tabled at the meeting (24 March 2021) to commence full operation from 1 September 2021.**



- Council publish:**

- The high level structure for inclusion on Council's website;
- A detailed structure with staff names and teams for internal use.

- Employees be notified of Council's decision, with individual advice to employees and their representatives for the positions that are directly affected by the adopted changes.**

- Authorise the Mayor to obtain direct legal advice about the extent to which council can be legally involved in this process with specific reference to the following:**

- Input into the formation of the five new Director position descriptions, including essential criteria to ensure that accountabilities and responsibilities reflect Council's strategic intent and that a key prerequisite to selection is that successful applicants must have previous experience at performing this new role or more senior roles to enact the executive decision making required of these new roles;**
- Input and recommendation of contract term options and Employer of Choice options available to Council including final advertisement to secure the right candidates etc.;**
- Request any other advice that may be relevant to the strategic intent of the council in relation to these roles, not outlined in above;**

- d) Authorise the Mayor to brief and answer any questions and clarifications about the intent of these strategic inclusions and other relevant information as outlined above (requesting legal advice);
- e) Acknowledge that this legal advice will be sent directly to the Mayor and subsequently shared with Councillors and Chief Executive Officer;
- f) Accessing Local Buy Panel of Legal Services with legal fees charged to General Ledger 0250 62094;
- g) Commence the Customer Service transition to promote local Customer Service Centre phone numbers (as we have the existing employees and systems in place, but they will be broadly promoted);
- h) Commence preparation (officers) of a draft 2021/2022 Council budget by both function and local area for Council's consideration, with it being developed in consultation with regional and local employees;
- i) Hold a Special Meeting on 5 May 2021 at 10.00am to receive the draft budget based on business as usual budget including minimum capital expenditure and rates & charges capped in line with a rates freeze for all categories 2021/2022 draft budget.

NO VOTE TAKEN

No vote was taken on the motion with Cr Hancock proposing the following motion.

Moved Cr Hancock

Seconded Cr Taylor

To include the officer's recommendation as presented in open [agenda] for open [openness] and transparency.

MOTION LOST

3/6

Cr. Golder called for a division of the vote.

The outcomes were recorded as follows:

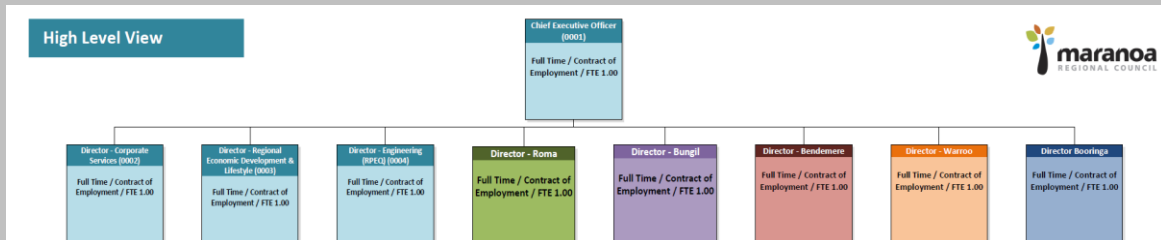
Those in Favour of the Motion	Those Against the Motion
Cr. Hancock	Cr. Birkett
Cr. O'Neil	Cr. Edwards
Cr. Taylor	Cr. Golder
	Cr. Guthrie
	Cr. Ladbrook
	Cr. McMullen

Moved Cr Golder

Seconded Cr Edwards

That:

1. Council adopt the detailed organisational structure as presented by the Mayor and tabled at the meeting (24 March 2021) to commence full operation from 1 September 2021.



2. Council publish:

- The high level structure for inclusion on Council's website;
- A detailed structure with staff names and teams for internal use.

3. Employees be notified of Council's decision, with individual advice to employees and their representatives for the positions that are directly affected by the adopted changes.

4. Authorise the Mayor to obtain direct legal advice about the extent to which council can be legally involved in this process with specific reference to the following:

- a) Input into the formation of the five new Director position descriptions, including essential criteria to ensure that accountabilities and responsibilities reflect Council's strategic intent and that a key prerequisite to selection is that successful applicants must have previous experience at performing this new role or more senior roles to enact the executive decision making required of these new roles;
- b) Input and recommendation of contract term options and Employer of Choice options available to Council including final advertisement to secure the right candidates etc.;
- c) Request any other advice that may be relevant to the strategic intent of the council in relation to these roles, not outlined in above;
- d) Authorise the Mayor to brief and answer any questions and clarifications about the intent of these strategic inclusions and other relevant information as outlined above (requesting legal advice);
- e) Acknowledge that this legal advice will be sent directly to the Mayor and subsequently shared with Councillors and Chief Executive Officer;
- f) Accessing Local Buy Panel of Legal Services with legal fees charged to General Ledger 0250 62094;
- g) Commence the Customer Service transition to promote the local Customer Service Centre phone numbers (as we have the existing employees and systems in place, but they will be broadly promoted).

- h) Commence preparation (officers) of a draft 2021/2022 Council budget by both function and local area for Council's consideration, with it being developed in consultation with regional and local employees.
- i) Hold a Special Meeting on 5 May 2021 at 10.00am to receive the draft budget based on business as usual budget including recommended 'must have' capital expenditure and rates & charges capped in line with a rates freeze for all categories 2021/2022 draft budget.

NO VOTE TAKEN

The Mayor (Mover) and Secunder accepted an amendment to the motion following a suggestion from the Chief Executive Officer.

Cr O'Neil then proposed an amendment to the motion.

Moved Cr O'Neil

Seconded Cr Hancock

That the recruitment of the Directors occur on a staged approach, and that the Regional Economic Development & Lifestyle Director and the Director for Roma positions be trialled as one (1) position.

MOTION LOST

3/6

Cr. Golder called for a division of the vote.

The outcomes were recorded as follows:

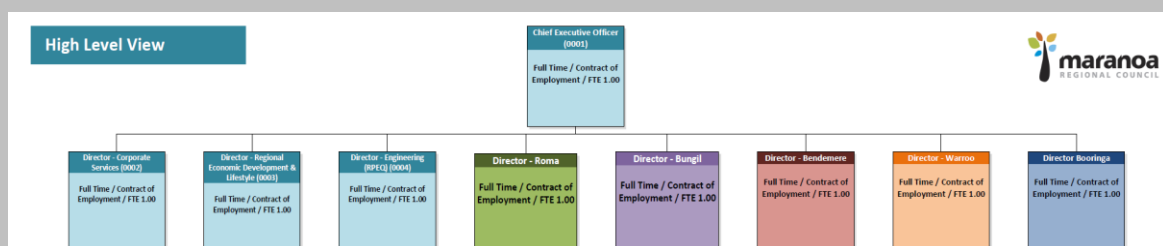
Those in Favour of the Motion	Those Against the Motion
Cr. Hancock	Cr. Birkett
Cr. O'Neil	Cr. Edwards
Cr. Taylor	Cr. Golder
	Cr. Guthrie
	Cr. Ladbroke
	Cr. McMullen

Moved Cr Golder

Seconded Cr Edwards

That:

1. Council adopt the detailed organisational structure as presented by the Mayor and tabled at the meeting (24 March 2021) to commence full operation from 1 September 2021.



2. Council publish:

- The high level structure for inclusion on Council's website;
- A detailed structure with staff names and teams for internal use.

3. Employees be notified of Council's decision, with individual advice to employees and their representatives for the positions that are directly affected by the adopted changes.

4. Authorise the Mayor to obtain direct legal advice about the extent to which council can be legally involved in this process with specific reference to the following:

- a) Input into the formation of the five new Director position descriptions, including essential criteria to ensure that accountabilities and responsibilities reflect Council's strategic intent and that a key prerequisite to selection is that successful applicants must have previous experience at performing this new role or more senior roles to enact the executive decision making required of these new roles;
- b) Input and recommendation of contract term options and Employer of Choice options available to Council including final advertisement to secure the right candidates etc.;
- c) Request any other advice that may be relevant to the strategic intent of the council in relation to these roles, not outlined in above;
- d) Authorise the Mayor to brief and answer any questions and clarifications about the intent of these strategic inclusions and other relevant information as outlined above (requesting legal advice);
- e) Acknowledge that this legal advice will be sent directly to the Mayor and subsequently shared with Councillors and Chief Executive Officer;
- f) Accessing Local Buy Panel of Legal Services with legal fees charged to General Ledger [02506.2094](#);

5. Commence the Customer Service transition to promote the local Customer Service Centre phone numbers (as we have the existing employees and systems in place, but they will be broadly promoted).

6. Commence preparation (officers) of a draft 2021/2022 Council budget by both function and local area for Council's consideration, with it being developed in consultation with regional and local employees.

7. Hold a Special Meeting [no later than 19 May 2021 at 10.00am](#) to receive the draft budget based on a business as usual budget including recommended 'must have' capital expenditure and rates & charges [with the same minimums, same rate in the dollar, and capped at 0%](#) for all categories for the draft 2021/2022 budget.

8. [Approve a staged approach to recruitment having regard to re-deployment discussions with existing impacted staff.](#)

NO VOTE TAKEN

The Mayor (Mover) and Seconded accepted amendments to the motion following further discussion with Councillors, the Chief Executive Officer and executive staff.

Cr O'Neil requested that debate on the abovementioned item be held after lunch (2.00pm), indicating he would again be available to participate in the meeting by telephone.

Cr O'Neil left the meeting at 11.45am.

Resolution No. OM/03.2021/52

Moved Cr Golder

Seconded Cr McMullen

That we adjourn this debate until 2.00pm for Item LC.5.

CARRIED

8/0

Responsible Officer

**Lead Officer – Elected Members &
Community Engagement**

CONSIDERATION OF NOTICES OF MOTION

Item Number:

8.1

File Number: D21/21338

SUBJECT HEADING:

**RESERVE FOR LOCAL GOVERNMENT - LOT 334 ON
SP282633**

Officer's Title:

Manager - Facilities (Land, Buildings & Structures)

Original Resolution Meeting Date:

10 May 2017

Resolution Number:

GM/05.2017/16

Resolution:

That Council:

1. Investigate development of Lot 338 on WV1628 (old Police Paddock) into smaller paddocks suitable for grazing horses with costings to be considered in 2017/18 budget deliberations.
2. Approve the request from the applicant to graze horses on Lot 334 on SP282633 until 30 July 2017, at which time continuation of grazing on the site will be reviewed.
3. Register easements over Lot 334 on SP282633 to preserve Council infrastructure on the land being the sewerage pump station and drain.
4. Advise the Department Natural Resources and Mines that Council intends to divide Lot 334 on SP282633 and retain the part of the lot adjoining Lot 220 on WV1692, with the balance of the reserve to be revoked and in turn be available for the Department to negotiate a Deed of Grant in Trust or other arrangement with the Mandandanji People.
5. Advise the Department of National Parks, Sport and Racing to make application to the Department Natural Resources and Mines to acquire part of Lot 334 on SP282633 to expand its operations depot.

Resolution No. OM/03.2021/53

Moved Cr McMullen

Seconded Cr Guthrie

That Council Rescind [Repeal] Resolution Number GM/05.2017/16 stating:

That Council:

1. Investigate development of Lot 338 on WV1628 (old Police Paddock) into smaller paddocks suitable for grazing horses with costings to be considered in 2017/18 budget deliberations.

2. Approve the request from the applicant to graze horses on Lot 334 on SP282633 until 30 July 2017, at which time continuation of grazing on the site will be reviewed.
3. Register easements over Lot 334 on SP282633 to preserve Council infrastructure on the land being the sewerage pump station and drain.
4. Advise the Department Natural Resources and Mines that Council intends to divide Lot 334 on SP282633 and retain the part of the lot adjoining Lot 220 on WV1692, with the balance of the reserve to be revoked and in turn be available for the Department to negotiate a Deed of Grant in Trust or other arrangement with the Mandandanji People.
5. Advise the Department of National Parks, Sport and Racing to make application to the Department Natural Resources and Mines to acquire part of Lot 334 on SP282633 to expand its operations depot.

And replace with:

That Council:

1. Investigate development of Lot 338 on WV1628 (old Police Paddock) into smaller paddocks suitable for grazing horses with costings to be considered in 2017/18 budget deliberations.
2. Approve the request from the applicant to graze horses on Lot 334 on SP282633 until 30 July 2017, at which time continuation of grazing on the site will be reviewed.
3. Register easements over the new lots that will be created as a result of dividing Lot 334 on SP282633, for the purpose of preserving Council infrastructure on the land being the drains.
4. Advise the Department Natural Resources and Mines that Council intends to divide Lot 334 on SP282633 and retain the part of the lot adjoining Lot 220 on WV1692, with the balance of the reserve to be revoked and in turn be available for the Department to negotiate a Deed of Grant in Trust or other arrangement with the Mandandanji People.
5. Advise the Department of National Parks, Sport and Racing to make application to the Department Natural Resources and Mines to acquire part of Lot 334 on SP282633 to expand its operations depot.
6. Authorise the Chief Executive Officer, or delegate, to execute the easement documentation and any other related documentation required to action this Council decision.

CARRIED

8/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

BUSINESS

CORPORATE & COMMUNITY SERVICES

Item Number: 11.1 File Number: D21/13169

SUBJECT HEADING: POLICY REVIEW - ADVERTISING SPENDING

Officer's Title: Communications Officer - Infrastructure Services

Executive Summary:

It is a legislative requirement for Council to have a policy regarding advertising spending.

The Advertising Spending Policy has been reviewed and was tabled for Council consideration.

Resolution No. OM/03.2021/54

Moved Cr Taylor

Seconded Cr Ladbrook

That Council adopt the 'Advertising Spending Policy' as presented.

CARRIED

8/0

Responsible Officer

Communications Officer - Infrastructure Services / Governance Officer

Item Number: 11.2 File Number: D21/19020

SUBJECT HEADING: REQUEST FOR USE - INJUNE RODEO AND CUTTING GROUNDS

Officer's Title: Regional Sport & Recreation Development Coordinator

Executive Summary:

The Centenary of Injune will be in June 2022. The Cultural Heritage Injune Preservation Society (CHIPS) is requesting in-kind assistance for the use of the Injune Rodeo and Cutting grounds for the weekend of 18-19 June 2022 to conduct a cattle sale during Centenary celebrations.

There will be further requests for Council assistance for the Injune Centenary, however this request requires some urgency due to the project not being able to be commenced until a resolution can be provided to local stock agents to start the process to arrange the cattle sale.

Resolution No. OM/03.2021/55

Moved Cr Golder

Seconded Cr Edwards

That Council:

- 1. Approve use on the condition that the Injune Rodeo and Cutting user groups have no objections for the Cultural Heritage Injune Preservation Society to conduct a cattle sale during Centenary celebrations on 18-19 June 2022.**
- 2. Request Cultural Heritage Injune Preservation Society provide a copy of their Public Liability Insurance Certificate.**
- 3. Be acknowledged (where possible) in all forms of advertising and media in relation to and during the event.**

CARRIED

8/0

Responsible Officer

Regional Sport & Recreation Development Coordinator

Declaration of Interest

Item	11.3
Description	Unaddressed Mail Policy
Declaring Councillor	Cr Johanne Hancock
Party with the interest	Myself and another party
Relationship category	Myself and my spouse own Surat Post & News Pty Ltd.
Particulars of the interest	Surat Post & News Pty Ltd. is a licensed post office and it could be seen that the entity and its owners could potentially gain a benefit or suffer a loss depending on the outcome of Council's decision.
Type of conflict	Prescribed conflict of interest (Pertains to the supply of goods and services to Council)
Action	Leave the room while the matter is discussed and voted on.

Cr Hancock left the meeting at 12.08pm.

Cr Ladbroke left the meeting at 12.16pm, and returned at 12.18pm.

Item Number: 11.3

File Number: D21/13745

SUBJECT HEADING: UNADDRESSED MAIL POLICY

Officer's Title: Communications Officer - Infrastructure Services

Executive Summary:

Council distributes several documents, including newsletters and brochures through Australia Post to deliver to the Maranoa community.

An unaddressed mail policy has been drafted for Council's review. The purpose of this policy is to establish clear guidelines for Council officers when organising bulk, unaddressed mail from Council to Maranoa householders.

Unaddressed mail is mail items that do not feature the householder's address.

Resolution No. OM/03.2021/56

Moved Cr Golder

Seconded Cr McMullen

That the following amendments be incorporated into the draft policy and brought back to Council for adoption:

- **Licensed Post Offices' (LPO's) always are used where possible;**
- **Item 4.2 that a decision on targeted small scale mail outs and hand delivered mail outs should be subject to judgement of the Director.**

CARRIED

7/0

Responsible Officer	Communications Officer - Infrastructure Services
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Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. John Birkett, Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr. Wayne (George) Ladbroke, Cr. Geoff McMullen, Cr. Wendy Taylor.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned item, Cr. Hancock returned to the meeting at 12.23pm.

INFRASTRUCTURE SERVICES

Item Number: 12.1

File Number: D21/20278

SUBJECT HEADING: CAPITAL PROJECT AMENDMENT - SURAT POTABLE WATER INTAKE PUMP AND SWITCHBOARD

Officer's Title: Manager - Water, Sewerage & Gas

Executive Summary:

The 2020/21 approved capital works program includes the replacement of two pumps for the potable water intake in Surat and introducing two variable speed drives. These drives cannot fit in the existing electrical switchboard and a new switchboard was recommended.

Resolution No. OM/03.2021/57

Moved Cr Birkett

Seconded Cr Golder

The Council:

1. Note the contents of this report.
2. Approve an additional \$90,000 for project Potable Surface Water Intake Pumps and VSD Surat (Work Order O2220) to include a new switchboard to be installed.
3. Transfer the additional funds from Water Reserves.
4. Investigate that the necessary requirements are met for flood proofing the switch board.

CARRIED

8/0

Responsible Officer

Manager - Water, Sewerage & Gas

Item Number: 12.2

File Number: D21/18754

SUBJECT HEADING: COMMUNITY ROAD SAFETY GRANTS

Officer's Title: Deputy Director / Strategic Road Management
Program Funding & Budget Coordinator

Executive Summary:

The Community Road Safety Grants provide an opportunity for community organisations to support road safety initiatives that drive a change in behaviours and attitudes to road safety in local Queensland communities.

The latest round of the Community Road Safety Grants Program is now open. This report provided Council with an overview of the program and a recommendation to provide a submission prior to the grant application close date on 9 April 2021.

Resolution No. OM/03.2021/58

Moved Cr Golder

Seconded Cr Ladbrook

That Council:

1. Submit an application for funding under the Community Road Safety Grants for the development of an awareness video regarding some unique risks associated with driving on roads in the Maranoa Region, and greater South Western Queensland, with a particular focus on run-off road type crashes.
2. Authorise the Chief Executive Officer, or delegate, to sign the funding application and supporting documentation as required.
3. Authorise the Chief Executive Officer, or delegate, to sign the funding agreement as required if the project is successful.
4. Advocate to the local Department of Transport & Main Roads branch to consider submitting a fatigue management signage project under the program.

CARRIED

8/0

Responsible Officer	Deputy Director / Strategic Road Management
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Item Number: 12.3 File Number: D21/19835

SUBJECT HEADING: ASSET MANAGEMENT PLAN - WATER NETWORK, REVISION 4 - MARCH 2021

Officer's Title: Manager - Water, Sewerage & Gas

Executive Summary:

Council is responsible for the management of 275 kilometres of water main and associated infrastructure with a replacement value of \$82,421,884. The development of a 10 year asset management plan provides direction and aids in ensuring that services are provided in a financially sustainable manner.

This revision provides more accurate renewal data and updates the capital upgrades required. It also incorporates the Injune and Surat Water Strategies.

Resolution No. OM/03.2021/59

Moved Cr Golder

Seconded Cr Birkett

That Council:

1. Receive the Water Network Asset Management Plan (AMP) Revision 4 as presented.
2. Endorse the Water Network AMP for inclusion in the Local Government Infrastructure Planning documentation.
3. Consider the Water Network AMP in parallel with budget preparation.
4. Bring back [i.e. through officers], for consideration in the Water Network AMP, an additional bore for location to the east of Roma to ensure water security.

CARRIED

8/0

Responsible Officer	Manager - Water, Sewerage & Gas
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Item Number: 12.4 File Number: D21/21253

SUBJECT HEADING: REQUEST FOR PARTICIPATION - WORLD HAEMOPHILIA DAY 2021

Officer's Title:

**Deputy Director / Strategic Road Management
Assets Officer - Transport Network**

Executive Summary:

Council received a request from the Haemophilia Foundation Queensland inviting Council to participate in raising awareness of World Haemophilia Day, on 17 April 2021. On this day, organisations are being asked to "Light It Up Red", to indicate support and raise community awareness.

Resolution No. OM/03.2021/60

Moved Cr Guthrie

Seconded Cr McMullen

That Council:

1. Note the email from the Haemophilia Foundation Queensland requesting Council's support for World Haemophilia Day.
2. Support World Haemophilia Day by amending the variable street tree lighting in McDowall Street Roma to display red only on the 17 April 2021.
3. Distribute a media release to inform the community of the reason behind the red colour change in the tree lighting.

CARRIED

8/0

Responsible Officer

**Deputy Director / Strategic Road
Management**

Item Number:

12.5

File Number: D21/21499

SUBJECT HEADING:

**REQUEST FOR FUNDING ACKNOWLEDGEMENT
SIGNAGE - SANTOS GLNG**

Officer's Title:

Deputy Director / Strategic Road Management

Executive Summary:

Council has received a request from Santos GLNG to install a number of funding acknowledgment signs along road upgrade projects that have been funded by Santos GLNG under the Road Infrastructure Agreement with Council.

This report provided Council with a summary of the request, details of where the signs are proposed and options for Council's consideration.

Resolution No. OM/03.2021/61

Moved Cr Hancock

Seconded Cr McMullen

That Council endorse the installation of the Santos GLNG funding acknowledgment signs on Emerys Road, Cottage Creek Road, Pickanjinie North Road, Warooby Lane and Mount Saltbush Road provided the costs of manufacture and installation are covered by Santos GLNG.

CARRIED

8/0

Responsible Officer

**Deputy Director / Strategic Road
Management**

DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES

Declaration of interest

Item	13.1
Description	Mitchell WORK Camp – Provision of Equipment
Declaring Councillor	Cr John Birkett
Person with the interest	Myself and another party
Relationship category	Myself and my parent
Particulars of the interest	My father Gary Birkett is a non-government member of the Mitchell WORK Camp Community Advisory Committee and is likely to have had input into the matter before Council in relation to an application for budget consideration. The Mitchell WORK Camp uses my property to access adjoining blocks to mow.
Type of conflict	Prescribed conflict of interest
Action	Leave the room while the matter is discussed and voted on.

Cr Birkett left the meeting at 12.58pm.

Item Number: 13.1 **File Number:** D21/21561

SUBJECT HEADING: MITCHELL WORK CAMP - PROVISION OF EQUIPMENT

Officer's Title: Manager - Facilities (Land, Buildings & Structures)

Executive Summary:

At the Mitchell WORK Camp Community Advisory Committee meeting held on 23 February 2021, feedback was provided on the provision of equipment by Council to the program. The report prepared by the Mitchell WORK Camp supervisor was attached.

Resolution No. OM/03.2021/62

Moved Cr Golder

That we lay this on the table until later in the meeting to find out if there is any budget to look at whipper snippers and/or mowers to see if there is anything we can do before waiting for the budget.

CARRIED

7/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Section 150FA (2)(e) of the *Local Government Act 2009*

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr. Johanne Hancock, Cr. Wayne (George) Ladbrook, Cr. Geoff McMullen, Cr. Wendy Taylor.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

Cr. Birkett returned to the meeting at 12.57pm.

Item Number: 13.2 **File Number:** D21/18824

SUBJECT HEADING: QUEENSLAND FIRE AND EMERGENCY SERVICES (QFES) - REQUEST FOR APPROVAL TO UPGRADE COUNCIL BUILDING - ROMA

Officer's Title:

**Council Buildings & Structures Maintenance Officer /
Team Coordination**

Executive Summary:

Queensland Fire and Emergency Services (QFES) sought Council endorsement to undertake some minor capital works at the Injune Fire and Rescue and SES Building.

Resolution No. OM/03.2021/63

Moved Cr McMullen

Seconded Cr Ladbrook

That Council provide approval to Queensland Fire and Emergency Services (QFES) to install non slip flooring and supply and construct a small breathing apparatus cleaning/storage area at the Injune facility, on the condition that all installations are made by licensed contractors and are compliant with any relevant building legislation.

CARRIED

8/0

Responsible Officer

**Council Buildings & Structures Maintenance
Officer / Team Coordination**

LATE VERBAL ITEM

Resolution No. OM/03.2021/64

Moved Cr Golder

Seconded Cr Birkett

That Item L.15 - Approval for Mayor to incur Legal Expenses [*laid on the table at the Ordinary Meeting 24/02/21*]:

- a) Be added to the agenda and dealt with after the Organisational Structure at 2.00pm;**
- b) Councillors be given a copy of the report that was laid on the table.**

CARRIED

8/0

Responsible Officer

**Lead Officer – Elected Members &
Community Engagement**

**COUNCIL ADJOURNED THE MEETING
FOR LUNCH AT 1.05pm**

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
COUNCIL RESUMED THE MEETING AT 2.03pm**

Resolution No. OM/03.2021/65

Moved Cr Hancock

That we deal with Item LC.5 – [Adoption of Organisational Structure] and L.15 – [Approval for Mayor to incur Legal Expenses] [laid on the table at the Ordinary Meeting 24/02/21] until later in the meeting when Cr O'Neil is available.

CARRIED

8/0

Responsible Officer

Lead Officer – Elected Members & Community Engagement

Item Number:

13.3

File Number: D21/17816

SUBJECT HEADING:

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "LOW IMPACT INDUSTRY" (REF: 2020/20190)

Location:

90-92 Charles Street, Roma QLD 4455 (Lot 231 on R8613)

Applicant:

Crawfo's Pty Ltd Precinct Urban Planning

Officer's Title:

Planning Officer

Executive Summary:

Crawfo's Pty Ltd C/- Precinct Urban Planning is seeking a development approval for a Material Change of Use - "Low Impact Industry" (expansion of existing use) on land situated at 90-92 Charles Street, Roma QLD, properly described as Lot 231 on R8613 (the subject premises).

The development application is subject to Impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the Planning Act 2016 and any matters prescribed by regulation. The Development Assessment Rules set out the procedural requirements for the development assessment process.

Public notification about the application was carried out in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 24 November 2020 and 15 December 2020. There were no submissions received during this period.

The procedural requirements set out by the Development Assessment Rules to enable Council to make a decision on this application have been fulfilled, including a response by the applicant to an Information request issued by the State Assessment and Referral Agency (SARA), public notification about the application and receipt of a referral agency response. The development application is generally consistent with the assessment benchmarks provided by the Planning Act 2016 and any perceived conflict with the assessment benchmarks can be addressed by way of conditions of development approval and having regard to the relevant matters.

Resolution No. OM/03.2021/66

Moved Cr McMullen

Seconded Cr Hancock

That the application for a Material Change of Use - "Low Impact Industry" (Extension to existing Low Impact Industry) on land situated at 90-92 Charles Street, Roma QLD 4455, properly described as Lot 231 on R8613, be approved subject to the listed Development conditions and General advice:

Development conditions

Use

1. The approved development is for a Material Change of Use - "Low Impact Industry" (Extension to existing Low Impact Industry) as defined in the Planning Scheme and as shown on the approved plans and documents.

Compliance inspection

2. All conditions relating to the establishment of the approved development must be fulfilled prior to the commencement of use of each approved stage (as applicable), unless noted in these conditions or otherwise permitted by Council.
3. Prior to the commencement of use of each approved development stage, the applicant shall contact Council to arrange a development compliance inspection.

Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/documents and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
00028/20 Issue I	Cover Page	16/12/20
00028/20 Issue I Sheet 1 of 10	Existing Site Plan	16/12/20
00028/20 Issue I Sheet 2 of 10	Stage 1 Site Plan	16/12/20
00028/20 Issue I Sheet 3 of 10	Stage 2 Site Plan	16/12/20
00028/20 Issue I Sheet 4 of 10	Existing Floor Plan	16/12/20
00028/20 Issue I Sheet 5 of 10	Stage 1 Floor Plan	16/12/20
00028/20 Issue I Sheet 6 of 10	Stage 2 Floor Plan (Amended in Red)	16/12/20
00028/20 Issue I Sheet 7 of 10	Elevations (Amended in Red)	16/12/20
00028/20 Issue I Sheet 8 of 10	Indicative Signage Plan	16/12/20
00028/20 Issue I Sheet 9 of 10	Site Development Plan	16/12/20
00028/20 Issue I Sheet 10 of 10	Stormwater Plan Stage 1	16/12/20

Development works

5. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
6. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Applicable standards

7. All works must comply with:

- a) the development approval conditions;
- b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
- c) any relevant Australian Standard that applies to that type of work; and
- d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Works in road reserve

- 8. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. Works include, but are not limited to, cutting work, kerb and channel and site access/crossovers. All works on or near roadways shall be adequately signed in accordance with the “Manual for Uniform Traffic Control Devices – Part 3, Works on Roads”.**

Maintain the premises

- 9. The area and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.**

Refuse storage

- 10. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and shall be emptied and the waste removed from the site on a regular basis. All waste containers are to be shielded from the view of travelling public and neighbours and accessible by the vehicles used by Council, its agents and/or others.**

Landscaping

- 11. The existing bottle trees located adjacent to the development site within the Bowen Street and Charles Street road reserve must be maintained.**
- 12. Landscaping areas proposed as part of Stage 2 of the development are to be provided generally in accordance with Approved plan 00028/20 Sheet 3 of 10 Issue 1 – ‘Stage 2 Site Plan’, dated 16/12/20.**

Note: Refer to Planning Scheme Policy SC6.2 – Landscaping for Council’s preferred species list.

- 13. All landscaping works are to be completed prior to the commencement of Stage 2.**
- 14. Site landscaping is to be irrigated during an establishment period of two years, and ground covers should fully cover vegetated areas within one year of planting.**
- 15. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.**
- 16. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.**
- 17. Landscaping must not interfere with site lines at access driveways for vehicle traffic.**

Access

18. The landowner is responsible for the construction and maintenance of vehicle crossovers from the property boundary to the external road networks and access ways, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

Parking and manoeuvring

19. Existing onsite parking areas must be maintained to cater for Stage 1 of the approved use. At the completion of Stage 2, a minimum of eight (8) car parking spaces are to be maintained on site at all times. PWD spaces are to be provided in accordance with the Building Code of Australia.
20. Car park design, including car parking spaces (widths and lengths), vehicle access lanes and manoeuvring areas are to comply with Australian Standard AS/NZS 2890.1:2004 Part 1: Off-street car parking.
21. Disabled car parking bays are to comply with Australian Standard AS/NZS 2890.6:2009 - Parking Facilities Part 6: Off-street parking for people with disabilities.
22. Onsite service vehicle access, parking and manoeuvring is to be designed in accordance with Australian Standard AS/NZS 2890.2:2004 - Parking facilities Part 2: Off-street commercial vehicle facilities requirements.
23. Vehicle movements within the site are to be clear of proposed parking areas, buildings, and landscape treatments.
24. Vehicle parking bays must not encroach into swept paths for vehicle movements.
25. Vehicles accessing the site and designated onsite parking areas must be able to enter and leave the site in forward direction. All vehicle manoeuvres to and from the onsite parking spaces must be totally contained within the development site boundaries and must not encroach onto the adjacent roadway.
26. All onsite access, parking and manoeuvring areas are to be sealed with an approved impervious surface. Surfacing shall consist of reinforced concrete, concrete pavers, segmental clay pavers, asphaltic hotmix or two coat (primerseal/seal) bitumen seal.

Bicycle parking

27. A dedicated area for bicycle parking with a minimum of four (4) spaces is to be provided internally within the development site area. Bicycle parking areas must be well-lit, sheltered and protected from other use areas and traffic.

Avoiding nuisance

28. No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: Refer to the *Environmental Protection Regulation 2019* for acceptable emission levels.

29. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.
30. Dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

31. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.

32. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances. Council is responsible for investigating light pollution complaints and enforcing the controls for light nuisances. When investigating a lighting complaint, Council will consider amongst other matters, the amount, duration, characteristics and qualities of the lighting, as well as the sensitivity of the receptor and the potential impact of lighting on adjacent properties.

Screening mechanical equipment

33. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

Services

34. The development site is to be connected to Council's reticulated water supply network in accordance with the Water Services Association of Australia (WSAA) publication and the CMDG Design Guidelines – D11 'Water Reticulation', at no cost to Council.

35. The development site is to be connected to Council's reticulated sewerage disposal system in accordance with the Sewerage Code of Australia and the CMDG Design Guideline - D12 'Sewerage Reticulation', at no cost to Council.

Note: Any connection to or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council's sewerage infrastructure without first obtaining the express permission of Council. Any damage caused to Council's sewer infrastructure due to the progression of works or as a result of the approved use must be rectified at the landowner's expense.

36. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications.

Note: Any renewable energy systems integrated into the development are to contribute to the supply and use of electricity to and from the grid.

37. All services installation, including sewer, water, electricity and telecommunications connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such designs exist (iv) the Capricorn Municipal Development Guidelines (CMDG) where it applies (v) any relevant Australian Standard that applies to that type of work and (vi) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

38. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Stormwater and drainage

39. Stormwater runoff from roofs and impervious surfaces is to be collected internally and piped to a lawful point generally in accordance with Approved plan 00028/20 Sheet 10 of 10 Issue 1 – ‘Stage 1 Stormwater Stage 1’, dated 16/12/20 and CMDG Design Guidelines D-5 ‘Stormwater Drainage Design’.
40. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed.
41. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
42. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

Construction activities and erosion control

43. During the course of any construction activities, soil erosion and sediment must be managed in accordance with the CMDG Design Guidelines D-7 ‘Erosion and Control and Stormwater Management’.
44. If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.
45. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
46. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
47. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

Advertising signage

48. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless complaint with the requirements for “Accepted development” or “Accepted development subject to requirements” identified in the planning scheme in force at the time.
49. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

No cost to Council

50. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgment, easement documentation preparation and plan sealing.

Latest versions

51. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application documentation

52. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

General advice

- (i) Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (ii) Refer to <http://www.maranoa.qld.gov.au/council-policies> for Council Policies.
- (iii) The relevant planning scheme for this development is Maranoa Planning Scheme 2017. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (iv) Under the Planning Scheme a "Low Impact Industry" means the use of premises for –
 - (a) that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products; and
 - (b) that a local planning instrument applying to the premises states is low impact industry; and
 - (c) that complies with any thresholds for the activity stated in a local planning instrument applying to the premises, including, for example, thresholds relating to the number of products manufactured or the level of emissions produced by the activity.
- (v) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (vi) All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- (vii) All persons involved in the development, operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- (viii) The land use rating category may change upon commencement of any new use on the approved lot(s). Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: www.maranoa.qld.gov.au.

- (ix) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- (x) An operational works application will be required to be submitted to and approved by Council for any cut and/or filling works that exceed 50m³.
- (xi) Refer to Attachment 5 Adopted Infrastructure Charges Notice for any infrastructure charges applicable to the approved development.
- (xii) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended that the applicant contact Council for advice in the event of any potential change in circumstances.
- (xiii) This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to an extension of time under section 275R of the *Planning Act 2016*.

CARRIED

8/0

Responsible Officer	Planning Officer
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Item Number: 13.4 File Number: D21/20466

SUBJECT HEADING: REQUEST FOR INFRASTRUCTURE CHARGES WAIVER
(REF 2020/20038)

Location: 109 Raglan Street Roma

Applicant: Mistymine Pty Ltd

Officer's Title: Manager - Planning & Building Development

Executive Summary:

Council received a request from Mistymine Pty Ltd to waive development infrastructure charges associated with a Material Change of Use for a new business premises catering for a "Low impact industry" at 109 Raglan Street Roma. The application does not meet all of the eligibility criteria of the Development Infrastructure Charges (COVID-19 Stimulus) Concession Policy and therefore the request was presented for Council's consideration.

Resolution No. OM/03.2021/67

Moved Cr Golder

Seconded Cr Edwards

That Council approve the request to waive the development infrastructure charges payable for Development Permit 2020/20038 – Material Change of Use (Low impact industry) subject to the applicant meeting all of the applicable Eligibility Criteria in Section 4.0 of Development Infrastructure Charges (COVID-19 Stimulus) Concession Policy, with the exception of Criteria No. 2 and No. 6.

CARRIED

8/0

Responsible Officer	Manager - Planning & Building Development
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Cr O'Neil returned to the meeting by telephone at 2.22pm.

Item Number: 13.5

File Number: D21/16794

SUBJECT HEADING: REGISTER OF LOCALLY SIGNIFICANT FLORA AND FAUNA

Officer's Title: Manager - Facilities (Land, Buildings & Structures)

Executive Summary:

Council requested a report be presented in regard to the development of a register to record locally identified heritage flora and fauna on road sides, reserves, council spaces or special areas (OM/01.2021/36).

Resolution No. OM/03.2021/68

Moved Cr Golder

Seconded Cr Edwards

That:

1. Council consider at a future Council Meeting adoption of a Register of Locally Significant Flora & Fauna Policy to be drafted based on the recommendations included in the body of the report*.
2. Council invite community members to nominate significant flora and fauna for inclusion in the register.
3. The intent of the register is for items to be included without Council approval and conflict areas be brought to Council for decision.

CARRIED

9/0

Statement of Reason – Provided by Mayor Golder:

I believe that allowing maximum information from the public and flexibility in formation of the policy will make a better outcome for the public and increased delivery measured by the community.

** Note: The recommendations included in the body of the report were as follows:*

1. Council develop a register of locally significant flora on Council controlled lands ie. Parks, natural areas, cemeteries, urban precincts, road reserves and open spaces.
2. The register not apply to privately owned land or state or federal controlled roads including the Warrego Highway.
3. Community members be invited to nominate significant flora to be included on the register.
4. ~~All nominations be presented at Council meeting for decision on inclusion in the register.~~

Nominations to include:

- a description of the flora being nominated;
 - photograph/s;
 - details of the location including GPS points;
 - short statement on the significance of the flora and why it should be preserved.
5. In deciding whether to include nominated flora on the register, Council must ensure that public safety is paramount. In considering a nomination, Council should take into account:
 - If the tree/flora has any historical or memorial significance eg. Ceremonial tree planted by government leaders, or high cultural value e.g. Linked to indigenous culture, current or earlier lifestyle.
 - Any effects on pedestrian or vehicular visibility, or ability to safely traverse a public area.
 - Vicinity to electricity, gas or water lines.
 - Health of the vegetation.
 - Whether the flora is classed as rare or endangered.
 - If the flora is a declared pest species, poisonous or presents conflict or potential conflict to public or privately owned infrastructure including footpaths and buildings.
 - If the flora is negatively impacting any neighbouring properties ie. Leaves in

- gutters or swimming pools, acting as attractant for bats.
- Australian standards for road construction and maintenance.
6. The register include no plants that are listed as a "Prohibited Species" or a "Restricted Species" under the Biosecurity Act 2014.
 7. For plants listed by the Department of Agriculture and Fisheries as an invasive plant, a risk assessment be undertaken prior to the inclusion of such plants onto the register.
 8. The entire register be reviewed a minimum of every 5 years.
 9. Details of the site be recorded as an overlay in Council's mapping system.
 10. The register be managed and maintained regionally.
 11. It be a requirement that the local Directors and Overseers ie. Booringa, Bungil, Bendemere, Warroo and Roma Town have an excellent knowledge of the register for their community/area. If works are going to be managed and delivered locally, it is important that there is in-depth knowledge of the register at a local level.
 12. Inclusion on the register does not commit Council to preservation of the flora ie. Council is not responsible for caring for the flora, nor taking action if the flora becomes ill for example due to disease or drought.

Responsible Officer	Manager - Facilities (Land, Buildings & Structures)
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Item Number: LC.5 File Number: D21/23627

SUBJECT HEADING: ADOPTION OF ORGANISATIONAL STRUCTURE

Officer's Title: Chief Executive Officer

Executive Summary:

A copy of the proposed structure in compliance with resolution OM/01.2021/72 is tabled for Council's consideration.

The report also tabled information that Council may wish to consider as part of the adoption decision:

- Clarifying information about the assumptions upon which the initial proposed structure was based;
- 3 opportunities for Council to refine the final structure.

The recommendations aimed to take into consideration some of the key pieces of feedback during the community and employee consultation processes.

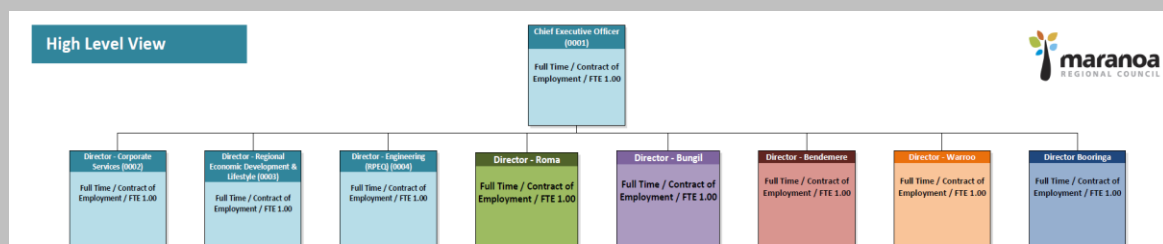
Resolution No. OM/03.2021/69

Moved Cr Golder

Seconded Cr Edwards

That:

1. Council adopt the detailed organisational structure as presented by the Mayor and tabled at the meeting (24 March 2021) to commence full operation from 1 September 2021.



2. Council publish:

- The high level structure for inclusion on Council's website;
 - A detailed structure with staff names and teams for internal use.
3. Employees be notified of Council's decision, with individual advice to employees and their representatives for the positions that are directly affected by the adopted changes.
 4. Authorise the Mayor to obtain direct legal advice about the extent to which council can be legally involved in this process with specific reference to the following:
 - a) Input into the formation of the five new Director position descriptions, including essential criteria to ensure that accountabilities and responsibilities reflect Council's strategic intent and that a key prerequisite to selection is that successful applicants must have previous experience at performing this new role or more senior roles to enact the executive decision making required of these new roles;
 - b) Input and recommendation of contract term options and Employer of Choice options available to Council including final advertisement to secure the right candidates etc.;
 - c) Request any other advice that may be relevant to the strategic intent of the council in relation to these roles, not outlined in above;
 - d) Authorise the Mayor to brief and answer any questions and clarifications about the intent of these strategic inclusions and other relevant information as outlined above (requesting legal advice);
 - e) Acknowledge that this legal advice will be sent directly to the Mayor and subsequently shared with Councillors and Chief Executive Officer;
 - f) Accessing Local Buy Panel of Legal Services with legal fees charged to General Ledger 02506.2094.
 5. Commence the Customer Service transition to promote the local Customer Service Centre phone numbers (as we have the existing employees and systems in place, but they will be broadly promoted).
 6. Commence preparation (officers) of a draft 2021/2022 Council budget by both function and local area for Council's consideration, with it being developed in consultation with regional and local employees.
 7. Hold a Special Meeting no later than 19 May 2021 at 10.00am to receive the draft budget based on a business as usual budget including recommended 'must have' capital expenditure and rates & charges with the same minimums, same rate in the dollar, and capped at 0% for all categories for the draft 2021/2022 budget.
 8. Approve a staged approach to recruitment having regard to re-deployment discussions with existing impacted staff.

CARRIED

6/3

Cr. 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. Birkett	Cr. Hancock

Cr. Edwards	Cr. O'Neil
Cr. Golder	Cr. Taylor
Cr. Guthrie	
Cr. Ladbrook	
Cr. McMullen	

Responsible Officer	Chief Executive Officer
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Item Number: L.12 File Number: D21/15255

SUBJECT HEADING: APPROVAL FOR MAYOR TO INCUR LEGAL EXPENSES

Councillor's Title: Cr. Tyson Golder

Executive Summary:

Request for the Mayor to seek legal advice at the Mayor's discretion for the remainder of this Council term, by accessing the local buy panel of legal services with legal fees charged to General Ledger 02506.2094.

Resolution No. OM/03.2021/70

Moved Cr Golder

That the matter lay on the table until later in the meeting.

CARRIED

9/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Item Number: 13.6 File Number: D21/19776

SUBJECT HEADING: ROMA HISTORICAL RAILWAY CEMETERY

Officer's Title: Manager - Facilities (Land, Buildings & Structures)

Executive Summary:

At the Ordinary Council meeting held on 27 January 2021, Council considered a report in relation to the preservation of the original Roma Town Cemetery. After further discussions with Queensland Rail, Council was asked to consider entering into a formal licence in respect to the land.

Resolution No. OM/03.2021/71

Moved Cr Edwards

Seconded Cr Ladbrook

That Council:

1. Acknowledge that the correct lot and plan description for the original Roma Town Cemetery is Lot 355 on Crown Plan WV1915.
2. Enter into a licence agreement with Queensland Rail over Lot 355 on Crown Plan WV1915 being the site of the original Roma town cemetery.
3. Pursuant to Section 236 of the *Local Government Act 2009*, authorise the Chief Executive Officer, or delegate, to execute the Licence Agreement with Queensland Rail and any other associated documentation.
4. Undertake investigations in regard to practical access to the land and provide a

report to a future Council meeting.

CARRIED

9/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

COUNCIL ADJOURNED THE MEETING
 FOR A BRIEF RECESS AT 2.59pm

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
 COUNCIL RESUMED THE MEETING AT 3.11pm

Item Number:

13.7

File Number: D21/20117

SUBJECT HEADING:

HIBERNIAN HALL - USER AGREEMENT RENEWAL

Officer's Title:

Facility Lease Management & Housing Officer / Team Coordinator

Executive Summary:

Council has been advised by the Director of WOTS on Gymnastic Fun & Fitness that she would like to renew the user agreement for the use of the Hibernian Hall.

Resolution No. OM/03.2021/72

Moved Cr Hancock

Seconded Cr Birkett

That Council:

1. Enter into an agreement with WOTS on Gymnastic Fun & Fitness for the use of the Hibernian Hall Roma for a period of three (3) years.
2. Charge WOTS on Gymnastic Fun & Fitness a hire fee for a multiple user as per Council fees and charges for the use of the Hibernian Hall for the term of this agreement.
3. Authorise the Chief Executive Officer, or delegate, to execute the User Agreement with WOTS on Gymnastic Fun & Fitness and any other associated documentation.

CARRIED

9/0

Responsible Officer

Facility Lease Management & Housing Officer / Team Coordinator

Item Number:

13.8

File Number: D21/20403

SUBJECT HEADING:

THE GIFTING OF A NEW ROMA EXPRESS MINIATURE TRAIN

Officer's Title:

Regional Tourism Development Coordinator

Executive Summary:

Council received a letter from Roma Commerce and Tourism Inc (RCAT) with the offer of gifting Council a brand new, specifically manufactured, electric miniature train, valued at \$37,645, to replace Council's existing, aged, and irreparable, miniature train. The letter requested that Council supply electricity, and a light, to the existing train shed to enable the train to be charged at night.

Resolution No. OM/03.2021/73

Moved Cr Hancock	Seconded Cr Golder
That Council: <ol style="list-style-type: none"> 1. Formally accept the gift of the new miniature train. 2. Supply power, and a light, to the existing train shed, using funds from Big Rig Maintenance budget. 3. Recognise the new miniature train in Council's asset register, and include it in Council's capital budget. 	
CARRIED	9/0

Responsible Officer	Operations Manager – Finance / Regional Tourism Development Coordinator
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Item Number: 13.9 **File Number:** D21/21483

SUBJECT HEADING: EXTENSION APPLICATION - MATERIAL CHANGE OF USE - "INTENSIVE ANIMAL INDUSTRY" (REF: 2015/19299; C12.318)

Location: 291 Donnybrook Road, Mt Bindango Qld 4455

Applicant: Shaun & Amanda Nolan

Officer's Title: Manager - Planning & Building Development

Executive Summary:

Council received an Extension Application relating to a Development Permit 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 is scheduled to lapse on 29 April of this year. The application sought to extend the currency period by 12 months.

Resolution No. OM/03.2021/74
Moved Cr McMullen Seconded Cr Taylor
That Council approve a 24-month extension to the currency period for Development Permit 2015/19299; C12.318 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).
CARRIED 9/0

Responsible Officer	Manager - Planning & Building Development
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COUNCILLOR BUSINESS

Item Number: 16.1 File Number: D21/19250

SUBJECT HEADING: MICRO TOURISM INITIATIVE FOR THE MARANOA

Councillor's Title: Cr. Tyson Golder

Executive Summary:

That Council put out expressions of interest for contractors to meet with Council and outline their vision on providing opportunities for experiences in the Maranoa promoted online.

Resolution No. OM/03.2021/75

Moved Cr Golder

Seconded Cr Ladbrook

That a report be prepared for an upcoming Council meeting.

CARRIED

9/0

Responsible Officer

Manager – Economic & Community Development

Item Number: 16.2 File Number: D21/20215

SUBJECT HEADING: PARTNERS POLICY FOR THE MARANOA

Councillor's Title: Cr. Tyson Golder

Executive Summary:

To develop a partners policy from partners in the community that have moved to the Maranoa and what is needed to enhance liveability and attractiveness of our communities.

Resolution No. OM/03.2021/76

Moved Cr Golder

Seconded Cr Edwards

That a report be prepared for an upcoming Council meeting, with the direction that part of the report would be embedding this policy in everything Council does to inform the future.

CARRIED

6/3

Cr. 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. Birkett	Cr. Hancock
Cr. Edwards	Cr. O'Neil
Cr. Golder	Cr. Taylor
Cr. Guthrie	
Cr. Ladbrook	
Cr. McMullen	

Responsible Officer

Manager – Economic & Community Development

Cr Birkett, having previously declared a Prescribed Conflict of Interest in the following item, left the meeting prior to discussion and decision on the matter at 3.40pm.

Item Number: 13.1 File Number: D21/21561

SUBJECT HEADING: MITCHELL WORK CAMP - PROVISION OF EQUIPMENT

Officer's Title: Manager - Facilities (Land, Buildings & Structures)

Executive Summary:

At the Mitchell WORK Camp Community Advisory Committee meeting held on 23 February 2021, feedback was provided on the provision of equipment by Council to the program. The report prepared by the Mitchell WORK Camp supervisor was attached.

Resolution No. OM/03.2021/77

Moved Cr Hancock

Seconded Cr Taylor

That Council:

1. Note the report as presented.
2. Consider in 2021/22 budget considerations, allocating funds to replace lawn mowers and whipper snippers supplied for use by the Mitchell WORK Camp.
3. Provide the Mitchell WORK Camp Community Advisory Committee with the opportunity to give input on equipment purchases for use by the program to ensure the equipment meets the skill levels of operators.

CARRIED

8/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr Johanne Hancock, Cr. Wayne (George) Ladbrook, Cr. Geoff McMullen, Cr. Cameron O'Neil, Cr. Wendy Taylor.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned item, Cr Birkett returned to the meeting at 3.47pm.

Item Number: L.12 File Number: D21/15255

(Formerly Item L.15 – Ordinary Meeting
24/02/21)

SUBJECT HEADING: APPROVAL FOR MAYOR TO INCUR LEGAL EXPENSES

Councillor's Title: Cr. Tyson Golder

Executive Summary:

Request for the Mayor to seek legal advice at the Mayor's discretion for the remainder of this Council term, by accessing the local buy panel of legal services with legal fees charged to General Ledger 02506.2094.

Resolution No. OM/03.2021/78
Moved Cr Golder
Seconded Cr Edwards
That:

1. Council approve the Mayor to obtain written legal advice directly to seek advice on how to successfully amend the report (Item L.15 of Ordinary Meeting 24/02/21), for the Mayor to receive legal advice directly by accessing Local Buy Panel for legal services.
2. The legal advice response be shared with Councillors and the Chief Executive Officer.
3. Council assign expenditure to General Ledger 02506.2094.

CARRIED
9/0
Responsible Officer
Chief Executive Officer
CONFIDENTIAL ITEMS
Resolution No. OM/03.2021/79
Moved Cr McMullen
Seconded Cr Edwards

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, that Council resolve to close the meeting [at 4.13pm] to the public to discuss confidential items that its Councillors consider is necessary to close the meeting.

In accordance with Section 254J(5) of the *Local Government Regulation 2012*, the following table provides:

- The matters to be discussed;
- An overview of what is to be discussed while the meeting is closed.

Agenda Item	Matters to be discussed (Reasons to close the meeting under the <i>Local Government Regulation 2012</i>)	Overview
C.1 - Environmental Monitoring Proposal	Section 254J(3)(f) matters that may directly affect the health and safety of an individual or a group of individuals.	Council is presented with an environmental monitoring proposal in relation to complaints regarding noise nuisance from industrial businesses.
C.3 - Tabling Emailed Correspondence Wild Desert – Rates Issue	Item Withdrawn	
C.4 - Tabling Emailed Correspondence - Blue Lagoon Road, Injune Upgrade	Section 254J(3)(f) matters that may directly affect the health and safety of an individual or a group of individuals.	Council has received correspondence requesting that part of Blue Lagoon Road, Injune be upgraded with a cost sharing arrangement.

C.5 - Tabling Emailed Correspondence - Department of Regional Development, Manufacturing and Water	Section 254J(3)(c) the local government's budget.	The Minister for Regional Development, Manufacturing and Water has invited Council to jointly develop an Urban Water Security Assessment (UWSA) for Roma that will assess the capability of Roma's water supply system to support the community's current and future water demands including the timing and magnitude of potential supply shortfalls. The UWSA will provide the government with an overview of the long-term water supply situation in Queensland's significant regional communities.
C.6 – Tabling email correspondence – Redford Road Mungallala	Section 254J(3)(f) matters that may directly affect the health and safety of an individual or a group of individuals.	Council has received correspondence in relation to the poor condition of Redford Road, Mungallala – requesting for road maintenance to be done.
C.7 – Roma Saleyards Multi-purpose facility – structural defects	Section 254J(3)(e) (i) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.	The report provides Council with a summary of the findings and advice received to date and seeks consideration on the next steps in relation to the management of the facility.
C.8 COVID-19 Leased Cafes, Caravan Parks, Car Hire Companies and Hibernian Hall Users	Section 254J(3)(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.	This report tables further information provided by some tenants in regard to the degree of financial hardship still being suffered due to COVID-19 restrictions.
CARRIED		9/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Cr Birkett left the meeting at 4.45pm, and returned at 4.48pm.

Resolution No. OM/03.2021/80	
Moved Cr Hancock	Seconded Cr Birkett
That Council open the meeting to the public [at 5.17pm].	
CARRIED	
9/0	

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Resolution No. OM/03.2021/81	
Moved Cr Hancock	Seconded Cr Birkett
That Council next consider the following items in the order as listed:	
<ul style="list-style-type: none"> • L.5, L.9, L.10, L.4, L.11 and then the remaining items from C.1 onwards. 	
CARRIED	
9/0	

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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The Chief Executive Officer left the meeting at 5.23pm, with the Deputy Chief Executive Officer taking her place.

Cr Edwards left the meeting at 5.26pm, and returned at 5.30pm.

Item Number: L.5 **File Number:** D21/21892

SUBJECT HEADING: NEIGHBOURHOOD CENTRE - MARANOA GAMING
COMMUNITY INC AGREEMENT

Officer's Title: Manager – Facilities (Land, Buildings & Structures)

Executive Summary:

Council has resolved to enter into an arrangement with the Maranoa Gaming Community Group in relation to the former Roma Neighbourhood Centre. This report provided Council with an update on discussions with the group.

Resolution No. OM/03.2021/82

Moved Cr Golder

Seconded Cr Guthrie

That Council receive and note the Officer's report as presented and give feedback to the officers in line with Council's expectation:

- **User agreement is for the newer section of the building and the spare block once construction equipment is moved off the site.**

CARRIED

9/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

Cr Birkett left the meeting at 5.32pm, and returned at 5.34pm.

Item Number: L.9 **File Number:** D21/23932

SUBJECT HEADING: GRANT OPPORTUNITY - QUEENSLAND GOVERNMENT
MENTAL HEALTH AND WELLBEING PACKAGE –
LOCALISED MENTAL HEALTH INITIATIVES

Officer's Title: Manager - Economic & Community Development

Executive Summary:

Council has been invited to apply for a grant under the Queensland Government Mental Health and Wellbeing Package – Localised Mental Health Initiatives.

If successful Council will be required to provide evidence that the funds have been used to “employ an economic development officer” to manage a project which will assist the community to overcome the effects of prolonged drought, and or the ongoing effects of COVID-19.

Council was advised of this grant at short notice and because of this Council was offered an extension to submit an application not later than 26 March 2021.

The project that the author recommends is the “Maranoa Innovation Network” and if successful we could receive up to \$75,000 with no co-contribution necessary from Council. The funds would continue to sustain the employment of the project manager for the next 2 financial years.

This report sought the resolution of Council to submit an application for \$75,000 for the Maranoa Innovation Network.

Resolution No. OM/03.2021/83
Moved Cr Taylor
Seconded Cr Hancock
That Council:

1. Applies to the Queensland Government Mental Health and Wellbeing Package – Localised Mental Health Initiatives, for a grant of \$75,000 in support of its Maranoa Innovation Network Project.
2. Authorise the Chief Executive Officer to submit the application and sign the deed of agreement, if successful.

CARRIED
9/0

Responsible Officer	Manager - Economic & Community Development
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Cr. Ladbroke left the meeting at 5.35pm.

Item Number:
L.10
File Number: D21/21185
SUBJECT HEADING:
REQUEST FOR FEE WAIVER - DEPARTMENT OF STATE DEVELOPMENT
Officer's Title:
Support Officer - Economic & Community Development
Executive Summary:

Council received correspondence from the Department of State Development, Infrastructure, Local Government and Planning requesting a fee waiver for hire and equipment fees, in relation to the use of the Ernest Brock Room, for an industry briefing event which will be held on 27th April 2021 starting at 1pm.

The event will include the Department's Top Ten Tips for Tendering and an update from QBuild on their forward works schedule. An overview of upcoming projects, upcoming works, requirements for businesses to be considered for the tendering process and a procurement pathway for each respective project will also be discussed. The event will be free for participants to attend.

Resolution No. OM/03.2021/84
Moved Cr Golder
Seconded Cr McMullen
That:

1. Council waive the hire fee \$360.50 (Inc. GST), with a transfer of funds from the Manager's Materials & Services Budget to the In-kind Minor Budget General Ledger 2887.2246.2001.
2. No bond is required.

CARRIED
8/0

Responsible Officer	Support Officer - Economic & Community Development / Manager - Economic & Community Development
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Cr Ladbroke returned to the meeting at 5.43pm.

Item Number:
L.4
File Number: D21/21583
SUBJECT HEADING:
MATERIAL CHANGE OF USE - " DWELLING HOUSE"

(DOMESTIC OUTBUILDING) (REF: 2020/20211)

Location: 22-24 Arthur Street, Roma Qld 4455 (Lot 11 RP 217132)

Applicant: Paul and Vanessa Lavelle

Officer's Title: Planning Officer

Executive Summary:

Paul and Vanessa Lavelle are seeking a development approval for a Material Change of Use - "Dwelling House" (Domestic outbuilding - carport) on land situated at 22-24 Arthur Street, Roma QLD 4455, properly described as Lot 11 on RP217132 (the subject premises).

The development involves the construction of an open carport proposed to be located in front of an existing enclosed outbuilding (shed).

The development is proposed on land that is partly subject to low flood hazard and therefore requires a development application to be submitted to and approved by Council before any works commence. The development will also result in the total combined floor area of the outbuilding (existing & proposed) exceeding the prescribed maximum floor area for the General Residential Zone. The new component (carport) will also encroach the minimum side boundary setbacks prescribed by the Queensland Development Code. These matters will be considered concurrently with the assessment required as a result of the development being located in a flood hazard area.

The development application is subject to Impact assessment and must be assessed against the assessment benchmarks (to the extent relevant) provided by Section 45 of the Planning Act 2016 and any matters prescribed by regulation.

Public notification about the application was carried out in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 25 January 2021 and 12 February 2021. There were no submissions received during this period.

The procedural requirements set out by the Development Assessment Rules to enable Council to make a decision on this application have been fulfilled, including public notification about the application.

Resolution No. OM/03.2021/85**Moved Cr Taylor****Seconded Cr McMullen**

The application for a Material Change of Use - "Dwelling House" (Domestic outbuilding - carport) on land situated at 22-24 Arthur Street, Roma QLD 4455, properly described as Lot 11 on RP217132, be approved subject to the listed relevant and reasonable Development conditions and General advice:

Development conditions**Use**

1. The approved development is for a Material Change of Use – "Dwelling House" (Domestic outbuilding – carport) as defined in the Planning Scheme and as shown on the approved plans and documents. It does not authorise any other activity on the premises or the use of the approved building for any other purpose.

Compliance inspection

2. All conditions relating to the establishment of the approved development must be

fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.

3. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/documents and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan Number:	Plan/Document Name:	Date:
001	Site Plan	23/11/2020
002	Front and Back Elevation	31/10/2020
003	Left and Right Elevation	31/10/2020
004	Floor Plan	31/10/2020

Building height

5. The approved development must not exceed 4.04 metres in height (measured to the highest point, i.e. roof pitch) above the building pad. The height of the building pad shall be no more than what is reasonably required to prevent stormwater from ponding and must not exceed 150mm above existing ground level.

Note: The existing ground level is taken to be the level of the ground prior to the progression of any works on the premises.

Building size

6. The maximum floor area of the approved "Dwelling house" (Domestic outbuilding - carport) is restricted to 88.74m².

Building design and materials

7. Building materials and surface finishes must be predominantly within the colour range of the existing "Dwelling house" and local landscape to blend with the surrounding environment.
8. The approved development shall be maintained in good repair and have no visual rust marks.
9. The approved development for a domestic outbuilding (carport) must remain as an open sided structure.

Building siting

10. The "Dwelling house" (Domestic outbuilding - carport) is to be located generally in accordance with the approved Site Plan (Reference No. 001), ensuring a minimum building setback of 500mm from the eastern side boundary is achieved.

Development works

11. During the course of constructing the works, the developer shall ensure that all

works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

12. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Applicable standards

13. All works must comply with:
 - a) the development approval conditions;
 - b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
 - c) any relevant Australian Standard that applies to that type of work; and
 - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Access, parking and manoeuvring

14. The landowner is responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused to Lovell Street at the existing access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

Avoiding nuisance

15. No nuisance is to be caused to adjoining properties and occupiers by the way of noise smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
16. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
17. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
18. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

Stormwater and drainage

19. Stormwater is to be collected and discharged so as to:
 - a) protect the stability of buildings and the use of adjacent land;
 - b) prevent water-logging of nearby land;
 - c) protect and maintain environmental values; and
 - d) maintain access to reticulated infrastructure for maintenance and replacement purposes.
20. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties, during the development process

or after the development has been completed.

21. Stormwater from the roof and impervious surfaces is to be collected internally and piped to the roadway as the lawful point of discharge for the site. (Refer to Capricorn Municipal Development Guidelines – Stormwater Drainage Design D5).

Flooding

Safe storage of equipment and materials

22. All stored goods with the potential to cause harm by way of floating debris or potential contamination of waterways during a flood event must be stored in flood proof containers, adequately secured or located safely above the defined flood event (DFE) level. Any goods, materials or machinery with the potential to cause harm or contamination that is not located above the DFE or in flood proofed containers shall be stored in such a manner to be easily accessed and relocated off-site ahead of a minor or major flood event.

Building design

23. The building must be designed, constructed, connected and anchored so that, in the event of a flood up to the DFE (as a minimum) it:
- a) resists flotation, collapse or significant permanent movements, resulting from:
 - i) hydrostatic action;
 - ii) hydrodynamic action;
 - iii) erosion and scouring;
 - iv) wind; and
 - v) any other action; and
 - b) safeguards occupants and other people against illness and injury caused by flood water affecting the building.
24. Building materials and surface treatments used under the DFE level must be resistant to water damage and must not include cavities that would collect water and sediment during a flood event.

Erosion control

25. Erosion control and silt collection measures must be undertaken as necessary during construction to maintain the quality of stormwater runoff from the development site and prevent any environmental harm.

Latest versions

26. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Application documentation

27. It is the developer's responsibility to ensure that all entities associated with the Development Approval have a legible copy of the Decision Notice and the Approved Plans and the Approved Documents bearing 'Council Approval'.

General advice

- i. The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- ii. The relevant planning scheme for this development is the *Maranoa Planning Scheme 2017*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iii. Under the Planning Scheme a "Dwelling house" means a residential use of premises involving:
 - a) *1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or*
 - b) *1 dwelling for a single household, a secondary dwelling, and any domestic outbuildings associated with either dwelling.*
- iv. The lot comprising the development site (Lot 11 on RP217132) and the adjoining (Lot 12 on RP217132) comprising of the associated dwelling house should be amalgamated prior to the commencement of the use.
- v. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- vi. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- vii. The land use rating 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.
- viii. It is the responsibility of the developer to obtain all necessary permits and approvals associated with the development of the site and submit all necessary plans and policies to the relevant authorities for the approved use.
- ix. Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in the construction of the works.
- x. An operational works application will be required to be submitted to and approved by Council for any cut and/or filling works that exceed 50m³.
- xi. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved operations on the site may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.
- xii. This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the

approved development may be subject to an extension of time under section 275R of the <i>Planning Act 2016</i> .	
CARRIED	9/0

Responsible Officer	Planning Officer
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Cr Taylor and Hancock left the meeting at 5.50pm, and returned at 5.53pm.

Item Number: L.11 **File Number:** D21/21620

SUBJECT HEADING: HIRE OF ROMA SALEYARDS POLICY

Officer's Title: Manager – Saleyards

Executive Summary:

The purpose of this new policy is to provide relevant information to hirers on what areas of the Roma Saleyards can be hired and what use is permitted e.g. meetings, events, festivals, and industry related forums.

Resolution No. OM/03.2021/86	
Moved Cr Guthrie	Seconded Cr Birkett
That Council adopt the Hire of Roma Saleyards Policy as presented.	
CARRIED	9/0

Responsible Officer	Manager – Saleyards / Governance Officer
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Declaration of interest

Item	L.1
Description	Mt Owen Culvert Replacement (Simpson's Crossing) – Tender Award
Declaring Councillor	Cr Geoff McMullen
Person with the interest	Myself
Relationship category	
Particulars of the interest	Cr McMullen accesses the applicant's paddock as a grazing arrangement for cattle.
Type of conflict	Declarable conflict of interest
Action	Leave the room while the matter is discussed and voted on.

Cr McMullen left the meeting at 5.57pm.

Item Number: L.1 **File Number:** D21/21181

SUBJECT HEADING: MT OWEN CULVERT REPLACEMENT (SIMPSON'S

CROSSING) - TENDER AWARD**Officer's Title:****Deputy Director / Strategic Road Management
Senior Engineer****Executive Summary:**

Council released a public tender inviting suitable qualified and experienced contractors to submit a lump sum price and supporting documentation for the construction of a reinforced concrete box culvert at Simpson's Crossing on Mt Owen Road. The tender period opened on 15 February 2021, with a closing date 12 March 2021.

Responses were evaluated by the Tender Evaluation Panel, which has been summarised in this Officer's Report in the form of a recommendation to appoint a contractor to undertake the works.

The project is funded from Queensland Reconstruction Authority and will be reimbursed on a market value of costs basis. The initial cost estimate submitted to the Queensland Reconstruction Authority is sufficient to cover the costs of the project.

Resolution No. OM/03.2021/87**Moved Cr Birkett****Seconded Cr Edwards****That Council:**

1. Select Roma Earthmoving Pty Ltd T/A DMAC Roma as the successful tenderer for Tender 21027– Mt Owen Culvert Upgrade Project.
2. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Roma Earthmoving Pty Ltd, noting the tendered value of \$428,547.40 inclusive of GST and execute, by way of signing, the construction contract if the final terms are acceptable.

CARRIED

8/0

Responsible Officer**Deputy Director / Strategic Road
Management****Section 150FA (2)(e) of the Local Government Act 2009**

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. John Birkett, Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr. Johanne Hancock, Cr. Wayne (George) Ladbrook, Cr Cameron O'Neil, Cr. Wendy Taylor.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned item, Cr McMullen returned to the meeting at 6.00pm.

Item Number: L.2 **File Number:** D21/11127

SUBJECT HEADING: ROMA YOUTH PRECINCT AND BICENTENNIAL PARK
DRAFT MASTER PLAN – ADOPTION FOR COMMUNITY
CONSULTATION

Officer's Title: Deputy Director / Strategic Road Management
Project Officer - Program & Contract Management

Executive Summary:

The Final Draft Roma Youth Precinct Master Plan has been received by Council. The next stage in its development is to seek feedback from the community. It was therefore presented to Council for approval for public release.

Resolution No. OM/03.2021/88

Moved Cr Taylor

Seconded Cr Hancock

That Council:

1. Endorse the Draft Roma Youth Precinct Master Plan, and approve the plan for release as part of the next stage of community consultation for the project.
2. Be presented with a subsequent report outlining the feedback from the community received as part of this next stage of consultation.

CARRIED

9/0

Responsible Officer

**Deputy Director / Strategic Road
Management**

Item Number: L.3 **File Number:** D21/20775

SUBJECT HEADING: QUEENSLAND RESILIENCE AND RISK REDUCTION
FUND 2020-21 - NOMINATION OF PROJECTS

Officer's Title: Deputy Director / Strategic Road Management

Executive Summary:

Council is eligible to submit an expression of interest for funding under the Queensland Resilience and Risk Reduction Fund 2020-21.

This report provided an overview of the program and recommended projects to be submitted under the program.

Resolution No. OM/03.2021/89

Moved Cr McMullen

Seconded Cr Guthrie

That Council:

1. Submit an expression of interest for the following projects under the Queensland Resilience and Risk Reduction Fund 2020-21:
 - a) Miscamble Street Widening and Drainage Upgrade
 - b) Online Awareness Video: Roma Flood Mitigation Infrastructure

2. Authorise the Chief Executive Officer to sign the submission forms, and any further expression of interest agreements as required.

CARRIED

9/0

Responsible Officer

Deputy Director / Strategic Road Management

Item Number:

L.6

File Number: D21/23361

SUBJECT HEADING:

2021 ORDINARY COUNCIL MEETING SCHEDULE

Officer's Title:

Lead Officer - Elected Members & Community Engagement

Executive Summary:

The purpose of this report was to:

1. Provide a review following the conclusion of trial meeting rotations in the towns of Mitchell, Surat, Yuleba and Injune; and
2. Set Council's ordinary meeting schedule for the remainder of 2021.

Resolution No. OM/03.2021/90

Moved Cr Golder

Seconded Cr Edwards

That Council:

1. Hold the April meetings on the 2nd and 4th Wednesday of the month in the Council Chambers (Ernest Brock Room if applicable), commencing at 9.00am.
2. Consider the future of the remaining meetings at the next Ordinary meeting.

CARRIED

6/3

Cr. 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. Birkett	Cr. Hancock
Cr. Edwards	Cr. O'Neil
Cr. Golder	Cr. Taylor
Cr. Guthrie	
Cr. Ladbrook	
Cr. McMullen	

Responsible Officer

Lead Officer - Elected Members & Community Engagement

Item Number: L.7 File Number: D21/23908

SUBJECT HEADING: GAS FOR INDUSTRIAL/COMMERCIAL DEVELOPMENT POLICY

Officer's Title: Manager - Water, Sewerage & Gas

Executive Summary:

During the budget deliberations there was a lot of discussion around promoting the use of gas and increasing usage. To this end the tariff for industrial and commercial usage for the top tier was reduced from \$0.035 to \$0.015/MJ.

A policy was also developed to further encourage connection to the network but was never formally adopted. This policy has been reviewed and submitted to Council for adoption.

Resolution No. OM/03.2021/91

Moved Cr Golder

That the matter lay on the table for a future briefing or meeting.

CARRIED

9/0

Responsible Officer

Manager - Water, Sewerage & Gas

Item Number: L.8 File Number: D21/23914

SUBJECT HEADING: MONTHLY FINANCIAL REPORT AS AT 28 FEBRUARY 2021

Officer's Title: Program Funding & Budget Coordinator

Executive Summary:

The purpose of this report was for the Chief Executive Officer to present a monthly financial report to Council in accordance with section 204 of the Local Government Regulation 2012 for the period ended 28 February 2021.

Resolution No. OM/03.2021/92

Moved Cr Hancock

Seconded Cr Taylor

That the monthly financial report for the period ended 28 February 2021 be received and noted.

CARRIED

9/0

Responsible Officer

Program Funding & Budget Coordinator

COUNCIL ADJOURNED THE MEETING
FOR A BRIEF RECESS AT 6.18pm

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
COUNCIL RESUMED THE MEETING AT 2.26pm

Declarations of interest

Item	C.2
Description	Hibernian Hall – User Agreement Renewal
Declaring Councillor	Cr Wendy Taylor
Person with the interest	Jodie Noon
Relationship category	[Close personal relationship]
Particulars of the interest	Jodie Noon is a family friend of mine and is named in the report.
Type of conflict	Declarable conflict of interest
Action	Leave the room while the matter is discussed and voted on.

Item	LC.1
Description	Internal Review – Assessments 13001193 and 14005151
Declaring Councillor	Cr Johanne Hancock
Person with the interest	Myself and my husband
Relationship category	Surat Post & News Pty Ltd.
Particulars of the interest	It is mentioned in the report about delivery of the assessment notice.
Type of conflict	Declarable conflict of interest
Action	Leave the room while the matter is discussed and voted on.

The Chief Executive Officer returned to the meeting at 6.29pm.

Resolution No. OM/03.2021/93

Moved Cr McMullen

Seconded Cr Guthrie

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, that Council resolve to close the meeting to the public [at 6.31pm] to discuss confidential items that its Councillors consider is necessary to close the meeting.

In accordance with Section 254J(5) of the *Local Government Regulation 2012*, the following table provides:

- The matters to be discussed;
- An overview of what is to be discussed while the meeting is closed.

Agenda Item	Matters to be discussed (Reasons to close the meeting under the <i>Local Government Regulation 2012</i>)	Overview
C.2 - Hibernian Hall - User Agreement Renewal	Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.	The applicant has applied to renew their user agreement for the Hibernian Hall.
LC.1 - Internal Review - Assessments 13001193 and 14005151	Section 254J(3)(d) rating concessions.	A request for a review of Council decision (GM/11.2019/88) for the waiver of debt recovery legal fees is tabled for consideration by the new term of Council.

LC.2- 2021-24 Works for Queensland Project Funding Nominations	Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.	This report provides Council with an overview of the program and provides a list of recommended projects for submission prior to the grant funding close date on 9 April 2021.
LC.3 - Application for a Concession - Assessment 14005839	Section 254J(3)(d) rating concessions.	An application for a rating concession has been received for assessment 14005839.
LC.4 – Replacement of Weigh Bridge at Roma Waste Facility	Section 254J(3)(c) (e) the local government's budget; AND legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.	The deck of the weighbridge at the Roma waste facility has failed and is to be replaced to enable use in accordance with legislation and Council procedures.
CARRIED		9/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Cr Taylor left the meeting at 6.31pm, prior to discussion on Item C.1, and returned to the meeting at 6.33pm, after conclusion of discussions on the matter.

Cr Hancock left the meeting at 6.33pm, prior to discussion on Item LC.1, and returned to the meeting at 6.40pm, after the conclusion of discussions.

Cr O'Neil left the meeting at 6.37pm, and did not return for the remainder of the meeting.

Resolution No. OM/03.2021/94	
Moved Cr Birkett	Seconded Cr Hancock
That Council open the meeting to the public [at 7.13pm].	
CARRIED	
8/0	

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Item Number: C.1 **File Number:** D21/18254

SUBJECT HEADING: ENVIRONMENTAL MONITORING PROPOSAL – ROMA

Officer's Title: Manager - Planning & Building Development

Executive Summary:

Council was presented with an environmental monitoring proposal in relation to complaints regarding noise nuisance from industrial businesses.

Resolution No. OM/03.2021/95	
Moved Cr McMullen	Seconded Cr Guthrie
That:	
1. Council engage Rodney Stevens Acoustics to undertake noise monitoring.	

2. Council draw the associated costs from GL- 2061.2001.2001.

3. A report be brought back to Council on the results.

CARRIED

8/0

Responsible Officer

Manager - Planning & Building Development

Cr Taylor, having previously declared a Declarable conflict of interest in the following item, left the meeting at 7.18pm prior to discussion and decision on the matter.

Item Number:

C.2

File Number: D21/20105

SUBJECT HEADING:

HIBERNIAN HALL - USER AGREEMENT RENEWAL

Officer's Title:

Facility Lease Management & Housing Officer / Team Coordinator

Executive Summary:

The applicant has applied to renew their user agreement for the Hibernian Hall.

Resolution No. OM/03.2021/96

Moved Cr Birkett

Seconded Cr Edwards

That:

1. Council enter into a non-exclusive User Agreement with Dance wEST03 for the use of the Hibernian Hall Roma for a period of (3) three years.
2. As a regular, long term hirer of the Hibernian Hall facility charge Dance wEST03 the reduced hourly hire fee of \$14.35 rate frequent users for the term of this agreement.
3. Council require all applicable fees and charges outstanding to be paid prior to acceptance of the renewed agreement.
4. Council authorise the Chief Executive Officer, or delegate, to execute the User Agreement with Dance wEST03 and any other associated documentation.

CARRIED

7/0

Responsible Officer

Facility Lease Management & Housing Officer / Team Coordinator

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. John Birkett, Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr. Johanne Hancock, Cr. Wayne (George) Ladbroke, Cr. Geoff McMullen.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned matter, Cr Taylor returned to the meeting at 7.20pm.

Item Number:

C.3

File Number: D21/21407

SUBJECT HEADING:

TABLING EMAILED CORRESPONDENCE - WILD

DESERT- RATES ISSUE

Councillor's Title: Cr. Tyson Golder

Executive Summary:
Item withdrawn from the Agenda.

Resolution No. OM/03.2021/97

Moved Cr Golder

Seconded Cr McMullen

I'd like to withdraw this report.

CARRIED

8/0

Responsible Officer	Lead Officer – Elected Members & Community Engagement
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Item Number:

C.4

File Number: D21/21405

SUBJECT HEADING:

TABLING EMAILED CORRESPONDENCE - BLUE LAGOON ROAD, INJUNE UPGRADE

Councillor's Title:

Cr. Tyson Golder

Executive Summary:

Council received correspondence requesting that part of Blue Lagoon Road, Injune be upgraded with a cost sharing arrangement.

Resolution No. OM/03.2021/98

Moved Cr Golder

Seconded Cr Guthrie

That a report be prepared for an upcoming meeting.

CARRIED

8/0

Responsible Officer	Deputy Director / Strategic Road Management
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Item Number:

C.5

File Number: D21/21386

SUBJECT HEADING:

TABLING EMAILED CORRESPONDENCE - DEPARTMENT OF REGIONAL DEVELOPMENT, MANUFACTURING AND WATER

Councillor's Title:

Cr. Tyson Golder

Executive Summary:

The Minister for Regional Development, Manufacturing and Water has invited Council to jointly develop an Urban Water Security Assessment (UWSA) for Roma that will assess the capability of Roma's water supply system to support the community's current and future water demands including the timing and magnitude of potential supply shortfalls.

The UWSA will provide the government with an overview of the long-term water supply situation in Queensland's significant regional communities.

Resolution No. OM/03.2021/99

Moved Cr Golder

Seconded Cr Birkett

That Council receive and note the letter.

CARRIED

8/0

Responsible Officer

**Lead Officer – Elected Members &
Community Engagement**

Item Number:

C.6

File Number: D21/21412

SUBJECT HEADING:

**TABLING EMAILED CORRESPONDENCE - REDFORD
ROAD, MUNGALLALA**

Councillor's Title:

Cr. Tyson Golder

Executive Summary:

Council received correspondence in relation to the poor condition of Redford Road, Mungallala – requesting for road maintenance to be done.

Resolution No. OM/03.2021/100

Moved Cr Golder

Seconded Cr McMullen

That:

- 1. This correspondence be received and noted and passed on through the customer service system.**
- 2. Write to the author and thank them for their correspondence, noting that it was tabled at a Council meeting.**

CARRIED

8/0

Responsible Officer

**Lead Officer – Elected Members &
Community Engagement**

Item Number:

C.7

File Number: D20/101887

SUBJECT HEADING:

**ROMA SALEYARDS MULTI-PURPOSE FACILITY -
STRUCTURAL DEFECTS**

Officer's Title:

**Deputy Director / Strategic Road Management
Senior Engineer**

Executive Summary:

The report provided Council with a summary of the findings and advice received to date and sought consideration on the next steps in relation to the management of the facility.

Resolution No. OM/03.2021/101

Moved Cr Birkett

Seconded Cr Edwards

That:

1. Council engage McCullough Robertson Lawyers to further investigate the defects at the Roma Saleyards Multi-Purpose Facility and potential causes of action arising from the defects.
2. The engagement be made in accordance with s 232 of the *Local Government Regulation 2012* that: Council is not required to invite written quotes from multiple entities if the contract is entered into with a supplier from a register of pre-qualified suppliers.
3. Council authorise the Chief Executive Officer (or delegate) to enter into final negotiations with McCullough Robertson Lawyers and raise a purchase order if the final terms are acceptable.

CARRIED

8/0

Responsible Officer	Deputy Director / Strategic Road Management
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Item Number:

C.8

File Number: D21/16660

SUBJECT HEADING:

COVID-19 LEASED CAFES, CARAVAN PARKS, CAR HIRE COMPANIES AND HIBERNIAN HALL USERS

Officer's Title:

Administration Officer - Land Administration

Executive Summary:

This report tabled further information provided by some tenants in regard to the degree of financial hardship still being suffered due to COVID-19 restrictions. Council had previously resolved to review the fee waivers again in four (4) months' time.

Resolution No. OM/03.2021/102

Moved Cr Hancock

Seconded Cr Ladbrook

That Council, in reference to the National Cabinet Mandatory Code of Conduct for the SME Commercial Leasing Principles during COVID-19:

1. Provide Jonday Holdings Pty Ltd trading as Thrifty Car Rentals a 30% waiver of lease payments payable under their agreement for car park licence at the Roma Airport backdated to 22 February 2021 and continuing up to and including 30 June 2021.
2. Note that no further COVID-19 lease reprieve is being granted to lessees of other Council facilities.

CARRIED

8/0

Responsible Officer	Administration Officer - Land Administration
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LATE CONFIDENTIAL ITEMS

Cr. Hancock having previously declared a Prescribed Conflict of Interest in the following matter, left the meeting at 7.27pm, taking no part in discussion or decision on the following item.

Item Number:

LC.1

File Number: D21/21251

SUBJECT HEADING:

INTERNAL REVIEW - ASSESSMENTS 13001193 AND 14005151

Officer's Title: Governance Officer

Executive Summary:

A request for a review of Council decision (GM/11.2019/88) for the waiver of debt recovery legal fees was tabled for consideration by the new term of Council.

Resolution No. OM/03.2021/103

Moved Cr McMullen

That the matter lay on the table until the next meeting.

CARRIED

7/0

Responsible Officer

Governance Officer / Lead Officer – Elected Members & Community Engagement

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates – the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Cr. John Birkett, Cr. Mark Edwards, Cr. Tyson Golder, Cr. Julie Guthrie, Cr. Wayne (George) Ladbrook, Cr. Geoff McMullen, Cr Wendy Taylor.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

At cessation of discussion and decision on the abovementioned item, Cr. Hancock returned to the meeting at 7.28pm.

Item Number:

LC.2

File Number: D21/21504

SUBJECT HEADING:

2021-24 WORKS FOR QUEENSLAND PROJECT FUNDING NOMINATIONS

Officer's Title:

**Deputy Director / Strategic Road Management
Program Funding & Budget Coordinator**

Executive Summary:

This report provided Council with an overview of the program and provides a list of recommended projects for submission prior to the grant funding close date on 9 April 2021.

Resolution No. OM/03.2021/104

Moved Cr Golder

We lay this on the table until a future meeting.

CARRIED

8/0

Responsible Officer

Deputy Director / Strategic Road Management / Lead Officer – Elected Members & Community Engagement

Item Number:

LC.3

File Number: D21/21651

SUBJECT HEADING:

**APPLICATION FOR A CONCESSION - ASSESSMENT
14005839**

Officer's Title: Rates & Utilities Billing Officer

Executive Summary:

An application for a rating concession has been received for assessment 14005839.

Resolution No. OM/03.2021/105

Moved Cr Golder

We lay this on the table until the next meeting.

CARRIED

8/0

Responsible Officer

**Rates & Utilities Billing Officer / Lead Officer
– Elected Members & Community
Engagement**

Item Number:

LC.4

File Number: D21/22396

SUBJECT HEADING:

**REPLACEMENT OF WEIGHBRIDGE AT ROMA WASTE
FACILITY**

Officer's Title:

Environment, Health & Waste Officer

Executive Summary:

The deck of the weighbridge at the Roma waste facility has failed and is to be replaced to enable use in accordance with legislation and Council procedures.

Resolution No. OM/03.2021/106

Moved Cr McMullen

Seconded Cr Edwards

That:

- 1. Council allocate \$72,500 from Work Order 1472.2154.2001 to undertake necessary repairs to the Roma Waste Facility weighbridge.**
- 2. A report be prepared for an upcoming meeting on cost recovery options considering the age of the weighbridge.**

CARRIED

8/0

Responsible Officer

Environment, Health & Waste Officer

CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 7.32pm.

These Minutes are to be confirmed at the next Ordinary Meeting of Council to be held on 14 April 2021, at Roma Administration Centre.

.....
Mayor.

.....
Date.

Special 7 April 202162

UNCONFIRMED

MINUTES OF THE SPECIAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 7 APRIL 2021 SCHEDULED TO COMMENCE AT 8:30AM

ATTENDANCE

Mayor Cr T D Golder chaired the meeting with Deputy Mayor Cr G B McMullen, Cr J R P Birkett, Cr M C Edwards, Cr J L Guthrie, Cr J M Hancock, Cr W L Ladbrook, Cr C J O'Neil, Cr W M Taylor, Chief Executive Officer – Julie Reitano and Kelly Rogers Minutes Officer in attendance.

AS REQUIRED

Deputy Chief Executive Officer/Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate & Community Services – Sharon Frank, Deputy Director / Strategic Road Management, Infrastructure Services – Cameron Hoffmann.

WELCOME

The Mayor welcomed all present and declared the meeting open at <time>.

APOLOGIES

There were no apologies for the meeting.

DECLARATION OF CONFLICTS OF INTEREST

Interests are declared at the point of introduction of the item by the chair and prior to them being considered.

BUSINESS

In accordance with the provisions of section 254J(3) of the Local Government Regulation 2012, that Council resolve to close the meeting to the public to discuss confidential items that its Councillors consider is necessary to close the meeting.

In accordance with Section 254J(5) of the Local Government Regulation 2012, the following table provides:

- The matters to be discussed;
- An overview of what is to be discussed while the meeting is closed.

Agenda Item	Matters to be discussed (Reasons to close the meeting under the <i>Local Government Regulation 2012</i>)	Overview
C.1- 2021-24 Works for Queensland Project Funding Nominations	Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.	This report provides Council with an overview of the program and provides a list of recommended projects for submission prior to the grant funding close date on 9 April 2021.

Item Number: C.1 **File Number:** D21/25937
SUBJECT HEADING: 2021-24 WORKS FOR QUEENSLAND PROJECT FUNDING NOMINATIONS
Officer's Title: Deputy Director / Strategic Road Management Program Funding & Budget Coordinator

Executive Summary:

This report provided Council with an overview of the program and provides a list of recommended projects for submission prior to the grant funding close date on 9 April 2021.

Officer's Recommendation:

That Council:

1. Note the allocation of \$1,420,000 to Maranoa Regional Council under the 2021-24 Works for Queensland Funding Program, and the requirement to seek approval from the Queensland Government for any projects nominated under the program before any announcements are made.
2. Submit projects for the 2021-24 Works for Queensland funding as per Option 6 outlined in the Officers Report.
3. Authorise the Chief Executive Officer, or delegate, to sign the project nominations and supporting documentation as required.
4. Authorise the Chief Executive Officer, or delegate, to sign the funding agreement as required if the projects are successful.

Responsible Officer

Deputy Director / Strategic Road Management

CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at <time>.

These Minutes are to be confirmed at the next Ordinary Meeting of Council to be held on 14 April 2021, at Roma Administration Centre.

.....
 Mayor.

.....
 Date.

NOTICE OF REPEAL OR AMENDMENT OF RESOLUTION

Meeting: Ordinary 14 April 2021

Date: 19 March 2021

Item Number: 8.1

File Number: D21/23091

SUBJECT HEADING: Venue change for Qld Symphony Orchestra
Livestream

Classification: Open Access

Officer's Title: Specialist - Arts & Culture

Original Resolution Meeting Date: 10/02/2021

Resolution Number: OM/02.2021/11

Resolution No. OM/02.2021/11

Moved Cr O'Neil

Seconded Cr Edwards

That Council:

1. Accept the proposal from Queensland Symphony Orchestra to livestream 'Firebird' as a free community event.
2. Provide the big screen at the Big Rig on Saturday 20 March at 7.30PM as in-kind sponsorship.
3. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.

CARRIED

9/0

Rescission Recommendation:

That Council Rescind Resolution Number OM/02.2021/11 stating:-

That Council:

1. Accept the proposal from Queensland Symphony Orchestra to livestream 'Firebird' as a free community event.
2. Provide the big screen at the Big Rig on Saturday 20 March at 7.30PM as in-kind sponsorship.
3. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.

Recommendation:

That Council:

1. Accept the proposal from Queensland Symphony Orchestra to livestream 'Firebird' as a free community event.
 2. Provide use of the big screen at The Big Rig, and in case of inclement weather provide the Auditorium of the Cultural Centre, on Saturday 20 March at 7.30PM as in-kind
-

- sponsorship.
3. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.
-

Background:

Due to wet weather a change was required to the Livestreamed Firebird Symphony event. The change was as follows:

Saturday, 20 March commencing 7.30pm will now be held in the Auditorium of the Cultural Centre instead of the screen at the Big Rig.

Supporting Documentation:

Nil

Notice prepared by: Specialist - Arts & Culture

NOTICE OF REPEAL OR AMENDMENT OF RESOLUTION

Meeting: Ordinary 14 April 2021

Date: 31 March 2021

Item Number: 8.2

File Number: D21/26331

SUBJECT HEADING: Request for Date Change - Are You Lonesome Tonight

Classification: Open Access

Officer's Title: Specialist - Arts & Culture

Original Resolution Meeting Date: 24 February 2021

Resolution Number: OM/02.2021/91

Resolution:

Resolution No. OM/02.2021/91

Moved Cr O'Neil

Seconded Cr Golder

That Council:

1. Accept the proposal from Opera Queensland to perform 'Are You Lonesome Tonight' at the Roma Saleyards Bull Ring on Thursday, 3 June 2021.
2. Allocate funds from the Regional Arts Development Fund (RADF) Budget GL 2885.2250.2001 of up to \$6,000.
3. Provide the Roma Saleyards Bull Ring as the stage for the Opera and the use of the Multi-purpose Meeting Room by performers.
4. Ensure that all attendees have completed the Roma Saleyards Entrant's Warning and Indemnity Form prior to entrance of the Saleyards.
5. Agree to the proposed ticket pricing of \$45 per adult and \$30 for under 18s and family of 4 - \$120 (two adults and two children under 18).
6. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.
7. Consider a report detailing the costs for installing the remaining railing (pricing for top tier and per row) at a future meeting.

CARRIED

9/0

Rescission Recommendation:

That Council Rescind Resolution Number OM/02.2021/91 stating:-

Resolution No. OM/02.2021/91

Moved Cr O'Neil

Seconded Cr Golder

That Council:

1. Accept the proposal from Opera Queensland to perform 'Are You Lonesome Tonight' at
-

the Roma Saleyards Bull Ring on Thursday, 3 June 2021.

2. Allocate funds from the Regional Arts Development Fund (RADF) Budget GL 2885.2250.2001 of up to \$6,000.
3. Provide the Roma Saleyards Bull Ring as the stage for the Opera and the use of the Multi-purpose Meeting Room by performers.
4. Ensure that all attendees have completed the Roma Saleyards Entrant's Warning and Indemnity Form prior to entrance of the Saleyards.
5. Agree to the proposed ticket pricing of \$45 per adult and \$30 for under 18s and family of 4 - \$120 (two adults and two children under 18).
6. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.
7. Consider a report detailing the costs for installing the remaining railing (pricing for top tier and per row) at a future meeting.

CARRIED

9/0

Recommendation:

That Council:

1. Accept the proposal from Opera Queensland to perform 'Are You Lonesome Tonight' at the Roma Saleyards Bull Ring on Friday, 25 June 2021.
 2. Allocate funds from the Regional Arts Development Fund (RADF) Budget GL 2885.2250.2001 of up to \$6,000.
 3. Provide the Roma Saleyards Bull Ring as the stage for the Opera and the use of the Multi-purpose Meeting Room by performers.
 4. Ensure that all attendees have completed the Roma Saleyards Entrant's Warning and Indemnity Form prior to entrance of the Saleyards.
 5. Agree to the proposed ticket pricing of \$45 per adult and \$30 for under 18s and family of 4 - \$120 (two adults and two children under 18).
 6. Authorise the Chief Executive Officer to sign the agreement on behalf of Maranoa Regional Council.
-

Background:

Opera Queensland have requested a date change for the 'Are You Lonesome Tonight' performance, from Thursday, 3 June to Friday, 25 June.

Supporting Documentation:

Nil

Notice prepared by:

Specialist - Arts & Culture

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 31 March 2021

Item Number: 10.1

File Number: D21/26561

SUBJECT HEADING: Local Government Remuneration Commission
Schedule - Commencing 1 July 2021

Classification: Open Access

Officer's Title: Manager - Communication, Information &
Administration Services

Executive Summary:

On 25 November 2020, the Local Government Remuneration Commission concluded its review of remuneration for Mayors, Deputy Mayors and Councillors of Local Governments as required by Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012*.

This report formally tables a copy of the Commission's remuneration determination.

Officer's Recommendation:

That Council note the findings of the Local Government Remuneration Commission's review.

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).

Mayor and Councillors

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
LG Reg	<i>Local Government Regulation 2012</i>

Context:

Why is the matter coming before Council?

On 25 November 2020, the Local Government Remuneration Commission ('the Commission') concluded its review of remuneration for Mayors, Deputy Mayors and Councillors of Local Governments as required by Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012* ('LG Reg').

As a result, the Commission has decided not to increase the maximum remuneration levels for Mayors, Deputy Mayors and Councillors from 1 July 2021. The levels will remain as set at the amounts fixed for 1 July 2020.

Remuneration Schedule

As required by section 246 of the LG Reg, the Commission has prepared a Remuneration Schedule to apply from 1 July 2021.

The Commission has set the remuneration level for a Category 3 Council as follows:

Mayor	\$133,196 per annum
Deputy Mayor	\$ 83,247 per annum
Councillors	\$ 70,759 per annum

Varying the maximum remuneration payable

Section 247(1) of the LG Reg legislates that *a local government must pay remuneration to each councillor of the local government.*

As set out in section 247(2), (3), (4) and (6), of the LG Reg, Council is able to decide, by resolution, that the maximum amount is not payable to a Councillor. The amount of remuneration decided must not be more than the maximum amount payable to a Councillor stated within the Remuneration Schedule set by the Commission (subject to section 248 of the LG Reg).

If Council decides that the maximum amount is not payable to a Councillor from 1 July 2021, the resolution must be made prior to this date.

In addition, as per section 247(5), the amount of remuneration for each Councillor, other than a Mayor or Deputy Mayor, must be the same.

While Council is not required to formally adopt the Commission's review findings and remuneration schedule, Councillors may wish to discuss this matter in line with the above legislative considerations.

A copy of the applicable legislation referenced in this report is provided below in full for information (refer Legislation section of report).

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

A copy of the Commission's report is attached to this report.

This report formalises Council's review of the Commission's determination applicable from 1 July 2021.

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)

Local Government Regulation 2012

Chapter 8, Part 1, Division 1

240 What div 1 is about

This division states the processes of the remuneration commission in deciding the remuneration that is payable to councillors.

241 Establishing categories of local governments

- (1) The remuneration commission must establish categories of local governments for this part.*
- (2) The purpose of establishing categories of local governments is to enable the remuneration commission to decide the maximum amounts of remuneration that are payable to mayors and other councillors in each of the categories.*

242 Criteria for establishing categories

In establishing categories of local governments, the remuneration commission

-

- (a) must have regard to the following criteria -*
 - (i) the size, and geographical and environmental terrain, of local government areas;*
 - (ii) the population of local government areas, including the areas' demographics, the spread of population serviced by the local governments and the extent of the services the local governments provide; and*
- (b) may have regard to other matters the remuneration commission considers relevant to the effectiveness, efficiency and sustainability of local governments.*

243 Deciding and reviewing categories to which local governments belong

- (1) The remuneration commission must, for each local government, decide the category of local government to which the local government belongs.*

(2) When making a decision about a local government under subsection (1), the remuneration commission must have regard to the criteria it used for establishing categories of local governments.

(3) The remuneration commission must, once during each local government term -

(a) review the categories of local governments established under section 241; and

(b) ensure the review is completed before 1 December of the year before the year in which the next quadrennial election is to be held.

(4) For subsection (3), a local government term is the period between a quadrennial election and the next quadrennial election.

(5) After reviewing the categories, the remuneration commission must—

(a) decide whether to amend the established categories; and

(b) if any established category of local government is amended, again decide the categories of any local governments affected by the amendment.

244 Deciding maximum amounts of remuneration

(1) The remuneration commission must, before 1 December of each year, and for each category of local government, decide the maximum amount of remuneration payable from 1 July of the following year to a councillor, mayor or deputy mayor of a local government in each category.

(2) The remuneration may include, or may separately provide for, remuneration for the duties a councillor may be required to perform if the councillor is appointed to a committee, or as chairperson or deputy chairperson of a committee, of a local government.

(3) The remuneration can not include—

(a) any amount for expenses to be paid or facilities to be provided to a councillor of a local government under its expenses reimbursement policy; or

(b) any contribution a local government makes for a councillor to a voluntary superannuation scheme for councillors established or taken part in by the local government under section 226 of the Act.

(4) However, the remuneration may include an additional amount for councillors who are over 75 years paid in lieu of the contributions mentioned in subsection (3)(b).

246 Remuneration schedule

- (1) The remuneration commission must prepare a remuneration schedule after the remuneration commission makes a decision about maximum amounts of remuneration under section 244.*
- (2) A remuneration schedule must state—*
 - (a) the date from which the schedule applies; and*
 - (b) the category of each local government decided under section 243; and*
 - (c) the maximum amount of remuneration payable to the mayors, deputy mayors and other councillors for each category of local government decided under section 244.*
- (3) After preparing a remuneration schedule, the remuneration commission must -*
 - (a) within 14 days, prepare a report about the remuneration schedule and give a copy of the report and the remuneration schedule to the Minister; and*
 - (b) publish the remuneration schedule in the gazette.*
- (4) A remuneration schedule continues in effect until a new remuneration schedule applies.*

247 Remuneration payable to councillors

- (1) A local government must pay remuneration to each councillor of the local government.*
- (2) The maximum amount of remuneration payable to a councillor under the remuneration schedule must be paid to the councillor, unless the local government, by resolution, decides the maximum amount is not payable to the councillor.*
- (3) In a resolution made under subsection (2), the local government must also decide the amount of remuneration payable to the councillor.*
- (4) The amount of remuneration decided under subsection (3) for each councillor must not be more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.*
- (5) The amount of remuneration for each councillor, other than a mayor or deputy mayor, must be the same.*

(6) *The local government must make a resolution under subsection (2), for the remuneration payable from 1 July of a particular year, before 1 July of that year.*

(7) *Subsections (4) and (5) are subject to section 248.*

248 Submission to vary remuneration in exceptional circumstances

(1) *This section applies if a local government considers that, having regard to exceptional circumstances, a councillor of its local government is entitled to an amount of remuneration that is more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.*

(2) *The local government may make a submission to the remuneration commission for approval to pay the councillor an amount of remuneration of more than the maximum amount (a higher amount).*

(3) *The remuneration commission may, but is not required to, consider the submission.*

(4) *If the remuneration commission is satisfied that, having regard to the exceptional circumstances, the councillor is entitled to be paid any higher amount, the remuneration commission may approve payment of that amount.*

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)

Council has previously received and noted the reports. Remuneration has been paid consistent with the Tribunal / Commission's report.

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)

Nil

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)

Nil

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?

Nil – the current (budgeted) Councillor remuneration rates are as per the Local Government Remuneration Commission Schedule.

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)

Local Government Remuneration Commission Schedule – Category 3:
(applicable 1 July 2021)

Mayor	\$133,196 per annum
Deputy Mayor	\$83,247 per annum
Councillors	\$70,759 per annum

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)

Elected Members

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 note the findings of the Local Government Remuneration Commission's review, and consider whether the maximum amount set out in the Remuneration Schedule is not payable to a Councillor (in line with the legislation).

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?

That Council note the findings of the Local Government Remuneration Commission's review.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.1 Elected members

2.3.1 Provide timely, accurate and complete financial information for: - Council to make decisions; - Reports to the community and other stakeholders about Council's budgets and financial activities; - Financial returns and claims.

Supporting Documentation:

[1](#) Local Government Remuneration-Commission Report D21/26619
2020

Report authorised by:

Director - Corporate & Community Services

Local Government
Remuneration Commission
Annual Report 2020

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not consider individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available at www.dlgrma.qld.gov.au.

Local Government Remuneration Commission

30 November 2020

The Honourable Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure, Local Government and Planning
1 William Street
Brisbane QLD 4000

Dear Deputy Premier

On 25 November 2020, the Local Government Remuneration Commission (Commission) concluded its determination of the levels of remuneration for mayors, deputy mayors and councillors of Queensland local governments (excluding Brisbane City Council) as required by section 177(c) of the *Local Government Act 2009* and Chapter 8, Division 1 of the *Local Government Regulation 2012*.

Our determinations on these matters, together with the Remuneration Schedule to apply from 1 July 2021 are included in the enclosed Report, which we commend to you.

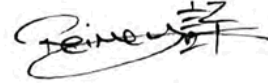
Yours sincerely



Robert (Bob) Abbot OAM
Chair Commissioner



Andrea Ranson
Commissioner



Reimen Hii
Commissioner

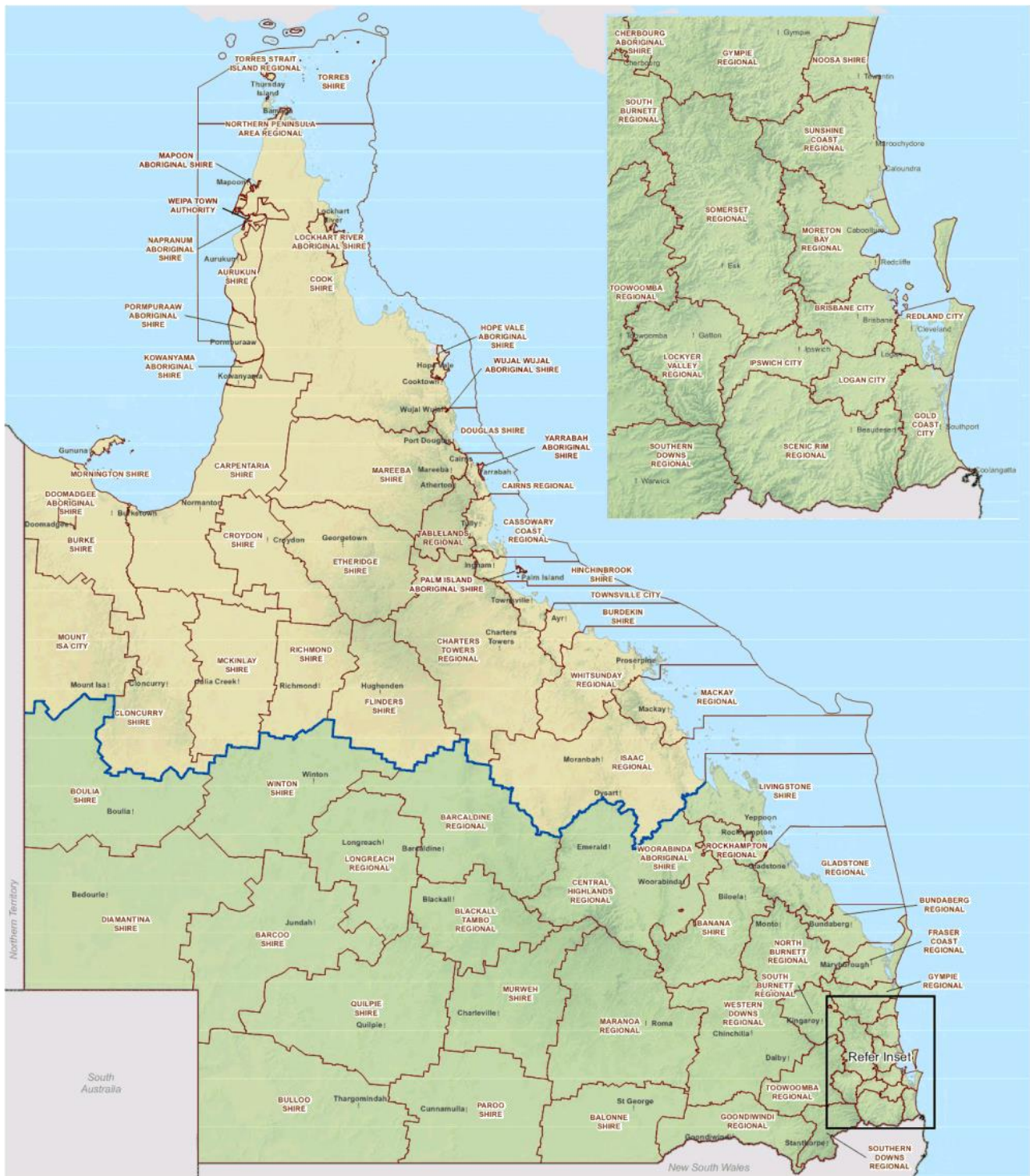


Table of contents

2020 Report key determinations	6
1. The Commission	9
Formation and composition	9
Mr. Robert (Bob) Abbot OAM	9
Ms. Andrea Ranson	9
Mr. Reimen Hii	10
2. Remuneration determination	13
Remuneration determination for councillors	13
Methodology	13
Matters not included in the remuneration schedule	13
Pro rata payment	13
Remuneration schedule to apply from 1 July 2021	14
3. Matters raised with the Commission during the remuneration review program	16
Meetings and deputations	16
Table – Summary of 2020 submissions	16
4. Other activities of the Commission	26
5. Commission's future priorities	27

2020 Report key determinations

In its 2019 report, the Commission determined not to make any category changes. The Commission did, however, state its intention to undertake an analysis of the categories in the period 2020-2021, after the 2020 quadrennial Queensland Local Government Elections. The Commission's anticipated analysis has been delayed in 2020 due to the impact of the COVID-19 global pandemic. COVID-19 has inevitably resulted in an increased focus on other priorities for Queensland local government. The Commission commends all local government members for their on-going contribution to their communities and the State of Queensland.

The Commission still intends to undertake a category review during 2021 and will engage with and invite submissions from councils and stakeholders commencing in early 2021.

The Commission has decided not to increase the maximum remuneration levels for mayors, deputy mayors and councillors from 1 July 2021. The levels will remain as set at the amounts fixed for 1 July 2020.

In making its determination, the Commission considered the following:

- Decrease in the Consumer Price Index (CPI) for the financial year ended 30 June 2020 (percentage change from previous financial year)¹
 - Weighted average of the eight capital cities: -0.3 per cent
 - Brisbane: -1.0 per cent
- Increases in the Wage Price Index (WPI) for the financial year ended 30 June 2020²
 - Australia (All Industries): +2.1 per cent
 - Australia (Public Sector): +2.3 per cent
 - Queensland (All Industries and Public Sector): +1.9 per cent
- Queensland Weekly Payroll Jobs and Wages³ for the period of:
 - 14 March to 27 June 2020: Jobs -5.2 per cent; Wages -1.2 per cent
 - 14 March to 19 September 2020: Jobs -2.5 per cent; Wages -1.7 per cent
 - 14 March to 31 October 2020: Jobs -2.0 per cent; Wages -3.3 per cent
- As in 2019, in 2020 the Commission considered Brisbane City Council's Independent Councillor Remuneration Tribunal (ICRT) remuneration determination a potentially relevant factor, however, the ICRT reviews and resets Brisbane City Councillor remuneration arrangements every five years. The last increase was in 2017, at which time the ICRT accorded a two per cent increase to salaries effective 1 July 2018. In its 20 November 2019 Report, the ICRT determined not to make any changes outside of its four yearly remuneration review cycle.

¹ Source: *Consumer Price Index (report), June quarter 2020*, Queensland Government Statisticians Office, Queensland Treasury

² Source: *Wage price index, Queensland and Australia, 1997-98 to 2019-20*, Queensland Government Statisticians Office, Queensland Treasury; and *Wage Price Index Australia, June 2020*, All WPI Series: Original (Financial Year Index Numbers for year ended June quarter), Australian Bureau of Statistics (ABS) 6345.0.

³ Source: *Weekly Payroll Jobs and Wages in Australia, Week ending 27 June 2020, Week ending 19 September 2020, Week ending 31 October 2020*, ABS 6160.0.55.001.

- In its 13 August 2020 determination of the Base and Additional Salary Rates and Allowance System, the Queensland Independent Remuneration Tribunal (QIRT) determined by majority (with dissent from the Chair) to provide a zero per cent increase to the base and additional salary levels of members for the years commencing 1 September 2019, 2020, 2021 and 2022. The Commission notes the QIRT Chair's dissent that a decision to impose a 'salary freeze' on members for a period of five years is unreasonable and that the Chair would have determined to increase the base and additional salaries by 2.5 per cent from 1 September 2021 and 1 September 2022.

The Commission considers that its own obligation to conduct an annual review of the maximum levels of remuneration affords the Commission the flexibility to consider and respond to the short and long term impacts of the COVID-19 pandemic which is not necessarily available to the QIRT and ICRT.

- Decision of the Salaries and Allowances Tribunal of Western Australia determination dated 8 April 2020: no increase.
- Decision of the New South Wales Local Government Remuneration Tribunal Determination and Annual Report dated 10 June 2020: no increase.
- Decision of the Victorian Minister for Local Government: two per cent increase effective on 1 December 2019. It is noted that the 1 December 2020 Victorian decision was unavailable at the date of this determination.
- Tasmania is the only jurisdiction that has increased the remuneration for local government councillors. The increase, effective 1 November 2020, is an automatic indexation of local government allowances provided for under the *Tasmanian Local Government Act 1993* by multiplying the allowances for the previous year by the inflationary factor (determined by calculating the current year's June quarter Wage Price Index divided by the previous years' June Wage Price Index).
- The application of principles of consistency and austerity, and general consideration of recent conservative wage review practices in both the public and private sectors.
- The Commission's inability to project the short and long-term impacts of COVID-19 with certainty.

The Commission also had regard to anecdotal reports and submissions received about:

- The impact of economic hardship experienced by local communities during and following the COVID-19 pandemic and natural disasters of 2019-2020.
- The potential disproportional impact of COVID-19 pandemic restrictions on rural and remote communities.
- The economic cost to communities of interruption to businesses.
- The significant economic volatility and contraction during 2020.
- The need to ensure sustainability for local governments and their communities.

- Local governments role in Queensland's post COVID-19 economic recovery and development.

The Commission gratefully acknowledges the submissions received this year which have assisted in its discharge of its statutory obligations.

1. The Commission

Formation and composition

The Local Government Remuneration Commission (Commission) is an independent entity established under the *Local Government Act 2009* (the Act). On 1 October 2019, His Excellency the Governor, acting by and with the advice of the Executive Council, approved three new appointees to the Commission for a term of four years.

This is the second report of the new Commission, and the fourteenth report including the reports of the former Local Government Remuneration and Discipline Tribunal and the Local Government Remuneration Tribunal.

The current Chair and Commissioners of the Commission are:

Mr. Robert (Bob) Abbot OAM

Chair

Mr. Abbot has extensive experience in the local government sector with 32 years as an elected councillor and mayor. Mr. Abbot has experience working at state and national local government organizations and has held board and panel positions, including Deputy Chair of the South East Queensland Council of Mayors, Director of the Local Government Association of Queensland (LGAQ), and Director of the Australian Local Government Association. Mr. Abbot has been a mentor for newly elected mayors on behalf of the LGAQ, with a particular focus on mentoring Queensland Indigenous mayors.

In the Australia Day 2020 Honours List, Mr. Abbot was the recipient of an Order of Australia (OAM) for his service to local government and to the communities of Noosa and the Sunshine Coast.

Ms. Andrea Ranson

Commissioner

Ms. Ranson is a lawyer with extensive experience in public and private sector business and governance. Ms. Ranson brings substantial legal experience in commercial, industrial, and equal opportunity law, ethics, and justice. Ms. Ranson is a Nationally Accredited Mediator currently working with the Queensland Civil and Administrative Tribunal (QCAT), and a member of the Department of Justice Dispute Resolution Panel and Aboriginal Working Group. Ms. Ranson is appointed as a Non-Executive Director to the Board of North Queensland Bulk Ports Corporation, a government owned corporation. Ms. Ranson is Chair of the Corporate Governance & Planning Committee and a Member of the Audit & Financial Risk Management Committee of that Board. Ms. Ranson holds a Master of Laws (LLM), Bachelor of Laws (Hons) and Bachelor of Arts from Monash University. She is a Graduate of the Australian Institute of Directors (GAICD) and a Fellow of the Governance Institute of Australia (FGIA).

Mr. Reimen Hii**Commissioner**

Mr. Hii is a barrister and Nationally Accredited Mediator. He holds the degrees of Bachelor of Laws and Bachelor of Arts. He is a practicing lawyer with extensive knowledge in public administration and community affairs, and a particular interest in civil and commercial law. Mr. Hii is experienced in professional discipline matters, including investigations, public administration, corporate and public governance, public sector ethics and finance. Mr. Hii has a culturally and linguistically diverse background and experience working with diverse communities. Mr. Hii has previously been recognized as Australian Young Lawyer of the Year by the Law Council of Australia, in recognition of his significant contribution to access to justice and diversity advocacy. Mr Hii provides a deep understanding of diversity and brings well respected analytic skill, together with legal and business acumen to the role.

Remuneration responsibilities

Chapter 6, Part 3 of the Act, proclaimed into force on 3 December 2018, established the Local Government Remuneration Commission to assume the remuneration functions of the former Local Government Remuneration and Discipline Tribunal which ceased to exist on 3 December 2018.

Section 177 of the Act provides the functions of the Commission are:

- to establish the categories of local governments, and
- to decide the category to which each local government belongs, and
- to decide the maximum amount of remuneration payable to the councillors in each of the categories, and
- to consider and make recommendations to the Minister about the following matters relating to councillor advisors—
 - (i) whether or not to prescribe a local government under section 197D(1)(a);
 - (ii) the number of councillor advisors each councillor of a local government may appoint;
 - (iii) the number of councillor advisors a councillor of the council under the *City of Brisbane Act 2010* may appoint; and
- another function related to the remuneration of councillors if directed, in writing, by the Minister.

Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012* (Regulation) sets out the processes of the Commission in deciding the remuneration that is payable to councillors.

The Regulation requires the Commission to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Commission to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to mayors, deputy mayors and councillors in each category from 1 July of the following year.

In addition, section 248 of the Regulation allows a local government to make a submission to the Commission to vary the remuneration for a councillor, or councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Commission may, but is not required to, consider any such submission. If the Commission is satisfied that exceptional circumstances exist, the Commission may approve payment of a higher amount of remuneration.

On 12 October 2020, the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* and section 197A of the *Local Government Act 2009* came into force. These changes formed part of the Queensland Government rolling reform agenda in the local government sector to further strengthen transparency, accountability and integrity measures that apply to the system of local government in Queensland.

Section 197A of the Act established requirements for councils that wish to employ councillor advisors and councilor administrative support staff to assist councillors complete their duties. The role of councillor advisors is currently restricted to Brisbane City Council and to those councils within category 4 to 8 as prescribed by this Commission.

The requirements in relation to the appointment of councillor advisors include the following:

- must vote to pass a resolution to create councillor advisor positions (except Brisbane City Council)
- appoint advisor, at the discretion of councillors and only until the councillor's term ends, unless re-appointed by a new councillor
- must report the costs of councillor advisors to the community, for example through the council's annual report.

Requirements for councillor advisors include the following:

- they must submit registers of interests and keep them up-to-date
- they must follow a new Code of conduct for councillor advisors in Queensland
- they must comply with the local government principles and can be found guilty of integrity offences.

A dedicated telephone hotline (07 3452 6747 – available between the hours of 8.30 am to 5.00 pm, Monday to Friday) has been established by the Department of State Development, Infrastructure, Local Government and Planning to respond to any questions regarding councillor advisors.

Alternatively, email enquiries can be forwarded to lgreforms@dlgrma.qld.gov.au.

The Commission is yet to receive any submissions or enquiries in relation to councillor advisors as at the date of its determination.

2. Remuneration determination

Remuneration determination for councillors

As required by section 246 of the Regulation the Commission has prepared a remuneration schedule for the 2021-2022 financial year, applicable from 1 July 2021 (the Schedule), which appears below.

Arrangements have been made to publish the Schedule in the Queensland Government Gazette and for this Report to be printed and presented to the Minister for Local Government.

Methodology

The Commission had regard to the matters in section 244 and 247 (2), (5) of the Regulation in determining the Schedule. The Commission also noted and had regard to the matters listed on pages 6 to 8 of this Report to determine the appropriate maximum remuneration in each category of local government.

The Commission notes it did not receive any specific submissions from councils in relation to setting the remuneration schedule for the 2020-2021 financial year and has continued to adopt a conservative approach to setting remuneration levels.

Matters not included in the remuneration schedule

Section 244(3) of the Regulation states that the remuneration cannot include any amount for expenses to be paid or facilities to be provided to councillors under a council's expenses reimbursement policy.

During the 2020 consultation period, Townsville City Council sought clarification and consistency in relation to the application of Motor Vehicle Policies by local government across Queensland.

The Commission notes section 244(3) of the Regulation states that remuneration decided by the Commission cannot include "any amount for expenses to be paid or facilities to be provided to councillors under a council's expenses reimbursement policy". The Commission is of the view that the application of Motor Vehicle policy falls within section 244(3) exclusions and that the Commission cannot prescribe whether or how a vehicle policy is applied by individual council's as the Commission does not prescribe expenses and reimbursement policies.

The Commission notes that practices may differ within or between individual councils, however, as the matter falls outside of council's statutory functions the Commission is unable to decide to direct council.

The Commission has informed Townsville City Council of this determination.

Pro rata payment

Should an elected representative hold a councillor position for only part of a financial year, she or he is only entitled to remuneration to reflect the portion of the year served.

Remuneration schedule to apply from 1 July 2021

		Remuneration determined (from 1 July 2021) (\$ per annum; see Note 1)		
Category	Local governments assigned to categories	Mayor	Deputy mayor	Councillor
Category 1 (see Note 2)	Aurukun Shire Council	\$108,222	\$62,435	\$54,110
	Balonne Shire Council			
	Banana Shire Council			
	Barcaldine Regional Council			
	Barcoo Shire Council			
	Blackall-Tambo Regional Council			
	Boulia Shire Council			
	Bulloo Shire Council			
	Burdekin Shire Council			
	Burke Shire Council			
	Carpentaria Shire Council			
	Charters Towers Regional Council			
	Cherbourg Aboriginal Shire Council			
	Cloncurry Shire Council			
	Cook Shire Council			
	Croydon Shire Council			
	Diamantina Shire Council			
	Doomadgee Aboriginal Shire Council			
	Douglas Shire Council			
	Etheridge Shire Council			
	Flinders Shire Council			
	Goondiwindi Regional Council			
	Hinchinbrook Shire Council			
	Hope Vale Aboriginal Shire Council			
	Kowanyama Aboriginal Shire Council			
	Lockhart River Aboriginal Shire Council			
	Longreach Regional Council			
	Mapoon Aboriginal Shire Council			
	McKinlay Shire Council			
	Mornington Shire Council			
	Murweh Shire Council			
	Napranum Aboriginal Shire Council			
	North Burnett Regional Council			
	Northern Peninsula Area Regional Council			
	Palm Island Aboriginal Shire Council			
	Paroo Shire Council			
	Porpuraaw Aboriginal Shire Council			
	Quilpie Shire Council			
	Richmond Shire Council			
	Torres Shire Council			
	Torres Strait Island Regional Council			
	Winton Shire Council			
	Woorabinda Aboriginal Shire Council			
	Wujal Wujal Aboriginal Shire Council			
	Yarrabah Aboriginal Shire Council			
Category 2	Mareeba Shire Council Mount Isa City Council Somerset Regional Council	\$124,869	\$74,923	\$62,435

Category 3	Cassowary Coast Regional Council Central Highlands Regional Council Gympie Regional Council Isaac Regional Council Livingstone Shire Council Lockyer Valley Regional Council Maranoa Regional Council Noosa Shire Council Scenic Rim Regional Council South Burnett Regional Council Southern Downs Regional Council Tablelands Regional Council Western Downs Regional Council Whitsunday Regional Council	\$133,196	\$83,247	\$70,759
Category 4	Bundaberg Regional Council Fraser Coast Regional Council Gladstone Regional Council Rockhampton Regional Council	\$158,168	\$104,059	\$91,571
Category 5	Cairns Regional Council Mackay Regional Council Redland City Council Toowoomba Regional Council	\$183,143	\$124,869	\$108,222
Category 6	Ipswich City Council Townsville City Council	\$208,117	\$141,520	\$124,869
Category 7	Logan City Council Moreton Bay Regional Council Sunshine Coast Regional Council	\$233,091	\$161,499	\$141,520
Category 8	Gold Coast City Council	\$258,066	\$178,981	\$154,006

Notes to the remuneration schedule

In its 2014 report the then Tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated council meetings.

Note 1 The monetary amounts shown are the per annum figures to apply from 1 July 2021. If an elected representative only serves for part of a full year (that is, 1 July to 30 June) they are only entitled to a pro rata payment to reflect the portion of the year served.

Note 2 For councillors in category 1 councils, a base payment of \$36,073.28 is payable for the 12 months commencing on 1 July 2021. A meeting fee of \$1,503.06 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

3. Matters raised with the Commission during the remuneration review program

A summary table of submissions made to the Commission during the review period and the Commission's determination is provided below.

Meetings and deputations

Local governments were provided with the opportunity to engage with the Commission at the 124th Annual Conference of the LGAQ at the Gold Coast Convention and Exhibition Centre held from 19 to 21 October 2020.

Townsville City Council and South Burnett Regional Council provided the Commission with oral deputations during the LGAQ Conference.

Considering the restrictions imposed by COVID-19 the Commission determined and advised councils that the date for written submissions would be extended from 26 October 2020 to 30 October 2020. Five submissions were received from the Central Highlands Regional Council, Torres Strait Island Regional Council, Isaac Regional Council, North Burnett Regional Council and Pormpuraaw Aboriginal Shire Council by 30 October 2020.

After the extended due date, the Commission also received a written submission from Somerset Regional Council on 2 November 2020, and from Barcaldine Regional Council and Toowoomba Regional Council on 5 November 2020.

In making its determination, the Commission had regard to all submissions it received, together with the matters on pages 6 to 8 of this report.

Key points raised with the Commission during the 2020 review period were not dissimilar to 2019 and included increasing demands on councils in relation to sustainability, industry and innovation, potential recognition of differential council and councillor workloads. Councils also raised the impact and future uncertainty of the COVID-19 pandemic with particular emphasis on concerns for the wellbeing of their community constituents, future economic growth, development, and sustainability, especially in regional areas.

Table – Summary of 2020 submissions

1	Date received	Oral Submission made at LGAQ Gold Coast Conference, Monday 19 October 2020
	Received from	Townsville City Council: Councillor Anne Marie Greaney and Councillor Rehbein
	Summary of submission	Council sought clarity on areas of law for Motor Vehicle Policy options. Council further requested consistency in relation to Vehicle Policies across Queensland. Currently, nine councillors have vehicles subject to novated leasing and three councillors use their own vehicles.

	Determination	Application of a Motor Vehicle Policy by Council is outside of the scope of the LGRC. The Commission does not prescribe expenses and reimbursement policies.
2	Date received	Oral Submission made at LGAQ Gold Coast Conference, Monday 19 October 2020
	Received from	South Burnett Regional Council: Mayor Brett Otto, Deputy Mayor Gavin Jones, and Chief Executive Officer Mark Pitt
	Summary of submission	Councils expressed views about the challenges of dealing with the Grants Commission, with operational funding and consistency being the key challenges to enable council to plan and budget moving forward. Expressed that councillors face more complex economic growth, large geographical area with complex diversity, ageing population, 3200km road network, large corporate proponents requiring strategic level engagement by mayor and deputy mayor with local, state, and federal governments. Enterprise is transitioning and strategic management is required.
	Determination	<p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p> <p>In relation to the Grants Commission, the functions and operation of the Grants Commission is outside of the scope and authority of the LGRC. The broader considerations raised have, however, been noted and council will be invited to engage further during the Commission's intended 2021 consultation and analysis period.</p>
3	Date received	Written Submission on 21 October 2020
	Received from	Pormpuraaw Aboriginal Shire Council, Chief Executive Officer Edward A Natera
	Summary of submission	<p>Remuneration for Pormpuraaw ASC is considered by council to be "very reasonable and generous in comparison to our broader community".</p> <p>Council noted that it seeks to build up capacity (rotating its deputy mayor each three months) and have Portfolio Holders attend meetings with the CEO and managers. Some of the challenges include attendance at meetings by elected members. Councillors meet each</p>

	Determination	<p>fortnight for briefing and project/programs/issues which are tabled for the management team to follow up at the last Thursday monthly council meetings.</p> <p>Submission received and noted. No change requested on behalf of council.</p>
4	Date received Received from Summary of submission Determination	<p><u>Written Submission</u> on 5 November 2020</p> <p><u>Barcaldine Regional Council</u>, Acting Chief Executive Officer Brett Walsh</p> <p>Council advised the Commission that it had passed a Resolution on or about 28 October 2020 in the following terms: <i>"Council receives the report and provides feedback to the Commission that it is the position of Barcaldine Regional Council that Mayor and Councillor remuneration for the 2021-2022 financial year remain at the same level as the 2020-2021 financial year."</i></p> <p>The Commission has noted council's Resolution passed for no change in mayor and councillor remuneration for the 2021-2022 financial year.</p>
5	Date received Received from Summary of submission	<p><u>Written Submission</u> on 30 October 2020</p> <p><u>Central Highlands Regional Council</u>, Chief Executive Officer Scott Mason on behalf of council</p> <p>Council is currently identified by the LGRC as a category 3 council. Council repeats its submission that it does not consider category 4 as appropriate, however, it should be differentiated from other category 3 councils.</p> <p>Council advocates for a new category between category 3 and 4 to separate councils that fall outside criteria and can be justified recognising the extraordinary diversity of industry. The following factors were relied upon in council's submission:</p> <ul style="list-style-type: none"> • Central Highlands contributes a significant amount to Queensland's Gross Domestic Product by way of its resource and agricultural, sectors. • There are 11 operating coal mines in the region generating \$813 million of local spend and significant royalties for the state. • The gross value of agricultural commodities produced within the Central Highlands is greater than \$800 million per annum.

		<ul style="list-style-type: none"> Coal and agricultural sectors have significant impact on elected members in relation of the need to understand the operational complexities of each sector but the elected members also deal with tourism, retail, support services to various industries, education and facilitating a lifestyle of choice for residents of the region. Significant stakeholder engagement is required by mayor and councillors outside of their ordinary standard central duties, especially in the context of drought. Mining resources are quantifiably more intensive than other regions (for example, natural gas). Submitted that Central Highlands is unique due to the presence of two significant industries in its region. <p>Council identified that similar challenges facing both Central Highlands and Isaac Regional Council supported the creation of two new categories.</p> <p>Key issues raised in support of council's submission included increased (and significant) demand particularly around the resource and agricultural sectors, infrastructure growth, innovation, and regional sustainability. Resident and non-resident population demands were also cited as creating additional workload for councillors. Council has repeated its questioning of whether councillors could properly be considered as 'part-time' given increasing community and industry expectations upon council regarding regional sustainability.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
6	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p>Written Submission on 30 October 2020</p> <p>Isaac Regional Council, Chief Executive Officer Gary Stevenson</p> <p>Council relied on its previous submissions dated 24 October 2018 and 21 October 2019, together with representations made to the Commission at the LGAQ Conference on 15 October 2019 by Deputy Mayor Kelly Vea and Senior Advisor Mary-Anne Uren.</p>

Council has previously requested that mayors of like councils in category 3 be remunerated at a higher level than their counterparts, to recognize the mayor's role demands full-time hours where the local government area has a geographical spread of more than 50,000km², a resident and non-resident population total more than 30,999 and the local government area has a significant diversity of Industry.

The practical request that council repeats in its 2020 submission to the Commission is that the existing category 3 councils become category 3A councils and that a new category 3B be introduced which includes Isaac Regional Council and Central Highlands Regional Council and sets remuneration for the mayor of each of these two councils in accordance with the remuneration determined for category 4 mayors. Council requests that the remuneration of the deputy mayor and councillors be consistent with the remuneration of category 3A councils.

Council states that resource sector requirements, community expectations to ensure regional benefit and the increased regulatory oversight of mining practices, together with the impact of an extensive agricultural sector creates requirements for the mayor to participate in stakeholder engagement activities outside of their ordinary standard central duties, especially in the context of drought.

Council's submission states further that whilst it is acknowledged that category 4 mayors are not full-time – Isaac Regional Council considers that a minimum increase of the mayor's remuneration to the level requested is warranted.

Additionally, council submitted that data utilised to inform the categories for remuneration where based on Census information, is subject to a significant lag bias. The council referenced the Bowen Basin population report, produced by the Queensland Governments Statistician's Office, and submitted that this report would provide a more relevant, up-to-date, reference for populations being managed by Isaac Regional Council.

Council submitted that the additional level of engagement required by the mayor stemming from the non-resident population is considerable and that continuous engagement is required through advocacy to state and

	Determination	<p>federal governments to fund infrastructure and services, advocacy and engagement with resource and renewables proponents in the region to manage and mitigate impacts and seek opportunities from economic developments in the region.</p> <p>Strategic planning for a sustainable future with diversity of industries in the Isaac region. Submission stated to relate to increased remuneration for mayor only.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
7	Date received Received from Summary of submission Determination	<p>Written Submission on 30 October 2020</p> <p>North Burnett Regional Council, Mayor Rachel Chambers</p> <p>Council seeks an understanding and clarity regarding LGRC remuneration methodology. Submits that category 1 is not reflective of the effort and skill of council. Identified issues council faces in undertaking their role and that the current remuneration does not reflect the actual role and duties undertaken daily which include – 20,000km² area with six distinct townships, current salary makes it difficult to attract younger candidates needed to be involved in planning for the future, roles are full-time (long hours, after hours, public holidays and on call) and all councils are under the same legislative conditions and subject to the same obligations to achieve financial sustainability and positive socio-economic outcomes. Questioned lack of qualifications or skills needed as part of the methodology. Challenged whether 'conditions are different' equates to 'workload is different'. Economic development is a factor for all councils.</p> <p>Pursuant to section 242 of the Regulation, in establishing categories of local governments, the Commission must have regard to the following criteria: -</p> <ul style="list-style-type: none"> (a) The size, and geographical and environmental terrain, of local government areas. (b) The population of local government areas, including the areas' demographics, the spread of population serviced by the local governments and the extent of the

		<p>services the local governments provide; and</p> <p>(c) The Commission may have regard to other matters the Commission considers relevant to the effectiveness, efficiency, and sustainability of local governments.</p> <p>The Commission intends to analyse the application of the regulated criteria and its applicability to best service the needs of local government representatives and their constituents moving forward. The Commission will be inviting further engagement with local government in 2021 with formulating an understanding of the challenges and demands faced by mayors, deputy mayors and councillors with increasing demands for councillor participation in growth, development, innovation, infrastructure and sustainability.</p> <p>The Commission understands that additional clarity regarding methodology has been requested and in 2021 the Commission intends to formulate a general guide to assist council/s better engage and communicate with the Commission.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021..</p>
8	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p>Written Submission on 2 November 2020</p> <p>Somerset Regional Council, Chief Executive Officer Andrew Johnson for Mayor Graeme Lehmann</p> <p>Council submitted that council categories and selection criteria should be reviewed to ensure that the level of workload is reflected by the constitutes serviced. Council requests that remuneration is reinstated comparable to at least that at the time of amalgamation.</p> <p>Council submitted that the service level and expectation of communities and workloads are increasing. Council contends that alternative formulas should be considered as part of determining categories to ensure adequate compensation is given to elected members. Changes in legislation (Belcarra Reform, etc.) have added increased burden to elected members, once again, raising the risk and workload of elected members.</p> <p>Council argued that Remuneration in the Somerset Region had reduced since</p>

	Determination	<p>amalgamation, while Somerset continues to grow.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
9	<p>Date received</p> <p>Received from</p> <p>Summary of submission</p>	<p><u>Written Submission</u> on 5 November 2020</p> <p><u>Toowoomba Regional Council</u>, Chief Executive Officer Brian Pidgeon</p> <p>Council repeated its previous submission to the LGRC that the current category 5 status should be elevated to category 6.</p> <p>Council notes that it shares category 5 with Cairns, Mackay, and Redland, and submits that it is more appropriately benchmarked, on a variety of measures, with those councils in category 6, specifically Ipswich and Townsville. Factors submitted by council included:</p> <ul style="list-style-type: none"> • size of Toowoomba Regional Council area being 12 times larger in area than Ipswich and 3.4 larger in area than Townsville • geographical and environmental terrain of Toowoomba Region • population of Toowoomba Region including demographics; spread of population across 12,973km² • extent of services and diversity of communities • extent of development in the region (one of the most diverse and robust economies in Australia) • councillor workload given one city and 28 independent towns and villages are incorporated in the Toowoomba Region • managing challenges with being in a highly productive, growth region, with large infrastructure projects requiring significant investment by council including Toowoomba Bulk Water Supply; Cressbrook Dam Spillway Upgrade; Reservoir and Treatment Plant upgrades; Toowoomba Region Sports Precinct; Cooby Dam Spillway Upgrade and additional projects specifically identified by council in its detailed submission

		<ul style="list-style-type: none"> ongoing challenges related to aligning the community following amalgamation of eight councils re-categorisation of Toowoomba Regional Council as category 6 would promote relativities between councils and ensure appropriate remuneration with confidence in what council has identified as being a "demanding environment".
	Determination	The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.
10	Date received	Written Submission on 30 October 2020
	Received from	Torres Strait Island Regional Council, Mayor Phillemon Mosby
	Summary of submission	<p>Submission that TSIRC should not be classified as a category 1 council and should be in a category of its own. Mayor, deputy mayor and councillors inadequately remunerated under category 1.</p> <p>TSIRC is one of three local councils in the Torres Strait region. TSIRC manages the treaty agreement between the border of Australia and Papua New Guinea (PNG) and identifies itself as the only local council in Australia with this added responsibility. TSIRC services fifteen separate communities spread across 42,000km² of open sea, each with its own unique characteristics and service requirements. As an Indigenous Regional Council under the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> (Qld), it is submitted that TSIRC has additional responsibilities in managing Deed of Grant in Trust (DOGIT) communities as Trustee, as well as providing for local government services. TSIRC submits that there are several matters which are unique to it and that these matters add to the responsibilities of councillors. These matters include: treaty obligations between Australia and PNG; high cost of living and travel in and to the region; limited employment (meaning that the mayor and councillor salary is in most cases the only source of income); over 800 social houses under banner of responsibility; no revenue from rates base and completely reliant on state and commonwealth funding; responsible for management of air and sea</p>

Determination	<p>ports in 15 island communities; multilingual language challenges and Native Title determinations add a layer of complexity to the functions as a local government.</p> <p>The Commission notes the increasing pressure on councils in relation to sustainability and strategic development. The Commission further notes the specific matters raised by TSIRC regarding consideration of a future category change and/or creation of a new category.</p> <p>The Commission will consider the matters raised and invite further submissions and/or engagement with councils in 2021 when the Commission intends to undertake an analysis of the current methodology, remuneration categories and application.</p>
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4. Other activities of the Commission

Exceptional circumstances submissions (matters raised under *Local Government Regulation 2012*, section 248):

Nil.

5. Commission's future priorities

The Commission intends to undertake its comprehensive analysis of the council categories in 2021 and looks forward to engaging with local government and its stakeholders over the next 12 months.

Further information about the Commission and/or the Councillor Conduct Tribunal can be located at www.dlgrma.qld.gov.au

Local Government Remuneration Commission

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OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 18 March 2021

Item Number: 11.1

File Number: D21/22511

SUBJECT HEADING: Policy review - Cemeteries Operations
Classification: Open Access
Officer's Title: Manager - Communication, Information & Administration Services

Executive Summary:

The Cemeteries Operations Policy has been reviewed and is tabled for Council's consideration.

This policy outlines the management and administration of Council owned cemeteries.

Officer's Recommendation:

That:

1. Council endorse the policy as presented to proceed to Community Consultation (e.g., Have Your Say platform); and
2. After the consultation period, the feedback on the Cemeteries Operation Policy be brought back to a future meeting.

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).

Community of 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).

Acronym	Description
Nil	

Context:***Why is the matter coming before Council?***

The Council Policy – Cemeteries Operations has undergone a review. A draft policy including minor changes is presented to Council for adoption.

At Council's meeting on the 24 February 2021 (OM/02.2021/45), Council resolved as follows:

That:

- 1. Council request that the relevant policies associated with Cemeteries and Complaints be reviewed to provide for an escalation to Council in instances where the matter cannot be resolved operationally in the required timeframes required for the burial/interment of ashes***
- 2. The updated draft policies come back to Council for review prior to consultation with key stakeholders and the broader community (e.g. Have your Say).***
- 3. Elected members forward any past concerns that haven't been able to be resolved satisfactorily at an operational level.***
- 4. A Report be presented to an upcoming Council meeting that includes the customer requests that have been submitted to Council in the last 5 years about issues at our regional cemeteries.***

Point 1

- Include in the Cemeteries Policy under Commitment:

Every attempt will be made to liaise with the families, funeral director or other representatives prior to any action being taken, however Council staff may take action to rectify situations without prior consultation if required. **If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate for burial procedures, the request can be forwarded for internal review as per Council's Complaint Management policy and process.**

Point 3

- No past concerns from Elected members were forwarded for this report.

Point 4

- A review of the customer requests received in the last 5 years was undertaken with no issues regarding burials in the regions cemeteries recorded in our Customer Request Management system. The majority of requests were family history enquiries, plaque orders and Interment (funeral) requests.
 - Sharepoint Customer Request System (2016-2018) - 520
 - Authority Customer Request System (2018-Current)

Categories – General Enquiries	484
Grave Maintenance	30
Interment/Burials	183
Plaque Installations	135
Reservations	46

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The current “Cemetery Operations” policy required a fresh review to ensure it meets its purpose as it was adopted by Council several years ago.

This review has made only minor amendments, which are additions to the policy, without changing its intent.

These additions are highlighted in the Draft copy attached.

Summary of changes:

- Columbarium/Ash Wall to include reference to *Wall of Memory* and *Wall of Remembrance*.
- Definition of Columbarium/Ash Wall, Wall of Memory and Wall of Remembrance expanded to include reference - *and a standard plaque located. A plaque may be located in such areas without the placement of ashes.*
- Definition of *Inurnment* - *The practice of placing an urn in a niche wall and closing it up* added.
- Reference to the *Injune Wall of Remembrance*, *Wallumbilla Wall of Memory* and *Yuleba Wall of Memory* added to the policy.
- Include under Commitment:

Every attempt will be made to liaise with the families, funeral director or other representatives prior to any action being taken, however Council

staff may take action to rectify situations without prior consultation if required. If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate for burial procedures, the request can be forwarded for internal review as per Council's Complaint Management policy and process.

- Update depth from 2.7 metres to 2.4 metres (8 feet) as follows:

4.8.1 All adult plots will be dug at a standard depth of 2.4 metres (8 feet) to allow for two burials except in the instance where the soil structure or ground stability does not allow for a second interment

under the Requirements for Graves section of the policy.

- Include

4.8.5 Interment of ashes will be dug at a standard depth of half a metre x half metre unless otherwise specified

under the Requirements for Graves section of the policy.

- Include

4.15.4 Roma Lawn Beam Section – this area includes the plaque where it is positioned on a Council supplied granite plinth installed on a concrete beam. Granite flower receptacles attached to the plinth are also supplied

under the Plaques, Monuments and Inscriptions – Lawn section of the policy.

- Include reference to *Injune Historical Cemetery* in section 6 Closed/Historical Cemeteries.
- Include reference to *Complaints Management Policy and Process* in section 7 Related Policies and Legislation

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)

Refer to the policy for details.

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)

Council's current *Cemeteries Operations Policy* was adopted 28 May 2014:
Resolution GM/05.2014/49.

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)

Sharon Frank - Director of Corporate and Community Services
Governance Officer

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)

Nil

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?

The current budget will not need to change as a result of adopting this policy.

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)

The future budgets will not need to change as a result of adopting this policy.

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)

Nil

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)

It is recommended that regular reviews of Council policies are undertaken to ensure accuracy of detail and purpose.

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?

That:

1. Council endorse the policy as presented to proceed to Community Consultation (e.g., Have Your Say platform); and
2. After the consultation period, the feedback on the Cemeteries Operation Policy be brought back to a future meeting.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 1: Getting the basics right

1.6 Cemeteries

Supporting Documentation:

[1](#) Cemeteries Operations Policy

P20/9

Report authorised by:

Director - Corporate & Community Services

1. PURPOSE

The objective of the policy is to set down guidelines for the management and administration of Council owned cemeteries.

2. SCOPE

The policy covers all matters relevant to all Maranoa Regional Council managed cemeteries and applies to Council employees, Councillors, funeral directors, community members, legislative authorities and contractors.

3. DEFINITIONS

AUTHORISED PERSON	A person authorised by the delegated authority to exercise the powers of an authorised person under this policy and Council's Local Laws.
BURIAL	Means the interment of non-cremated human remains
BURIAL LICENCE	A licence for interment of non-cremated human remains
BURIAL LICENCE HOLDER	Person who has been issued with a burial licence
CEMETERY OR CEMETERIES	Designated area containing one or more burial places and/or areas for cremated remains
COUNCIL	Maranoa Regional Council
COLUMBARIUM/ASH WALL WALL OF MEMORY WALL OF REMEMBRANCE	A Structure having recesses in the walls to receive cremated remains and a standard plaque located. A plaque may be located in such areas without the placement of ashes
CREMATION	To reduce a body to ashes by fire
EXHUMATION	The removal of human remains
FEES AND CHARGES	A fee or charge fixed by Council and published in Council's Register of Fees and Charges
HEADSTONE	Masonry structure placed at the head of a grave site
INURNMENT	The practice of placing an urn in a niche wall and closing it up
LAWN CEMETERY	Burial area in which standard plaques are placed on the designated beam or ground level on a concrete plinth and the remainder of the cemetery is mown grass
MONUMENT	Any structure, headstone masonry, metal work, casting or item placed over, in or around a burial right or grave site
NICHE	Inurnment site or place in a wall where a container containing ashes of a deceased person may be placed
PLAQUE	Memorial sign that is attached to a plinth, headstone or niche wall

PLINTH	A structure placed on a grave for which a plaque or monument is attached
REGISTER	Council's formal data repository containing details of a burial, memorial site, immurement right, interment right or burial right
RESERVATION	Pre-need burial right

4. DETAILS

4.1. Introduction

Council maintains 19 cemeteries with the Maranoa Regional Council area providing a combination of monumental and lawn sections, and columbarium walls. These are:-

- Amby Monumental Cemetery
- Hodgson Monumental Cemetery
- Injune Lawn Cemetery
- Injune Monumental Cemetery
- Injune Wall of Remembrance
- Jackson Monumental Cemetery
- Mitchell Monumental Cemetery
- Mungallala Monumental Cemetery
- Roma Lawn Cemetery
- Roma Monumental Cemetery
- Roma Ash Wall
- Surat Monumental Cemetery
- Surat Ash Wall
- Wallumbilla Lawn Cemetery
- Wallumbilla Monumental Cemetery
- Wallumbilla Wall of Memory
- Yuleba Lawn Cemetery
- Yuleba Monumental Cemetery
- Yuleba Wall of Memory

All other cemeteries in the Maranoa region are administered by private trustees or closed to future burials.

Council recognises the heritage value of each cemetery and takes this into consideration with the ongoing management of each cemetery. It is acknowledged that cemeteries are special places requiring sensitive and sympathetic management, however this may not always be practicable. Council, as the Cemetery Manager reserves the right to determine what is appropriate, hazardous and acceptable management of a cemetery.

Commitment

As the Cemetery Manager of the cemeteries within the Maranoa Regional Council area, Council is the sole determinant of dignified behaviour within the cemeteries. This includes what constitutes a dignified funeral, monument design and installation, and the placement of tributes in addition to the permanent monument.

To minimise conflict as to what Council deems appropriate and acceptable conduct, Council has prepared and implemented this Policy.

Every attempt will be made to liaise with the families, funeral director or other representatives prior to any action being taken, however Council staff may take action to rectify situations without prior consultation if required. If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate for burial procedures, the request can be forwarded for internal review as per Council's Complaint Management policy and process.

4.2. Provisions at Cemeteries

Council will make such provisions as it considers necessary for the following:-

- 4.2.1 A Register of Burial, as required by Subordinate Local Law No.1.9, must be kept in respect of all burial places. (Except where historically this information was not retained)
- 4.2.2 A Register of Cremation, as required by Subordinate Local Law No.1.9, must be kept in respect of each cremation. (Except where historically this information was not retained)
- 4.2.3 The establishment and standards of construction and design for monuments and structures
- 4.2.4 The size, multiple use and location of burial places
- 4.2.5 The erection or installation of structures and the make of inscriptions
- 4.2.6 The carrying out of work by monument masons
- 4.2.7 The removal, replacement and maintenance of structures
- 4.2.8 The improvement and maintenance of cemeteries
- 4.2.9 The conduct of religious or other ceremonies of burial, cremation, disposition or commemoration

4.3. Register of Burial Places and Cremation

- 4.3.1 A Register of Burial, as required by Subordinate Local Law No.1.9, must be kept in respect of all burial places. (Except where historically this information was not retained)
- 4.3.2 A Register of Cremation, as required by Subordinate Local Law No.1.9, must be kept in respect of each cremation. (Except where historically this information was not retained)
- 4.3.3 A register of pre-need burial rights (Reserve Graves) will be kept and must contain the name and address of the owner of the burial right.
- 4.3.4 Each register, which may be kept in written, printed or electronic form, must contain sufficient information to allow for simple cross-referencing or entries by:-
 - Surname**
 - Date of burial or cremation**
 - Burial place location**
- 4.3.5 Each burial or cremation must be recorded in its respective register immediately after the service
- 4.3.6 Registers may be amended to remove or correct inaccuracies

4.4. Exclusive right of burial

- 4.4.1 Council will issue to the owner of an exclusive right of burial a certificate upon request, clearly showing:-
 - The owners name and address**
 - The amount paid**
 - The date of issue**
 - A description of the physical location of the grave**
 - The terms and conditions under which the certificate is issued**

- 4.4.2 Any fees relating to the purchase and issue of the certificate must be paid at the time of application
- 4.4.3 Council may refuse to grant an exclusive right of burial to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such rights as a business
- 4.4.4 Council will facilitate the transfer of a right of burial as result of a bequest following receipt of written evidence authorising the transfer and payment of the appropriate fee, and where this transfer does not facilitate the creation of a monopoly or a commercial transaction within the cemetery
- 4.4.5 Council may cancel a right of burial if it is not exercised within 60 years of issue. Council will utilise all available information to determine the availability or otherwise of the plot. For example, a right of burial may exist at one particular cemetery but Council has evidence that the right of burial holder has been interred at another cemetery

4.5. Burials

- 4.5.1 Burials in Council cemeteries must be undertaken by an accredited funeral business
- 4.5.2 Human remains must not be brought into a Maranoa Regional Council cemetery unless:-
 - Approval has been granted by Council; and
 - The remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal and complies with the industry standards for constructing coffins or other forms of containers for the burial of human remains; if it complies with the following requirements:-
 - a) Not leak liquids or gases
 - b) Be securely closed during transportation to the burial site and at the time of interment
 - c) Be constructed so as to not distort or collapse when handled during the normal course of event leading up to the burial (including handling when damp)
 - d) Be approved in writing by the Chief Executive Officer of the relevant Queensland Government Department with oversight of cemeteries and crematoria
- 4.5.3 Boxed ashes may be interred by private citizens during Council's ordinary business hours (or pre-arrange time)

4.6. Order for Burials

- 4.6.1 Burials and interment of ashes shall take place only during the hours approved by Council
These hours are:
 - between the hours of 8.30 am and 3.30 pm Monday to Friday; or
 - by arrangement with Council on Saturdays, Sundays and public holidays (with the exclusion of Good Friday, Anzac Day and Christmas Day.) Burials by special arrangement will be subject to additional fees as laid out in Councils Fees and Charges schedule
- 4.6.2 Notice of the proposed burial, exhumation or disposal must be given to Council a minimum of two (2) full working days prior to the event
- 4.6.3 There will be a minimum of three (3) hours between service bookings at any one cemetery

- 4.6.4 Council may approve funerals inside of the two day notice period due to exceptional circumstances from time to time subject to conditions of, and approval by, the authorised person
- 4.6.5 Burials are not to take place unless a burial order/application has been approved by Council
- 4.6.6 Where, in the opinion of the authorised person, the digging of any particular grave is impossible or impracticable because of flooding, wet ground, rock or any other reason, the authorised person may, in his or her absolute discretion, refuse a burial in that grave and may order the relocation of the burial to another grave plot regardless of prior arrangements
- 4.6.7 Council may, due to operational needs, change or modify hours of burial as required, as approved by an authorised person

4.7. Bringing of Human Remains into a Cemetery

- 4.7.1 A person must not bring human remains into a Maranoa Regional Council cemetery unless approval has been given by an authorised officer
- 4.7.2 The remains are to be enclosed in a coffin or other form of container appropriate to the proposed form of disposal and complies with the industry standards

4.8. Requirements for Graves

- 4.8.1 All adult plots will be dug at a standard depth of 2.4 metres (8 feet) to allow for two burials except in the instance where the soil structure or ground stability does not allow for a second interment
- 4.8.2 A plot must be dug at a depth of 2.7 metres (9 feet) to allow a triple burial and the request for such must be received at the time of the first interment
- 4.8.3 There must be not less than 1 metre of soil coverage on top of the last coffin in a grave
- 4.8.4 The maximum number of coffin interments per grave space/plot is three (3) dependent on the depth of the first and second interments or if otherwise restricted in some way which would prevent reopening of the grave
- 4.8.5 Interment of ashes will be dug at a standard depth of half a metre x half metre unless otherwise specified
- 4.8.6 Burials within the designated children section shall only be facilitated where the coffin or casket size can be accommodated within the limitations of the surveyed plot

4.9. Exhumations

- 4.9.1 Exhumations are NOT to take place unless Council has received :-
 - Lodgement of written confirmation from an accredited undertaker that he/she is prepared to carry out the exhumation; and
 - Lodgement of the written consent to the proposed exhumation by the nearest living relative to the deceased; and
 - Lodgement of a Council's application form duly completed, together with the provision of the death certificate
- 4.9.2 Exhumations will be subject to the conditions outlined in Council's Subordinate Local Law No.1.13

4.10. Above Ground Entombment

- 4.10.1 Council does not facilitate above ground entombments

4.11. Vertical Burials

- 4.11.1 Council may consider a vertically spaced cemetery (as opposed to a conventional horizontal spacing) in the future for lawn cemeteries
- 4.11.2 Vertical spaced cemeteries are not planned for any Council cemetery and are not to be implemented for any burial (unless a religious or cultural request to undertake such a burial is received)

4.12. Opening and Reopening of Graves

- 4.12.1 Council staff will arrange for the digging of a grave by an appropriately qualified person
- 4.12.2 Open (prepared) graves must be covered with an appropriate structure to prevent persons from falling in if they are left unattended, unless an appropriate alternative barrier is in place
- 4.12.3 After a burial, a grave may only be reopened for a further burial with the written approval of the authorised person
- 4.12.4 The Council shall take every care when required to re-open a grave for a second or subsequent burial but will not accept responsibility for any accidental or unintentional damage caused to monuments, gravesite or lawn during such opening
- 4.12.5 Where it is necessary to re-open a grave by breaking up and removing a concrete cover/monument, the Council shall not be responsible for re-instatement of the memorial following burial
- 4.12.6 Breaking up or removing a concrete/granite/marble etc cover on a monument, to allow re opening of a grave for second or third interment shall be subject to the following:-
 - Liaison with the authorised person at the time of booking the interment; and
 - Completed by a person qualified to undertake such work, eg. concrete cutters, stonemason; and
 - Be organised by the person arranging the funeral, the funeral director, burial right holder or family member; and
 - Be completed in adequate time to allow excavation of the grave.
- 4.12.7 The Council may apply quantities of water or employ other methods to graves following interment to assist with subsidence and compaction of soil so that the grave can be restored to previous levels as soon as possible
- 4.12.8 The size and position of all graves in Council cemetery is to be determined by the authorised person

4.13. War Graves

- 4.13.1 Council does not have a specified area for war graves
- 4.13.2 These can be accommodated in the general cemeteries, and are to be constructed and maintained by the Australian War Graves Commission

4.14. Plaques, Monuments and Inscriptions – Monumental & Injune Lawn

- 4.14.1 Headstones and monuments in the general sections of the Councils' cemeteries are the responsibility of the holder of the burial licence
- 4.14.2 Should these items be damaged, vandalised or fall into disrepair it is the responsibility of the burial licence holder to make repairs
- 4.14.3 If headstones or monuments are dangerous, Council may conduct works to make the area safe. This work may involve the placement of a headstone on the ground to prevent it from falling and will not include repairs or reinstatement of the headstone

- 4.14.4 All required fees to be paid and authorisation given before any work is commenced by suitably qualified stonemasons
- 4.14.5 The site must be reinstated to the previous standard with all rubbish and debris removed from the cemetery
- 4.14.6 Surrounding monuments and headstones must not be damaged in the course of undertaking any works
- 4.14.7 Memorials must be consistent with the existing amenity of the cemetery
- 4.14.8 Plastic type materials will not be permitted
- 4.14.9 The memorial shall be contained within the grave plot and be less than one metre in height unless certified by a structural engineer
- 4.14.10 The planting of trees, shrubs, roses or any other plants is not permitted on a grave/plot

4.15. Plaques, Monuments and Inscriptions – Lawn

- 4.15.1 Council will determine the standard sizes and design type for all memorial plaques and be responsible for the procurement of such to ensure conformity
- 4.15.2 Only one plaque per plinth is accepted. This plinth has recessed flower receptacles
- 4.15.3 Council will supply a standard concrete plinth for the affixing of a plaque. However applicants may make arrangements through an accredited monumental mason to supply a sandstone, granite or marble base consistent with the dimensions determined by Council
- 4.15.4 Roma Lawn Beam Section – this area includes the plaque where it is positioned on a Council supplied granite plinth installed on a concrete beam. If required, granite flower receptacles attached to the plinth are also supplied
- 4.15.5 Any image used for a photo must display the face of the person interred (or to be interred) at the location and cannot be interpreted as offensive in a public venue.
- 4.15.6 Other than photographs, no other form of media can be added to the plaque (eg. sound, video, lights etc)

4.16. Flowers and ornaments

- 4.16.1 Council welcomes the limited placement of fresh or artificial tributes at burial and memorial sites however, it is committed to providing fair guidelines that apply uniformly to everyone. This will ensure families are able to grieve in an environment that is safe and tidy and allow Council to meet its obligations in the management of the cemetery grounds
- 4.16.2 No unauthorised tree, shrub or other plant is to be placed or planted on any grave.
- 4.16.3 Within the lawn sections, flowers may be placed in the receptacles on the plaque plinth
- 4.16.4 Within the monumental areas, flowers and ornaments may be placed within the confines of the plot where the grave top has been paved or has a low fence to enclose the plot area
- 4.16.5 Flowers and ornaments must not exceed a height of 30cm
- 4.16.6 The placement of flowers must not encroach on the lawn, adjacent graves or walkways
- 4.16.7 The limit on receptacles is designed to allow families to express their grief but also ensures that other families do not feel marginalised or impinged upon by the placement of excessive items upon neighbouring locations
- 4.16.8 Tributes that encroach on neighbouring burial or memorial positions will be removed.
- 4.16.9 Within the Children's section of the Lawn Cemeteries, small ornaments or mementos may be placed within the plinth area relating to the grave site. No items are to be

placed on the grassed area of the plot. The placement of small ornaments or mementos in the Adult Sections of the Lawn Cemeteries is prohibited

- 4.16.10 Within the monumental sections, small ornaments or mementos may be placed within that area relating to the grave where the top has been paved or has been enclosed by a low fence
- 4.16.11 Glass jars/bottles/containers, ceramic pots, crosses and large mementos are not permitted. If used they will be removed from the cemetery
- 4.16.12 Any non-approved items will be removed
- 4.16.13 Fresh flowers, wreaths and artificial flowers will be removed from grave sites by Council staff if, in their opinion, they have deteriorated to such an extent as to detract from the appearance of the cemetery

4.17. Ashes – Placement in Graves

- 4.17.1 Placement of cremated remains shall take place during the hours approved by Council
- 4.17.2 Multiple ashes are permitted to be placed in existing or new graves
- 4.17.3 A maximum of four (4) ashes may be interred in a new grave and a maximum of two (2) ashes interred in an existing grave. The plaques for lawn graves must comply with standard sizes and designs set by Council and must be ordered and placed by council
- 4.17.4 It is a requirement that details of the interment are memorialised on a plaque or monument

4.18. Ashes – Placement in Columbarium/Ash Wall

- 4.18.1 Placement of cremated remains shall take place only during the hours approved by Council
- 4.18.2 The container holding the ashes must be constructed of suitable weather resistant material
- 4.18.3 A standard bronze plaque or commonwealth War Graves plaque of the standard size must be installed over the niche
- 4.18.4 The placing of vases, bottles or containers, for holding of flowers is not permitted.
- 4.18.5 Single fresh or artificial flowers are permitted by placing the stem behind the wall plaques

4.19. Ashes – Scattering in a Cemetery

- 4.19.1 Ashes must not be scattered in a Council administered cemetery without prior approval
- 4.19.2 Details of the deceased must be provided in writing
- 4.19.3 Scattering of ashes shall only take place during the hours approved by Council.
- 4.19.4 The ashes must not be scattered so as to contaminate water sources or affect persons of close proximity

4.20. Removal of Ashes

- 4.20.1 Applications to have cremated remains removed from any cemetery for any reasons, must be made in writing to Council. The application must be signed by all applicants or their rightful successor, or a statutory declaration may be submitted stating that all near relations of the deceased have been advised of the request for removal

- 4.20.2 The holder of the burial licence may relinquish the burial licence to Council in writing after the removal of the ashes

4.21. Fees and Charges

- 4.21.1 Fees for services are determined by Council and specified in Council's Register of Regulatory Fees and Commercial Charges
- 4.21.2 All fees are to be paid in advance, unless approved credit arrangement is in place.
- 4.22.2 Council staff will not issue any certification until the appropriate fee if required in advance has been received
- 4.22.3 Graves can only be reserved on payment of the reservation or purchase for the grave

4.22. Prohibited – All Cemeteries

A person (other than an authorised employee or contractor of Council) must not do any of the following (within a cemetery without written exemption from Council) :-

- 4.22.1 Erect an unapproved monument/structure or tribute
- 4.22.2 Damage, deface, interfere with or alter burial places
- 4.22.3 Damage, deface, interfere with or alter monuments
- 4.22.4 Disturb or interfere with a lawfully conducted funeral or commemorative service.
- 4.22.5 Bury, inter or exhume any human or non-human remains, whether cremated or not.
- 4.22.6 Enter or remain in a cemetery between sunset and sunrise, unless Council permission is obtained
- 4.22.7 Cause or permit an animal that is under the person's control to enter or remain in a cemetery without proper supervision
- 4.22.8 Take part in any gathering, meeting or assembly, except for the purpose of recognised religious, research, historical, educational or other ceremony of burial or commemoration
- 4.22.9 Engage in trade or commerce or distribute any circulars, advertisements, paper drawn or photographic material
- 4.22.10 Drive a vehicle at a speed of more than 8 kilometres per hour
- 4.22.11 Park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic
- 4.22.12 Teach, learn or practice driving a vehicle
- 4.22.13 Camp or reside on any land
- 4.22.14 Possess or consume an alcoholic or intoxicating beverage or substance except from that directly associated with a funeral service
- 4.22.15 Urinate or defecate (anywhere other than in a public toilet)
- 4.22.16 Bring into or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other substances
- 4.22.17 Remove any dead timber, logs, trees and flora whether standing or fallen
- 4.22.18 Kill, capture or in any way interfere with animal, bird, fish or other fauna whether native or introduced
- 4.22.19 Plant any tree, shrub, herbage or other plant with prior consent
- 4.22.20 Obstruct any authorised person or, or contractor, of Council or any Funeral Business to, in the performance of the authorised person's duty or the employee's or contractor's, or Funeral Business' work in the cemetery
- 4.22.21 Picking flowers or plants within the cemetery grounds
- 4.22.22 Discharge a firearm (except at a military funeral)

Offenders may be prosecuted under relevant Local, State or Federal Law

5. Conservation and Heritage

Council recognises that burial grounds and cemeteries are places of significance to the community by virtue of their architectural, social and genealogical significance, and will provide reasonable assistance to community groups and interested parties who seek to promote or research cemetery issues

6. Closed/Historical Cemeteries

The Monumental section of the Injune Cemetery is closed and the Monumental section of the Roma Cemetery will be closed upon the allocation of the remaining available plots excepting where an Exclusive Right of Burial has been granted

The following are Historical Cemeteries only:

- Bindango Historical Cemetery
- Euthella Historical Cemetery
- Injune Historical Cemetery
- Muckadilla Historical Cemetery
- Yingerbay Historical Cemetery
- Dulbydilla Historical Cemetery

7. Related Policies and Legislation

Local Government Act 2009

Land Regulation 2009

Local Law No. 1 (Administration) 2011

Subordinate Local Law No.1.9 (Operation of Cemeteries) 2011

Subordinate Local Law No.1.13 (Undertaking Regulated Activities regarding Human Remains) 2011

Complaint Management Policy and Process

Burials on Private Property Policy

8. Associated Documents

Maranoa Regional Council Register of Regulatory Fees and Commercial Charges
Cemeteries Burial Procedures and Responsibilities

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 18 March 2021

Item Number: 11.2

File Number: D21/22514

SUBJECT HEADING: Policy review - Burials on Private Property

Classification: Open Access

Officer's Title: Manager - Communication, Information & Administration Services

Executive Summary:

The Burials on Private Property Policy has been reviewed and is tabled for Council's consideration.

This policy outlines the relevant criteria to allow burials on private land/property.

Officer's Recommendation:

That:

1. Council endorse the policy as presented to proceed to Community Consultation (e.g., Have Your Say platform); and
2. After the consultation period, community feedback on the Burials on Private Property Policy be brought back to a future meeting.

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).

Community of 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).

Acronym	Description
Nil	

Context:***Why is the matter coming before Council?***

The current “Burials on Private Property” policy required a fresh review to ensure it met its purpose.

This review has made only minor amendments, which are additions to the policy, without changing its intent.

The policy is presented to Council for adoption.

At Council’s meeting on the 24 February 2021 (OM/02.2021/46), Council resolved as follows:

That:

- 1. Council request that the relevant policies associated with Burials on Private Property and Complaints be reviewed to provide for an escalation to Council in instances where the matter cannot be resolved operationally in the required timeframes required for the burial/interment of ashes***
- 2. The updated draft policies come back to Council for review prior to consultation with key stakeholders and the broader community (e.g. Have your Say).***
- 3. Elected members forward any past concerns that haven’t been able to be resolved satisfactorily at an operational level.***
- 4. A Report be presented to an upcoming Council meeting that includes the customer requests that have been submitted to Council in the last 5 years about issues at our regional cemeteries.***

Point 1

- Include under Policy Details:

If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate for burial procedures, the request can be forwarded for internal review as per Council’s Complaint Management policy and process.

Point 3

- No past concerns from Elected members were forwarded for this report.

Point 4

- A review of the customer requests received in the last 5 years was undertaken with no issues regarding burials on private property recorded in our Customer Request Management system. In the past five years there have been five (5) burials on Private Property in the region.

Background:***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

The current “Burials on Private Property” policy required a fresh review to ensure it met its purpose.

This review has made only minor amendments, which are additions to the policy, without changing its intent.

These additions are highlighted in the Draft copy attached.

Summary of changes:

- Include under Policy Details:

If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate for burial procedures, the request can be forwarded for internal review as per Council’s Complaint Management policy and process.

- Include reference to *Complaints Management Policy and Process* in section 5 Related Policies and Legislation

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)

Refer to policy detail.

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)

Council’s current adopted *Burials on Private Property Policy*: Resolution: GM/05.2014/49

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)

Sharon Frank - Director of Corporate and Community Services
Governance Officer

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)

Nil.

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?

There are no budget implications resulting from the adoption of this policy.

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)

There are no budget implications resulting from the adoption of this policy.

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)

Interested parties: Families requesting burials on private land/property where the deceased person has had an historical association with the land/property.

Key interests: any proposed changes. No changes to the current policy are proposed.

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)

It is recommended that regular reviews of Council policies are undertaken to ensure accuracy of detail and purpose.

Recommendation:

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

That:

1. Council endorse the policy as presented to proceed to Community Consultation (e.g., Have Your Say platform); and
2. After the consultation period, community feedback on the Burials on Private Property Policy be brought back to a future meeting.

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?***

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 1: Getting the basics right

1.6 Cemeteries

Supporting Documentation:

[1](#) Council Policy: Burials on Private Property

P20/10

Report authorised by:

Director - Corporate & Community Services

1. Policy Purpose

The Objective of the policy is to set down guidelines defining relevant criteria to allow burials on private land/property.

2. Policy Scope

This policy will apply to all interments of deceased persons on private land/property not being a public or private cemetery.

3. Definitions

IMMEDIATE FAMILY Parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

4. Policy Details

Whilst Council would prefer a person to be buried in a public cemetery, Council does recognise that on occasions requests will be submitted to allow a family member to be buried on private land/property where the deceased person has had an historical association with the land/property.

The operation of the cemetery and interment of deceased persons on private land/property must be approved by Council. No interment shall take place on private land/property unless approval for burial has been issued by Council.

Burials on freehold and leasehold land will only be permitted on site if:

- evidence is provided that the person or their immediate family has or had an historical association with the land: and
- the total landholding must be equal to or exceed fifty (50) hectares; and
- the area should be suitably fenced to delineate the boundaries of the location and secure the location; and
- each grave should be permanently marked with details of the deceased and the boundaries of the grave excavation should also be permanently marked; and
- the burial location site should be described and drawn along with GPS coordinates of the location of the deceased buried in respective sites and a copy should be forwarded to the local authority for placement on the property file and burial register.

Requests which are not supported by historical association in the above circumstances are to be tabled for Council's consideration. To allow peace of mind for family members, Council will consider requests for arrangements for future burials on private land/property.

If a customer is dissatisfied with the service delivery and seeks a review in the timeframe appropriate to burial procedures, the request can be forwarded for internal review as per Council's Complaint Management Policy and Process.

Notification and details of burials will be submitted electronically to the Registry of Births Deaths and Marriages (RBDM) – Department of Justice and Attorney-General.

5. Related Policies and Legislation

Local Government Act 2009
Land Regulation 2009

Local Law No. 1 (Administration) 2011
Subordinate Local Law No.1.9 (Operation of Cemeteries) 2011
Subordinate Local Law No.1.13 (Undertaking Regulated Activities regarding Human Remains) 2011
Cemeteries Operations Policy
Complaint Management Policy and Process

6. Associated Documents

Maranoa Regional Council Register of Regulatory Fees and Commercial Charges
Cemeteries Burial Procedures and Responsibilities
Application for Burial on Private Land

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 30 March 2021

Item Number: 11.3

File Number: D21/26059

SUBJECT HEADING: 2021 Ordinary Council Meeting Schedule

Classification: Open Access

Officer's Title: Lead Officer - Elected Members & Community Engagement

Executive Summary:

The purpose of this report is to:

1. Provide a review following the conclusion of trial meeting rotations in the towns of Mitchell, Surat, Yuleba and Injune; and
2. Set Council's ordinary meeting schedule for the remainder of 2021.

Officer's Recommendation:

That Council:

1. Continue to hold its ordinary meetings on the 2nd and 4th Wednesday of each month, with the exception of December when a single meeting be held on the 2nd Wednesday of the month.
2. Hold all ordinary meetings in the Council Chambers (Ernest Brock Room if applicable), commencing at 9.00am.
3. Adopt the updated meeting schedule as presented and attached to the officer's report.
4. Initiate a Councillor 'Out & About' program to meet with residents across the region.

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).

No

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
Not applicable	

Context:***Why is the matter coming before Council?***

For Council to consider its ordinary meeting schedule for the remainder of 2021, following completion of a meeting rotation trial which commenced on 14 October 2020, and concluded on 10 February 2021.

Background:***Has anything already happened in relation to this matter?***

(Succinct overview of the relevant facts, without interpretation)

At its Post-Election Meeting, in accordance with Section 256 (1) of the *Local Government Regulation 2012*, Council considered the setting of meeting days and times.

At that meeting Council resolved:

That:

- Council adopt the initial ordinary meeting schedule of the 2nd and 4th Wednesday of each month, and for the meeting dates of 22 April 2020, 13 May 2020 and 27 May 2020, commence the meeting at 9am at Council's Roma Administration Centre.
- Council conduct a three (3) month trial on the 2nd and 4th Wednesday of each month for the months of June, July and August 2020, with the meeting commencing at 6.30pm and finishing no later than 10.30pm.
- For the trial, Council hold ordinary Council meetings on a rotational basis for the first meeting of each month, starting in Mitchell, Surat, Yuleba and Injune.
- All meetings be held at existing Council buildings in each area.
- Council foreshadow that the intention is to retain the 2nd and 4th Wednesday as the ordinary meeting schedule, it is just the time and location that may change in the future having regard to the outcome of the trial.
- A report be tabled at the ordinary meeting on 27 May 2020 in relation to the Chief Health Officer's directions in regard to COVID-19.

At a Special Meeting on 3 June 2020, the Mayor put forward a proposal to amend the commencement of the trial due to COVID-19 restrictions in place, which could potentially impact community attendance at meetings during the trial period. Council subsequently resolved (Resolution No. SM/06.2020/05):

That:

- Council adopt the initial ordinary meeting schedule of the 2nd and 4th Wednesday of each month, and for the meeting dates from 22 April 2020 to 23 September 2020 inclusive, commence the meeting at 9am at Council's Roma Administration Centre (post COVID-19) or Ernest Brock Room (Roma Cultural Centre) as advertised.
- Council conduct a four (4) month trial commencing on 14 October 2020 with two (2) of those meetings commencing at 6.30pm until no later than 10.30pm (with supper from 5.30pm), and the other two (2) of the meetings will be commencing at 12.00pm (lunch at 11.30am), until no later than 6.00pm, followed by supper. This relates directly to the first meeting of the month. The second meeting of the month commences at 9am in Roma at Council's Roma Administration Centre (post COVID-19) or Ernest Brock Room (Roma Cultural Centre) as advertised.
- For the trial, Council hold ordinary Council meetings on a rotational basis for the first meeting of each month, starting in Mitchell, then Surat, then Yuleba and then Injune.
- All meetings be held at existing Council buildings in each area.
- Council foreshadow that the intention is to retain the 2nd and 4th Wednesdays as the ordinary meeting schedule, it is just the time and location that may change in the future having regard to the outcome of the trial.
- The Mayor issue a letter of invitation to residents at least two weeks in advance (with an RSVP date) inviting residents in the meeting locality to join Council for supper / lunch (which will be provided by Council) ~~at 6.00pm~~ and inviting them to stay for the meeting if they wish.
- The above be subject to compliance with the Chief Health Officer's directions current at the time.

At a Special Meeting on 2 December 2020, Council approved the following amendment to (Resolution Number SM/06.2020/06). This was to adjust the commencement time of the Ordinary Meeting in Yuleba to 9am to allow for additional time to complete the meeting, given that one meeting only was scheduled for December 2020 and the initial trial commencement time was 12.00pm.

That Council amend Resolution Number SM/06.2020/06 as follows:

That:

- ☐ Council adopt the initial ordinary meeting schedule of the 2nd and 4th Wednesday of each month, and for the meeting dates from 22 April 2020 to 23 September 2020 inclusive, commence the meeting at 9am at Council's Roma Administration Centre (post COVID-19) or Ernest Brock Room (Roma Cultural Centre) as advertised.
- ☐ Council conduct a four (4) month trial commencing on 14 October 2020 as follows:
 - Council conduct a Council meeting in Mitchell on 14 October 2020 commencing at 6.30pm (with supper from 5.30pm), until no later than 10.30pm.
 - Council conduct a Council meeting in Surat on 11 November 2020 commencing at 6.30pm (with supper from 5.30pm), until no later than 10.30pm.
 - Council conduct a Council meeting at Yuleba on 9 December 2020 commencing at 9.00am (lunch with the community from 12.00pm to 1.00pm) and not define a finish time.
 - Council conduct a Council meeting in Injune on 10 February 2021 commencing at 12.00pm (lunch at 11.30am), until no later than 6.00pm, followed by supper.
- ☐ The second meeting of the month commences at 9am in Roma at Council's Roma Administration Centre (post COVID-19) or Ernest Brock Room (Roma Cultural Centre) as advertised.
- ☐ For the trial, Council hold ordinary Council meetings on a rotational basis for the first meeting of each month, starting in Mitchell, then Surat, then Yuleba and then Injune.
- ☐ All meetings be held at existing Council buildings in each area.
- ☐ Council foreshadow that the intention is to retain the 2nd and 4th Wednesdays as the ordinary meeting schedule, it is just the time and location that may change in the future having regard to the outcome of the trial.
- ☐ The Mayor issue a letter of invitation to residents at least two weeks in advance (with an RSVP date) inviting residents in the meeting locality to join Council for supper / lunch (which will be provided by Council) and inviting them to stay for the meeting if they wish.
- ☐ The above be subject to compliance with the Chief Health Officer's directions current at the time.

The tables below summarises key data about ordinary meetings during the trial period:

Ordinary Meeting duration data

Meeting/Date	Location	Video Time Lapsed (excludes adjournments and closed sessions)	Meeting Duration	Items Not Considered/Laid on the Table
14 October 2020	Mitchell 55 Reports	4hrs 01min	4hrs 02min	<i>20 – Not Considered</i> <i>1 – Laid on the Table</i>
28 October 2020	Roma 65 Reports	6hrs 40min	13hrs 14min	0 – Not Considered <i>5 – Laid on the Table</i>
11/12 November 2020 <i>Impacted two days</i>	Surat 42 Reports	5hrs 06min	5hrs 33min	<i>Carried forward to a second day</i> <i>2 – Laid on the Table</i>
25 November 2020	Roma 51 Reports	6hrs 40min	11hrs 13min	0 – Not Considered 0 – Laid on the Table
9 December 2020	Yuleba 44 Reports	4hrs 39min	9hrs 00min	0 – Not Considered 0 – Laid on the Table
27/28 January 2021 <i>Impacted two days</i>	Roma 60 Reports	9hrs 56min	19hrs 13min	<i>Carried forward to a second day</i> 0 – Laid on the Table
10 February 2021	Injune 30 Reports	3hrs 46min	5hrs 31min	0 – Not Considered 3 – Laid on the Table
24 February 2021	Roma 50 Reports	5hrs 30min	10hrs 31min	4 – Laid on the table

Officer attendance at ordinary meetings for advice to Council

Meeting/Date	Location	Staff in Attendance	
14 October 2020	Mitchell	Executive Staff Only (3)	No Officers
28 October 2020	Roma	Executive Staff (3)	Officers - 12
11/12 November 2020 Impacted two days	Surat	Executive Staff (3)	Officers – 1 via telephone
25 November 2020	Roma	Executive Staff (2)	Officers – 7
9 December 2020	Yuleba	Executive Staff (3)	Officers – 8
27/28 January 2021 Impacted two days	Roma	Executive Staff (3)	Officers – 10
10 February 2021	Injune	Executive Staff (3)	Officers - 5

What worked well?

- In conducting the rotational trial in the smaller regional towns, this term of Council has actively re-visited the viability of meetings being held across the region and community sentiment in attending meetings.
- The trial has demonstrated that the community welcomes and values face to face, two-way communication with Councillors, particularly in the smaller communities and it is recommended that Councillor 'Out & Abouts' be scheduled so that Councillors can dedicate time to engage with the community in an informal setting.

What challenges were faced?

- Prior to meetings, additional site inspections were undertaken by various staff to confirm venue set up requirements for facilities that were not designed for Council meetings.
- Productivity was lost with other staff needing to travel prior to the meeting for set up and testing.

- There was additional workload in administering meetings, with mailouts to each community preceding a meeting, additional catering, and management of RSVP's.
- Having a meeting start at lunch time effectively meant a lost morning of productivity.
- As some or parts of meetings were conducted outside of normal business hours, reporting officers were not available to answer technical questions, which at times led to reports being laid on the table, leading to delayed decisions.
- The officers in attendance at the meetings were still required to meet the normal operational needs of Council during business hours on the day of the meeting and the following day, in addition to the night meeting and travel, arriving home during the middle of the night.
- Council could not determine the outcome of all reports to some of the meetings within the specified meeting trial times, leading to meetings being adjourned and carried over to the next day (Surat meeting), or a change to trial commencement time (December meeting).
- Fatigue, given the lateness of night meetings, led to potentially poor decision making.
- Society considers business hours to broadly occur between 8.30/9am and 5pm. This is widely accepted across business sectors as the optimum time to conduct business. In today's world, local governments are complex businesses.
- The foreseeable safety concerns due to travelling to and from meetings late at night, together with the risk of damage to vehicles from wildlife strikes, were justified. Vehicle damage occurred travelling home late from one of the night meetings (also putting the occupants at risk).
- Council has a duty of care to not place individuals in unsafe situations or expose them to avoidable risks. Given the limited community/public benefit from the meeting rotation trial, the benefit vs risk is hard to justify. This risk is compounded as travel occurred where there is limited mobile service in isolated areas late at night.
- Night meetings encroach on valuable family time and take away from work life balance.

- Use of pool vehicles meant that multiple employees / councillors were exposed to the same risks concurrently.
- Ordinary Meetings held in Roma on the 4th Wednesday of the month had a higher volume of reports and were twice the duration of the meetings held in the smaller towns.
 - This indicates that officers put forward reports to Council meetings in Roma as a preference so they could be present to answer questions and did not need to travel lengthy distances from their home office (i.e. The Council Chambers is central to the region, 1 hour travel only required from all towns to attend meetings).
- Hall lighting issues were encountered to set up visual display requirements as appropriate blinds and curtains were not in place, as well as fluorescent lighting causing issues with recording image flicking.
- Audio and video recording equipment was not designed for hall meeting spaces. Venues were not equipped with appropriate projector / displays while significant improvements to meeting technology had already been implemented in the Council Chambers.
- Data connectivity was not available in public halls, with the minutes software having to be run off-line and significant additional entry work required after the meeting.
- Council staff did not have ready access to resources.
- Additional technical support was required on meeting day to ensure meetings ran with minimal disruption. This took staff away from their normal operations. This significantly impacted productivity as the employees weren't able to continue their normal work while the meeting was in progress (as they were away from their workplace).
- The meeting venues were not fit for purpose when confidential items were being discussed. They did not provide an appropriate separation of the public and meeting space to maintain confidentiality, nor were there suitable facilities for those outside the meetings for extended periods of time.

- Less than ideal power solutions to run equipment caused potential trip hazards.
- Portable Microphones were required to boost Councillors' voice for public gallery and audio recordings.
- Further investment would be required to carry out venue upgrades if Council was to continue to rotate meetings across the region and allow for a public gallery space.

Community Meeting Attendance

The table below provides information about community attendance in person at the informal 'Meet & Greet' and the trial ordinary meeting locations. Information is also included about the ordinary meeting views on YouTube.

Location	Date	Invitations Issued	Meet & Greet Attendance (approximate)	Ordinary Meeting Attendance at Start of meeting only* (Approximate)	Views on YouTube
Mitchell & Surrounds	14/10/20	745	14 Supper	10*	193
Surat & Surrounds	11/11/20	375	11 Supper	10*	158
Yuleba (including Yuleba, Wallumbilla, Jackson & surrounds)	09/12/20	370	4 Lunch	4*	233
Injune & Surrounds	10/02/21	330	20 – 25 Lunch 5 - Supper	10*	277

* Most people left within a relatively short period of time.

Conclusion

Overall, the number of YouTube views versus individual attendance in person at meetings indicates that the community has embraced the opportunity to view Council meetings online. This provides the benefit of community members choosing a preferred time, location to view the meetings, as well as selecting the items of interest.

Personal attendance numbers were very low in comparison with invitation numbers distributed. Higher attendances were observed at most locations for the Meet & Greet segment of the schedule, indicating that the community chose that as a preferred forum for two-way communication between Council and the community.

Council Meetings only provide an opportunity for community members to 'observe' rather than interact with Councillors.

The community and councillors could achieve far more value through two way engagement (Councillors and residents) in a more social setting – this does not require staff participation and removes the impacts on productivity.

**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)

The relevant sections of the legislation (*Local Government Regulation 2012*) is detailed below with regard meeting locations, frequency and advertising:

Local Government Regulation 2012

254B 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 on the local government's website, and in other ways the local government considers appropriate.

(3) A 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.*

(4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

257 Frequency and place of meetings

(1) A local government must meet at least once in each month.

(2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.

(3) All meetings of a local government are to be held—

- (a) at 1 of the local government's public offices; or*
- (b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.*

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)

This report seeks to confirm Council's policy position regarding ordinary meetings for the remainder of 2021.

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)

Chief Executive Officer

Manager - Information and Communications Technology

Lead Corporate Communications & Design Officer

Director Corporate & Community Services

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

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, this budget is considered and approved by Council annually.

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)

N/a.

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
Potential outlay of additional costs	Potential outlay of additional costs to upgrade venues across region to hold council meetings for limited community benefit given low attendance numbers, and community preference to view council meetings online. Council already has a fit-for-purpose, centrally located meeting room / council chambers, equipped with audio and visual equipment (including microphones). Likelihood: Almost Certain Consequence: Additional costs to upgrade another four (4) facilities for this purpose
Impact of fatigue	Fatigue affecting decision making process. Increased safety risk for councillors and staff travelling to and from meetings outside of usual business hours. Likelihood: Certain Consequence: Poor decision making processes, personal injury, damage to property (vehicle).

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 continue to hold ordinary meetings on the 2nd and 4th weeks of each month for the remainder of 2021. The month of December is an exception due to the Christmas Closures, and it is recommended that a single meeting be held in December on the 2nd Wednesday of the month.

That all ordinary meetings be held in the Council Chambers (Ernest Brock Room as applicable), commencing at 9.00am.

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?

That Council:

1. Continues to hold its ordinary meetings of the 2nd and 4th Wednesday of each month, with exception of December when a single meeting be held on the 2nd Wednesday of the month.

2. Hold all ordinary meetings in the Council Chambers (Ernest Brock Room if applicable), commencing at 9.00am.
3. Adopt the updated meeting schedule as presented and attached to the officer's report.
4. Initiate a Councillor 'Out & About' program to meet with residents across the region.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.1 Elected members

Supporting Documentation:

Nil.

Report authorised by:

Manager - Communication, Information & Administration Services

Director - Corporate & Community Services

Chief Executive Officer

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 29 March 2021

Item Number: 12.1

File Number: D21/25595

SUBJECT HEADING: Construction Water Main Miscamble Street, Roma
- Tender Award

Classification: Open Access

Officer's Title: Manager - Water, Sewerage & Gas

Executive Summary:

This report summarises the evaluation process undertaken for the construction of water mains in Miscamble Street Roma, through *Request for Quote VP230337* using the *Register of Pre-Qualified Suppliers for Minor Works – Civil Construction & Road Maintenance*.

The Request for Quote period opened on 26 February 2021 and closed on 22 March 2021.

Eight (8) suppliers from the register were invited to quote with three (3) responses received. These responses were reviewed by an evaluation panel and this report is submitted for Council's consideration.

Officer's Recommendation:

That Council:

1. Select ***Roma Earthmoving Pty Ltd*** as the successful tenderer to carry out the works for the construction of water mains in Miscamble Street, Roma.
 2. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with *Roma Earthmoving Pty Ltd*, noting the tenderer value of \$269,643.00 inclusive of GST, and execute the contract if the final terms are acceptable.
-

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).

N/A

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
TEP	Tender Evaluation Panel

Context:

Why is the matter coming before Council?

The value of the contract is over \$200,000 and requires Council approval.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Maranoa Regional Council invited suitably qualified and experienced Contractors to assist with the construction and installation of approximately 600m of 300mm diameter class 16 PVC RRJ water main and 490m of 63mm OD PE water main in Miscamble Street in Roma.

The project includes excavation of water main trenches, installation of water mains pipe including valves and hydrants, reinstatement and reconstruction of the road pavement, footpath and access driveways affected by the works.

Council invited suppliers for the construction of water mains in Miscamble Street through the *Register of Pre-Qualified Suppliers for Minor Works – Civil Construction & Maintenance Works*. The following suppliers were invited from the Register sub-panel *Water Construction & Maintenance Works*:

NO	TENDERER'S NAME
1	A1 Earthworks QLD Pty Ltd
2	D & J's Civil Construction Pty Ltd
3	Fulton Hogan
4	Joe Wagner Group Pty Ltd
5	Roma Earthmoving Pty. Ltd
6	Suffcon Pty. Ltd.
7	Swans Earthmoving QLD Pty Ltd
8	T&W Earthmoving

The Request for Quote period opened on 26 February 2021 and closed on 22 March 2021 with Council receiving three (3) responses.

This report summarises the evaluation process undertaken for Request for Quote VP230337 – Water Main Construction Miscamble Street, Roma Qld 4455.

The Tender Evaluation Panel (TEP) comprised the following Council staff members:

- Manager Procurement & Plant
- Manager Water, Sewerage & Gas

The TEP evaluated the submission based on the following criteria:

Criteria No.	Criteria Description	Criteria Points
1	Project Experience relevant to the RFQ works	15 Points
2	Qualifications, Skills and Experience of Key Personnel	20 Points
3	Construction Program	10 Points
4	Cost	40 Points
5	Contribution to the Local Economy	15 Points
Declaration of Actual, Potential or Perceived Conflicts of Interest		Mandatory

The assessment results are detailed in the table below:

Responders	Project Experience relevant to the RFQ works (15 points)	Qualifications, Skills and Experience of Key Personnel (20)	Construction Program (10)	Cost (40 points)	Local Content (15 points)	Total Score
A1 Earth works Qld Pty Ltd	15	20	8	24.6	0	67.6
Roma Earthmoving Pty Ltd	12	20	10	40	15	97
Suffcon Pty Ltd	15	20	7	20.3	15	62.3

Responders	Cost (Ex GST)	GST	Total Cost (Incl GST)	Points (40 points)
A1 Earth works Qld Pty Ltd	\$399,170.00	\$39,917.00	\$439,087.00	24.6
Roma Earthmoving Pty Ltd	\$245,130.00	\$24,513.00	\$269,643.00	40
Suffcon Pty Ltd	\$484,191.25	\$48,419.13	\$532,610.38	20.3

Price points are calculated using the formula:

- Minimum price submission – receives full score (in this case 40 points)
- All other submissions are evaluated using the formula
(minimum price / submission price) x weighting
- Price formula results in proportional increases/decreases in the score, in accordance with changes in price.

The recommendation is to enter into negotiations with *Roma Earthmoving Pty Ltd* as the preferred supplier for Request for Quote VP230337, noting the tendered value of \$245,130.00 (excl GST) with GST of \$24,513.00 for a total cost of \$269,643.00 inclusive of GST.

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)

Council invited Suppliers on the Register of Pre-Qualified suppliers for Minor Works – Civil Construction and Road Maintenance under the Local Government Regulation 2012 s232.

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)

This project is identified in the water Network AMP.

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 following staff provided input and developed this report:

- Manager Procurement & Plant
- Manager Water Sewerage & Gas

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)

N/A

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?

The budget for this project is included in the 2020-21 approved capital works program - work order 22208

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)

N/A

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)

N/A

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
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N/A	N/A
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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)

Council select Roma Earthmoving Pty Ltd as the recommended contractor to carry out the works for the construction of water mains in Miscamble Street, Roma. Their price is the lowest and they have the capability to carry out this work.

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?

That Council:

1. Select ***Roma Earthmoving Pty Ltd*** as the successful tenderer to carry out the works for the construction of water mains in Miscamble Street, Roma.
2. Authorise the Chief Executive Officer (or delegate) to enter into final negotiations with *Roma Earthmoving Pty Ltd*, noting the tenderer value of \$269,643.00 inclusive of GST, and execute the contract if the final terms are acceptable.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 1: Getting the basics right

1.1 Water

Supporting Documentation:

Nil

Report authorised by:

Program Funding & Budget Coordinator

Deputy Chief Executive Officer/Acting Director Infrastructure Services

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 30 March 2021

Item Number: 12.2

File Number: D21/25852

SUBJECT HEADING: Yuleba & Wallumbilla Community Banner Projects

Classification: Open Access

Officer's Title: Deputy Director / Strategic Road Management

Executive Summary:

Council allocated funding in the 2020/21 capital project budget to deliver two community banner projects, in Yuleba & Wallumbilla. Project planning has identified additional budget is required to complete these projects. This report seeks Council's approval of budget transfer from a project unable to be completed in this financial year to allow the community banner projects to proceed.

Officer's Recommendation:

That Council:

1. Approve the transfer of \$5,136 from WO20370 to WO22230, to allow the Wallumbilla Community Banner Project to proceed.
2. Approve the transfer of \$5,736 from WO20370 to WO22231, to allow the Yuleba Community Banner Project to proceed.

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).

Yuleba Development Group
Wallumbilla Town Improvement Group

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
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Context:

Why is the matter coming before Council?

Council approved two community projects in the 2020/21 budget for community banners in Yuleba & Wallumbilla. Project investigations have identified that the

budget allocated to these projects is not sufficient to deliver the scope. Therefore, this report seeks Council's endorsement of additional funds to complete the projects.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Project planning undertaken in consultation with the Yuleba Development Group & Wallumbilla Town Improvement Group has identified that each group is seeking the installation of 3 banner poles in each town. The Wallumbilla banner poles are proposed to be installed along George Street, with the Yuleba banner poles installed at the Garth Cox Park in Stephenson Street.

Quotes have been sought from local suppliers to deliver these works. The quotes received have been in excess of the budget available, and the projects are unable to proceed without additional budget being allocated.

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)

As the banner poles in Wallumbilla are proposed to be installed in a state-controlled road corridor, approval from the Department of Transport and Main Roads is required. This is a no-cost approval and will be completed by Council as part of the project planning.

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)

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?

(Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Manager – Economic & Community Development
Yuleba Development Group – President
Wallumbilla Town Improvement Group

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)

This project is not externally funded.

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?
\$5,000 was allocated to each town within the 2020/21 capital budget to complete these projects.

A budget summary of costs is below:

- Pole manufacture (local manufacturer): \$3,435 / town
- Reinforcing Cage manufacture: \$1,331 / town
- Installation (local builder): \$3,300 / town
- Flag Manufacture – 3 flags: \$690

TOTAL: \$8,756 / town

\$12,888 was rolled over in the 2020/21 budget for the Yuleba Cobb & Co Park Stage 1 Project. This project was completed in 2019, with only the irrigation of the area outstanding; however, the budget available is not sufficient to complete this irrigation. A small amount (\$975) has been expended this Financial Year on some minor repairs within the park. It is however unlikely that the budget for the Cobb & Co Park Stage 1 project will be expended in this financial year.

The site is also a subject of the Yuleba Liveability Master Planning and has been nominated by the Yuleba Development Group for Council's consideration as the Yuleba APLNG project. As part of the upcoming Master Plan consultation, the community will be asked to identify their preference for the APLNG project, whether it be the Cobb & Co Park or another site. If another site is selected, a future budget request can be made to Council with sufficient budget to complete the original planned irrigation works.

It is therefore recommended that Council transfer \$5,136 from WO20370 to WO22230 for the Wallumbilla project. This allows for 9 banner flags (3 x sets of 3) to be manufactured.

It is further recommended that Council transfer \$5,736 to WO20370 to WO22231 for the Yuleba project. This allows for 9 banner flags, as well as some additional costs incurred for additional structural design etc.

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)

This project is expected to be completed in this financial year, with no future budget required.

The community groups may, from time to time, request additional flags be provided (at a cost of \$690 / 3 flags). This would be a future decision of Council as whether to fund replacements/new flags.

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)

N/A

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
Community expectation that the projects proceed as per the approved capital works program.	These projects were originally included in the 2016/17 capital works budget but were unable to be completed in that financial year. They were removed from the program and reallocated within the 2020/21 financial year.

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 approve the transfer of funds to complete these projects in this financial year.

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?

That Council:

1. Approve the transfer of \$5,136 from WO20370 to WO22230, to allow the Wallumbilla Community Banner Project to proceed.
2. Approve the transfer of \$5,736 from WO20370 to WO22231, to allow the Yuleba Community Banner Project to proceed.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.12 Local development and events

Supporting Documentation:

Nil

Report authorised by:

Deputy Chief Executive Officer/Acting Director Infrastructure Services

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 31 March 2021

Item Number: 12.3

File Number: D21/26377

SUBJECT HEADING: Addition to the Road Register - Unnamed Road off Sunnyside Road

Classification: Open Access

Officer's Title: Assets Officer - Transport Network

Executive Summary:

Council previously considered a request to add a section of unnamed road off Sunnyside Road to Council's Road Register. Council resolved to undertake community engagement with the residents of the identified roadways with a subsequent report detailing the resident's feedback, with the view to formally naming and adding this section to the Road Register.

This report contains the resident's submissions and proposed road name for Councils noting and consideration.

Officer's Recommendation:

That Council;

1. Note and receive the resident's submissions received as part of the community consultation undertaken on the matter.
2. Endorse the following changes to Council's Rural Road Register:
 - a. Amend the current length of Sunnyside Road from 6.422 kilometres to 5.262 kilometres.
 - b. Add a new road to the road register, consistent with Option 2 of the community consultation package, with the new road having a total length of 2.30 kilometres and a start location of Wallumbilla North Road.
 - c. Name the new road Kleins Road and assign it the classification of Rural Access – Secondary.

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).

Adjoining lot owners who rely on the section of roadway proposed for addition to the road register for direct access to property;

- M Newton & P Collier – Owner of Lot 356 on WV290 (Applicant)
- KA & GP Nimmo – Owner of Lot 75 on WV1887
- HD Nixon – Owner of Lot 355 on WV290
- KA Nimmo – Owner of Lots 76 on WV165 & 139 on CP892978

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
-	-

Context:

Why is the matter coming before Council?

Council previously considered a request to add a section of unnamed road off Sunnyside Road to Council's Road Register. Council resolved to undertake community engagement with the residents of the identified roadways with a subsequent report detailing the resident's feedback, with the view to formally naming and adding this section to the Road Register.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

At the meeting held 27 January 2021, Council resolved to undertake community consultation with the residents that directly adjoin both Sunnyside Road and the unnamed road off Sunnyside Road to gauge their input into the potential configuration of the new road and the naming of this new road.

Council resolved through Resolution OM/01.2021/16:

That Council:

- 1. Provide in principle support to the addition of 1.0 kilometre of unnamed section road off Sunnyside Road to Council's Rural Road Register given that the section of road provides direct access to a number of freehold lots in the area.***
- 2. Undertake community engagement with residents that directly adjoin both Sunnyside Road and the unnamed section of the road off Sunnyside Road to gauge their input on the potential configuration and naming of the section of road as outlined in Part 1 of this resolution.***
- 3. Be presented with a subsequent report detailing the outcome from the community engagement on the matter, with the view of formally naming and adding this section of the road to the Rural Road Register.***

Outcome of Community Consultation with residents -

In accordance with item 2 of the resolution, community consultation was completed on the 29 March 2021. Nine residents were contacted by letter, provided with two road configuration maps and a submission form to complete and return to council by the due date of the 29 March 2021.

Item 3 of the resolution forms the basis of this report, summarisation of the resident's consultation and formally naming and adding this section of road to Council's Rural Road Register.

Council received 4 submissions, unanimously in favour of the configuration Option 2 and the road name "Klein" or "Kleins"

Option 1

Details of the proposed option would include:

- The existing alignment of Sunnyside Road remains the same - having two locations that intersect with Wallumbilla North Road. (Shown in illustration as blue line)
- The addition to the road register would be off Sunnyside Road will extend approximately 1km to the south-east. Under this proposal, the "added" section would require naming.



Option 2

Details of the proposed option would include:

- The length of Sunnyside Road is shorted to the T-intersection at the eastern end. (Blue dotted line). This section would maintain the name of Sunnyside Road.
- The northern end of Sunnyside Road would be combined with the new extension to form a new road and would require a new road name (Green line)
- Under Option 2, Sunnyside Road would then have a single intersection with Wallumbilla North Road (to the south).



Summary of Submissions received –

Submission No.	Submission Date	Record	Proposed Configuration	Road Name Suggestion	Key Points of Submission
1	15/03/2021	D21/217	Option 2	Klein	Submitter was in favour of Option 2 and suggested Council name the road after the Klein Family who owned and improved the bulk of the land which the road provides access to. Jim is still a strong member of the Wallumbilla community as was his parents and grandparents with over 100 years of farming history in the area.
2	15/03/2021	D21/21787	Option 2	Klein Road	Submitter was in favour of Option 2 and suggested the road name Klein Road, as the Klein Family owned the land they live on, including the surrounding land and Jim Klein still owns a lot adjacent; Jim and his family have been strong supporters of the Wallumbilla community for many years.
3	19/03/2021	D21/23281	Option 2	Klein's Road	Submitter was in favour of Option 2 and recommended the road name of Klein's Road
4	29/03/2021	D21/25481	Option 2	Klein's	Submitter was in favour of Option 2 and suggested the road name Klein's as the road name has the heritage and community service as outlined in Council's Policy and the Kleins are one of the pioneers that lived and owned the land in this exact location.

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)

Local Government Act 2009

Under Section 59 of the Local Government Act, the section of road reserve allocated on the adjacent to Lot 487 on FTY818 is defined as a road. This is regardless of whether it is noted on Council's Road Register or not. The purpose of listing roads within the region of the road register is to identify roads that are actively maintained by Council.

- (1) This division is about roads.
- (2) A **road** is—
 - (a) an area of land that is dedicated to public use as a road; or
 - (b) an area of land that—
 - (i) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and
 - (ii) is open to, or used by, the public; or
 - (c) a footpath or bicycle path; or
 - (d) a bridge, culvert, ford, tunnel or viaduct.
- (3) However, a **road** does not include—
 - (a) a State-controlled road; or
 - (b) a public thoroughfare easement.

Section 60 of the Local Government Act notes that “a local government has control of all roads in its local government area”. Similar to above, this requirement is on the local government regardless of whether it is noted on Council's Road Register or not.

Local Government Regulation 2012

Inspection of the roadway identifies the roadway as a formed roadway as described in the Local Government Act 2009 and Local Government Regulations 2012.

57 Prescribed particulars for register of roads – Act, s74

(3) In this section –

formed, for a road, means a road, other than a gravelled pavement or sealed pavement road, formed so that stormwater drains from the road.

gravelled pavement, for a road, means a road surface with gravel, limestone or rubble and constructed by the use of a mechanical compaction process.

sealed pavement, for a road, means a road with a surface of asphalt, bitumen, concrete or pavers.

unformed, for a road, means a road or track that –

- (a) is not formed, gravelled pavement or sealed pavement road; but
- (b) is open to, and used by, the public.

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)

Council Policy – Register of Roads (as identified)

Council Policy – Road Network Standards - Maintenance, Renewals and Upgrades (as identified)

Council Policy – Construction of Roads for Access to Property (as identified)

Council Policy – Road Naming (as identified)

Assessment for an Addition to the Road Register -

The *Local Government Act 2009* and *Local Government Regulation 2012* set the requirement for Council to identify all roads within the local area. Council has powers under this legislation to name roads, assign classification, and identify the surface type, length and width of a roadway.

The name, classification, surface type, length, width and alignment of a roadway are required to be taken into consideration by Council before endorsement of a roadway for inclusion to Council's Road Register.

These have been detailed below for Council's consideration.

Road Hierarchy – Classification and Surface type

Under section 4.3.1 of Council's Rural Road Classification within Council's Register of Road Policy, it is recommended the unnamed section be classified as **Rural Access – Secondary**.

The Rural Access – Secondary classification is for roads that have between 0 – 9 vehicles a day. Under CMDG Geometric Road Design table for the MRC, the road classification is not required to have material added to the road surface, i.e. the road is natural surface formation only. *Figure 3* – tables the requirements for road design in the Maranoa Regional Council area.

On inspection, this section of unnamed road has been identified as having gravel material added to the surface in part. The design standard does not require pavement, therefore Council's asset data would recognise the unnamed road as being above the design standard for its road classification.

Figure 5 – CMDG Geometric Road Design Table for Maranoa Regional Council

GEOMETRIC ROAD DESIGN

Table D1.27.04 Rural Road Elements for Maranoa Regional Council

Traffic Volume / Road Class	<10 VPD Rural Access – Secondary	10 – 39 VPD Rural Access – Primary B	40 – 99 VPD Rural Access – Primary A	100 – 149 VPD Rural Collector Minor A	150 – 249 VPD Rural Collector – Major B	250 – 999 VPD Rural Collector – Major A	1000 – 3000 VPD Arterial – Minor	>3000 VPD Arterial – Major
Road Reserve (flat terrain ≤ 5%)	20m	20m	20m	20m	20m	20m	25m	40m
Road Reserve ^b (undulating/hilly ≥ 5%)	25m	25m	25m	25m	25m	25m	30m	40m
Formation Width	6m	8m	8m	8m	9m	9m	10m	10m
Pavement Width	0m	4m	7m	8m	8m	8m	9m	9m
Seal Width	0m	0m	0m	7m	7 (8) ^c	8m	9m	9m
Shoulders ^b	See Standard Drawing Figure D1.23.03 for details							
Desirable Speed Environment	60kph	80kph	80kph	100kph	100kph	100kph	100kph	100kph
Design Speed for Individual Elements (Minimum)	40kph	60kph	60kph	80kph	80kph	80kph	80kph	80kph
Flood Immunity (ARI Years)	1	2	2	2	5	5	10	10

Notes:

- (a) Sealing shall be required for longitudinal grades in excess of 10%. Where it is possible for the road to be extended to service additional lots, the road shall be constructed to a 7.0 m seal standard.
- (b) Sealing may be required at sites where existing adjacent roads are sealed. In this instance the seal width shall match the adjoining seal with a minimum of 7.0 m. In undulating terrain this width shall be increased to enable services to be constructed on accessible flatter land on top and below batters. Where the road is a designated on-road bicycle route (signposted and pavement marked) the shoulder provision needs to conform to the AUSTROADS Traffic Engineering Practice Part 14: Bicycles.
- (c) Where pavement material used is of a lower standard, seal width is to be extended to shoulders.

Road Length and Width

The length of the unnamed section roadway has been identified as being 1 kilometre and the width of the unnamed roadway has been identified as being 5-6m on average.

Option 2 – Would identify the new road with a length of 2.300 kilometres.

Road Alignment

Council's GIS data aerial imagery indicates the roadway is fully contained in the area gazetted for the use of road reserve.

Implications to residents

Council Officers have undertaken research into the existence of the unnamed roadway. Historic search of Council records was unable to identify the road ever being formally listed in Council's road register records.

The unnamed road provides primary access to three lots and the reserve area. Lot 356 owned by the Collier family (the applicant) and Lots 76 & 139 owned by KA Nimmo. Both landholders use the unnamed roadway as their primary access to the respective lots. It is understood that Lots 76 & 139 do not have a residence located on it, whereas Lot 356 does.

Maintenance of the unnamed roadway

Section 4.2.1 of Council's Road Network Standards - Maintenance, Renewals and Upgrades Policy – Rural Roads, states maintenance on roads with the classification of Rural Access - Secondary will be entitled to:

1. A light maintenance grade once a year, light grading will remove transverse scours and wheel ruts, and clear drains as required. Machinery – Grader
2. A heavy formation grade once every 5 years, this includes ripping the existing pavement, mixing water, relaying and compacting with a roller. All diversion drains are reinstated. Machinery – Grader, Water Truck, Roller.

In accordance with this policy, Section 4 – Policy Details, Council has no obligation to undertake capital improvements on unmade, unformed or formed roads within a public road reserve for the purpose of access by the landowner to their land.

Notwithstanding, the policy does allow that Council may accept a roadway as a public road and add it to Council's Road Register where a benefit to the community can be demonstrated.

Presently this section of roadway provides direct property access and a route link, along with providing access to a higher order road. At present, under existing lot ownership, it is recommended that Council choose to include this roadway in Council's Road Register, the roadway has the potential to provide benefit to more than two properties.

Road Naming

Council Officers have undertaken investigation and research in line with *Council Policy – Road Naming*, which was established to ensure Council remains committed to ensuring a fair, consistent and equitable protocol is followed when naming roads.

Council is required to ensure road names are appropriate, will stand the test of time and where suitable, are preferably of local or historical significance.

Council has the responsibility to provide road names and install signage in accordance with the legislative requirement of Section 60 in the Local Government Act 2009. Council must also comply with the principals set out in Councils Policy –

Road Naming that has been written is accordance with AS4819:2011 – Rural and Urban Addressing.

District/Area Background research

The unnamed Road has not shown in any of Council's historic records search of Road Registers and Asset Valuation data.

During discussions with the applicant, it was confirmed that some local road users refer to the roadway as Sunnyside Lane, as the road runs off Sunnyside Road.

An internet map search struggled to find the roadway identified on third party mapping agencies.

- Bing maps, identifies the northern section of Sunnyside Road, however it does not identify the new section of roadway.
- Google maps identifies the northern section of Sunnyside Road and the new section as a "track" and unnamed
- Queensland globe do not identify the roadway in anyway.

Proposed Names

The unnamed roadway meets the criteria for either a Lane or a Road suffix, as the roadway adjoins additional gazette road reserve that runs North East / South West.

The "Road" suffix would be a more appropriate choice, as the reserve continues at the proposed end of the road and long-term planning may require the road length to be extended at some point.

Council's Road Naming Policy categorises roads and lanes as:

A Road –

"A place where one may ride, an open way or public passage for vehicle, persons and animals, a roadway forming a means of connection between one place and another"

A Lane –

"A narrow way between walls, buildings, a narrow country or city roadway"

The Road Naming policy states:

Names should be unique and use the form and style of contemporary Australian English, and:

- *Reflect the heritage of the locality; or*
- *Identify one of the landscape or physical characteristics of the locality; or*
- *Recognise pioneers of the area or persons who have had a long association with the locality; or*

- *Acknowledge names of persons who have given significant community service within the Maranoa Regional Council; or*
- *Follow a theme throughout an estate, e.g. famous people, colours, flora or fauna species*

Names should preferably:

- *Be reasonably easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public;*
- *Avoid confusing one road name with another, e.g. through similar spelling or pronunciation;*
- *Not have been used anywhere else within the Council area;*
- *Avoid duplication of names in adjoining local government areas;*
- *Not suffix a compass point to the name of another road unless the two roads are adjoining and directly linked, such as either side of a major road;*
- *Retain a single and unique name where a road crosses Council boundaries;*
- *Avoid unduly long names and names composed of two or more words;*
- *Not contain abbreviations, hyphens, apostrophes, initials or use "The" as a prefix;*
- *Not be seen to be offensive, incongruous (out of place) or commercial in nature;*
- *Avoid dual destinations such as Mitchell-St George Rd;*
- *Avoid long names for short roads to prevent difficulties for map makers.*

The community consultation has been completed by Council Officers and the residents unanimously favoured the road name Klein.

The proposed road name, Klein Road, is consistent with Council policy by way of identifying with the pioneers of the area and persons who have had a long association with the area. Council's community consultation process confirmed this with the responses noted in the submissions received. Jim Klein and his family have been identified as early pioneers for the land that this road will provide access to. Jim heavily involved in several community groups.

Two new road signs, reflective of the chosen name, will be installed at the start of the new road, the intersection of Wallumbilla North Road and the intersection with Sunnyside Road.

Draft Classification and Attributes table for Unnamed Roadway

The following table contains the classification and attributes for inclusion into Councils Road Register 2020

Road No	878
Road Name	Kleins Road
Town	Rural
Surface	Unsealed
Classification	Rural
Category	Rural Access - Secondary
Controlled	Local
Locality	Wallumbilla North
Ward	Wallumbilla Rural Rural
Region	Yuleba
Work Area	North
Start Description	Intersection with Wallumbilla North Road
Total Length	2.300
Previous Length	1.165 previous northern section of Sunnyside Rd

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)

Internal

Assets Officer – Transport Network
GIS / CAD Officer

External

DNRME Officers – SLAM Office Roma
Melina Collier – Applicant and Owner of Lot 356 on Plan WV290
Community consultation submissions.

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)

Should the proposed roadway be adopted to Council's Road Register, Council may benefit from a slight increase in the Financial Assistance Grants (FAGS) allocation as the roads components takes into consideration the overall length of Council's road network.

This said, the overall change is likely to be immaterial given the low traffic volume and short length of the proposed inclusion.

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?

There is no current budget allocation for the establishment and or inclusion of new roads in the 2020/21 year.

Should the roadway be adopted to Council's Rural Road Register, annual maintenance costs will apply to the road way. Costs will be applicable to the specific road classification, approved length and formation type.

In accordance with the *Council Policy – Road Network Standards - Maintenance, Renewals and Upgrades* the maintenance costs are anticipated to be in the order of \$1,500 per annum - averaged over a 5-year period.

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)

Should the roadway be adopted to Council's Rural Road Register with the classification of Rural Access – Primary B it would require the roadway to be included into:

1. The Rural Road Maintenance program for ongoing scheduled maintenance.
2. The Rural Roads Asset Management Plan to allow condition monitoring and valuation of formation.

Additions to the road register also require Council to recognise this new length of road in its annual depreciation estimates. Given the additional is a natural surface road, the impact to the depreciation across the entire rural road network would be considered immaterial.

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)

Adjoining lot owners who rely on the section of roadway proposed for addition to the road register for direct access to property;

- M Newton & P Collier – Owner of Lot 356 on WV290 (Applicant)
- KA & GP Nimmo – Owner of Lot 75 on WV1887
- HD Nixon – Owner of Lot 355 on WV290
- KA Nimmo – Owner of Lots 76 on WV165 & 139 on CP892978

Adjoining Lot owners who use the northern section of Sunnyside Road to access to property;

- P & D Leahy – Owner of Lot 56 on WV1887
- KA Nimmo – Owner of Lot 353 on WV18

Should Council choose to include the roadway, it would establish a secure access for the owners of Lot 356 on WV290.

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
Refer Options outlined in the Background of the Report	

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)

Examples in the past that have been considered have typically been for roads that provide a secondary access, or require the unnamed road to be constructed.

Given the road the subject of the application provides primary access for four (4) lots and secondary access for two (2) other properties in the area, it is recommended that the section of unnamed road off Sunnyside Road be formally added to Council's Road Register.

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?

That Council;

1. Note and receive the resident's submissions received as part of the community consultation undertaken on the matter.
2. Endorse the following changes to Council's Rural Road Register:
 - a. Amend the current length of Sunnyside Road from 6.422 kilometres to 5.262 kilometres.
 - b. Add a new road to the road register, consistent with Option 2 of the community consultation package, with the new road having a total length of 2.30 kilometres and a start location of Wallumbilla North Road.

- c. Name the new road Kleins Road and assign it the classification of Rural Access – Secondary.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 1: Getting the basics right

1.3 Roads and drainage

Supporting Documentation:

Nil

Report authorised by:

Deputy Chief Executive Officer/Acting Director Infrastructure Services

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 23 March 2021

Item Number: 13.1

File Number: D21/23919

SUBJECT HEADING: Application for funding - QFPI Round 6 - Local Government Assistance Program

Classification: Open Access

Officer's Title: Rural Land Services & Funding Officer / Team Coordinator

Executive Summary:

The Department of Agriculture and Fisheries have announced funding under the QFPI Round 6 with the aim to offset 1080 solution costs associated with the transition from DAF supplied 1080 solution to commercial supply of 1080 solution.

Funding is to be calculated at 75% of the projected usage over the next 3 years.

Funding is also available to offset the purchase of one bait injector kit, as from December 2022 the licence to tumble mixing of meat baits will be cancelled.

Officer's Recommendation:

That council:

1. Make an application under the Queensland Feral Pest Initiative – Round 6 program for funding to offset the financial impact of the withdrawal of 1080 supply by the Department of Agriculture and Fisheries; and
2. Authorise the chief executive officer or delegate to execute the Grant Deed and any other necessary documentation to give effect to this resolution if successful.

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).

Rural landholders will benefit through financial assistance to Council in the purchase of 1080 solution for the control of selected vertebrate pest animals for a period of three years.

Rural landholders will suffer a loss indirectly, as Council will be required to purchase solution to treat meat baits in the future. It is expected that Council will pass this cost onto commercial enterprises that benefit, which will increase the current feral animal control fees issued to rural rate payers.

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
QFPI	Queensland Feral Pest Initiative
1080 solution	Sodium Fluoroacetate solution, used for the treatment of bait material for the control of vertebrate pests (Specifically wild dogs and feral pigs)
DAF	State Department of Agriculture and Fisheries

Context:

Why is the matter coming before Council?

Council has received correspondence from DAF advising that funding is available to assist local governments to transition from 1080 solution supplied by DAF, to purchasing solution from a commercial supplier.

Funding will be provided as a lump sum to cover 75% of the cost of the project next 3 years usage.

If successful, Council would also receive funding to the value of \$610.00 to cover the cost of one injector kit.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The purpose of the Local Government Assistance Program is to provide State Government funding that will assist local government to transition from DAF supplied 1080 solution, to procuring 1080 solution from commercial suppliers. The grant is a one off lump sum payment, based on the 75% cost of the expected usage of 1080 solution for the next 3 years. That is Council will not be funded fully for the baiting solution used in its coordinated and adhoc baiting programs implemented for rural landholders.

Further detail on the impacts on Councils coordinated baiting campaigns is provided in a separate report.

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)

Distribution of 1080 is undertaken by licensed operators in accordance with the processes outlined in the Vertebrate Pesticide Manual. Council staff are licensed under the Queensland Health (Drugs and Poisons) regulation 1996 to prepare and distribute baits.

Supply of 1080 to landholders is undertaken to assist landholders in meeting their General Biosecurity Obligation in accordance with the Biosecurity Act 2014.

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)

Council do not have a specific written policy on the supply of baiting services to landholders, currently the arrangements are as follows:

1. For each coordinated baiting campaign, Council will supply 40kg of fresh meat baits or 48 manufactured baits per eligible rural rates assessment (2 campaigns conducted per year); and
2. Council will treat additional landholder bait material (meat or grain) in conjunction with a coordinated campaign by prior appointment with landholders; and
3. Council will treat landholder supplied bait material (meat or grain) for landholders outside of regular baiting campaigns:
 - a. For groups of less than 3 landholders, by bringing the bait material to the licensed operator in Roma or Mitchell; and/or
 - b. For 3 or more landholders, the baits will be treated on property
4. Factory baits issued by Council have been made available at any time for landholders to use (subject to successful grant applications made by Council).
5. Funding for the purchase of meat, payment of wages associated with implementing baiting activities, plant hire and purchase of factory baits (used during coordinated campaigns) is provided from the pest management special rate issued through Council's rate notices. This revenue does not cover all costs associated with such campaigns

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)

Kay Crosby – Manager, Environment, Health, Waste and Rural Land Services

- Advice on the need for the grant and input into the projected future usage of 1080

Martin Burke – Rural Lands Officer

- Advice on the volumes of 1080 solution used, and the impacts that a move to injected baits will have on the delivery of coordinated baiting campaigns within the Region

Frank Martinek – Project officer

- Advice on the impact of the proposed changes, and costings associated with the purchase of 1080 solution for baiting campaigns

Shari Hurst – Contracts Officer – DAF

- Advice on the scope of the project and the calculation methodology for the distribution of funds, should the application prove successful.

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)

The Department of Agriculture and Fisheries is making funding available to affected local governments. If successful, council would enter into a grant deed with DAF to deliver the funding.

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?

The proposal will have no impact on the current year's budget, as 1080 solution supplied by DAF should be sufficient to undertake all 1080 baiting for the remainder of this financial year. Purchase of solution has a major impact on future years budgets.

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)

The approximate cost to purchase 1080 solution for coordinated baiting campaigns in the Maranoa region will be approximately \$18,000 per year. If successful, it is estimated that Council would receive \$13,500 per annum for the next three years only, with the extra \$4,500 to be included in the next three years, and then extended to the \$18,000.00 from 2024.

The exact values are not known at this time, as the value of funding offered will be benchmarked against a quotation received by DAF from a commercial supplier of 1080 solution.

The grant will also contribute a possible \$610 towards the cost of meat injecting equipment, which would directly reduce the cost associated with required equipment upgrades for the transition from tumble mixed baits to injected baits.

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 success of the grant application is a positive impact on participating rural landholders for wild dog baiting programs, by ensuring that Council can continue to source 1080 solution without placing additional pressure on funds paid as part of the pest management special rate charged on their rates.

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
Financial	Should the application not be successful, costs to Council and or landholders.

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)

Whilst the proposed funding offered does not fully address the concerns that Council raised in resolution of the General meeting held on November 13, 2019, it does go towards addressing the issue of payment of the additional costs associated with the commercial procurement of 1080 solution.

The proposed funding does not address the issue of other materials used as part of the delivery of baiting service to landholders (Such as baiting signs, plastic bags for distribution, Deed Poll books etc.). However, the funding will allow Council to continue supplying baiting services for a number of years under the new regime, providing time to determine the most effective way forward to implement such programs.

A separate officer report to this meeting provides more detail on how the proposed changes will impact on Council.

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?

It is recommended that Council make application for funding under the Local Government Assistance Program that will offset mounting costs associated with the ongoing provision of wild dog control programs in the Maranoa.

The project will further compliment funding received as part of the “Maranoa Enhanced Vertebrate Pest Management Project” provided by the Federal Department of Agriculture Water and the Environment under the Communities Combatting Pests and Weeds During Drought program.

The combination of the two funded programs will cushion council to an extent, from the impacts of legislative changes for a period of 3 years only. Such programs assist Council in providing a cost effective baiting service to its rural landholders and the broader community.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.9 Rural lands

Supporting Documentation:

- | | | |
|---|---|-----------|
| 1 | QFPI Round 6 - Applicant Guidelines | D21/24019 |
| 2 | QFPI Round 6 - Frequently Asked Questions | D21/24021 |
| 3 | Appliation form - Local Government Assistance Program | D21/24860 |

Report authorised by:

Manager - Environment, Health, Waste & Rural Land Services

Deputy Chief Executive Officer/Acting Director Infrastructure Services

Queensland Feral Pest Initiative

Funding round 6 – sub project 2

Local Government Assistance Program

Applicant guidelines and how to apply

Applications close at 5 pm Wednesday, 28th April 2021

For more information email QldFeralPestInit@daf.qld.gov.au or call 13 25 23

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Important information

Please read these guidelines carefully before starting your application.

The funding outlined in these guidelines is only available to eligible Local governments.

Closing date for applications – 5pm, Wednesday 28 April 2021

More information is available by emailing QldFeralPestUnit@daf.qld.gov.au or by phoning the Department of Agriculture and Fisheries on 13 25 23.

Table of contents

1	Introduction.....	2
1.1	Initiative overview	2
1.2	Eligibility.....	2
2	Application and assessment process	3
2.1	Receipt and registration of applications	3
2.2	How will applications be assessed?	3
2.3	Assessment criteria	3
3	Grant Agreement	3
3.1	Project commencement.....	4
4	Rights and responsibilities	4
4.1	Applicants responsibilities	4
4.2	Queensland Government's rights.....	5
4.3	Disclaimer	5
4.4	Confidentiality and privacy	5

1 Introduction

Invasive plants and animals impact the lives of all Queenslanders. They cost Queensland over \$600 million annually in lost production and control costs. They cause degradation of natural resources including remnant vegetation, threaten conservation of biodiversity, interfere with human health and recreational activities, and cause significant economic losses to Queensland's agriculture industry.

1.1 Initiative overview

Since 2015, the Queensland Government has committed \$24.78 million allocated to regional communities across Queensland for the construction of cluster fencing in areas with high wild dog density and other invasive plants and animal control and capacity building projects. This funding has been complemented with a \$14 million investment by the Federal Government.

The control of invasive animals requires a multi-pronged and coordinated response. Often land managers use baiting as one such tool, along with fencing, trapping and shooting.

The DAF state supply of 1080 concentrate will be fully depleted in 2021 requiring local governments who wish to continue coordinated baiting programs, to seek commercial arrangements of an Australian Pesticides and Veterinary Medicines Authority registered product that suits their needs. To assist with this process, the Local Government Assistance Program will provide a one-off lump sum to local governments to support the cost of transitioning to commercial 1080 baiting products.

1.2 Eligibility

Local governments should consider the eligibility criteria outlined below before applying. Eligible local governments are invited to submit completed application forms. Application forms are available from the DAF website.

This program is open from Wednesday 17 March 2021 and closes 5pm Wednesday 28 April 2021. No late applications will be accepted. The process requires application forms to be completed in their entirety and emailed to QldFeralPestUnit@daf.qld.gov.au

The program is open to all Queensland Local Governments that have historically undertaken 1080 baiting programs using DAF supplied manufactured 36 mg/L or 6 mg/L 1080 solutions during the calendar years of 2017, 2018 and/or 2019. Funding will be available for the equivalent of 75% of the next 3 years predicted use based on historical baiting usage, processed as a lump sum payment.

Only baiting costs can form part of the application. Each successful application will also be provided with funding to cover the cost of one (1) injector kit valued at \$610.00.

Detailed information on priorities for assessment and rights and responsibilities are outlined in the following sections:

- Section 2: Application and assessment process
- Section 3: Grant Agreement
- Section 4: Rights and responsibilities

2 Application and assessment process

Applicants must submit an official application on the application form. The completed application should be submitted electronically via QldFeralPestInit@daf.qld.gov.au by 5pm on Wednesday, 28 April 2021.

2.1 Receipt and registration of applications

DAF will as part of the assessment process acknowledge all applications and provide a reference number.

As part of the assessment process, applications will be screened by DAF to confirm whether the eligibility criteria have been met. Applications that do not meet the eligibility criteria, at DAFs discretion, may be excluded from the remainder of the assessment process.

2.2 How will applications be assessed?

Applications will be assessed by the QFPI oversight group, which includes representatives from industry, regional bodies, community groups and Queensland Government agencies.

To ensure objectivity, members of the oversight group will declare any conflicts of interest including discussions that have taken place with applicants that may represent a real or perceived conflict of interest. Where a conflict of interest exists, the relevant member will abstain from participating in the assessment of the application in question.

The assessment process will encompass all applications and will:

- undertake a thorough assessment of all applications against the eligibility criteria
- recommend removal of ineligible applicants
- propose any necessary conditions to be applied to applications
- moderate the applications overall with a view to recommending an appropriate funding allocation, based on total funding available to meet the allocated budget priorities

Local governments will be advised of the application outcome following assessment and official announcement of the funding.

2.3 Assessment criteria

All applications will be assessed by the QFPI oversight group against the below criteria.

- Local governments will need to have undertaken coordinated baiting programs using DAF manufactured 1080 solution in any of the following calendar years - 2017, 2018 and/or 2019.
- Provided a completed application form.

3 Grant Agreement

The Queensland Government, through DAF, will negotiate a grant agreement (the agreement) with each successful applicant. This agreement will be executed once any specified conditions of funding have been met and is legally enforceable agreement, setting out the terms and conditions governing the funding.

If the agreement is not finalised within 20 business days from the date the offer is made, the offer of funding may be withdrawn by DAF.

3.1 Project commencement

Local Governments will be advised of the outcome of their applications in writing by email.

Activities undertaken prior to the execution of the agreement, are at the full risk of the applicant and will not be funded under the agreement. Until the agreement is fully executed (signed by both parties) the project funds are not guaranteed and can be redirected by DAF at any stage.

4 Rights and responsibilities

4.1 Applicants responsibilities

It is the responsibility of the applicant to:

- inform themselves fully and properly of the requirements of the QFPI, these guidelines and the requirements of the application process
- ensure that their application is complete and accurate, as DAF are not obliged to request additional or missing information
- identify any information contained within their application that they consider should be treated as confidential and provide reasons for the request (noting that the DAF will not be in breach of any confidentiality obligations where disclosure is required as outlined further in section 6.4 below)
- keep a copy of their application and any attachments, for their own records
- inform DAF of any changes to their circumstances which may affect their application or their eligibility for funding under these guidelines.

If an applicant is successful in obtaining funding, it is the applicant's responsibility to ensure that they hold the relevant approvals, licences and/or accreditation(s) at the time of entering into the funding agreement and prior to any project activities being undertaken.

Applicants are also required to declare in writing to DAF where a real or perceived conflict of interest exists or might arise in relation to their application, the proposed project delivery, or any funding agreement it may enter with the Queensland Government.

The applicant's participation in any stage of the application process, or in relation to any matter concerning the process, is at the applicant's sole risk, cost, and expense. The Queensland Government will not be responsible for any costs or expenses incurred by an applicant in preparing, lodging, and taking part in the application/assessment process.

The Queensland Government will not accept responsibility for any misunderstanding arising from the failure by an applicant to comply with these guidelines, or arising from any discrepancies, ambiguities, inconsistencies, or errors in their application.

Applicants are entirely responsible for the accuracy of all information submitted in their application. If applicants knowingly provide inadequate, false, or misleading information, the application may be excluded from the assessment process.

If an applicant discovers any material discrepancy, ambiguity, inconsistency, or error in their application, they must immediately bring it to the attention of DAF by emailing QldFeralPestInit@daf.qld.gov.au. DAF may request further information from an applicant and allow an applicant to remedy any discrepancy, ambiguity, inconsistency, or error in an application. DAF reserves the right to accept or disregard clarification information provided by the applicants and will not consider clarification information that materially improves or amends an applicant's original application.

Applicants should be aware that the giving of false or misleading information is a serious offence under the *Criminal Code Act 1995 (Cth)*.

4.2 Queensland Government's rights

The Queensland Government, through DAF reserves the below rights:

- to amend these guidelines in its absolute discretion and will provide reasonable notice of these amendments where possible.
- to vary, suspend or terminate the assessment process at any time.
- to the ownership around any data collected from participants at implementation, during and after closure of a round of the QFPI, subject to privacy and commercial considerations.

4.3 Disclaimer

The Queensland Government, including the DAF and their officers, employees, agents and advisors:

- are not, and will not be, responsible or liable for the accuracy or completeness of any information in or provided in connection with these guidelines
- make no express or implied representation or warranty that any statement as to future matters will prove correct
- disclaim any and all liability arising from any information provided to an applicant, including errors in, or omissions contained in that information
- except in so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors or omissions contained in these guidelines
- accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing reliance on the contents of these guidelines or any other information provided by the Queensland Government in respect of the QFPI.

4.4 Confidentiality and privacy

Applicants must identify any information contained within their application that they consider should be treated as confidential and provide reasons for the request.

DAF will only consider a request for confidentiality where:

- the information to be protected is identified in specific rather than global terms
- the information is by its nature confidential
- disclosure would cause detriment to the parties concerned.

DAF is subject to the legislative and administrative accountability and transparency requirements of the Queensland Government, including disclosures to the parliament and its committees.

Notwithstanding any obligations of confidentiality, DAF may disclose, or allow at any time the disclosure of, any information contained in or relating to any application:

- to their advisers, employees or internal management for purposes related to the application and assessment processes, including to evaluate or otherwise assess applications and manage any resultant funding agreement
- to the responsible Minister
- in response to a request by a house or a committee of the parliament of the state of Queensland
- within DAF, or with another agency, where this serves the Queensland Government's legitimate interests
- where the information is authorised or required by law to be disclosed, noting that information submitted to the Queensland Government is subject to the *Right to Information Act 2009 (Qld)* and its requirements
- where the information is already in the public domain otherwise than due to a breach of any relevant confidentiality obligation by the Queensland Government.

In submitting an application, applicants consent to DAF using the information contained in their application for the above-mentioned purposes, for administering the QFPI and any other incidental or related purpose.

DAF will store and use the personal information collected by it in compliance with its obligations under the *Information Privacy Act 2009 (Qld)*.

Local Government Assistance Program

Frequently asked questions

The Queensland Government purchased a large stockpile of 1080 concentrate in the 1970s, at a time when there were no other options for supply. This historical provision of State 1080 concentrate has been provided to local governments for the control of invasive animals (wild dogs, feral pigs, foxes, feral cats, and rabbit) and is expected to be depleted in 2021 at current usage rates.

The Department of Agriculture and Fisheries (DAF) will assist local governments to transition from DAF supplied 1080 to commercially available 1080.

What assistance is being provided to local governments to support this change?

The Local Government Assistance Program is being rolled out across the state for eligible local governments to assist them in making the transition to commercial 1080 supply. The program will allow for local governments that have undertaken 1080 baiting programs in either 2017, 2018 and/or 2019, to apply for funding to support the use of commercial products now used as part of a coordinated baiting program for invasive animals.

Funding will be provided as a lump sum to cover the cost of 75% of the next three years predicted usage.

The program is being delivered as part of Round 6 of the Queensland Feral Pest Initiative.

Once the program is concluded, local governments will be responsible for the purchase of their own product requirements as they do for their other agricultural chemical supplies.

Why 2017, 2018 and/or 2019?

The Queensland government recognises that baiting programs during 2020 and 2021 have been disrupted due to COVID 19.

Who is eligible to apply?

The program is open to all Queensland local governments that were previously supplied with DAF manufactured product during either 2017, 2018 and/or 2019 coordinated baiting programs.

How do I apply?

Applications for the Local Government Assistance Program open 17 March 2021, and close at 5pm Wednesday, 28 April 2021.

Applications will be assessed by the QFPI oversight committee. Guidelines, application forms and FAQs for local governments will be emailed via CEOs and are also available on the Biosecurity Queensland website.

Can local government continue to use the DAF supplied 1080 concentrate solution?

The use of the DAF supplied 1080 solution held by local government will be permitted for use up until 31 December 2022, at which time the APVMA board approval will be cancelled. Possession and use of the DAF supplied concentrate will be illegal after this time. Biosecurity Queensland will assist local governments to dispose of any unused DAF-supplied solution as part of the transition.

What role will the DAF have if they no longer provide 1080 concentrate solution?

DAF will continue to partner with local governments to help build skills and capacity through providing strategic advice, supporting biosecurity planning and mentoring. DAF biosecurity officers will continue to supply Deed Poll and stock books while DAF 1080 concentrate remains in use under the APVMA board approval. The DAF supply of hard copy 1080 warning signs will be phased out as these can be easily printed by local governments with their council logos and branding.

This transition provides the opportunity for local governments to expand their management options and encourage more active involvement from landholders.

Further information

Questions regarding funding amounts should be directed to Shari Hurst, Contracts Officer on 3087 8067 or email at QldFeralPestInit@daf.qld.gov.au.



**Queensland
Government**

Queensland Feral Pest Initiative

Round 6 grant funding application

Local Government Assistance Program

Applications close at 5pm on Wednesday, 28 April 2021

The program is open to local governments that undertook invasive animal baiting programs using DAF manufactured 1080 solution during any of the calendar years 2017, 2018 and/or 2019.

Important information

Eligible organisations are advised to read the applicant guidelines carefully and refer to the guidelines when preparing a funding application.

Applicant details

Organisation name	Maranoa Regional Council
ABN	99 324 089 164
Street address	100 Cambridge Street Mitchell
Postal address	PO Box 42, Mitchell QLD 4465
Responsible person name	Kent Morris
Telephone	(w) (07) 46 246 908 (m) 0418 448 027
Email	Kent.morris@maranoa.qld.gov.au Land.management@maranoa.qld.gov.au



Australian Government



Queensland Government

Application

In line with the historical data, below, how many litres of 1080 concentrate does Council plan to use in the next three years? <i>Please refer to the guidelines re the funding allocation</i>	300
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Application – in conjunction

Is this application in conjunction with another Council?	No
What are the arrangements currently in place, and will they continue?	Not Applicable

Please provide contact details for additional councils

Organisation name	
ABN	
Street address	
Postal address	
Responsible person Name	
Telephone	(w) (m)
Email	
Accountable officer Name	
Signature	

Details of 1080 proposed use

Historical usage

Please indicate usage during each of the following years listed below:

	2017	2018	2019	2020
Did council receive 1080 solution from Biosecurity Queensland?	Yes	Yes	Yes	Yes
Please indicate the total number of litres received by Council during the following years:	95	150	115	45
Did council undertake coordinated baiting campaigns?	Yes	Yes	Yes	Yes
Did landholders undertake private baiting campaigns?	Yes	Yes	Yes	Yes

Outline the Invasive Animal program approaches by Council

- What methods have been used i.e.: shooting, trapping
- Are council baiting campaign timings driven by impact on an agricultural industry or impact on environmental values?
- Does Council currently use any additional information and/or technology to inform invasive animal management programs?

- Control methods:
 - Council offers bonus payments on wild dog scalps of \$50 per scalp and has historically received around 2000 scalps per annum
 - Council has delivered 3 rounds of QFPI funded exclusion fencing for the control of wild dogs
 - Council offers ad-hoc meat baiting to landholders outside of coordinated baiting campaigns, and encourages landholders to work with their neighbours when conducting ad hoc baiting.
 - Council offers factory baits to landholders throughout the year upon request.
- The timing of Council baiting campaigns is undertaken on the advice of scientific research undertaken by Lee Allen. The April baiting campaign is timed to coincide with mating season, when wild dogs are mobile in the landscape seeking a mate, and the November campaign is timed to coincide with the influx of pups leaving the den, who are more prone to scavenge and take a bait.

The timing of the Maranoa baiting campaigns also aligns with the campaigns of the neighbouring local governments.

- Council is delivering a mentoring project, in conjunction with Balonne Shire Council and Goondiwindi Regional Council to build landholder capacity to identify and control pest plants and animals in targeted areas of the 3 local government areas
- Council did have a Wild Dog advisory group of stakeholders, including landholders, departmental staff, industry groups and resource companies to provide feedback and advice on wild dog control, but this group was disbanded in 2020. Council is considering the establishment of a Pest and Weed Management Advisory Committee in its place

What impact has COVID-19 restriction had on your 2020-2021 baiting campaigns

Our April 2020 baiting campaign was impacted by COVID-19, as only factory baits were offered to landholders. This allowed for the delivery of baits in a manner that did not create large gatherings of people. As a result, no 1080 solution was used in this campaign. A number of landholders did not participate in baiting at this time, as they felt that manufactured baits were not suitable, as a result, a large area of the Maranoa missed out on bait treatment during this time.

Baiting campaigns

Council coordinated baiting campaigns

	2017	2018	2019	2020
<p>Please indicate the total number of Council coordinated baiting campaigns and delivery method throughout the year for each of the following years?</p> <p><i>Please list the months i.e.: May - aerial and August - ground and aerial</i></p>	<ul style="list-style-type: none"> • 2 campaigns • Ground baiting • April and November • fresh meat and factory baits 	<ul style="list-style-type: none"> • 2 campaigns • Ground baiting • April and November • fresh meat and factory baits 	<ul style="list-style-type: none"> • 2 campaigns • Ground baiting • April and November • fresh meat and factory baits 	<ul style="list-style-type: none"> • 2 campaigns • Ground baiting • April (Factory bait only) • November fresh meat and factory baits
<p>What was the primary target for the baiting campaign?</p> <p>If council undertake specific campaigns for individual targets, please identify the</p>	Primary focus on wild dogs, secondary focus on feral pigs	Primary focus on wild dogs, secondary focus on feral pigs	Primary focus on wild dogs, secondary focus on feral pigs	Primary focus on wild dogs, secondary focus on feral pigs

Attachment 3**Appliation form - Local Government Assistance Program**

months e.g., pigs – May, dogs - August				
Are there any other targets for council?	No	No	No	No
Total number of baits used?	Pig: 2,660 kg Dog:16,820 kg	Pig: 2,820 kg Dog:16,680 kg	Pig: 4,040 kg Dog: 12,630 kg	Pig: 1,680 kg Dog: 6,020 kg
Please indicate how many properties were covered during these baiting campaigns.	502	483	421	225 (only 1 fresh meat campaign this year)

Council supply of baiting to landholders other than during coordinated campaigns

Does Council provide baits to landholders outside of coordinated baiting programs?	Yes
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Future usage

The *Medicines and Poisons Act 2019* legislation is expected to commence in 2021, please answer the below questions:

How many officers are trained in preparation for the expected new legislation? (Please note that it is Council's responsibility to have the appropriate accreditation for accessing poisons).

5 officers have received training for the new licence regime, and additional officer, who is a new recruit, is yet to receive training. Council proposes to have a total of 6 licenced operators.

What are council's plans for delivering invertebrate pest control management programs?

- Will Council continue to offer a coordinated baiting service to landholders?
- What methods will be utilised by Council in the ongoing management of invasive animals?
- Does Council plan on using any additional information and/or technology to inform any future invasive animal management programs?

1. In the immediate short term, Council will continue to offer 1080 baiting services in the same manner that it currently does. Council is investing approximately \$80,000 in additional cold storage capacity and bait meat handling equipment in the next 12 months, to allow meat to be stored for longer periods and the bait material to be handled safely and efficiently. It is hoped that these upgrades will allow Council to conduct baiting campaigns at the same level as they currently are. This additional storage will allow Council to deliver the same volume of baits, and maintain the same level of baiting participation. It is expected that, due to the slower treatment method of injecting versus tumble mixing, baiting campaigns will take longer to deliver, and thus additional storage will be required.

Council will review the provision of baiting, and how it is delivered moving forward, subject to the uptake by landholders, and the label conditions of 1080 solution. Issues that may affect the provision and uptake of 1080 baiting include:

- Landholder attitudes to injected dog baits (reluctance to use them)
- The effectiveness of other control options (such as exclusion fencing)
- Additional equipment and labour requirements associated with the injecting of baits
- Logistical issues surrounding the sourcing and storage of bait meat
- Ongoing funding arrangements for the purchase of 1080 solution and bait meat

2. In the immediate short term, Council will continue to offer the same services that it currently does in regard to pest animal control, which include:
 - Scalp bonus payments of \$50 per scalp to individuals and groups to encourage the control of wild dogs.
 - Mentoring landholders to understand their GBO in regard to pest plants and animals, as well as providing them with the knowledge and skills to identify and control these pests.
 - Conducting a peri urban cat and fox trapping program in and around the industrial, commercial and peri urban areas of the region, as these locations are areas in which 1080 solution cannot be used.
 - Continuing the roll out of QFPI round 3 for the construction of exclusion fencing
 - Monitoring the need/desire of landholders for further exclusion fencing funding and reacting accordingly
3. Council has no specific plans for adoption of any new technology in regards to invasive animals at this time. Council is of the view that the limited available funding is best invested into on ground activities at this time, however Council is open to the adoption of new technology as it becomes available, and the benefits are demonstrated.

Certification

The accountable officer for the applicant must sign this application.

I certify that the information given in this application is true and correct, and that all conditions will be complied with should it be approved.

Accountable officer Name	
Position	
Organisations name	

Signature	
Date	

Submission

- Ensure that you include and label all attachments
- Email your entire application to QldFeralPestInit@daf.qld.gov.au

INFORMATION REPORT

Meeting: Ordinary 14 April 2021

Date: 24 March 2021

Item Number: 13.2

File Number: D21/24300

SUBJECT HEADING: Update on issues relating to the provision of 1080 baiting services

Classification: Open Access

Officer's Title: Rural Land Services & Funding Officer / Team Coordinator

Executive Summary:

The supply of 1080 solution by DAF to Local Governments is set to end once the current held stock is depleted. As a result, it will be necessary for local government to source 1080 solution from a commercial supplier. This will result in changes to the way Council store, treat and delivers 1080 baits within the Region.

Rural Land Officers have also highlighted a number of issues in relation to the delivery of wild dog baiting programs.

Officer's Recommendation:

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

Background:

Executive Summary:

In 2019, Council received advice from DAF that 1080 solution supplied by the Department was set to end upon the depletion of current stocks. After this time, Councils would have to source 1080 solution from a commercial supplier.

Further to this, the APVMA Approval for treatment of baits by tumble mixing (wild dogs only) will be cancelled at either:

- The time at which the last of DAF supplied 1080 solution is used; or
- 31 December 2022

whichever is the sooner.

This will have a major impact on the delivery and cost of Council's 1080 baiting services to landholders, as Council will have to budget for the purchase of 1080 solution, as well as the new legislative method of treatment by injection will be considerably slower, taking more days for a campaign to be undertaken, and higher risk of injury to employees that will be treating the meat.

The transition to injected baits will result in a major change to the roll out of coordinated campaigns and the resources used for these programs.

Rural Land employees have highlighted other issues associated with baiting campaigns and have made recommendations for rectification.

Body of Report:

Council received correspondence from DAF in 2019, advising that the supply of 1080 solution by the State Government would cease once the current stocks of poison solution were depleted, and that local government would be required to source solution from a commercial supplier. At the General Meeting of Council, held 13 November 2019, council resolved that:

Resolution No. GM/11.2019/01

That Council:

- 1. Receive and note the Officer's report as presented.***
- 2. Advise the Department of Agriculture and Fisheries that a review of the "Services Contribution" is required to reflect the reduced level of services proposed as a result of the changes.***
- 3. Advise the Department of Agriculture and Fisheries that Council does not support any requirement to inject 1080 dog baits for the following reasons:***
 - a) increased cost of preparing the baits;***
 - b) increased risk of non-target kills from old baits;***
 - c) increased safety risk of its employees administering the injection process***
- 4. Advise the Department of Agriculture and Fisheries that it would not be acceptable if there is no manufacture of "Pig strength" solution of 1080 at the required strength of 36mg/l.***

CARRIED 9/0

While DAF confirmed receipt of Council's resolution, no formal response was received and the proposed changes have progressed to become departmental policy. DAF have offered access to funding to offset the cost of purchasing the projected amount of 1080 solution over the next 3 years.

The changes to the supply of 1080 solution has raised a number of issues in relation to the delivery of coordinated baiting programs. The flow on effects from these changes will result in an increased cost in providing this service.

Bait Strength and Treatment Method for wild dogs:

The change in preparation of wild dog baits from the current treatment with 10mg solution via tumble mixing, to treatment with 6mg of solution via injection.

Currently Council officers mix 160 millilitres of 1080 solution with 20 kg of meat in a cement mixer dedicated for the purpose. The change in treatment method will entail injection of a very small dose (0.2 millilitres of 30mg concentrate) into each individual wild dog bait. A noted risk in the process.

Baits for other species (pigs and foxes)

The proposed change will not impact on the dose rate used for fox baits or pig baits. Meat (injection) and grain (tumble mixing) baits for pigs will remain at the current strength of 72mg and by the same methods (injection of 2.2 millilitres into each individual bait).

Fox baits will remain at 3mg strength, but will be treated by injecting 0.1 millilitres of concentrate into each individual bait.

Manufactured (Factory) baits:

The changes should not have any impact on the supply and distribution of manufactured baits. Manufactured baits for wild dog control will continue to be treated with 6mg of 1080 solution.

Workplace Health and Safety:

Rural Land officers treat approximately 88,000 individual wild dog baits per coordinated baiting campaign. The move from tumble mixing of wild dog baits to the injection of baits will increase the time required to treat meat, and the amount of time spent handling and storing such meat.

These changes will introduce new workplace health and safety risks, including (but not limited to) the following:

- Repetitive Strain injuries
- Increased risk of Needlestick injury
- Fatigue
- Manual handling

As a result, Rural Land officers and Workplace Health and Safety team will undertake a number of risk assessments with a view to developing documented procedures and Activity Risk Assessments.

It is expected that these increased workplace health and safety risks will result in the need for additional expenditure in safety processes and equipment.

Cost:

The changes to the treatment method for wild dog baits will result in a significant increase in the time taken to conduct coordinated baiting campaigns. As a result, there will be increased costs associated with the delivery all Council coordinated campaigns.

The move by DAF to cease supply of 1080 solution and associated baiting consumables will also see an additional cost transferred to council.

Changes in the pricing for the supply of meat have also resulted in an increase in the cost of delivering coordinated baiting campaigns.

1. Baiting consumables:

Council is currently provided with 1080 solution, bait signage and plastic bait meat bags by DAF, as part of the services provided to Council in exchange for the “services contribution” component of the precept payment made by Council each year.

Council uses approximately 115 litres of 1080 solution per year, along with approximately 3300 signs and 1500 plastic bags to conduct coordinated and ad-hoc baiting programs.

Item	Quantity Required	Unit Price	Total
1080 solution	115 litres	\$157.60/litre	\$18,124
Baiting Signage	3300 signs	\$0.41 each	\$1,354
Plastic bait meat bags	1500 bags	\$550/thousand	\$ 825
Total baiting consumables (per annum)			\$20,303

2. Treatment equipment:

The move to injection of wild dog baits will require the purchase of specialised injecting equipment to enable a dose of 0.2 millilitres per shot. It is estimated that 4 injectors will be required to undertake baiting activities. Quotes vary from around \$700 to \$1,200 each.

The injectors require compressed air to operate, therefore it is necessary to have access to a source of compressed air at the baiting site – whether it be in an urban setting or a rural setting. Suitable compressors are available at a cost of around \$500 each.

Item	Quantity Required	Unit Price	Total
Injector gun	4	\$1000	\$4,000
Air Compressor	3	\$500	\$1500
Total meat treatment equipment cost (once off)			\$5,500

3. Meat handling and storage:

Currently, meat used for wild dog baits is treated by tumble mixing in a cement mixer. This method allows meat to be treated quickly and easily, resulting in the need for minimal storage of meat, as most of the meat can be collected, treated and distributed on the one day.

Treatment of bait meat by injection is estimated to take 3 times as long as the treatment of meat by tumble mixing, therefore, it will be necessary to source and treat meat in advance of the day it is to be distributed.

Storage of baited meat will require dedicated, secure cold storage, as commercial cold room hire providers are reluctant to allow poison baits to be stored in their equipment.

At a minimum, Council will require dedicated cold storage at Roma and Mitchell. The most cost effective method of storing large volumes of meat is in a refrigerated container. Council has sourced quotations for the supply and installation of 2 refrigerated containers.

The movement of bait meat between Roma and Surat or Roma and Wallumbilla would be greatly assisted by the use of a mobile cold room. Further investigation is occurring regarding the purchase of this type of equipment capable of storing 1200kg to allow for this option in the coordinated campaigns.

Item	Quantity Required	Unit Price	Total
6 metre refrigerated container	2	\$7,500 each	\$15,000
Installation (licenced builder)	2	\$2,667 each	\$5,334
Electrical Installation	2	\$1,500 each	\$3,000
Insulated storage bins (1 tonne capacity)	6	\$1,309	\$7,854
Pallet Jack	2	\$400	\$800
Mobile cold room (Tandem Axle, 1,200kg nett)	1	\$15,000	\$15,000
Total Cold storage and handling equipment (once off)			\$46,988

4. Operating costs

It is estimated that the length of time taken to treat and store meat would be increased by 50%. Currently, each baiting campaign runs for 8 days. It is estimated, with the additional risks, instead programs being delivered by 3 teams, Council may move to programs being delivered by 2 teams, and the third team doing the treatment of the meat. It is expected that each campaign will take approximately 12 days to complete, instead of the current 8. The total cost in providing baiting services, including wages, on costs, plant hire etc. is calculated at \$3,250 per day.

Item	Quantity Required	Unit Price	Total
Additional labour and plant hire	8 Days (4 days per campaign)	\$3250	\$26,000
Total Additional Operating costs (Per annum)			\$26,000

As a result of these necessary changes, the following costs will have to be incorporated into the upcoming budget in order for Council to continue providing feral animal baiting services at the same or similar service level.

Please note that this does not include any additional costs that may be required to mitigate Health and Safety risks associated with the change to injected wild dog baits.

Total increased operating costs: - \$46,303 (annual)
Total transition costs to injected baits - \$52,488 (one off)

Total additional cost to 2021/22 budget - \$98,791

5. Cost to supply bait meat:

In preparation for the upcoming baiting campaign, Council officers have sought quotations for the supply of meat for baiting purposes. Quotations were sought from a number of local suppliers, with only 1 quotation received. The quoted price showed an increase of \$1.21 per kilogram over the previous supply arrangements. Based on this increased cost, the additional costs for meat increases is \$10,000 per campaign (\$20,000 per year) for meat alone.

Landholder concerns

1. Acceptance of injected wild dog baits:

During the April 2019 baiting campaign, Rural Land officers asked participating landholders about their attitudes to injected dog baits. Approximately 30% of landholders surveyed stated that they would be likely to stop participating in wild dog baiting campaigns should Council move to injected dog baits, as baits are more likely to persist in the environment, posing a risk to working dogs.

Given that the current baiting participation rate sits around 27% of rural landholders, a reduction of one third would significantly reduce the impact of baiting, and further erode the effectiveness of coordinated baiting as a control measure for feral animals.

2. Meat supply

Currently, Council provides 40kg of meat or 48 manufactured baits per registered rural rate notice. Some landholders have traditionally had a number of separate rate notices for different properties that make up their enterprise.

Council officers have identified the Department of Resources, who manage land titles in Queensland, have undertaken an amalgamation of land parcels under common ownership to a single assessment number. This has resulted in landholders who may own more than one property having only a single rate notice, and therefore only being entitled to one lot of baits. It has been suggested that baits should be allocated based on area of land owned, rather than by rates assessment.

Any change to the calculation method used to determine the amount of baits available to a landholder would bring with it a change to the cost of delivering the program. It also may lead to some landholders receiving less baits, and other landholders receiving more.

Feedback from the Rural Lands team:

in preparation for the changes to the treatment method for wild dog baits, the Rural Team have undertaken a review of processes undertaken during coordinated campaigns and have made the following observations:

1. Treatment of additional meat during baiting campaigns:

With the introduction of injected wild dog baiting, it will no longer be possible to treat bait meat at baiting stations on delivery day. Any landholder who wish to have additional meat treated as part of a coordinated baiting campaign would need to bring their meat to the nearest treatment site. (Surat, Roma or Mitchell) The baiting of additional meat would have to be undertaken in line with meat treatment required for that day delivery program. It may not be possible to bait additional meat, at the same time as the landholder's council supplied meat, within the coordinated baiting campaign.

2. Ad hoc baiting:

Under the proposed changes, Council would still be able to offer the treatment of meat and grain for ad hoc baiting under the same arrangements currently in place. This is, for a single landholder, they will need to bring the bait material to Roma or Mitchell to be treated, for 3 or more landholders, the Rural Land team will travel to specific site to treat meat organized by landholders

Other issues relating to 1080 baiting.

1. Landholders failure to collect baits ordered:

The Rural Land officers have been experiencing issues with landholders ordering meat, however failing to collect at their specified location in the coordinated program. This problem has been an issue for some time, and officers have attempted to implement actions to mitigate the issue, including:

- Email reminders of the baiting dates the week prior to collection
- Telephone reminders to landholders that have previously failed to collected treated meat, in the days before pick up date and time.
- Telephoning the landholders from the collection site if they fail to collect within the allotted time.

While these action have helped, often the landholders advise that they "Got busy doing other things" or "I do not want it now" or "I just forgot". As a result, the treated meat has to be transported back to town and disposed of by deep burial, a further cost which has not been collated.

The value of unclaimed meat from the November 2020 campaign was as follows:

Location	KG unclaimed	Value (@\$5.50/kg)
Mitchell	340	\$1,870
Surat	120	\$ 660

Roma	300	\$1,650
Total	760	\$4,180

2. Officer recommendations:

At the completion of the November baiting campaign, the Rural Land officers held a debrief. At this meeting, a number of recommendations were put forward for consideration.

- Landholders who do not collect their meat should be charged for the costs of disposal, even if the meat is rehomed.
- If landholders fail to collect their baits twice in a row, they should be removed from the baiting program.
- Any uncollected factory baits should be redistributed to other landholders if not collected within 6 weeks after the campaign ends.
- Council consider offering a rebate to landholders who supply their own meat, instead of Council supplying the meat.
- Develop a fact sheet to hand out at baiting time with information on
 - Authority to sign
 - Neighbour notification and specific timeframe
 - Signage requirements
- Develop a flyer to distribute outside of baiting programs, providing information to landholders on
 - How to participate in the coordinated baiting campaign
 - The process for ad-hoc baiting (3 landholders together and Council officers come to your allocated site)
- Need to periodically update landholder contact list to reflect changes of ownership etc, and ensure database is up to date (twice a year, 3 months before baiting)
- Add NRM agencies, Landcare groups, community groups and pastoral houses to the contact list to receive a blank bait order form to be handed onto their clients
- Request that the rates department provide contact details of new owners on the transfer of ownership of rural lands (Subject to the necessary privacy restrictions) This list can also be used in emergency situations – LDMG/DDMG

3. Amendments to the *Queensland Health (Drugs and Poisons) Regulation 1996*:

Queensland health have advised that a review to the *Queensland Health (Drugs and Poisons) Regulation* is due to be undertaken this year, with plans to deliver the new Regulation in September of this year.

The *Queensland Health (Drugs and Poisons) Regulation 1996* is the legislation under which licenses to prepare and distribute baits are issued. Currently, only DAF or Local government staff are able to be licensed to undertake baiting activities, however Queensland Health has advised that consideration is being given to allowing commercial operators to undertake baiting activities for landholders on a commercial basis. Queensland Health will be undertaking a series of community consultation in the not too distant future.

Council will need to consider the role they play in vertebrate pest management programs, should commercial operators be licensed to undertake bait preparation for landholders.

Funding opportunities:

In preparation for the upcoming changes to supply of 1080, and preparation methods for wild dog baits, The Rural Land team have been looking for funding to offset known costs associated with these changes. Council was successful in sourcing funds from the Federal Department of Agriculture, Water and the Environment for the following:

Item	Amount	Comment
Purchase of manufactured baits	\$80,000	Over 18 months
Purchase of 1080 solution	\$16,000	Over 2 years
Purchase of cold storage equipment	\$50,0000	2 x refrigerated containers and a mobile cold room, including installation and electrical works
Purchase of bait treatment equipment	\$30,000	Injector guns, air compressor, baiting tables
Purchase of baiting consumables	\$6,000	Bags, Signs, Indemnity Books. (Over 2 years)

The team have also prepared an application for funding to DAF to cover 75% of the cost of the provision of 1080 solution over the next 3 years.

With the funds available from the Communities Combatting Pests and Weeds During Drought programme, it is expected that all of the transition costs associated with the move to injected baits, and the purchase cost of 1080 solution for the next 3 years is able to be funded.

The additional operating (wages and plant hire) costs and the increased cost of meat purchase is currently unfunded and will need to be considered as part of budget preparation for the 2021/22 financial year. Council is able to offset the additional cost of meat in the current year against the grant funds received for the purchase of factory baits, however once this funding is fully committed, the additional cost will fall back to Council to fund in future financial years.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.9 Rural lands

Supporting Documentation:

1 Minutes - Rural lands team post baiting meeting -
November 2020

D20/11824

Report authorised by:

Manager - Environment, Health, Waste & Rural Land Services

Deputy Chief Executive Officer/Acting Director Infrastructure Services

Meeting Minutes

Rural Lands Team – Baiting program post mortem

Donga 6, Cartwright Street, Roma

Meeting date: November 24, 2020

Time: 10.00AM

Attendance: Jade Howell, Kent Morris, Bill Burke, Ricki Rathbone, Ray Thrupp, Frank Martinek, Tracey Porter

RM8 Ref: D20/118265

Introduction and opening:

Kent opened the meeting and gave a brief overview, the purpose of the meeting was to get feedback from staff on how the baiting campaign went, what issues arose, and what (if any) recommendations could be made on how to improve the program in future.

Unclaimed meat:

Kent asked for a summary of meat baits not collected:

Location	KG unclaimed	Value (@\$4.50/kg)
Mitchell	340	\$1530
Surat	120	\$540
Roma	300	\$1350
Total	760	\$3420

Issues raised by landholders:

- A small number of landholders queried the small amount of meat available to large properties, and queried the method of calculation, suggested allocation on area
- Some landholders who did not collect claimed they “Forgot” – in some instances they had been emailed and/or telephoned a day or 2 before

Meat supply:

- Kent thanked Frank for his efforts in preparing for the baiting campaign
- Pig baits were small, Frank addressed this with the supplier, after the first batch was collected, unfortunately all of the Mitchell pig baits were from the first batch
- There was a lot of blood in the bags
- Officers were appreciative of the efforts that Alan Brady went to assist in supplying meat, after Warroo game meats advised they could not supply a week out from the campaign.
- Kent advised that a suggestion was being explored looking at using the new chillers to store meat from cattle destroyed at the saleyards throughout the year for use as bait meat in our coordinated baiting campaigns.

Treating of meat:

- With the access to cold storage, there is an opportunity to review how we treat and supply baits.
- Frank advised that he had looked into insulated bins, and they were available at a reasonable price
- With cold storage and insulated bins, it would be possible to keep meat cold for longer
- Consideration to treating meat the afternoon before and loading it into an insulated bin for distribution
- Insulated bins would allow for unclaimed meat to be returned to the cold storage at the end of the day, and the possibility of distributing it to other participants on the next day.

- Treating of meat into bins would allow council to stop treating on site in the Mitchell area
- Would possibly need to consider still baiting on site at Tooloombilla and Bargunya, as these are the furthest stations from town, allowing landholders access.
- Contamination and leaky blood are an issue, but this could be managed by having 2 tubs, so they can be cleaned and swapped daily, and having a grate on the floor of the bin, to keep the bags out of the blood.

Timing of bait delivery:

- Frank was of the view that the baiting program could be amended to shorten up the delivery time.
- Run Roma and Surat as one, treating the meat in Roma and taking it out from there, this would make the Surat campaign a bit longer, but the Roma one a bit shorter.
- Pre treating meat would allow to do multiple sites at Mitchell in a day (eg, Dunedin and Mungallala the same day.)

Misuse of Baits:

- No reports from this campaign so far
- Kent read a letter received from Queensland Health (D20/105813) advising their concerns and reminding licenced operations of their obligations when distributing baits. Kent expressed his dismay at the contents of the letter, particularly in regard to the recent difficulties experienced in engaging Queensland Health in undertaking these investigations
- Kent reminded all staff of their licence conditions, and reiterated that it is important to ensure compliance, as the licence is a condition of their employment.
- It was agreed that processes around neighbour notification, signing of deed polls and signage needed to be tightened up.

Officer Recommendations:

- Landholders who do not collect the meat should be charged for the costs of disposal, even if the meat is rehomed.
- If landholders fail to collect their baits twice in a row, they should be dropped off the baiting list
- Any uncollected factory baits should be redistributed if not collected within 6 weeks after the campaign ends.
- Council consider offering a rebate to landholders who supply their own meat, instead of council supplying the meat.
- Develop a fact sheet to hand out at baiting time with information on
 - Authority to sign
 - Neighbour notification
 - Signage requirements
- Develop a flyer to distribute outside of baiting programs, providing information to landholders on
 - How to participate in the coordinated baiting campaign
 - The process for ad-hoc baiting (3 landholders together and we come to you)
- Need to periodically update landholder contact list to reflect changes of ownership etc, and ensure database is up to date (twice a year, 3 months before baiting)
- Add NRM agencies, Landcare groups, community groups and pastoral houses to the contact list to receive a blank form
- Rates department provide contact details of new owners on the transfer of ownership of rural lands (may be privacy issues)

Meeting Closed at 11.30am

Meeting Actions:

- Frank to source details/quotes on insulated storage bins
- Kent to discuss the recommendations from this meeting with Kay, with a view to presenting a report to council
- All staff to update baiting list at least 3 months before baiting.
- Jade to produce a flyer for general distribution relating to Signage, Neighbour notification and authorities to sign.
- Bill and Kent to look at possible revision of baiting times for Mitchell.
- Ricki/Frank to look at baiting times for Roma/Surat
- Kent to discuss with rates, if it is possible for the rural lands team to be provided with the owners details upon the sale of rural lands, and to see if this would be a breach of the Privacy Act.

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 24 March 2021

Item Number: 13.3

File Number: D21/24504

SUBJECT HEADING: Purchase of Lot 9 on SP119660 - Yuleba

Classification: Open Access

Officer's Title: Support Officer - Facilities

Executive Summary:

Council has received ongoing requests from the Yuleba Development Group to secure tenure over land in Yuleba to extend Cobb and Co Park. This land is currently owned by Queensland Rail who have recently notified Council of the purchase price for the land.

Officer's Recommendation:

That Council:

1. Purchase the land known as Lot 9 on SP119660 using the funds allocated in the 2020/21 Capital Works Budget for the amount of \$12,000.00 exclusive of GST.
2. Reimburse Queensland Rail the cost of the market valuation being \$1,600.00 exclusive of GST.
3. Authorise the Chief Executive Officer (or delegate) to execute the purchase contract and other documents relating to this purchase.

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).

Yuleba Development Group
Community Members

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
QR	Queensland Rail

Context:

Why is the matter coming before Council?

Council has received ongoing requests from the Yuleba Development Group to secure tenure over land in Yuleba to extend Cobb and Co Park. This land is currently

owned by Queensland Rail who have recently notified Council of the purchase price for the land.

Queensland Rail are prepared to sell the land described as Lot 9 on SP119660 to Council on an 'as is where is' basis for the purchase price of \$12,000.00 exclusive of GST, subject to the approval of Queensland Rail's functional and financial delegated officer.

The sale of the land will also be conditional upon the following terms:

- The market valuation costs of \$1,600.00 exclusive of GST is to be recovered from Council at settlement
- All applicable land tax, council rates and charges are to be adjusted at settlement.
- The land will be sold subject to the unregistered lease between Queensland Rail and Council.

This conditional offer will remain open until close of business on 23 April 2021.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Council already has a lease with Queensland Rail to use the land. The terms of this lease are summarised below:-

- The former Bendemere Shire Council entered into a lease with Queensland Rail over Lot 9 on SP119660.
- This lease commenced on 1 January 2002.
- The term of the lease is one year, then yearly thereafter.
- Queensland Rail or Council may terminate this lease at any time by giving three months notice of its intention to terminate.
- Council must not alter the premises, install any improvements, partitions or equipment or do any building work without the Landlord's prior consent.
- Council must not bring or move onto the land any heavy equipment unless reasonable necessary or appropriate in respect of the permitted use.
- Permitted use is site for a public park.

Council has previously put this request up for Capital consideration in 2018/19, unfortunately due to competing demands funding has not been allocated in the budget until last year as part of the 2020/21 Capital Works Budget where \$38,000 has been allocated to purchase the land from Queensland Rail.

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)

Nil

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)

Queensland Rail
Yuleba Development Group
Manager Facilities (Land, Buildings and Structures)

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)

Nil

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?

\$38,000 allocated in the 2020/21 Capital Works budget to purchase the land.

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)

Nil

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)

Yuleba Development Group
Community Members

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
Political	If Council do not purchase the land, Yuleba community could be disappointed.

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 purchase the land from Queensland Rail located in Yuleba described as Lot 9 on SP119660, for the amount of \$12,000.00 exclusive of GST.

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?

That Council:

1. Purchase the land known as Lot 9 on SP119660 using the funds allocated in the 2020/21 Capital Works Budget for the amount of \$12,000.00 exclusive of GST.
2. Reimburse Queensland Rail the cost of the market valuation being \$1,600.00 exclusive of GST.
3. Authorise the Chief Executive Officer (or delegate) to execute the purchase contract and other documents relating to this purchase.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.10 Facilities

Supporting Documentation:

1	Email received from Queensland Rail 24/03/2021- Commercial in Confidence Prop-18-76282 Proposed sale of Queensland Rail Land at Perry Street Yuleba - Lot 9 on SP119660	D21/24538
2	Map - Proposed sale of surplus land from Queensland Rail - Lot 9 on SP119660	D21/24541
3	Executed Lease between Queensland Rail and Council - Lot 9 on SP119660	D21/24540
4	Letter to Council from the Yuleba Development Group - Regarding of Council to Purchase Lot 9 on SP119660	D18/30419
5	Email trail between Queensland Rail and Council	D18/35478

Report authorised by:

Council Buildings & Structures Maintenance Officer / Team Coordination
Manager - Facilities (Land, Buildings & Structures)

Deputy Chief Executive Officer/Acting Director Infrastructure Services

From: Scheld, Amber <Amber.Scheld@qr.com.au>
Sent: Wednesday, March 24, 2021 11:14 am
To: Tanya Mansfield
Subject: COMMERCIAL IN CONFIDENCE PROP-18-76282 PROPOSED SALE OF QUEENSLAND RAIL LAND AT PERRY STREET, YULEBA TO MARANOA REGIONAL COUNCIL - CONDITIONAL OFFER

Commercial-in-Confidence

Hi Tanya,

I refer to previous email correspondence regarding your application to purchase Queensland Rail Limited freehold land leased to Maranoa Regional Council (Council) in Perry Street, Yuleba (Property) for the purpose of a public park.

The Property is described as Lot 9 on SP119660 and contains an area of 8,791 square metres. The Property is outlined in black on the attached aerial plan.

The area of land outlined on the attached map is currently leased to Maranoa Regional Council on a yearly basis. For your reference, a copy of the unregistered Lease is attached.

Queensland Rail has completed its investigations into the sale of the Property, has obtained a market valuation report as assessed by an independent qualified valuer in accordance with the QGLTP and is now in a position to make a conditional offer to purchase the Property.

Queensland Rail is prepared to sell the Property to Council on an 'as is, where is' basis for the purchase price of **\$12,000.00 exclusive of GST**, subject to the approval of Queensland Rail's functional and financial delegated officer.

The sale of the land will also be conditional upon the following terms:

- The market valuation cost of **\$1,600.00 exclusive of GST** is to be recovered from Council at settlement.
- All applicable land tax, council rates and charges are to be adjusted at settlement.
- The land will be sold subject to the unregistered lease between Queensland Rail and Council.

It is suggested that Council undertakes a Dial Before You Dig (DBYD) search to ascertain if there are any public services on, under or above the subject land, prior to any future development works.

Would you please advise if this conditional offer is acceptable to Council? Upon acceptance of this offer, Queensland Rail will prepare the Contract of Sale for execution by both parties.

This conditional offer will remain open until **close of business on 23 April 2021**. If no response has been received by this date, then it will be understood that Council has no interest in purchasing the land.

Queensland Rail reserves all rights. For the avoidance of any doubt no binding agreement shall come into effect until the formal contract of sale is executed by all parties.

Please contact me if you have any queries regarding this offer.

Kind regards,

Amber

AMBER SCHELD

SENIOR PROPERTY DISPOSAL OFFICER

RC2-Mezz 1, 309 Edward Street
GPO Box 1429 • Brisbane, QLD 4001
T: 07 3072 2071
M: 0428 198 925
F: 07 3072 8566
W: queenslandrail.com.au

Queensland Rail Email Disclaimer : <https://www.queenslandrail.com.au/aboutus/legal/email-disclaimer>

Proposed Sale of QR Freehold Land Perry Street, Yuleba Maranoa Regional Council



Data Sources:

© 2020, Queensland Rail Limited
© 2020, State of Queensland, DNRH
© 2020, PB MapInfo Corporation
© 2020, Esri

Note:
Areas and dimensions are
approximate only and are
subject to final survey.

Projection: Longitude/Latitude (Australia GDA94)
A3 Size



Ph: 13 16 17
Queensland Rail PO BOX 1429 Brisbane
QLD 4001
www.queenslandrail.com.au
Property Group © 2020

0 0.05
kilometres
Scale 1:1,000



QR Property Boundary



Proposed sale of
QR Property

DISCLAIMER - QUEENSLAND RAIL
No warranty given in relation to the data (including accuracy, reliability, completeness or suitability) and no liability accepted (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

File Location: G:\GIS_Requests\Property\Amber_Scheidt\Yuleba_9SP119660\Yuleba_9SP119660.wor

Created by: r901426 17/09/2020

FORM 7 Version 4
Land Title Act 1994 and Land Act 1994

LEASE/SUB LEASE

QUEENSLAND LAND REGISTRY
Page 1 of 1

Dealing No.

Stamp Duty Imprint	
Unpaid Stamp Duty Paid	50.35
On the Amount of \$100.00	Duty Code <u>LEAS</u>
Interim Assessment	
To Be Upstamped 11/08	
TRANSG:16271	Transaction Number <u>19/2002</u>
<u>KNOX</u> 16/4/02	

1. Lessor QUEENSLAND RAIL	Lodger Name, address & phone number: Queensland Rail, 305 Edward Street, Brisbane QLD 4000 .Tel: 3235 7823		Lodger Code 74
2. Description of Lot Lot 9 on SP 119660	County Waldegrave	Parish Inglebogie	Title Reference []
3. Lessee Given names	Surname/Company name and number (include tenancy if more than one) Bendemere Shire Council		
4. Interest being leased Fee simple			
5. Description of premises being leased The Whole of the Land			
6. Term of lease Commencement date: 1 January 2002 *Expiry date: SEE ATTACHED SCHEDULE **Options on page N/A *not required for leases in a retirement village **insert nil if no option	7. Rental/Consideration SEE ATTACHED SCHEDULE		

8. Grant/Execution

The Lessor leases the premises described in item 5 to the lessee for the term stated in item 6 subject to the covenants and conditions contained in:- the attached schedule

Witnessing Officer

Execution Date

Lessor's Signature

[Signature] signature

9 14 2002

DANIEL R. INGLESTON full name

J.P. qualification

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Queensland Rail by its Attorney Eric John Woolley under Power of Attorney No. 702322737 who declares that he has no notice of revocation of the said Power of Attorney.

9. Acceptance

The lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

Witnessing Officer

Execution Date

Lessee's Signature

P.D. Mirabito signature

26 10 2002

P.D. Mirabito full name

[Signature] qualification

as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

BENDEMERE SHIRE COUNCIL

CHIEF EXECUTIVE OFFICER

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 2 of 30 pages

Title Reference []

REFERENCE SCHEDULE

Landlord: Queensland Rail

Address: c/- Manager Property, 305 Edward Street, Brisbane QLD 4000

Telephone: (07) 3235 1992

Facsimile: (07) 3235 2429

Tenant: Bendemere Shire Council

Address: PO Box 14, Yuleba QLD 4427

Telephone: (07) 4623 5155

Facsimile: (07) 4623 5277

Premises: Vacant Land being whole of Lot 9 on SP119660 County of Waldegrave, Parish of Inglebogie as indicated on attached plan

Address of Premises: Warrego Highway, Yuleba

Commencement Date: 1 January 2002

Term: One year and yearly thereafter subject to Clause 2.1(2)

Termination Date: The date nominated under Clause 2.1(2)

Rent: \$1.00 per annum if demanded

Rent Payment Dates for First Rent Payment Period: 1 January 2002

First Rent Review Date: 1 July 2002

Subsequent Rent Review Dates: 1 July in each and every year

Rent Payment Dates for Subsequent Rent Payment Periods: 1 July in each and every year

Permitted Use: Site for a public park

Public Liability Insurance: \$10,000,000.00

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 3 of 30 pages

Title Reference []

IT IS AGREED:

1. DEFINITIONS AND INTERPRETATION

1.1 Terms in Reference Schedule

Where a term used in this Lease appears in bold type in the Reference Schedule, that term has the meaning shown opposite it in the Reference Schedule.

1.2 Definitions

In this Lease unless the context otherwise requires:-

"Business Day" means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made;

"Claim" includes any claim or legal action and all costs and expenses incurred in connection with it;

"Common Areas" means all those parts of the Land not demised to any person and designated by the Landlord for common use by its tenants or occupiers and their respective employees, invitees and licensees;

"Commencement Date" means the date of commencement of this Lease as stated in the Reference Schedule;

"Cost" means any cost, charge, expense, outgoing, payment or other expenditure of any nature and where appropriate, includes reasonable fees and disbursements payable to agents, contractors, consultants and lawyers;

"Default Interest Rate" means that rate of interest which is 5% above the rate of interest published by the Queensland Law Society from time to time as the contract rate for the sale of land in Queensland;

"First Rent Payment Period" has the meaning given to that term in Clause 3.1 of this Lease;

"Land" means the land described in Item 2 on the front page (Form 7) of the Lease of which the Premises forms part;

"Landlord" means the person named in item 1 of the Reference Schedule and includes its successors and assigns;

"Landlord's Property" means any improvements, fixtures, fittings, furnishings, plant, machinery equipment and any other property owned by the Landlord located or installed in the Premises or on the Land at any time during the Term and includes the property identified in any inventory annexed to this Lease;

"Late Charge" means \$200 or such other amount as the Lessor may notify in writing to the Lessee from time to time;

"Law" includes the provisions of any statute, rule, regulation, proclamation, ordinance or by-law, present or future, whether state, federal or otherwise;

"Lease" means the lease or tenancy between the Landlord and the Tenant in relation to the Premises as evidenced in this document, including the Reference Schedule and the Form 7 to which these terms are attached;

"Outgoings" means the total cost, charges levied or expenses payable in respect of the Premises or the Land of which the Premises is part in any one accounting period and includes the following:-

- (a) Rates other than those Rates assessed or levied to the Tenant directly by any Federal, State or Local Authority;
- (b) costs for sewerage, supply of water and removal of waste and other garbage from the Land or the Premises;
- (c) the cost of operating, repairing, maintaining, upgrading or replacing of any Services or the Landlord's Property including any fees or premiums payable to any specialist contractors;
- (d) any other Costs (excluding taxes in the nature of income tax or capital gains tax) whatsoever relating to or in connection with the ownership, maintenance and use of the Land and any improvements on the Land;
- (e) charges for electricity, gas and water or any other charges and impositions imposed by any public authority for the supply of any other Service to the Premises where the Premises are not separately metered;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 4 of 30 pages

Title Reference []

- (f) GST which is charged or levied on goods services or other things acquired by the Landlord in connection with the Premises, the Land, the Services or this Lease.

The term does not include any amounts payable by the Tenant under Clause 4.1 or 4.2 of this Lease.

"Permitted Use" means the use described in the Reference Schedule.

"Premises" means the leased premises described in the Reference Schedule and includes the Landlord's Property in the Premises;

"Railway" means any part of any railway owned, managed or operated by Queensland Rail and includes all land, buildings, communication systems and cables, structures or works connected with the Railway;

"Rates" means all rates, taxes (other than Land Tax where it is prohibited by law to recover same), charges, assessments, duties, impositions and fees whatsoever (whether parliamentary, municipal or otherwise) and whether assessed charged or imposed by or under Federal or State law or by Federal State or Local authorities and whether on a capital or revenue value or any other basis and even though of a novel character which may at any time after the commencement of this Lease be assessed charged or imposed in respect of the Land;

"Reference Schedule" means the reference schedule to this Lease;

"Rent" means the amount payable annually by the Tenant as set out in the Reference Schedule to this Lease and as reviewed in accordance with this Lease;

"Rent Payment Dates" means the Rent Payment Dates for the First Rent Payment Period and the Rent Payment Dates for the Subsequent Rent Payment Periods;

"Requirement" means any requirement, notice, order or direction received from or given by any statutory, public or other competent authority, present or future;

"Services" means all gas, electricity, telephone, water, sewerage, drainage, fire prevention, communication, airconditioning, hydraulic and security services and all other services or systems:-

- (a) provided to the Land and or the Premises;
- (b) available for the use of tenants or occupiers of the Land and or the Premises; or
- (c) traversing or running through the Land and or the Premises;

"Subsequent Rent Payment Periods" has the meaning given to that term in Clause 3.1(2);

"Tenancy" means the tenancy between the Landlord and the Tenant created by this Lease;

"Tenant" means the person named in the Reference Schedule and includes:-

- (a) in the case of a company, its successors and permitted assigns; and
- (b) in the case of a person, his executors, administrators and permitted assigns;

"Tenant's Employees" means each of the Tenant's employees, contractors, agents, customers, subtenants, licensees or others (with or without invitation) who may be on the Premises or the Land;

"Tenant's Property" includes all improvements fixtures, fittings, plant, equipment and other articles on or in the Premises which are owned by the Tenant and located or installed in the Premises at any time during the Term;

"Term" means the period stated in the Reference Schedule, commencing on the Commencement Date and terminating on the Termination Date;

"Termination Date" means the date of termination of this Lease as stated in the Reference Schedule.

.3 Interpretation

- (1) Reference to:

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 5 of 30 pages

Title Reference []

- (a) one gender includes each other gender;
- (b) the singular includes the plural and the plural includes the singular;
- (c) a person includes a body corporate;
- (d) a party includes the party's executors, administrators, successors and permitted assigns; and
- (e) a statute, regulation or provision of a statute or regulation ("**Statutory Provision**") includes:
 - (i) that Statutory Provision as amended or re-enacted from time to time; and
 - (ii) a statute, regulation or provision enacted in replacement of that Statutory Provision.
- (2) All monetary amounts are in Australian dollars unless otherwise stated.
- (3) If a party consists of more than one person, this Lease binds them jointly and each of them severally.
- (4) Headings are for convenience only and do not form part of this Lease or affect its interpretation.
- (5) A party which is a trustee is bound both personally and in its capacity as a trustee.
- (6) "Including" and similar expressions are not words of limitation.
- (7) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (8) If an act must be done on a specified day which is not a Business Day, the act must be done instead on the next Business Day.
- (9) Where this Tenancy permits or requires the Landlord to do something, it may be done by a person authorised by the Landlord.
- (10) Sections 105 and 107 of the *Property Law Act 1974* do not apply to this Tenancy.
- (11) References to acts of the Tenant includes a reference to the omissions of the Tenant and any acts or omissions caused, permitted or allowed to be done by the Tenant or the Tenant's employees.
- (12) If any term or condition of this Lease or its application to any person should become invalid or unenforceable the remaining terms and conditions shall not be affected and shall be valid and enforceable to the full extent permitted by law.

1. TERM AND HOLDING OVER

1.1 Term

- (1) The Landlord lets the Premises to the Tenant for the Term.
- (2) **Early Termination Clause**
Despite anything to the contrary expressed or implied in this Lease, either the Landlord or the Tenant may terminate this Lease at any time by giving to the other not less than 3 month's written notice of its intention to terminate. The notice of intention to terminate shall nominate the Termination Date of the Lease.

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 6 of 30 pages

Title Reference []

2.2 Monthly Tenancy

The Tenant may continue to occupy the Premises after the Term with the Landlord's consent on the following terms:-

- (1) subject to (4) below the Tenant does so as a monthly tenant on the same terms and conditions of this Lease as at the last day of the Term (so far as they are applicable to a monthly tenancy);
- (2) either party may terminate the monthly tenancy by giving to the other one month's notice expiring on any day;
- (3) the Tenant will pay rental monthly in advance in an amount equal to one twelfth of the aggregate of the Rent and any other monies payable by the Tenant to the Landlord under this Lease as at the Termination Date. The first of such monthly payments is to be made on the day following the Termination Date;
- (4) the Rent or any part of it for the monthly tenancy may be reviewed by the Landlord in advance whenever it determines it appropriate. Any provisions of this Lease relating to calculation of, limitation on, or right of review of the Rent or any part of it, will not apply to the monthly tenancy;
- (5) if the Tenant defaults in the performance of any of its obligations under the monthly tenancy the Landlord may terminate the monthly tenancy for breach by giving the Tenant seven (7) days notice.

3. RENT AND RENT REVIEWS

3.1 Rent Payment Periods

For the purposes of this Clause 3 and the Tenant's obligation to pay Rent during the Term, the Term shall be divided into rent payment periods.

- (1) The first rent payment period will commence on the Commencement Date and terminate on the 30 June preceding the first Rent Review Date as stated in the Reference Schedule. ("First Rent Payment Period")
- (2) Thereafter, the rent payment periods shall be yearly from 1 July in each year commencing from the first Review Date until the 30 June in the succeeding year and in the case of the last Subsequent Rental Payment Period until the Termination Date. ("Subsequent Rent Payment Periods")

1.2 Rent for the First Rent Payment Period shall be the Rent amount as stated in the Reference Schedule. The Rent will be reviewed as and from the First Review Date in the manner set out in Clause 3.6.

1.3 In the event that the First Rental Payment Period is less or more than one year ("broken period") then the Tenant shall pay to the Landlord a proportionate part of the Rent for the broken period calculated by dividing the Rent payable by 365 and multiplying that amount by the number of days in that broken period. In the event that the last Subsequent Rental Payment Period is less than one year then the Tenant shall pay to the Landlord a proportionate part of the Rent for that last Subsequent Rental Payment Period calculated by dividing the Rent payable at that time by 365 and multiplying that amount by the number of days in the last Subsequent Rental Payment Period.

3.4 Rent

The Tenant must:

- (1) pay the Rent for the First Rent Payment Period in advance commencing on the Commencement Date and then on the 1 September of each year of the Term.
- (2) make all payments as the Landlord directs; and
- (3) pay the Rent without demand, deduction or right of set off.

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 7 of 30 pages

Title Reference []

3.5 Definitions

In Clause 3.6:

- (1) "Index Number" means the Consumer Price Index (All Groups) for Brisbane published by the Australian Bureau of Statistics. If that index no longer exists, "Index Number" means an index that the president of the REIQ decides best reflects changes in the cost of living in Brisbane; and
- (2) "Rent Review Date" means the First Rent Review Date and the Subsequent Rent Review Dates set out in the Reference Schedule.

3.6 Rent Review

(1) Review in Accordance with Consumer Price Index

The Rent will be reviewed on the Rent Review Date to an amount represented by A where:-

$$A = \frac{B \times D}{C}$$

Where B = the Index Number for the March quarter immediately before the relevant Review Date;

Where C = the Index Number for the March quarter of the year before the relevant Review Date; and

Where D = the Rent payable immediately before the Review Date.

(2) Alternative Review

Despite Clause 3.6(1) above the Rent shall be reviewed to market on the anniversary of the First Rent Review Date every 3 years ("the market review date"), in accordance with the following procedure:-

Landlord's Notice

The Landlord may notify the Tenant of the Rent which it considers to be the fair market rent for the Premises at any time within 6 months before and 6 months after a market review date.

Tenant May Dispute

If the Tenant disputes the amount of the fair market rent then the Tenant must within fourteen (14) days of receiving the Landlord's notice give a notice to the Landlord of the dispute.

Valuer to Settle if Dispute

If the Landlord and the Tenant have not settled the dispute and agreed on the fair market rent for the Premises within 30 days after service of the Landlord's notice, the dispute must be referred for determination by a Valuer to be nominated by the president of the Australian Institute of Valuers at the request of either the Landlord or the Tenant.

The appointed Valuer must be independent of both parties and must give both the landlord and Tenant opportunities to make submissions.

The Valuer will make a determination of the fair market rent as at the particular market review date acting as an expert and not as an arbitrator.

The Valuer must make a written determination containing reasons within 60 days of being appointed.

The Valuer's determinations will be final and binding on the Landlord and the Tenant.

The Valuer's Costs will be paid by the Landlord and the Tenant equally. Either party may pay the Valuer's Costs and recover one half of the amount paid from the other party.

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 8 of 30 pages

Title Reference []

- (3) Under no circumstances and regardless of any other provisions of this lease shall the reviewed Rent for any particular rent payment period (whether such Rent is reviewed under Clause 3.6(1) or Clause 3.6(2)) be less than an increase of 5% over the Rent payable during the immediately preceding rent payment period to the relevant Review Date.

3.7 Additional Rent on Alterations

If the Landlord is required by any future statute, regulation, ordinance or by-law ("the Statutory Provisions") to effect any alterations or additions to the Premises or to the Services or to the Landlord's Property during the Term of this Lease, then:-

- (1) where the Statutory Provisions relate solely to the use made of the Premises by the Tenant, the Tenant shall be liable for the reasonable costs of the alterations or additions effected in order to comply with the minimum requirements of the Statutory Provisions;
- (2) where the Statutory Provisions do not relate solely to the use by the Tenant but must be complied with in any event (not being alterations or additions required to be made by virtue of the use by another tenant of other premises on the Land) the base Rent payable by the Tenant shall:-
 - (a) where a certificate or other written confirmation may issue to show compliance with the Statutory Provisions, from the date of issue to the Landlord of such certificate or written confirmation; or
 - (b) in any other case, from the date of completion of the works;

("the Completion Review Date")

be reviewed to an amount calculated in accordance with the following procedure:-

Landlord's Notice

The Land may notify the Tenant of the Rent which it considers to be the fair market rent for the Premises at any time within 6 months after the Completion Review Date.

Tenant May Dispute

If the Tenant disputes the amount of the fair market rent then the Tenant must within fourteen (14) days of receiving the Landlord's notice give a notice to the Landlord of the dispute.

Valuer to Settle if Dispute

If the Landlord and the Tenant have not settled the dispute and agreed on the fair market rent for the Premises within 30 days after service of the Landlord's notice, the dispute must be referred for determination by a Valuer to be nominated by the president of the Australian Institute of Valuers at the request of either the Landlord or the Tenant.

The appointed Valuer must be independent of both parties and must give both the Landlord and Tenant opportunities to make submissions.

The Valuer will make a determination of the fair market rent as at the particular market review date acting as an expert and not as an arbitrator.

The Valuer must make a written determination containing reasons within 60 days of being appointed.

The Valuer's determinations will be final and binding on the Landlord and the Tenant.

The Valuer's Costs will be paid by the Landlord and the Tenant equally. Either party may pay the Valuer's Costs and recover one half of the amount paid from the other party.

For the purposes of Clause 3.7(2)(a), the date of the completion of the works shall be the date of the completion of works so as to unconditionally satisfy the minimum requirements of the Statutory Provisions.

.8 Payment of Reviewed Rent

- (1) Any review of Rent under Clause 3.6 will take effect as and from the Review Date regardless of the date of determination or the date the Tenant is notified of the reviewed Rent. From the Review Date in question, up to the date upon which the

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 9 of 30 pages

Title Reference []

reviewed Rent is determined under Clause 3.6 and notified to the Tenant, the Tenant shall pay the Rent at the rate it was being paid immediately prior to the Review Date in Question.

- (2) Any review of Rent under Clause 3.7 will take effect as and from the Completion Review Date regardless of the date of determination or the date the Tenant is notified of the reviewed Rent. From the Completion Review Date, up to the date upon which the reviewed Rent is determined under Clause 3.7 and notified to the Tenant, the Tenant shall pay the Rent at the rate it was being paid immediately prior to the Completion Review Date.
- (3) Immediately upon determination of the reviewed Rent under Clause 3.6 or Clause 3.7 an adjustment shall be made between the Landlord and the Tenant and the Tenant shall pay to the Landlord the amount of the deficiency in the Rent paid for the then current year.

4. OUTGOINGS

4.1 Operating Expenses

The Tenant must pay to the relevant authorities all charges for any operating or other expenses for the Premises which are separately assessed to the Tenant including but not limited to:-

- (1) All utility meter costs;
- (2) All licence fees in connection with the Tenant's business or any of the Tenant's plant and equipment;
- (3) All extra cleansing services payable by reason of the Tenant's use of the Premises;
- (4) All costs in respect of discharging waste from any septic tank which may be installed on the Premises;
- (5) All charges for removal of all excess trade waste or any industrial bin service.

4.2 Charges for Utilities

By the due date the Tenant will pay:-

- (1) charges for any telephone service connected to the Premises;
- (2) where separately assessed either to the Tenant or the Landlord:-
 - (a) charges for electricity, gas and water consumed on the Premises;
 - (b) other charges and impositions imposed by any public authority for the supply of any other Service to the Premises;
 - (c) any charges against the Premises by any authority arising out of the Tenant's use of the Premises.

4.3 Tenant to Pay Rates

The Tenant must pay to the relevant authority by the due date all Rates which are separately assessed to the Tenant.

4.4 Outgoings

- (1) The Tenant must pay to the Landlord a percentage of the Outgoings which percentage is based on the area of the Premises in proportion to the area of the Land;
- (2) Outgoings are payable to the Landlord within fourteen (14) days of production to the Tenant of a copy of the Landlord's assessment, notice or account. If the Tenant fails to pay any amount within this time the Tenant shall:-

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 10 of 30 pages

Title Reference []

- (a) pay any penalties imposed by the relevant entity for late payment; or
- (b) pay the Landlord interest on such amount at the Default Rate in accordance with Clause 19 of this Lease.

5. GST

- 5.1 Words or expressions used in this Lease which are defined in *A New Tax System (Goods & Services Tax) Act 1999 (Cth)* or if not so defined, then which are defined in the *Trade Practices Act 1974 (Cth)* have the same meaning in this Lease as so defined.
- 5.2 The consideration to be paid or provided by the Tenant to The Landlord under this Lease has been agreed by the Tenant and the Landlord without regard to GST. Notwithstanding any other provision of this Lease, if the Landlord makes a supply under or in connection with this Lease upon which GST is imposed then the consideration payable or to be provided by the Tenant under this Lease is increased by, and the Tenant must pay to the Landlord in addition to that consideration, an amount equal to the GST payable by the Landlord in respect of that supply, so that the Landlord is in the same financial position after payment of the GST in respect of that supply which it would have been in if not for the imposition of GST.
- 5.3 The Tenant must pay any amount payable under Clause 5.2 on the earlier of the day upon which any monetary consideration is payable or the day upon which the Landlord is obliged to pay GST in respect of the supply upon which GST is imposed.
- 5.4 After receiving each payment due under this Lease from the Tenant, the Landlord must give the Tenant a tax invoice for that payment.
- 5.5 Notwithstanding any other provision of this Lease, any insurance that the Tenant must keep current under this Lease must provide the Tenant with full indemnity in respect of each specified risk and the Tenant must take all necessary steps to ensure that full indemnity is achieved in respect of each specified risk.

6. USE OF THE PREMISES

6.1 Permitted Use

The Tenant must only use the Premises for the Permitted Use as stated in the Reference Schedule.

6.2 Restrictions on Use

In exercising its rights under 6.1 the Tenant must not:-

- (1) disturb, annoy or cause damage to other tenants or occupants of the Land or the occupants of adjacent premises;
- (2) make any disturbing or irritating noises and in operating any appliance, engine or machine which causes noise or vibration operate the same in compliance with any relevant Law;
- (3) erect or display any signs on any part of the Premises without the Landlord's consent which consent may be given subject to any conditions which the Landlord requires. Any sign erected or displayed without consent may be taken away by the Landlord without notice at the Tenant's expense;
- (4) use any Service other than for its intended purpose or in accordance with its normal tolerances and limits. The Tenant will pay to the Landlord the Cost of repairing any damage to Services arising from misuse by the Tenant and the Tenant's Employees;
- (5) damage the Landlord's Property;
- (6) alter the Premises, install any improvements, partitions or equipment or do any building work without the Landlord's prior consent;
- (7) do or omit to do anything that may invalidate the Landlord's insurance or increase the Landlord's premiums or increase the risk other than the risk normally associated with the permitted use (where the Tenant has no obligation to insure);

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 11 of 30 pages

Title Reference []

- (8) carry on or permit any noxious or offensive act, business or trade to be carried out on the Premises;
- (9) conduct the Tenant's business other than in accordance with this Lease;
- (10) cease to conduct the Tenant's business or fail to keep the Premises open for business during ordinary business hours;
- (11) encroach on any area outside the Premises without the Landlord's prior consent;
- (12) interfere with the Landlord's operation of rail activities on or through the Land or adjacent to the Premises;
- (13) interfere with any Railway;
- (14) contravene any town planning or other legislation.

6.3 Alterations and Additions

- (1) Without the Landlord's and (where relevant) the local authority's consent the Tenant will not:-
 - (a) construct any building or other improvement or alter or add to any building or other improvement on the Premises or forming part of the Premises; or
 - (b) do anything likely to disturb the efficient operation of the Services.
- (2) When making application for the Landlord's consent the Tenant must submit plans and specifications of the proposed construction, alteration, addition or installation and the location thereof.
- (3) As a condition of its approval the Landlord may require:-
 - (a) the Tenant to engage consultants approved by the Landlord to ensure that alterations and additions are compatible with the Services;
 - (b) the Tenant to use only the drawings, plans and specifications prepared by those consultants after first having them approved by the Landlord's consultants;
 - (c) the Tenant to pay the Landlord's reasonable Costs and the Costs of the Landlord's consultants in approving the plans and specifications referred to above and, if the Landlord pays those Consultants' Costs, it may recover them from the Tenant as a debt;
 - (d) any proposed work to be supervised by a person nominated by the Landlord and the reasonable Costs of supervision to be paid by the Tenant;
 - (e) any proposed work to be carried out by the contractors or tradesmen approved by the Landlord;
 - (f) the Tenant to obtain, at its expense, from any competent authority all approvals or permits necessary to enable the proposed work to be lawfully executed and, if requested by the Landlord, the Tenant must produce a copy of any approval and permit; and
 - (g) the Tenant to reimburse the Landlord for Costs incurred by it as a result of the installation, operation or removal of any equipment, fixture, fitting or machinery caused by the Tenant's works;
- (4) The Tenant must comply with all approvals or permits and observe all relevant legislation in executing the proposed works.
- (5) The Tenant must promptly provide the Landlord with a complete set of "as built" drawings and commissioning data for the work carried out under this Clause 6.3.

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 12 of 30 pages

Title Reference []

6.4 Reinstatement

- (1) If the Tenant breaches Clause 6.3, the Landlord may give the tenant notice requiring it to reinstate the Premises to its former condition.
- (2) If the Tenant fails to comply with the notice referred to in paragraph (1) within a reasonable time the Landlord may without further notice to the Tenant undertake the necessary work and the Landlord's Costs of doing the work will be recoverable from the Tenant.

6.5 Compliance with Laws and Requirements

- (1) At its expense, the Tenant must comply with and observe any Law or Requirement concerning:-
 - (a) the Premises, the Land or any of the Tenant's Property therein; and
 - (b) the use or occupation of the Premises including any which arise as a result of the gender or number of persons on the Premises;whether or not the Law or Requirement is addressed to, or required to be complied with by either the Landlord or the Tenant or both, or by any other person.
- (2) If any Law or Requirement is notified to or served upon the Tenant, it must promptly provide a complete copy to the Landlord.
- (3) If it is lawful to do so, before complying with any Law or Requirement under Clause 6.5(1), the Tenant must obtain the Landlord's consent. Where compliance requires construction of any improvements or any alterations or additions to improvements the Tenant must comply with Clause 6.3 in so far as it is legal to do so.

6.6 Landlord's Rights if Tenant Fails to Comply

If the Tenant does not promptly comply with Clause 6.5 the Landlord may:-

- (1) without prejudice to any of its other rights in respect of that non-compliance, elect to comply (wholly or partially) with any law or Requirement under Clause 6.5 at the Tenant's expense; and
- (2) if it exercises any rights under Clause 6.6(1), elect to have the balance of any Law or Requirement complied with by the Tenant.

6.7 Overloading of Services

- (1) The Tenant must not install any equipment on the Land that may overload, alter or interfere with any Services.
- (2) If the Landlord alters the Services to accommodate any equipment which the Tenant wishes to install, the Tenant will pay to the Landlord the Costs of any alterations.
- (3) The Landlord may require the Tenant to pay the estimated Costs of the alterations to the Landlord before the alterations are commenced. Immediately upon the actual Costs being determined an adjustment shall be made between the Landlord and the Tenant and the amount of any deficiency or overpayment shall be paid or returned to the Tenant.

6.8 Antennae, radios etc

The Tenant will not without first obtaining the consent of the Landlord:-

- (1) affix to any part of the Premises any television or radio mast, antennae, satellite dish or similar device which disrupts or interferes with the Landlord's communications; or

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 13 of 30 pages

Title Reference []

- (2) use or operate any sound, picture producing or telecommunications equipment on the Premises which may cause irritation to other persons.

6.9 Electricity Supply and Connection

The Tenant agrees that where required it will at its own cost and expense lay all cables, install all transmission facilities and other equipment, and do all things necessary within the boundaries of the Premises to enable the Premises to be serviced by electricity and separately metered.

6.10 Source of Light and Power

The Tenant will only use on the Land light, power or heat generated by electrical current or gas supplied through meters except in the case of failure of supply when the Tenant may use other sources of energy except a naked flame.

6.11 No Alteration to Installations

The Tenant must not:-

- (1) make any alterations to the electrical communication, drainage, transport, access or security installations on the Land and/or the Premises without the Landlord's prior consent such consent not to be unreasonably withheld;
- (2) install any electrical equipment which overloads or could reasonably be expected to overload the cables, switchboards or sub-boards through which electricity is conveyed to the Land and/or the Premises; or
- (3) interfere with or obstruct access to any communications cables or systems or any other installation on the Land and/or the Premises.

6.12 Heavy Equipment

(1) The Tenant must:-

- (a) not bring or move into the Premises any heavy equipment (including, without limitation, any heavy machinery, plant, furniture, equipment or materials) unless reasonably necessary or appropriate in respect of the Permitted Use of the Premises by the Tenant; and
 - (b) inform the Landlord, before bringing or moving any heavy equipment into the Premises of:-
 - (i) the intention to do so; and
 - (ii) the weight, dimensions and nature of the heavy equipment; and
 - (c) observe and comply with any reasonable directions given by the Landlord in respect of routing, installing or locating the heavy equipment; and
 - (d) pay all reasonable costs incurred by the Landlord, including consultant's fees, in certifying the instalment of the heavy equipment in the Premises.
- (2) The heavy equipment must not cause or in the reasonable opinion of the Landlord be likely to cause any structural or other damage to the Premises.
- (3) Any heavy equipment must be installed in areas reasonably designated by the Landlord.

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 14 of 30 pages

Title Reference []

7. NO WARRANTIES

7.1 No Warranty as to Use

- (1) The Landlord gives no warranty as to the suitability of the Premises for any purpose or the use to which the Premises may be put.
- (2) The Tenant will:-
 - (a) be deemed to have accepted this Lease with full knowledge of and subject to any prohibitions or restrictions on the use of the Premises under any Law or Requirement;
 - (b) at its expense, comply with all Laws and obtain and comply with the consents or approvals of any authority which may be necessary or appropriate for the Tenant's business or occupation of the Premises; and
 - (c) not by any act or omission cause or permit any consent or approval referred to Clause 7.1(2)(b) to lapse or be revoked.

7.2 Town Planning Consent

- (1) If the Permitted Use requires the consent under any planning scheme of the local authority the Tenant shall prior to commencing the Permitted Use obtain all consents and permits required at his own cost and expense.
- (2) Where the Landlord's consent to any application is required as registered proprietor, the Landlord agrees to give such consent.
- (3) The Tenant must produce evidence of the currency of such consents and permits when requested by the Landlord.
- (4) Any failure by the Tenant to obtain any consents shall not in any way affect the Tenant's obligations under this Lease.

However, upon such failure and while it persists the Tenant shall be in default and the Landlord may terminate this Lease by notice in writing.

7.3 No Warranty as to Railway

- (1) The Tenant accepts this Lease on the basis that the Landlord has no obligation to keep operating any Railway.
- (2) This Lease will not affect the Landlord's rights to deal with any Railway.

7.4 Failure of Services

The Tenant will have no Claim against the Landlord or be entitled to terminate this Lease solely because:-

- (1) the Services fail to operate; or
- (2) the Landlord shuts down or removes any Service to repair, maintain or replace it or because of the provisions of any Law or requirement.

MAINTENANCE AND REPAIR

8.1 Repair

The Tenant must:-

- (1) keep the Premises, the Landlord's Property and the Tenant's Property in good repair and condition;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 15 of 30 pages

Title Reference []

- (2) effect all structural and other maintenance, replacement, renovation and repair with respect to the Premises, the Landlord's Property and the Tenant's Property.

8.2 Cleaning and Maintenance

The Tenant must at the Tenant's expense:-

- (1) keep the Premises clean and tidy and free from rubbish;
- (2) where applicable keep the Premises free and clean of weeds, pests, insects and vermin; and
- (3) keep the Tenant's Property clean and maintained in good order and condition.

8.3 Landlord's Right to Inspect and Repair

- (1) The Landlord may enter the Premises for inspection to view the condition of the Premises at any reasonable time after giving notice to the Tenant. In an emergency, the Landlord may enter at any time without giving the Tenant notice.
- (2) The Landlord may carry out any of the Tenant's obligations to repair maintain and keep clean on the Tenant's behalf if the Tenant does not carry them out within a reasonable time after being served with the notice by the Landlord requiring the Tenant to do so or does not carry them out to the Landlord's satisfaction. If the Landlord does so, the Tenant must promptly pay the Landlord's Costs of carrying out the Tenant's obligations.

8.4 Prospective Tenants and Purchasers

The Tenant must:-

- (1) permit the Landlord at all reasonable times on reasonable prior notice to:-
 - (a) exhibit the Premises to prospective purchasers; and
 - (b) affix and exhibit the usual "For Sale" notices (containing the name and address of the Landlord or its agent);
- (2) allow the Landlord (if the Tenant has not exercised any option within the time period prescribed in this Lease):-
 - (a) to exhibit the Premises to prospective tenants; and
 - (b) to affix and exhibit the usual "To Let" notices (containing the name and address of the Landlord or its agent);
- (3) permit the affixing and exhibiting of signs under Clause 8.4(1) and Clause 8.4(2) where the Landlord reasonably thinks fit; and
- (4) not remove any of the notices or signs in this clause without the written consent of the Landlord.

1. ASSIGNMENT AND SUBLETTING

- 1.1 The Tenant must obtain the Landlord's consent before the Tenant assigns, transfers sublets or deals with its interest in the Premises or parts with possession or grants any licence affecting the Premises ("the Dealing").
- 1.2 The Landlord must not unreasonably withhold its consent if:-
 - (1) the Tenant has satisfied the Landlord that the proposed assignee or sublessee ("the new tenant") is respectable, responsible and financially secure and has the ability to carry out the business permitted under this Lease and the Tenant's obligations under this Lease;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 16 of 30 pages

Title Reference []

- (2) the new tenant signs a deed to be prepared by the Landlord's solicitors at the Tenant's expense containing terms required by the Landlord whereby the new tenant and any incoming guarantor agrees to perform the Tenant's obligations under the Lease and gives any security which the Landlord reasonably requires;
 - (3) the Tenant is not in breach of any term of the Lease and there are no monies owing to the Landlord by the Tenant;
 - (4) if the new tenant is a company the new tenant's obligations are guaranteed in a form acceptable to the Landlord;
 - (5) in the case of a sub lease, the Tenant proves to the Landlord's satisfaction that the sub tenant is obliged to pay rent at a rate at least equal to the Tenant's Rent;
 - (6) the new tenant pays or gives to the Landlord a security deposit or bank guarantee of an amount determined by the Landlord of up to three months Rent as security for the observance and performance of the Tenant's obligations;
 - (7) the Tenant pays the Landlord's reasonable Costs of giving its consent, whether or not the proposed Dealing proceeds to completion; and
 - (8) the Tenant complies with any other reasonable requirements of the Landlord.
- 9.3 Consent by the Landlord to the Dealing pursuant to Clause 9.2 and acceptance of the Rent by the Landlord from any new tenant shall in no way release the Tenant from its liability to pay the Rent and to perform and observe the covenants and conditions contained in this Lease, or the obligations of any Guarantor. The covenants and agreements on the part of the new tenant shall be supplementary to the covenants of the Tenant herein.
- 9.4 **Change in Ownership of Shares in Company**
- (1) If the Tenant is a company, any change in the persons who beneficially own or control a majority of the company's voting shares at the date of this Lease will constitute an assignment of this Lease.
 - (2) The Tenant will be in breach of Clause 9.1 unless the Tenant obtains the Landlord's prior consent to the change in shareholding.
 - (3) The Landlord will not unreasonably withhold its consent in the following circumstances:-
 - (a) the Tenant is not in default under this Lease other than a default which has been waived by the Landlord;
 - (b) the Tenant proves to the Landlord's reasonable satisfaction that any shareholder or director of the Tenant who was not a shareholder or director prior to the change in shareholding is a respectable, responsible and solvent person capable of adequately carrying on the business permitted under this Lease;
 - (c) the Tenant obtains, at its expense, a guarantee from any new shareholder or director, in a form acceptable to the Landlord, guaranteeing the Tenant's obligations; and
 - (d) the Tenant pays the Landlord's reasonable Costs of giving its consent whether or not the proposed change in shareholding proceeds to completion.
 - (4) This Clause 9.4 will not apply where the Tenant is a corporation whose voting shares are listed on the Australian Stock Exchange or if at least 80% of its voting shares are owned by another company whose voting shares are so listed.

1.5 **Mortgage of Lease**

- (1) The Tenant will not mortgage, charge or otherwise deal with its interest in this Lease or the Premises without first obtaining the consent of the Landlord.
- (2) The Landlord's consent will not unreasonably be withheld if:-

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 17 of 30 pages

Title Reference []

- (a) the Tenant procures the party in whose favour the mortgage, charge or other dealing is granted to enter into a deed in a form acceptable to the Landlord; and
- (b) the Tenant pays the Landlord's reasonable Costs in relation to such mortgage, charge or other dealing and the deed referred to in subclause (a) above.

9.6 Charges over Tenant's Property

- (1) Without the Landlord's prior consent, the Tenant will not mortgage, charge, lease or deal with any Tenant's Property if that requires or may require the Landlord to sign a waiver or similar document.
- (2) The consent will not be unreasonably withheld if:-
 - (a) the Tenant wishes to enter into a mortgage, charge or lease in good faith as a means of financing the Tenant's Property; and
 - (b) the waiver is in a form acceptable to the Landlord; and
 - (c) the Tenant pays the Landlord's reasonable Costs in relation to it.

10. INSURANCE AND INDEMNITIES

10.1 Insurance

The Tenant will keep current the following insurance policies in respect of the Premises and the business carried out on the Premises.

- (1) a public risk insurance policy which covers Tenant's liability and includes a cross liability clause for the sum stated in the Reference Schedule or such greater sum as agreed by the Landlord and Tenant from time to time;
- (2) any other insurance required by any Law to be effected by the Tenant; and
- (3) an insurance policy covering the full value of any improvements (whether belonging to the Landlord or the Tenant) subject to reinstatement replacement conditions.

10.2 Landlord May Insure

- (1) If the Tenant fails to maintain the insurances required by this Clause 10, the Landlord may effect and maintain those insurances.
- (2) The Landlord's Costs in doing so will be paid by the Tenant.

10.3 Tenant's Insurances

The Tenant will pay the deductible each time a successful claim is made on any policy of insurance and will ensure that all policies of insurance effected or required to be effected by the Tenant under this Clause 10:-

- (1) are taken out with an insurer licensed to carry on business in Queensland;
- (2) are for an amount, cover risks and contain conditions which are acceptable to the Landlord and its insurer;
- (3) have no exclusions, endorsements or alterations that prejudice the rights and interests of the Landlord unless first approved by the Landlord by notice;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 18 of 30 pages

Title Reference []

- (4) note the rights and interests of the Landlord as registered owner of the Land and its interest in any improvements; and
- (5) are to note that where applicable any claim or settlement would incorporate any GST (as defined in Clause 5.1) imposition.

10.4 Payment and Production of Insurance Policies

- (1) The Tenant will promptly pay all premiums and other money payable in respect of its insurances.
- (2) The Tenant will produce policies and/or certificates of currency of insurance which the Tenant is required to effect under this Clause 10 as requested by the Landlord within 14 days of request by the Landlord.

10.5 Effect on Insurance

- (1) Without the Landlord's prior consent, the Tenant will not do or omit to do anything to or upon the Premises or the Land which may:-
 - (a) vitiate or render void or voidable any insurance with respect to the Premises; or
 - (b) conflict with any Law or Requirement or the requirements of the Landlord's insurer relating to any insurance policy in respect of the Premises or the Landlord's Property;
 - (c) increase the rate of any insurance on the Premises or Landlord's Property where under the terms of this Lease such insurance is not the obligation of the Tenant.
- (2) Where the rate of any insurance on the Premises or the Landlord's Property is increased because of any extra risk caused by the Tenant's use of the Premises the Tenant will pay all extra premiums as the Landlord directs in writing.

10.6 Inflammable substances

- (1) The Tenant may only store or use reasonable quantities of chemicals, inflammable liquids, acetylene, gas, alcohol, volatile or explosive oils, compounds or substances on the Premises if they are necessary and proper for the Tenant's business permitted under this Lease, and then with the Landlord's consent and the consent of any insurer and in accordance with any directions as to storage or use made by the Landlord or any insurer.
- (2) The Tenant will comply with all insurance sprinkler and fire alarm regulations in respect of the Tenant's use of the Premises or any partitions erected in the Premises and will pay to the Landlord the cost of any alteration to the sprinklers or fire alarm installations which become necessary due to the Tenant's non compliance with the Fire Safety Act 1974 (as amended) or the requirements of any insurer.

10.7 Exclusions of Landlord's Liability

- (1) Tenant's Risk
 - (a) The Tenant's Property will be at the Tenant's sole risk.
 - (b) The Landlord will not be liable for any Claim by the Tenant, the Tenant's Employees or any person which may arise from any cause except as a result of the act or negligence of the Landlord, its employees, contractors, invitees or agents.
- (2) Release
 - (a) The Tenant will occupy and use the Land at the Tenant's risk.
 - (b) To the full extent permitted by Law, the Tenant releases the Landlord from liability for any Claim in respect of or arising from:-

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 19 of 30 pages

Title Reference []

- (i) any property on the Premises;
- (ii) damage or injury to any person or property on the Premises; or
- (iii) any of the circumstances set out in Clause 10.8;

unless the Claim results from the act or negligence of the Landlord, its employees, contractors, invitees or agents.

10.8 Indemnities

The Tenant indemnifies the Landlord against all Claims arising during or after the Term from:-

- (1) any act, neglect or default of the Tenant or the Tenant's Employees to observe or perform any of the terms and conditions of this Lease;
- (2) the negligent use or neglect of the Services and facilities on the Premises or Land by the Tenant, the Tenant's Employees, any other person claiming by, through or under the Tenant or any trespasser while on the Land or the Premises;
- (3) the Tenant's failure to give notice to the Landlord of any defect in the Services; and
- (4) any person's accidental death or injury or damage to property caused or contributed to by the use of the Premises by the Tenant or the Tenant's Employees;

unless the claim arises from the negligence of the Landlord, its employees, contractors, invitees or agents.

11. CONTAMINATION

11.1 Definitions

In this Clause 11:

- (1) **Act** means the *Environmental Protection Act 1994 (Qld)* and includes any modification or re-enactment of, or any legislative provisions substituted for, and all legislation and statutory instruments issued under such Act;
- (2) **Complaint** means any notice, communication or complaint alleging non-compliance with any Law or Requirement;
- (3) **Compliance Costs** means costs, expenses, liabilities, fines and penalties;
- (4) **Comply** means to take any action specified in any Law or Requirement or considered reasonably necessary by the Landlord in order to comply with any Law or Requirement and **Complied** has a corresponding meaning;
- (5) **Contamination** means anything which causes land to be or become contaminated land for the purposes of Contamination Laws and **Contaminate** has a corresponding meaning;
- (6) **Contamination Laws** means all laws, whether present or future and whether federal, state or local, which deal with pollution or the contamination of land including, but without limitation, the Act;
- (7) **Environment** has the meaning given to that term as defined in *The Environmental Protection Act 1994*;
- (8) **Environmental Harm** has the meaning given to that term in *The Environmental Protection Act 1994*;
- (9) **Environmental Authority** means any authority or government agency dealing with assessment, identification or remediation of land affected by a Harmful Substance;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 20 of 30 pages

Title Reference []

- (10) **Harmful Substance** means any substance which, at the date of contamination or a later date, is determined by an Environmental Authority to be harmful to human health or the Environment;
- (11) **Law** means a Contamination Law or a law relating to protection of the Environment, workplace health and safety or town planning;
- (12) **Licence** means any licence, permit, authority, approval or consent relating to the Land or required in connection with its use; and
- (13) **Requirement** means a requirement relating to the Environment, prevention of pollution, workplace health and safety or town planning and includes a condition of any Licence.

11.2 Tenant's Obligation Regarding Contamination

The Tenant must:-

- (1) not Contaminate or allow the Premises or the Land or any adjoining premises to be Contaminated by anything done in or upon the Premises or the Land;
- (2) comply with and observe all Laws and Requirements concerning:-
 - (a) the Land and or the Premises; or
 - (b) any other land which is affected by a Law or Requirement because of the Tenant's use of the Premises, whether the Law or the Requirement is addressed to, or required to be complied with by either the Tenant or Landlord or both or by any other person;
- (3) if any Requirement or Complaint is notified to or served upon the Tenant, promptly provide a complete copy to the Landlord;
- (4) if it is lawful to do so, obtain the Landlord's consent, such consent not to be unreasonably withheld, before Complying with any Law or Requirement under Clause 11.2(2);
- (5) yield up the Land at the expiration or sooner determination of the Term free from all Contamination and substances which may cause Environmental Harm.

11.3 Landlord's Rights

The Landlord may:-

- (1) if the Tenant fails to comply with Clause 11.2(2):-
 - (a) without prejudice to any of its other rights, elect to Comply (wholly or partially) with any Law or Requirement at the Tenant's expense; and
 - (b) if the Landlord elects to partially Comply with any Law or Requirement, elect to have the balance of the Law or the Requirement Complied with by the Tenant;
- (2) inspect the Premises for the purpose of ascertaining whether the Tenant is Complying with all Laws and Requirements or for the purpose of investigating any Complaint.

11.4 Tenant's Warranties

Except as disclosed to the Landlord prior to the execution of this Lease, the Tenant warrants to the Landlord that the Tenant:-

- (1) has been issued with and, if required, will apply for and maintain, at its own expenses, all Licences;

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 21 of 30 pages

Title Reference []

- (2) has Complied with and will continue to Comply with the terms and conditions of all Licences; and
- (3) has supplied and will continue to supply the Landlord with copies of all Licences.

11.5 Other Contamination

Notwithstanding the previous provisions of this Clause 11, the Tenant shall not be responsible for the remediation of any Contamination which the Tenant can prove:-

- (1) occurred prior to the Tenant first occupying the Land, whether pursuant to this Lease or any previous lease or agreement or arrangement; or
- (2) was caused by the Landlord.

11.6 Tenant to Indemnify

The Tenant indemnifies the Landlord against all reasonable Compliance Costs and other Costs incurred or paid by the Landlord as a result of any breach by the Tenant under this Clause 11.

12. LANDLORD'S COVENANTS

12.1 Landlord's Statutory Rights

Nothing in this Lease will fetter the Landlord's rights under the *Transport Infrastructure Act 1994* to build, maintain, alter or close any Railway on or servicing the Land.

12.2 Quiet Enjoyment

Subject to Clause 12.1, and Clause 13 if the Tenant performs and observes all its obligations under this Lease, it may use the Land without interruption or disturbance from the Landlord or any person claiming by, through or under the Landlord.

12.3 Persons Other than Landlord Becoming Entitled to Rents etc.

- (1) If any person other than the Landlord becomes entitled to receive the Rent, that person will have the benefit of all covenants by the Tenant under this Lease.
- (2) If required by the Landlord, the Tenant will, at the expense of the Landlord, enter into reasonable covenants with that other person.

13. LANDLORD'S RESERVATIONS

13.1 Services

- (1) The Landlord reserves the right:-
 - (a) to install, maintain, use, repair, alter and replace;
 - (b) and to pass or convey gas, water, sewerage, heat, oil, electricity or other power and heated or cooled air through, any pipes, duct, conduits or wires leading through or into the Premises.
- (2) For the purposes of this clause the Landlord may enter the Premises but must:-
 - (a) give reasonable notice to the Tenant; and

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 22 of 30 pages

Title Reference []

- (b) cause as little inconvenience to the Tenant as is reasonably practicable in the circumstances, except in an emergency, when no notice of intended entry is required.

13.2 Easements

- (1) The Landlord, as the Landlord thinks fit, may:-
- (a) grant easements; or
 - (b) enter into any arrangement or agreement with:-
 - (i) any owner, lessee, tenant, occupier or other person interested in any land adjacent to or near the Land, and/or the Premises; or
 - (ii) any public authority;
 - (iii) any carrier as that term is defined in the Telecommunications Act 1997 or any carrier's agent, for the purpose of providing:-
 - (iv) public or private access to and egress from the Premises or the Land;
 - (v) support of existing or future structures erected on or from adjoining land; or
 - (vi) services (including, without limitation, water drainage, gas and electricity supply, and telephonic and electronic communication services).
- (2) The Landlord, for the purposes of this clause, may:-
- (a) dedicate land; or
 - (b) transfer, grant or create any privilege or other right in favour of any:-
 - (c) other part;
 - (d) adjoining or neighbouring land; or
 - (e) public authority or carrier or carrier's agent over or affecting the Land or Premises.
- (3) The Lease is deemed to be subject to any agreement, dedication, arrangement, right, easement or privilege granted under this clause or existing at the Date of Commencement.
- (4) The Landlord in exercising its rights under this clause must not:-
- (a) dedicate any land; or
 - (b) create any easement, privilege or other right which derogates substantially or permanently from the enjoyment of any rights conferred on the Tenant by the Lease.
- (5) The Landlord, in exercising its rights under this clause, may request the Tenant at the Landlord's expense to:-

FORM 20 Version 1
Land Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 23 of 30 pages

Title Reference []

- (a) withdraw any caveat lodged by or on behalf of the Tenant against the certificate of title to the Land to enable registration of any necessary dealing at the Land Titles Office; or
- (b) execute any approvals, consents or other deeds or documents; or
- (c) undertake any other thing the Landlord reasonably requires the Tenant to undertake, to enable the Landlord to exercise its rights under this clause.
- (6) Subject to payment of the Tenant's expenses, the Tenant must comply promptly with any request made by the Landlord under this clause.

13.3 Alterations

- (1) Where the Premises does not comprise the whole of the Land, the Landlord, as the Landlord thinks fit, may with respect to the Land other than the Premises ("the Balance Land"):-
 - (a) construct new buildings or improvements on the Balance Land;
 - (b) demolish existing buildings or improvement on the Balance Land;
 - (c) renovate, modify or rebuild any existing building or improvements (except for the Premises); and/or
 - (d) change the location or layout of the Common Areas.
- (2) The Landlord may erect scaffolding in, on or around the Premises in the exercise of its rights under this clause, but in so doing must use its best endeavours to cause as little inconvenience to the Tenant as possible.

14. DEFAULT AND TERMINATION

14.1 The Tenant Defaults under this Tenancy if:-

- (1) the Rent or any money payable by the Tenant is unpaid for 7 days;
- (2) the Tenant does not carry out repairs required by any notice within the time specified in that notice;
- (3) the Tenant breaches any of its obligations under this Lease;
- (4) the Tenant ceases or threatens to cease to carry on business;
- (5) the Tenant assigns its property for the benefit of creditors; or
- (6) the Tenant becomes bankrupt or if a body corporate enters into any form of liquidation, is wound up or dissolved, enters into a scheme of arrangement for creditors, is placed under official management or a receiver and/or manager of any of its assets is appointed.

14.2 Forfeiture of Tenancy

Subject to giving any prior demand or notice required by any Law and without prejudice to any other Claim which the Landlord may have against the Tenant, if the Tenant defaults and does not remedy the default when the Landlord requires it to do so, the Landlord may do any one or more of the following:-

- (1) re-enter and take possession of the Premises and eject the Tenant and this Lease will terminate;
- (2) by notice to the Tenant, terminate this Lease from the date of such notice;

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 24 of 30 pages

Title Reference []

- (3) by notice to the Tenant, convert the unexpired portion of the Term into a tenancy from month to month. After the notice and until the tenancy is terminated the Tenant will occupy the Premises as tenant from month to month;
- (4) exercise any of its other legal rights;
- (5) recover from the Tenant any loss suffered by the Landlord due to the Tenant's default.

Damages Claimable After Re-entry

- (1) The Landlord may on re-entry of the Premises arising out of the Tenant's failure to:-
 - (a) pay money; or
 - (b) otherwise perform or observe the Tenant's covenants
 recover as damages from the Tenant the difference between:-
 - (c) any money which is, or would have been payable in respect of the unexpired part of the Term at the date of re-entry; and
 - (d) any money the Landlord reasonably anticipates the Tenant will receive from any tenant of the Premises for that period.
- (2) Clause 14.3(1) is in addition to any other right of action or remedy of the Lessor under this Part 14.

Landlord May Rectify

If the Tenant does not comply with the Landlord's notice to remedy a default, any reasonable Costs incurred by the Landlord in remedying a default may be treated by the Landlord as a liquidated debt payable by the Tenant.

Tender after Termination

In the absence of any election by the Landlord, any money tendered by the Tenant after termination and accepted by the Landlord will be applied:-

- (1) firstly, on account of any unpaid Rent and other money due under this Lease at the date of termination; and
- (2) secondly, on account of the Landlord's Costs of re-entry.

Damages for Breach

(1) Repudiation

- (a) If the Tenant's conduct constitutes breach of an essential provision of this Lease and the Landlord elects to treat that breach as repudiation or the conduct otherwise constitutes repudiation, the Tenant will compensate the Landlord for all loss or damage suffered by reason of or arising from the repudiation.
- (b) The following covenants are deemed to be essential provisions of this Lease:-
 - (i) to pay Rent [Clause 3];
 - (ii) to pay outgoings associated with the Premises [Clause 4];
 - (iii) to use the Premises for the use stated in of the Reference Schedule [Clause 6.1];
 - (iv) to comply with Laws and Requirements [Clause 6.5];

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 25 of 30 pages

Title Reference []

- (v) not to assign, sublet or charge without consent [Clause 9];
- (vi) to maintain and repair [Clause 8];
- (vii) to insure and indemnify [Clause 10];
- (viii) to pay GST [Clause 5];
- (ix) to store chemicals and hazardous substances with consent and subject to any conditions imposed [Clause 10.6];
- (x) to pay the Landlord's costs and disbursements [Clause 20].

(2) Damages for Repudiation

Any loss or damage for the unexpired residue of the Term suffered by the Landlord as a result of the Tenant's repudiation and any Cost arising out of any default by the Tenant may be recovered as damages at any time.

(3) Landlord's Entitlement to Damages

The Landlord's entitlement to recover damages from the Tenant or any other person will not be limited or affected by any of the following:-

- (a) if the Tenant abandons or vacates the Premises;
- (b) if the Landlord elects to re-enter the Premises or terminate this Lease;
- (c) if the Landlord accepts the Tenant's repudiation; or
- (d) if the parties' conduct (or that of any of their servants or agents) constitutes or may constitute a surrender by operation of Law.

Landlord to Mitigate Damages

- (1) If the Tenant vacates the Premises or if the Landlord accepts the Tenant's repudiation and terminates this Lease, the Landlord must take reasonable steps to mitigate its loss and endeavour to re-lease the Premises on reasonable terms.
- (2) The Landlord's entitlement to damages will be assessed on the basis that the Landlord has observed the obligation to mitigate damages.
- (3) The Landlord's conduct in mitigating its damages will not of itself constitute acceptance of the breach or repudiation or a surrender by operation of Law.

TERMINATION OF TERM

Tenant's Obligations

On termination the Tenant must:-

- (1) vacate the Premises and give them back to the Landlord in good repair and condition to the Landlord's reasonable satisfaction;
- (2) unless otherwise agreed by the Landlord in writing have removed all the Tenant's Property from the Premises including improvements erected by the Tenant during the Term in accordance with Clauses 16.1, 16.2 and 16.3;
- (3) repair any damage caused by removal of the Tenant's Property and leave the Premises clean; and

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 26 of 30 pages

Title Reference []

- (4) return all keys, security passes and cards held by it or the Tenant's Employees.

3.2 Failure to Remove Tenant's Property

If the Tenant does not remove the Tenant's Property at the end of the Term, the Landlord may:-

- (1) remove and store the Tenant's Property at the Tenant's risk and expense; or
(2) treat the Tenant's Property as abandoned, in which case title in the Tenant's Property passes to the Landlord who may deal with it as it thinks fit without being liable to account to the Tenant.

PROVISIONS ON TERMINATION OR EXPIRY OF LEASE

3.1 Removal of the Tenant's Property

Unless otherwise agreed in writing by the Landlord the Tenant will carry out the following works ("Tenant's Works") at or before termination, expiry or sooner determination of this Lease:-

- (1) remove the Tenant's Property from the Premises including those improvements erected during the Term of this Lease or the term of any previous lease;
(2) return all altered surfaces to their condition as at the Commencement Date; and
(3) restore the Services to their condition as at the Commencement Date.

3.2 Tenant's Expense

The Tenant will at its expense carry out the Tenant's Works to reasonable trade standards approved by the Landlord.

3.3 Tenant Not To Cause Damage

- (1) The Tenant will not damage the Premises or the Land in the performance of the Tenant's Works.
(2) If the Tenant does so, it will repair any damage and leave the Premises and/or the Land clean.
(3) If the Tenant fails to do so, the Landlord may repair and clean the Premises and/or the Land and recover the Costs of doing so from the Tenant.

3.4 Landlord May Carry Out the Tenant's Works

If the Tenant does not carry out the Tenant's Works, the Landlord will be entitled to carry them out at the Tenant's expense and recover the Costs of doing so from the Tenant.

INTENTIONALLY DELETED

MISCELLANEOUS

3.1 Notices

- (1) Any notice by the Landlord under this Lease will be valid if signed by an officer or solicitor of the Landlord or any other person nominated by the Landlord.
(2) The Tenant will promptly notify the Landlord of the address and facsimile number of the Tenant and any guarantor and update the notice if any changes occur.

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 27 of 30 pages

Title Reference []

- (3) Any notice which the Landlord elects to serve on the Tenant will be sufficiently served if:-
- (a) served personally or addressed to the Tenant and left at the Premises;
 - (b) sent to the Tenant's facsimile number; or
 - (c) forwarded by prepaid security post to the Premises or to Tenant's last known registered office, place of business or residence.
- (4) Any notice to the Landlord will be sufficiently served if:-
- (a) served personally;
 - (b) sent to the Landlord's facsimile number; or
 - (c) forwarded by prepaid security post addressed to the Landlord.
- All notices must be addressed to the Landlord at the address stated in this Lease or, if another address is later nominated by the Landlord, then at that address.
- (5) Any notice sent by:-
- (a) post will be deemed to be served on the second business day after the day it was posted; or
 - (b) facsimile will be deemed to have been served at the time that the notice was transmitted unless the sender's facsimile machine indicates a malfunction in the transmission.

2 Waiver

- (1) No waiver by the Landlord will be effective unless it is in writing.
- (2) The Landlord's failure to take advantage of any default by the Tenant will not be construed as waiving the default.
- (3) No custom or practice which evolves between the parties will constitute a waiver or lessen the Landlord's right to insist upon the Tenant's strict performance or observance of any provision of this Lease or to exercise any of the Landlord's other rights.
- (4) Regardless of the Landlord's knowledge at the time, a demand by it for Rent or other money payable under this Lease or the subsequent acceptance of Rent or other money will not constitute a waiver of any earlier default by the Tenant.

3 No Partnership, etc

Nothing contained in the Lease shall be deemed or construed by the Landlord or the Tenant or by any third party as creating the relationship of:-

- (1) partnership;
- (2) principal and agent;
- (3) joint venture.

4 Governing Law

- (1) This Lease is governed by the laws of Queensland and the Commonwealth of Australia.
- (2) The Landlord and the Tenant submit to the non-exclusive jurisdiction of the courts of Queensland.

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 28 of 30 pages

Title Reference []

3.5 Whole Agreement

The Tenant acknowledges that the terms and conditions set out in this Lease contain the entire agreement between the Landlord and the Tenant and that there are no other oral or collateral agreements between the parties relating to the Premises notwithstanding any negotiations or discussions between the parties prior to the execution of the Lease. No representation made by the Landlord its servants or agents concerning the Premises shall be an implied term of this Lease or from the subject matter of a separate agreement subsidiary to or collateral with this Lease. The Tenant further acknowledges that it has not been induced to accept this Lease by any representation oral or otherwise made by or on behalf of the Landlord its servants or agents which is not included in this Lease.

3.6 Power of Attorney

The Tenant hereby irrevocably appoints the Landlord to be the Tenant's attorney at any time after the power to re-enter shall have become exercisable (sufficient proof whereof shall be the Statutory Declaration of the person for the time being exercising the functions of the Manager Property Division of the Landlord) to prepare and execute a transfer or a surrender of this Lease and to have the same registered and for this purpose to use the name of the Tenant **AND** from time to time to appoint substitutes and to revoke and to appoint others **AND GENERALLY** to do execute and perform any act deed matter or thing relative to the Premises as fully and effectually as the Tenant could do in and about the Premises **AND** the Tenant hereby ratifies and confirms all that the attorneys or substitutes shall lawfully do or cause to be done concerning the Premises.

3.7 RULES AND REGULATIONS

The Landlord may from time to time promulgate rules and regulations relating to the Common Area not inconsistent with the rights of the Tenant hereunder including but not limited to:-

- (1) the use safety care and cleanliness thereof;
- (2) the preservation of good order therein;
- (3) the comfort of persons lawfully using the same;
- (4) the location of garbage and refuse therein pending its removal;
- (5) the closure thereof or any part thereof outside normal business hours.

Any such rules and regulations may from time to time be repealed amended or added to at the discretion of the Landlord and upon written notice to the Tenant shall be as binding upon the Tenant as if the same were expressly set out as in this Lease as obligations of the Tenant.

LANDLORD ENTITLED TO CHARGES AND INTEREST

3.1 Late Charge

On each occasion that the:-

- (1) rent; or
- (2) any other amounts payable by the Tenant to the Landlord

are due but unpaid the Lessee must pay to the Landlord the Late Charge which the Lessee agrees is a reasonable assessment of the Landlord's administrative costs incurred in billing and collecting overdue payments from the Lessee.

3.2 Interest On Overdue Money

- (1) In addition to any Late Charge the Tenant will pay interest to the Landlord at the Default Rate on any Rent, Costs or other money due to the Landlord and which remains unpaid for 7 days after the due date for payment.
- (2) Interest will:-

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 29 of 30 pages

Title Reference []

- (a) accrue from day to day;
- (b) be capitalised on the last day of each month;
- (c) be payable on the first day of each month where an amount arose in the preceding month or months; and
- (d) be computed from the due date for payment of the Rent, Costs or other money in accordance with the terms of this Lease until the date of payment.

TENANT TO PAY LANDLORD'S COSTS AND DISBURSEMENTS

The Tenant must pay:-

- (1) all stamp duty and any registration fees (including penalties and fines other than penalties and fines due to the default of the Landlord); and
- (2) all the Landlord's reasonable legal and other costs charges and expenses of:-
 - (a) the preparation, completion, stamping and registration of any document for the Lease and any certified copy of that document required by the Landlord;
 - (b) any consent required under the Lease;
 - (c) any assignment subletting or similar arrangement;
 - (d) any surrender or termination of the Lease otherwise than by effluxion of time;
 - (e) in case of any default by the Tenant, the giving of any demand or notice required by any Law; and
 - (f) in case of default by the Tenant, in observing or performing any of the Tenant's covenants.

NO WARRANTY AS TO USE

The Tenant covenants with the Landlord that it has not in entering into this Lease relied upon any promise, representation, warranty or undertaking given by or on behalf of the Landlord:-

- (1) as to the suitability of the Premises for the Permitted Use;
- (2) that the Premises can be lawfully used for the Permitted Use; and/or
- (3) as to the nature or quality of any of the Landlord's Property and any of the Services,

AND to the full extent permitted by law all warranties as to suitability and as to adequacy which may be implied are hereby negated.

RESUMPTION

In the event of the Premises or any part thereof being resumed by any authority whether Commonwealth, State, Local Authority or otherwise during the Term or any further term and written notice of such resumption being given by the Landlord to the Tenant the Tenant agrees that it will not claim any compensation from the Landlord but nothing herein contained shall prejudice the Tenant's rights to claim compensation from the resuming authority.

NOTICE REQUIRED BEFORE LESSOR LIABLE

Notwithstanding any other clause in this Lease or any implication or rule of law to the contrary the Landlord shall not be liable for any damage or loss the Tenant may suffer by reason of the neglect or omission of the Landlord to do any act or thing to or in respect of the Premises or the Common Areas (if applicable) and which (as between the Landlord and the Tenant) the Landlord might be legally

FORM 20 Version 1
and Title Act 1994 and Land Act 1994

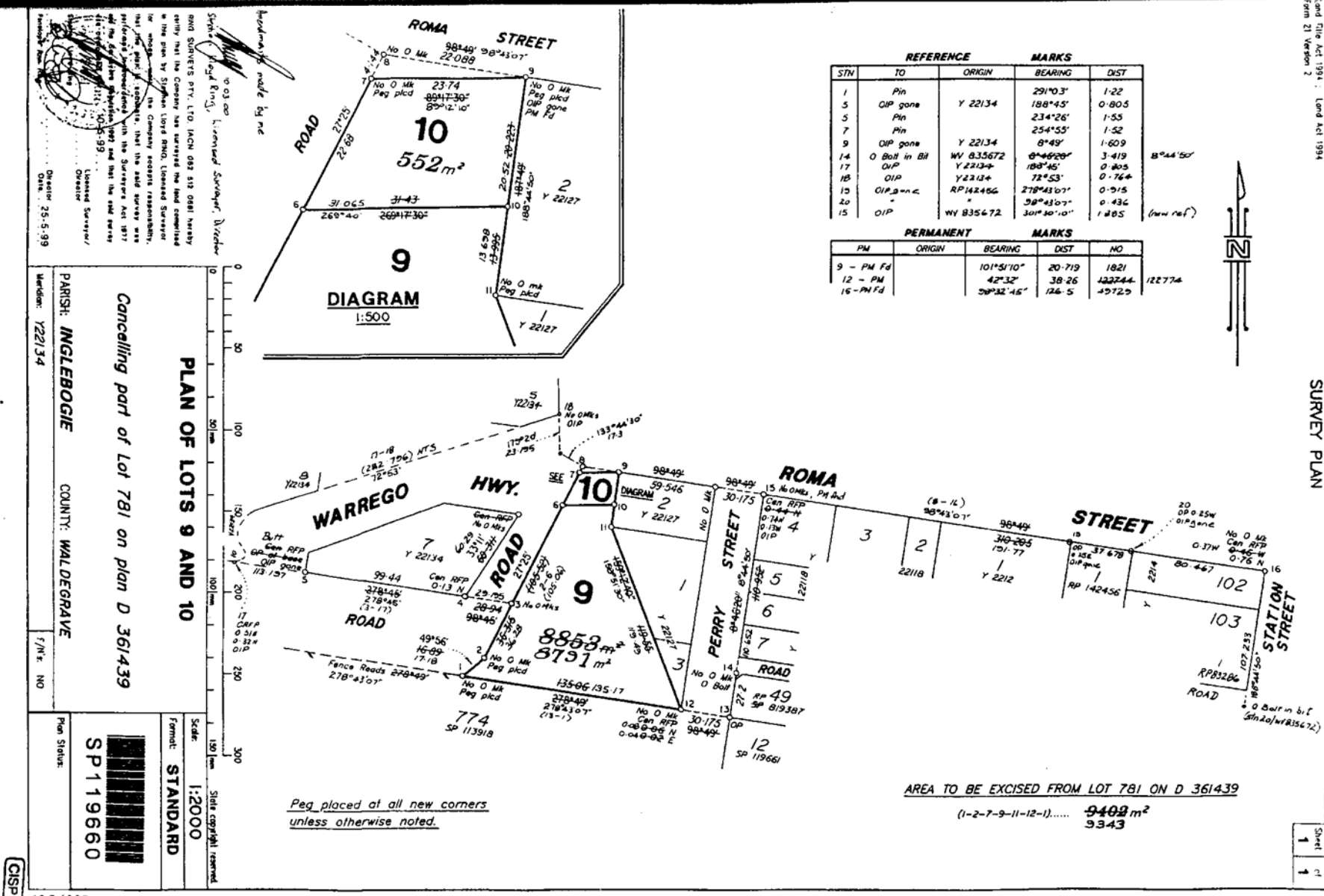
**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

QUEENSLAND LAND REGISTRY

Page 30 of 30 pages

Title Reference []

liable to do unless the Tenant has given notice in writing of such neglect or omission to the Landlord and the Landlord has without reasonable cause failed within a reasonable time thereafter to take proper steps to rectify such neglect or omission.



Yuleba Development Group Inc

RTC Building

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Yuleba Q 4427

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CEO Ms Julie Reitano

Maranoa Regional Council

PO Box 42

Mitchell 4465

16 April 2018

Re: Cobb & Co Park Redevelopment

Dear Ms Reitano,

At the Yuleba Development Group's most recent meeting on 16 April 2018, we discussed the projects that we would like to see progress in Yuleba in the 2018/19 Financial Year. We understand that the Maranoa Regional Council is currently in budget discussions and we would like to table our highest priority project for your consideration at this time.

The Yuleba Development Group's highest priority for the 2018/19 financial year is the improvement of the Cobb & Co Park, which will include the reconstruction of the historic Yuleba Creek Forestry Fire Tower, as well as a range of other historic and functional displays. Master planning of the Cobb & Co Park was included in the 2017/18 budget and whilst this project is to be finished by the end of this financial year, we are in the unfortunate position that it is not ready to present to you for this budget process. However, we would like to request that Council reserves \$100,000 in the 2018/19 budget to undertake Stage 2 of this project, being the implementation of Stage 1 of the Master Plan.

As you are aware, in August 2019, Yuleba will co-host the 95th anniversary of the last Cobb & Co Coach Service run, the Cobb & Co Festival along with Surat. This is a major tourism event for the south and east regions of the Maranoa, as well as for the Maranoa as a whole. An improved Cobb & Co Park is of strategic importance for this event, if Yuleba is to be able to capitalise on the prolonged economic development and tourism opportunities this event will bring. This importance was noted in the 2017/18 budget allocation, as the line item for the Master Planning for the Cobb & Co Park was described as "*Cobb & Co Park Master Planning, with Stage 1 improvements completed in time for the 95th Anniversary Cobb & Co Festival in August 2019*".

In preparation for the master planning process, extensive discussions have been had by various community groups in Yuleba, and it is our community's vision that Stage 1 of the implementation will include:

- The reconstruction of the Yuleba Creek Forestry Fire Tower;
- Cobb & Co information area, including historic vehicle;
- Acknowledgement of the traditional custodians of the park;
- Planting of Yuleba district native flora;
- Access walkways around the park, and into Yuleba town;
- 72hr caravan rest area and dump point
- Replacement of existing, and construction of additional covered areas;
- BBQ fire pit and association infrastructure; and
- Upgrades to the Cobb & Co wall and surrounding pavers.

In addition to these tangible outcomes, the allocation of Maranoa Regional Council funding in the 2018/19 budget, should allow the Yuleba Development Group to leverage further funding avenues including state and federal government grants. We have already been successful in receiving grant funding from the Stronger Communities grant this financial year, which we are using to seek engineering plans and advice for the reconstruction of the fire tower, including building requirements, engineering plans, foundations, frame and bracing, and safety requirements.

The Yuleba Development Group and the Yuleba community are extremely proactive and passionate about the improvements to Cobb & Co Park and to the reconstruction of the fire tower. This project features throughout our newly updated (although still in draft) Local Community Plan and has important economic and tourism development opportunities for both our community and the wider Maranoa region. We strongly believe that Maranoa Regional Council's financial support in the 2018/19 budget will have significant and ongoing benefits.

Thank you in anticipation of your kind consideration of this important matter.

Yours Sincerely,

Paul Masson

President

Yuleba Development Group

From: Breikers, Tahnee <Tahnee.Breikers@qr.com.au>
Sent: Friday, May 11, 2018 2:11:52 PM
To: Tanya Mansfield
Subject: COMMERCIAL-IN-CONFIDENCE: Conditional Offer to Purchase - Lot 9 on SP119660 - Yuleba - PROP-18-76282

Commercial-in-Confidence

Hi Tanya,

Many thanks for your patience. I can now confirm that the 30 day listing on GLR has now lapsed. Accordingly, Queensland Rail (QR) is now in a position to make a conditional offer to the Maranoa Regional Council (Council) for the purchase of the Property described as Lot 9 on SP119660. The Property contains an area of 8,791 square metres.

QR is prepared to sell this Property on an 'as is, where is' basis to the Council for the purchase price of **\$35,000.00 plus GST**, subject to QR Executive approval.

Please advise if this offer is acceptable to Council.

This offer will remain open for 30 days from the date of this email. If no response is received by close of business **Monday 11 June 2018**, then it will be understood that Council have no interest in acquiring the Property. QR will then make arrangements to sell the Property on the open market.

QR reserves all rights and accepts no obligation to accept or enter into negotiations with any party. For the avoidance of any doubt no binding agreement shall come into effect until the formal sale contract is executive by all parties.

Should you have any concerns please do not hesitate to contact me.

Thanks,
Tahnee



TAHNEE BREIKERS
SENIOR PROPERTY DISPOSAL OFFICER

Rail Centre 2, Mezzanine 1, 309 Edward Street
GPO Box 1429 • Brisbane, QLD 4000
T: 07 3072 0823
M: 0438 029 508
F: 07 3072 8566
W: queenslandrail.com.au

From: Breikers, Tahnee
Sent: Monday, 26 March 2018 9:58 AM
To: 'Tanya.Mansfield@maranoa.qld.gov.au'
Subject: RE: Lot 9 on SP119660 - Yuleba - PROP-18-76282

Commercial-in-Confidence

Hi Tanya,

Shane is currently out of the office and has asked me to progress your enquiry. I can now confirm that the referral to Queensland Rail's business groups has been completed with the business groups declaring this parcel of land as surplus to future operational requirements. It has also been determined that Native Title does not exist over Lot 9 on SP119660. Therefore, Queensland Rail can now proceed with dealings over the land without further reference to Native Title. The usual compliance with Aboriginal Cultural Heritage requirements will still apply.

Now that the internal investigations have been completed, the parcel has been listed as surplus on the Government Land Register (GLR) for 30 days'. The final day of this listing is 21 April 2018. Following the expiry of this GLR listing, any offers or interest expressed (along with Council's interest) will be reviewed and considered at this time.

As per the Queensland Government Land Transaction Policy, all disposals must achieve market value as assessed by a qualified Valuer. I'll make arrangements to engage a Valuer this week to obtain a current market valuation report.

Please note: all disposals are subject to Queensland Rail executive approval. Queensland Rail accepts no obligation to accept or enter into negotiations with any party. For the avoidance of any doubt no binding agreement shall come into effect until the Sale Contract is executed by all parties.

I will be in contact again once the expiry of the GLR listing has lapsed and I have a current market valuation of the Property. Should you have any queries in the meantime, please do not hesitate to contact me.

Thanks,
Tahnee



TAHNEE BREIKERS
SENIOR PROPERTY DISPOSAL OFFICER

Rail Centre 2, Mezzanine 1, 309 Edward Street
GPO Box 1429 • Brisbane, QLD 4000
T: 07 3072 0823
M: 0438 029 508
F: 07 3072 8566
W: queenslandrail.com.au

From: Doyle, Shane
Sent: Friday, 23 March 2018 7:51 AM
To: Breikers, Tahnee
Subject: Fwd: Lot 9 on SP119660 - Yuleba

Hi Tahnee,

FYI and attention please or perhaps Moh? Now no issues from Eleanor re NT.
BGR done?

Thanks,

Shane

Sent from my iPhone

Begin forwarded message:

From: Tanya Mansfield <Tanya.Mansfield@maranoa.qld.gov.au>
Date: 21 March 2018 at 9:50:17 am AEST
To: "Doyle, Shane" <Shane.Doyle@qr.com.au>
Cc: "Susan (Sue) Sands" <Susan.Sands@maranoa.qld.gov.au>
Subject: RE: Lot 9 on SP119660 - Yuleba

Hi Shane

The community is very keen to see Council move ahead with securing this land.

As you are probably aware, on the 7 March 2018, the Federal Court ruled that native title does not exist in the area covered by the Mandandanji claim.

In consideration of this ruling, is Queensland Rail in a better position to declare the land surplus to QR requirements and make the land available for sale to Council?

I am at the moment preparing a budget submission and I would like to be able to include purchase of this land as a project for Council to consider funding.

Regards Tanya

Tanya Mansfield
Manager
Facilities (Land, Buildings & Structures)



Maranoa Regional Council
Mitchell Office
P.O. Box 620, Roma, QLD 4455
100 Cambridge Street Mitchell QLD 4465
P: 1300 007 662
D: (07) 4624 6935 M: 0427 231 145 F: (07) 4624 6990
Email: Tanya.Mansfield@maranoa.qld.gov.au
Web: www.maranoa.qld.gov.au

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Please consider the environment before printing this e-mail

From: Doyle, Shane [<mailto:Shane.Doyle@qr.com.au>]
Sent: Thursday, 9 November 2017 1:08 PM
To: Tanya Mansfield <Tanya.Mansfield@maranoa.qld.gov.au>
Subject: RE: Lot 9 on SP119660 - Yuleba

Hi Tanya,

Thanks for your email. I note that the Council has an existing lease over the subject land for public park purposes.

I have already commenced our internal investigations to establish if the land can be declared surplus and made available for sale to the Council. The only potential sticking point at this stage could be that the subject land is part of an existing Native Title claim by the Mandandanji People. In this regard, QR is endeavouring (through the Department of Natural Resources and Mines) to have the subject land excluded from the existing Native Title claim.

If the land is declared surplus, Queensland Rail would be looking at selling the land direct to the Council at its market value. However, the disposal of any surplus QR land will need to be carried out in accordance with the Queensland Government Land Transaction Policy, which includes listing the land on the Government Land Register for 30 days.

We should be in a position to provide you with a definite answer on the proposed disposal of this land to the Council within the next 2 to 3 weeks.

I will contact you again as soon as possible.

Thanks and regards,

Shane



SHANE DOYLE
TEAM LEADER PROPERTY DEVELOPMENT & SALES

RC2, Mezzanine 1, 309 Edward Street
Brisbane, Queensland 4000
T: (07) 3072 2344
M: 0419689811
F: (07) 3072 8566
W: queenslandrail.com.au

From: Tanya Mansfield [<mailto:Tanya.Mansfield@maranoa.qld.gov.au>]
Sent: Thursday, 9 November 2017 12:46 PM
To: Doyle, Shane
Subject: Lot 9 on SP119660 - Yuleba

Hi Shane

As per the email I sent to Moh last week, a local community organization have requested Council extend Cobb and Co Park in Yuleba. Queensland Rail own Lot 9 on SP119660 next to the existing park. Do you know if Queensland Rail would be interested at all in disposing of this parcel?

I will need to take the proposal to Council meeting for consideration, however thought that I would ask you first to see if you had any background on Queensland Rail's position in regard to this lot.

Regards Tanya

Tanya Mansfield
Manager
Facilities (Land, Buildings & Structures)



Maranoa Regional Council
Mitchell Office
P.O. Box 620, Roma, QLD 4455
100 Cambridge Street Mitchell QLD 4465
P: 1300 007 662
D: (07) 4624 6935 M: 0427 231 145 F: (07) 4624 6990
Email: Tanya.Mansfield@maranoa.qld.gov.au
Web: www.maranoa.qld.gov.au

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 24 March 2021

Item Number: 13.4

File Number: D21/24516

SUBJECT HEADING: Request for Financial Assistance - Roma RSL Sub Branch

Classification: Open Access

Officer's Title: Support Officer - Economic & Community Development

Executive Summary:

Council have received a request from the Roma RSL Sub-Branch for additional financial assistance for the 2021 Anzac Day services for the hire of a P.A system totalling \$800.00 (excl GST). This is an additional request to the \$500.00 sponsorship already committed to the 2021 event from the Anzac Day budget 2020/2021.

Roma RSL Sub-Branch have requested this additional financial support for the past four years on which Council has approved the request.

Roma RSL Sub-Branch have also requested that Council continue to provide the sponsorship payment of \$500 to the Roma RSL Sub-Branch in the 2021/2022 Budget.

Officer's Recommendation:

That Council:

1. Accept the quotation for the hire and set up of a sound system for the amount of \$800 (ex GST) for 2021 ANZAC Day in Roma.
2. Draw the required funds from ANZAC Day General Ledger 2888.2252.2001.
3. Consider the installation of permanent speakers at the Roma Cenotaph through consultation with RSL Roma Sub-Branch, for consideration as part of the 2021/22 budget deliberations.
4. Continue to allocate \$500 Sponsorship to all ANZAC Day Services held in the Maranoa for 2022.

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 Councilors 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).

Roma RSL Sub Branch.

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
RSL	Returned Service League
ANZAC	Australian and New Zealand Army Corps

Context:

Why is the matter coming before Council?

Council have received a request from the Roma RSL Sub-Branch for additional financial assistance for the 2021 Anzac Day services for the hire of a P.A system totalling \$800.00 (excl GST). This is an additional request to the \$500.00 sponsorship already committed to the 2021 event from the Anzac Day budget 2020/2021.

Roma RSL Sub- Branch have requested this additional financial support for the past four years on which Council has approved the request.

Roma RSL Sub- Branch have also requested that Council continue to consider providing the sponsorship payment of \$500 to the Roma RSL Sub- Branch in the 2021/2022 Budget.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Roma RSL Sub-Branch have requested this additional support each year for the past four years on which Council has approved the request for this additional financial support.

In 2020 Council resolved the following:

Resolution No. GM/03.2020/16

That Council:

- 1. Accept the quotation for the hire and set up of a sound system for the amount of \$800 for 2020 ANZAC Day in Roma.**
- 2. Draw the required funds from General Ledger 2888.2252.2001.**
- 3. Consider the installation of permanent speakers at the Roma Cenotaph through consultation with RSL Roma Sub Branch, for consideration as part of the 2020/21 budget deliberations.**
- 4. Review requirements of sound systems for all commemorative ANZAC Day Services held across the region.**

As this is a reoccurring request, it is recommended that Council consider point 3 of this resolution for the 2021/2022 budget deliberations as a special project.

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)

Local Government Act 2009 | S 262 (3)(c)

Powers in support of responsibilities

(1) This section applies if a local government is required or empowered to perform a responsibility under a Local Government Act.

(2) The local government has the power to do anything that is necessary or convenient for performing the responsibilities.

(3) The powers include all the powers that an individual may exercise, including for example—

(a) power to enter into contracts; and

(b) power to acquire, hold, deal with and dispose of property; and

(c) power to charge for a service or facility, other than a service or facility for which a cost-recovery fee may be fixed.

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)

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? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Natalie Walsh - Regional Events Attraction / Local Development

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)

N/A

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?

If approved this will impact the current ANZAC day budget of \$4,500 on which is used to provide each Community \$500 of sponsorship to be used for the ANZAC Day services throughout the Maranoa.

The following towns are holding an ANZAC Day services in 2021:

Roma

Surat

Injune
Mitchell
Amby
Mungallala TBC
Yuleba
Wallumbilla

This will leave an unspent budget amount of \$500 which can be used for this request however will see a shortfall of \$300 in the 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)

For consideration as part of the 2021/22 budget deliberations, consider installing an outdoor PA system as a special project. Costings will be prepared and presented to Council during Budget deliberations.

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)

Roma RSL Sub-Branch.

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
Not approve request	Roma RSL Sub-Branch may not be able to provide sufficient sound for the ANZAC Day Services affecting the attendees ability to hear the proceedings of the Service.

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)

It is recommended that Council approve this request for additional financial support, however as this is a reoccurring request from Roma RSL Sub-Branch Council should consider a special project for 2021/2022 financial year to have an outdoor PA system installed at the Roma Cenotaph.

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?

That Council:

1. Accept the quotation for the hire and set up of a sound system for the amount of \$800 (ex GST) for 2021 ANZAC Day in Roma.
2. Draw the required funds from ANZAC Day General Ledger 2888.2252.2001.
3. Consider the installation of permanent speakers at the Roma Cenotaph through consultation with RSL Roma Sub-Branch, for consideration as part of the 2021/22 budget deliberations.
4. Continue to allocate \$500 Sponsorship to all ANZAC Day Services held in the Maranoa for 2022.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.12 Local development and events

4.10.3 Provide opportunities for community groups to apply for financial and inkind assistance from Council for arts and cultural initiatives.

Supporting Documentation:

- | | | | |
|---|-------------------|--|-----------|
| 1 | ↓ | Action Sheet - General Meeting - 11 March 2020 - C.1 - Request for Financial Assistance From Roma Returned and Services League (RSL) | D20/22879 |
| 2 | ↓ | Letter from Roma RSL Sub Branch requesting continued financial support for 2022 - 24.03.2021 | D21/24513 |
| 3 | ↓ | Steven Brown - Quote for PA System for Roma ANZAC day services 2021 - 24.03.2021 | D21/24515 |

Report authorised by:

Manager - Economic & Community Development

Deputy Chief Executive Officer/Acting Director Infrastructure Services

FOR ACTION

GENERAL

11/03/2020

TO: Regional Economic Development & Events Attraction Specialist
(Moreton, Malinda)

Subject: C.1 - Request for Financial Assistance From Roma Returned and Services League (RSL)
Target Date: 23/03/2020
Notes:
File Reference

Resolution No. GM/03.2020/16

Moved Cr O'Neil

Seconded Cr Golder

That Council:

1. Accept the quotation for the hire and set up of a sound system for the amount of \$800 for 2020 ANZAC Day in Roma.
2. Draw the required funds from General Ledger 2888.2252.2001.
3. Consider the installation of permanent speakers at the Roma Cenotaph through consultation with RSL Roma Sub Branch, for consideration as part of the 2020/21 budget deliberations.
4. Review requirements of sound systems for all commemorative ANZAC Day Services held across the region.

CARRIED

8/1

Cr. 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. Chandler
Cr. Flynn	
Cr. Golder	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

This action sheet has been automatically produced by Executive Services using **InfoCouncil**, the agenda and minutes database.

Please complete all subsequent notes in relation to this action in InfoCouncil.

Attachment 2

***Letter from Roma RSL Sub Branch requesting continued financial support for 2022 -
24.03.2021***

6 April 2021

The CEO Julie Reitano.
Maranoa Regional Council
PO Box 620
ROMA QLD 4455

REF.: ANZAC Day 2022 assistance.

Dear Julie,

RSL ROMA Sub-Branch is seeking assistance in providing their ANZAC Day lunch for 2022. In past year the Maranoa Regional Council have assisted, would the council in their 2021/22 budget consideration be prepared to contribute to a monetary donation towards the cost of our lunch provided free of charge to serving, ex-serving defence force members, their families, and invited guests.

Your past support over the years has been very much appreciated by our Sub-Branch members, I do Thank-you for your ongoing support.

Regards Georges Mehay
RSL ROMA SB President
0418896021
rslromasb@gmail.com

Stephen Brown

stephenbrown11@bigpond.com

47 Gregory Street

Roma Qld 4455

ABN 18433595087

Quote

Quote No RSL2021

Title Community Event

Quote date 13/Jan/2021

Billing address

The President

RSL Roma Sub Branch

Roma Qld 4455

Item	Rate	Qty	Description	Amount
Community Event	880.00	1	Provide PA & Sound System for ANZAC Day in 2021 - MC / Presentation of Proceeding for the event. Approx 6hrs for required set up / takedown and onsite mixing and audio presentation as per the 2020 ANZAC Program.	\$880.00

Total \$880.00

Thanks for your business!

OFFICER REPORT

Meeting: Ordinary 14 April 2021

Date: 26 March 2021

Item Number: 13.5

File Number: D21/25120

SUBJECT HEADING: Girl Guides Queensland Roma - Surrender of Lease

Classification: Open Access

Officer's Title: Administration Officer - Land Administration

Executive Summary:

Council has received correspondence from Girl Guides Queensland regarding the surrender of their arrangement with Council for use of property located at George Street, Roma.

Officer's Recommendation:

That Council –

1. Acknowledge Girl Guides Queensland request to surrender their long standing arrangement to occupy land described as part of Lot 5 on SP103335.
 2. Release Girl Guides Queensland from any obligations associated with the property.
 3. Thank Girl Guides Queensland for their previous service to the Roma Community and Maranoa Region.
 4. Consider at a future Council Meeting a condition assessment on the buildings with the view to identifying possible future uses for the land and buildings.
-

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).

Girl Guides Queensland Roma

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
Nil	Nil

Context:

Why is the matter coming before Council?

Council has received correspondence from Girl Guides Queensland requesting Council to reconsider the lease surrender of property located at George Street, Roma and release Girl Guides Queensland from the obligations associated with the property.

Girl Guides Queensland advise their organisations fundraising abilities and membership levels have been impacted by COVID.

Girl Guides Queensland also advise they do not have the finances to reopen the Roma facility or any leaders available to facilitate the reopening of the District and kindly request Council to reconsider their previous decision and allow Girl Guides Queensland to surrender the lease.

Council is asked to consider the matter.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

At Council's Ordinary Meeting held 8 July 2020, Council considered correspondence received from Girl Guides Queensland advising they were surrendering their arrangement with Council in regard to the Girl Guides buildings located in George Street, Roma. Council resolved –

Resolution No. OM/07.2020/24

That Council:

- 1. Receive and note the Officer's report as presented.***
- 2. Allow a period of twelve (12) months to see if there is interest in the future from the same organization wanting to take up use in the future.***

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)

Nil

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)

The buildings located on the site are identified on Council's Asset Register as Assets:-

- 55826 – Guide Hut
- 55827 – Girl Guide Clubhouse
- 55828 – Girl Guide Shed

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)

Nil

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)

Nil

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?

Nil

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)

Depending on the findings of the building condition assessments, Council may need to allocate funds to maintain or upgrade the buildings.

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)

Girl Guides Queensland Roma

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	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)

It is recommended that Council accept the request from Girl Guides Queensland to surrender their arrangement with Council for use of the buildings. A building condition assessment will assist Council in making future decisions regarding suitable uses for the buildings.

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?

That Council –

1. Acknowledge Girl Guides Queensland request to surrender their long standing arrangement to occupy land described as part of Lot 5 on SP103335.
2. Release Girl Guides Queensland from any obligations associated with the property.
3. Thank Girl Guides Queensland for their previous service to the Roma Community and Maranoa Region.
4. Consider at a future Council Meeting a condition assessment on the buildings with the view to identifying possible future uses for the land and buildings.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.10 Facilities

Supporting Documentation:

[1](#) Girl Guides Queensland - Lease Surrender Request D21/25251

Report authorised by:

Manager - Facilities (Land, Buildings & Structures)

Deputy Chief Executive Officer/Acting Director Infrastructure Services

From: property@guidesqld.org <property@guidesqld.org>
Sent: Wednesday, 24 March 2021 1:33 PM
To: Council <council@maranoa.qld.gov.au>
Cc: Major Mitchell <majormitchell@guidesqld.org>
Subject: Lease Surrender - Girl Guides Queensland Roma

Dear Mr Hayward,

I refer to your correspondence dated 27 July 2020, regarding the surrender of the property at George Street, Roma.

Girl Guides Queensland request that Council reconsider the lease surrender and release Girl Guides Queensland from the obligations associated with the property.

Our organisations fundraising abilities and membership levels have been impacted by COVID.

Girl Guides Queensland do not have the finances to reopen this facility or any leaders available to facilitate the reopening of the District.

It is kindly requested that Council reconsider their previous decision and allow Girl Guides Queensland to surrender the lease.

If you require any additional information, please do not hesitate to make contact on 0402 925 848.

Kind regards



Gavin Rogers
Property Manager

Phone: (07) 3357 1266
Unit 1, 132 Lutwyche Road, Windsor 4030
PO Box 739 Fortitude Valley 4006
property@guidesqld.org
www.guidesqld.org



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Enquiries: Shirley Horrobin
Phone: 07 4626 6111 (Direct) or
1300 007 662 (via Customer Service)
Our Refs: D20/36437; D20/59015; D20/56031; D20/67576; D20/70869

27 July 2020

Ms Rhonda Whiteley
Property Manager
Girl Guides Australia Queensland
PO Box 739
Fortitude Valley Q 4006

Via email: property@guidesqld.org

Dear Ms Whiteley

Re: Girl Guides Queensland - Roma

At the Ordinary Meeting held on 8 July 2020, Council considered the advice that Girl Guides Queensland were surrendering their arrangement with Council and vacating the property located in George Street, Roma.

The outcome from the meeting was that Council resolved as follows:

Resolution No. GM/07.2020/24

That Council:

- 1. Receive and note the Officer's report as presented.**
- 2. Allow a period of twelve (12) months to see if there is interest in the future from the same organisation wanting to take up use in the future.**

In accordance with Council's resolution, a Council Officer will make contact again in twelve months to ascertain if there has been any resurgence of interest for Girl Guides in the Maranoa region, and whether your organisation would like further use of this property.

If you have any further queries regarding this matter, please do not hesitate to contact Council's Administration Officer - Land Administration, Shirley Horrobin, on one of the numbers listed above.

Yours sincerely

Robert Hayward
Deputy CEO/
Director Development, Facilities & Environmental Services

