



Banana Shire Council ORDINARY MEETING MINUTES

Meeting Date: Wednesday, 25 January 2017

***Venue: Banana Shire Council Chambers
62 Valentine Plains Road, Biloela***

Time: 9.00 am

1.0 Opening of Meeting

"Council recognises that this meeting is held on the Land of the Gaangalu Nation and that the Banana Shire also includes land of the Iman People, Wulli Wulli People, Wadja People, Wakka Wakka People and Darumbal People."

2.0 Attendance including Apologies & Leave of Absence

3.0 National Anthem & Prayer

4.0 Confirmation of Minutes

4.0.1 Ordinary Meeting held 14 December 2016

5.0 Mayor's Report / Minute

6.0 Business Outstanding

6.0.1 Business Arising from Previous Meetings & Matters Lying on the Table

7.0 Declaration of Interest on Matters on the Agenda

8.0 Corporate & Community Services

8.1 Corporate Services

8.1.1 Financial Report P/E 31/12/16

8.1.2 Resolutions Actions Report

8.1.3 Major Capital Projects – Monthly Actual Expenditure as at 12/01/17

8.1.4 2016/17 Operational Plan Assessment as at 31/12/16

8.1.5 Consideration for Waive of Water Consumption – Assessment Number: 15367-30000-000 (101572)

9.0 Infrastructure Services

9.1 Infrastructure Services

9.1.1 Monthly Report – Infrastructure Services

9.1.2 Resolutions Actions Report

9.1.3 2016/17 Operational Plan Assessment as at 31/12/16

9.1.4 Baralaba Coal Company Ltd – Middle Road (101537)

9.1.5 Road Safety Management Reference Group Meeting Minutes – 16 November 2016

10.0 Council Services

10.1 Council Services

10.1.1 Resolutions Actions Report

10.1.2 Major Capital Projects – Monthly Actual Expenditure as at 12/01/17

10.1.3 2016/17 Operational Plan Assessment as at 31/12/16

10.1.4 Amendment to the Banana Shire Planning Scheme

10.2 Development & Environmental Services

10.2.1 Systematic Inspection Program 2017

10.2.2 Objection to forwarding on of Costs Associated with Asbestos
Contaminated Waste Clean Up

11.0 Executive Services

11.1 Executive Services

11.1.1 Resolutions Actions Report

11.1.2 2016/17 Operational Plan Assessment as at 31/12/16

11.1.3 Passenger Services Brisbane – Biloela/Thangool Airport

11.1.4 By-Election Division 6 - Voting

12.0 Close of Meeting

1.0 Opening of Meeting

The meeting commenced at 9.00 am

2.0 Attendance including Apologies & Leave of Absence

Present

Councillors – Mayor Nev Ferrier & Crs Middleton, Semple, Leo, Brennan & Snell

Officers – Acting Chief Executive Officer

Director Corporate & Community Services attended the meeting

3.0 National Anthem & Prayer

Following the National Anthem, Paster Nathan Stanley from the Baptist Church led Council in prayer

4.0 Confirmation of Minutes

Minute No: OM003647

Resolution:

That the minutes of the Ordinary Meeting held on 14 December 2016 be taken as read and confirmed.

Moved: Cr Leo

Seconded: Cr Middleton

Carried

5.0 Mayor's Report / Minute

The Mayor welcomed everyone back from the Christmas break.

Referred to –

- the Australia Day celebrations at Baralaba tomorrow
 - \$1.7M to Banana Shire under the Work for Queensland funding program
-

Resolved that agenda item 11.1.4 be brought forward

11.1.4 BANANA SHIRE COUNCIL BY-ELECTION DIVISION 6 – VOTING

Date: 24 January 2017
Author: John McDougall – Acting Chief Executive Officer
File ID: 2394
Letter No:
Attachment:
Minute No: OM003648

Resolution:

That Council make application to the Minister for Infrastructure, Local Government & Planning to conduct the Banana Shire Council - Division 6 By-Election by 'postal ballot' due to the convenience, practicability and cost savings in utilising the postal ballot method.

Moved: Cr Brennan

Seconded: Cr Middleton

Carried

Report

Banana Shire elections since the amalgamations have all been conducted by postal ballot and have been run relatively smoothly.

Pre-amalgamation the old Banana Shire conducted elections by postal ballot, and the old Taroom Shire also used postal ballot.

Given the large area of the Shire and the remoteness of some residents conducting the Local Government elections by postal ballot has been a sensible, practical and cost effective method of conducting the elections.

One of the key factors with conducting elections by postal ballot is the convenience of the process for voters.

Ballot papers are posted to all voters who vote accordingly and post them back to the Returning Officer, who places them in the ballot box and counts them on the election date.

Any issues with lost ballot papers/not on the roll are handled by the Returning Officer in the normal course of their duties.

Considerations

- 1. Corporate Plan**
1.2(a)
- 2. Policy and Legal Implications**
In accordance with Local Government Act 2011.
- 3. Financial and Resource Implications**
Additional cost in running a full postal ballot.
- 4. Risk Assessment**
N/A

6.0 Business Outstanding

Noted there is no business arising from previous meetings or matters lying on the table

7.0 Declaration of Interest on Matters on the Agenda

Noted there are no declarations of interest on matters on the agenda

8.0 Corporate & Community Services

8.1.1 FINANCIAL REPORT AND BUDGET REVIEW – PERIOD ENDING 31 DECEMBER 2016

Date: 18 January 2017
Author: Manager Financial Services, Dave Steger
File No: CM7.2
Letter No:
Attachment: Statement of Comprehensive Income - Actual v Budget to 31 December 2016; Statement of Financial Position – Actual v Budget to 31 December 2016; Statement of Cash Flows - Actual v Budget to 31 December 2016; Statement of Changes in Equity to 31 December 2016; Account Balances, Cash Position and Rates Report to 18 January 2017; and Proposed Budget Amendment Worksheet for the period ending 31 December 2016.
Minute No: OM003649

Resolution:

That Council:

- 1. Adopt the budget amendments which are attached to and form part of these minutes; and***
- 2. Receive the Financial Report as tabled for the period ending 31 December 2016.***

Moved: Cr Middleton

Seconded: Cr Brennan

Carried

This report is a legislative requirement.

Report

1. Introduction

Under subsection 170(3) of the *Local Government Regulation 2012* a local government may, by resolution, amend its budget for a financial year at any time before the year ends. This allows Council to reallocate funds to programs requiring funds in excess of the original budget from programs which have been completed under budget or from programs that will not be commenced in the financial year.

Funds can be reallocated from operational expenditure to capital expenditure or vice versa within departmental programs or across departments. Constrained capital revenue such as developer contributions and capital subsidies cannot be reallocated to fund operations.

In amending its budget, as with setting its original budget, Council should ensure that its Corporate Plan objectives are still being achieved through its budget amendments.

The purpose of the Financial Report is to give Management and Council an overview of the organisation's financial performance for the period ending 31 December 2016.

It is presented in a format which compares the year to date to the amended 2016/2017 budget. The year to date budget is 6/12 or 50% of the amended budget. The financial analysis contained in this report compares; either year to date expenditure with equivalent budget to date expenditure or, in the case of rates, year to date expenditure with an appropriate cashflow position.

2. Report

Budget Amendments

The major 2016/17 budget amendments in the second review for this financial year are:

Revenue

- Additional revenue has been received in the form of:
 - DILGP Capital Subsidy – Callide Dam \$250,909;
 - Solar Rebate – Dunn St \$29,488;
 - Building our Regions – CBD Drainage upgrade \$690,000
 - Getting Places to Play – Moura Skate Park \$55,040
- Off-setting these additions is reductions in the following areas:
 - \$25,000 – Development approvals are trending below expectations;
 - \$1,259,919 – R2R funding reduced by the Commonwealth;
 - \$200,000 – Reduction in TIDS allocation.

The net effect of these changes is:

- An increase in operational revenue of \$4,488;
- A reduction in capital revenue of \$463,970

Operational Expenditure

- There has been a net reduction in budgeted operational expenditure of \$13,000. The adjustments largely result from Directors and Managers making savings in one area to fund increases in another. The details are on the attached spreadsheet.

Capital Changes

Infrastructure (refer attached)

- The reduction in R2R and TIDS funding has necessitated a significant reduction in funding for a number of projects. Full details are on the attached spreadsheet.
- In Quarter 1 Infrastructure listed additional grant revenue of \$480,000. Funded projects were not identified as part of that review. In this budget review Infrastructure have identified two projects as follows:
 - Goovigen Connection Road – increased by \$144,000
 - Goovigen Connection Road Rural Drainage (T-holes) - increased by \$336,000.
- This amendment includes a new project - \$35,000 for safety work on the Pocket Creek Bridge. This has been funded by the rescheduling of the Bridge Signage Upgrade Program.
- As is common in these reviews a significant number of smaller adjustments are made. These adjustments redistribute funding from jobs that were less costly than estimated to those jobs that may require more funding.

Development & Environmental Services

- Significant capital changes include:
 - Recognition of \$89,000 worth of additional work that was required at Taroom Pool;
 - All additional \$132,182 to increase the total value of the Callide Dam project to \$418,000.
 - The recognition of the costs associated with the power upgrade at the Moura Depot - \$37,855. This was funded by Infrastructure and Water & Sewerage out of existing allocations.
 - The cancellation of a \$70,000 project to provide an undercover area at Dunn St stores to protect stock items susceptible to environmental degradation.

Water & Waste Water Services

- Transfer of \$50,000 from Taroom to Moura to fund the Moura raw water pipeline

These amendments result in a small reduction in the operating surplus from \$136,000 to \$122,598.

Comprehensive Income Statement:

Council recorded an operating deficit of \$1,856,267 for the month of December. The main points to consider are:

- Following an accounting adjustment for the first half-year's estimated water consumption, net rates and utility charges are 0.44% above the budgeted cashflow position.
- Excluding rates, other revenue sources are approximately 7.50% lower than the year to date amended budget. Of particular concern is Contract and recoverable works revenue which is currently 16.08% below the year to date cashflow position. While there is lag between the construction and recognition of revenue this position, if sustained, could lead to the impairment of Council's final operating position. Finance is working with Infrastructure to establish a likely cashflow for the remainder of the year.
- Total operating expenditure is currently running to budget.

Capital Expenditure:

Capital expenditure – see separate report.

3. Conclusion

Management will continue to monitor both incoming and outgoing cash flow in an effort to ensure that Council achieves the best possible end of the year outcome. Management will also endeavour to ensure that operating revenues are sufficient to meet all areas of committed service delivery.

Considerations

1. Corporate Plan

This matter has direct reference to Corporate Plan Strategy 1.2. (a), (b), (c) and (d).

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

Management will monitor revenue, expenditure and cashflow to ensure that Council has sufficient financial resources to deliver its budgeted commitments and achieve the foreshadowed operating surplus.

4. Risk Assessment

N/A

2016/17 BUDGET AMENDMENTS to 31/12/2016

ACCOUNT/JOB NUMBER	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	NOTES	CHANGE	INCOME	DISCOUNT	OP COST	EMP COST	CAPITAL	RESERVES
Executive Services											
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Corporate & Community Services											
3400-2380-0000 GL	Tourism Operating Expenses	\$ 156,700	\$ 185,700	Transfer Origin underspend from Reserve to Operating Expenses	\$ 29,000						29,000
2100-1050-0000 GL	Administration - Capital Sudscicies	\$ -	\$ 250,909	Capital Subsidy - Callide Dam - DILGP	\$ 250,909	-250,909					
2350-2480-0000 GL	Licences & Software Expenses	\$ 435,000	\$ 450,709		\$ 15,709			15,709			
2350-4608-0000	ICT-Capital Expenses Clearing										
2680-4808-0000 GL	Plant & Equip-Purchase Clearing A	\$ 3,254,000	\$ 3,260,000	Also change job estimate by \$6,000 (2350-4608-0000)	\$ 6,000					6,000	
1110-2380-0000 GL	HP EliteDisplay E222 LED Monitor 21.5"	\$ 50,000	\$ 49,781		\$ 219			-219			
2310-2746-0000 GL	Samsung Galaxy S5 & Otterbox Case	\$ 1,400,000	\$ 1,399,346		\$ 654			-654			
3120-2380-0000 GL	2 x E242 - 24in LED Monitors	\$ 75,000	\$ 74,128		\$ 872			-872			
3160-2380-0000 GL	HP ElitePad 1000, Docking Station & Rugged Case	\$ 20,000	\$ 18,635		\$ 1,365			-1,365			
3350-2380-0000 GL	3 x E222 - 21.5in LED Monitors	\$ 280,000	\$ 279,154		\$ 846			-846			
3503-2380-0000 GL	3200 Lumens XGA 3LCD Portable Projector	\$ 305,000	\$ 304,044		\$ 956			-956			
5110-2480-0000 GL	DataMax 4 Port Ethernet Router WiFi & GPS	\$ 9,000,000	\$ 8,999,156		\$ 844			-844			
5232-2480-0000 GL	Adobe Acrobat Pro DC 2016 - Licence	\$ 3,500,000	\$ 3,499,635		\$ 365			-365			
5500-2380-0000 GL	6 x HP EliteDisplay E222 LED Monitors 21.5"	\$ 155,000	\$ 153,602		\$ 1,398			-1,398			
5520-2382-0000 GL	Additional 12D Module	\$ 47,000	\$ 42,490		\$ 4,510			-4,510			
5640-2380-0000 GL	WaterRide Software Licensing	\$ 152,000	\$ 142,320		\$ 9,680			-9,680			
					\$ -						
					\$ -						
					\$ -	\$ 221,909	\$ -	\$ 250,909	\$ -	\$ -	\$ 29,000
Development & Environmental Services											
3500-4749-0440	Moura Depot Power Upgrade	\$ -	\$ 37,855		\$ 37,855						37,855
6009-4231-0001	Moura WTP Upgrade	\$ 1,870,000	\$ 1,850,822		\$ 19,178						-19,178
0172-0112-0000	Cracow Road-Rural Rsl 16/17	\$ 20,000	\$ 10,793		\$ 9,207						-9,207
0181-0841-0000	Bauhinia St - Urban Rsl 16/17	\$ 8,000	\$ 2,644		\$ 5,356						-5,356
0181-0842-0000	Peaceful Lane-Urban Rsl 16/17	\$ 3,000	\$ 701		\$ 2,299						-2,299
0182-0939-0000	Kelman Street-Urban Rsl 16/17	\$ 4,700	\$ 2,885		\$ 1,815						-1,815
3500-4750-0000	Biloela Depot Upgrade	\$ -	\$ 11,110		\$ 11,110						11,110
0181-0962-0000	Wolsey Street-Urban Rsl 16/17	\$ 8,300	\$ 3,820		\$ 4,480						-4,480
0181-0970-0000	Upper Wolsey St-Urb Rsl 16/17	\$ 17,100	\$ 11,687		\$ 5,413						-5,413
0171-0112-0000	Cracow Road-Rural Rsl 16/17	\$ 44,000	\$ 42,784		\$ 1,216						-1,216
3120-2200-0001 GL	Employee Costs	\$ 250,000	\$ 230,000	Reduced to allow for dedicated flying fox time allocation	\$ 20,000				-20,000		
3120-2380-0000 GL	Flying Fox Control	\$ 0.00	\$ 20,000		\$ 20,000			20,000			
3500-1300-0000 GL	Built- Miscellaneous receipts Dunn St Solar,Revenue	\$ -	\$ 29,488	Dunn St Solar STC's rebate	\$ 29,488	-29,488					
3500-2380-0000 GL	Advanced designs of furture projects	\$ 20,000	\$ 53,000	Project management of Capital Projects	\$ 33,000			33,000			
3500-4720-0000	Taroom Pool	\$ 270,000	\$ 359,000	More problems than first thought, Project now completed	\$ 89,000						89,000
3500-4721-0000	Moura STP Solar system	\$ 156,865	\$ 185,865	Grading of site and extra solar panels	\$ 29,000						29,000
3500-4728-0000	Admin building tint high windows	\$ 15,000	\$ -	Completed under maintenance	\$ 15,000						-15,000
3500-4733-0000	Dunn St upgrade fans	\$ 20,000	\$ 11,500	Job Completed	\$ 8,500						-8,500
3500-4734-0000	Dunn St Stores undercover area	\$ 70,000	\$ -	David Steger has advised that they are currently assessing requirement and will rebudget in the furture	\$ 70,000						-70,000
3500-4735-0000	Magavalis power overhaul	\$ 50,000	\$ 35,000	Quoted Project	\$ 15,000						-15,000
3500-4738-0000	Taroom Town Hall roofs over air con units	\$ 40,000	\$ 10,898	Further investergation required before installation	\$ 29,102						-29,102
3710-4217-0000	Taroom Pool Upgrade Canteen	\$ -	\$ 10,500	Extra electrical, and new tiled floor	\$ 10,500						10,500
4500-1275-0000 GL	Application Fees	\$ 100,000	\$ 75,000	DA activity is trending below estimations	\$ 25,000	25,000					
4500-2383-0000 GL	Planning Scheme	\$ 80,000	\$ 40,000	Scheme to be developed in-house - reduced consultancy fees	\$ 40,000			-40,000			
3500-4722-0000	Callide Dam Stage 2	\$ 366,000	\$ 498,182	Increase Council Contribution	\$ 132,182						132,182
No Job Allocated	CWA Cottage Removal	\$ 20,000	\$ -	Completed last year	\$ 20,000						-20,000
New Project	Goovigen camp kitchen	\$ -	\$ 10,000	Built enviroiment used the original budget to replace broken septic system	\$ 10,000						10,000
New Project	Dunn St improvements	\$ -	\$ 8,500	Lighting, concrete works	\$ 8,500						8,500
					\$ -						
					\$ -	\$ 110,091	\$ -	\$ 4,488	\$ -	\$ 13,000	\$ 20,000
Infrastructure Services											
5050-1020-0000 GL	Roads to Recovery (R2R) Grant	\$ 4,119,555	\$ 2,859,636	Loss of revenue due to reduction of 2016/17 funding allocation	\$ 1,259,919	1,259,919					
0111-0070-0000	Beneru Road Rural Construction	\$ 180,000	\$ 177,400.00		\$ 2,600						-2,600
0131-0040-0000	Bellis Creek Tennis Court Rd Gravel Resheeting	\$ 10,000	\$ 7,017.00		\$ 2,983						-2,983
0131-0162-0000	Fiveways Mount Eugene Rd Gravel Resheeting	\$ 50,000	\$ 28,008		\$ 21,992						-21,992
0141-0051-0000	Blanchs Rd Urban Construction	\$ 98,000	\$ 88,483		\$ 9,517						-9,517
0141-0969-0000	Tai Shue St Upgrade and Seal	\$ 100,000	\$ 62,956	Project budget reduced due to reduction in R2R Revenue for 2016/17 -	\$ 37,044						-37,044
0171-0014-0000	Argoon Kilburnie Rd Rural Reseal	\$ 143,000	\$ 98,000	revenue is to be reallocated to 2017/18 R2R funding allocation -	\$ 45,000						-45,000
0171-0197-0000	Glenmoral Roundstone Rural Reseal	\$ 46,500	\$ 29,500	Construction Complete	\$ 17,000						-17,000
0171-0201-0000	Goovigen Rannes Rd Rural Reseal	\$ 161,000	\$ 74,421		\$ 86,579						-86,579

2016/17 BUDGET AMENDMENTS to 31/12/2016

ACCOUNT/JOB NUMBER	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	NOTES	CHANGE	INCOME	DISCOUNT	OP COST	EMP COST	CAPITAL	RESERVES
0171-0251-0000	Injune Rd Rural Reseal	\$ 66,500	\$ 17,622		-\$ 48,878					-48,878	
0171-0282-0000	Kokotungo Don River Rd Rural Reseal	\$ 100,000	\$ 62,218		-\$ 37,782					-37,782	
0171-0403-0000	Prospect Creek Goovigen Rd Rural Reseal	\$ 83,600	\$ 68,600		-\$ 15,000					-15,000	
0181-0872-0000	Moura Reseal Program - King St	\$ 42,750	\$ 24,271		-\$ 18,479					-18,479	
0111-0081-0000	Callide Creek Crossing Rd Rural Construction	\$ 120,000	\$ -		-\$ 120,000					-120,000	
0141-0674-0000	Collard St Urban Construction	\$ 90,000	\$ -	Project rescheduled to 2017/18 budget due to reduction in R2R Revenue	-\$ 90,000					-90,000	
0141-0689-0000	Dunn St Rehab	\$ 65,000	\$ -	for 2016/17 budget - revenue is to be reallocated to the 2017/18 R2R	-\$ 65,000					-65,000	
0151-0126-0000	Defence Rd Bridge Replacement	\$ 50,000	\$ -	funding allocation	-\$ 50,000					-50,000	
0161-0603-0000	Bramston St - Urban Construction (Stage 1)	\$ 59,000	\$ -		-\$ 59,000					-59,000	
0162-0735-0000	Quarrie Rd Rural Drainage	\$ 50,000	\$ -		-\$ 50,000					-50,000	
0161-0689-0000	Dunn St drainage Project	\$ 180,000	\$ 90,000	Completion of project to be split over 2016/17 and 2017/18 budgets due to the reduction in the R2R revenue for 2016/17	-\$ 90,000					-90,000	
0152-9999-0000	Bridge Signage Upgrade Program	\$ 35,000	\$ -	Project to be rescheduled to 2017/18 budget - funds to be reallocated to new project - upgrade of Pocket Creek Bridge	-\$ 35,000					-35,000	
0161-1053-0000	Pocket Creek Bridge Replacment	\$ -	\$ 35,000	New project - upgrade of bridge due to safety concerns - reallocation of funds from 0152-9999-0000	\$ 35,000					35,000	
0181-0843-0000	Goovigen Reseal Program - Stanley St	\$ 15,000	\$ 20,597	Project overspent - Reallocation of money from 0181-0844-0000	\$ 5,597					5,597	
0181-0844-0000	Goovigen Reseal Program - Stone Cres	\$ 13,000	\$ 7,403	Project complete - reallocation of excess funds to 0181-0844	-\$ 5,597					-5,597	
0161-0667-0000	Biloela CBD Drainage Upgrade	\$ 340,000	\$ 1,030,000	Increase in budget due to Awarding of Building Our Regions Funding	\$ 690,000					690,000	
5050-1031-0000 GL	Building Our Regions Funding-ex R4R	\$ -	\$ 690,000	New funding awarded	-\$ 690,000	-690,000					
0111-0019-0000	Valentine Plains Rd and Baileys Lane Intersection	\$ 400,000	\$ -	Project rescheduled to 2017/18 budget due to unavailability of TIDS revenue for 2016/17 - reduction of TIDS revenue (\$200,000) and reallocation of Council funds to 0132-0197-0000 (\$86,124.57), 0151-0412-0000 (\$12,095.73) and 0151-0483-0000 (\$101,779.70)	-\$ 400,000					-400,000	
5050-1022-0000 GL	TIDS Grant	\$ 1,735,000	\$ 1,535,000	TIDS funding for project 0111-0019-0000 not available in 2016/17 allocation	\$ 200,000	200,000					
0132-0197-0000	Genmoral Roundstone Rd Gravel Resheet	\$ 200,000	\$ 286,125	Expansion of project scope as per Council resolution OM003538 - Reallocation of Council funds from 0111-0019-0000	\$ 86,125					86,125	
0151-0483-0000	Theodore Moura Rd - Lonesome Creek Bridge Replacement	\$ 173,130	\$ 332,859	Project Overspend due to carry over of project from 2015/16 budget - Reallocation of funds from 0111-0019-0000 (\$101,779.70) and 0141-0660-0000 (\$57,949.32)	\$ 159,729					159,729	
0151-0412-0000	Redrange Rd Slab	\$ 80,000	\$ 128,394	Project overspend - reallocation of funds from 0111-0019-0000 (\$12,095.73) & 0172-0251-0000 (\$36,298.48)	\$ 48,394					48,394	
0131-0043-0000	Bindaree Rd Gravel Resheeting	\$ 50,000	\$ 39,412	Project Complete - reallocation of \$7,384 (R2R funds) to 0111-0130-0000 - budget to be reduced by \$3,204 due to reduction in R2R revenue	-\$ 10,588					-10,588	
0111-0130-0000	Dixalea-Deeford Rd Reconstruction	\$ 280,000	\$ 322,917	Project overspent - Reallocation of money from 0111-0489-000 (\$35,533) and 0131-0043-0000 (\$7,384)	\$ 42,917					42,917	
0141-0660-0000	Bell St Kerb & Channel Replacement	\$ 500,000	\$ 1,989	Project rescheduled to 2017/18 budget due to reduction in R2R Revenue for 2016/17 budget - \$371,400 reduction in R2R revenue and reallocation of Council money to 0162-0495-0000 (\$86,661.64) & 0151-0483-0000 (\$57,949.32)	-\$ 498,011					-498,011	
0111-0200-0000	HV Compliance Upgrades - Goovigen Connection Rd	\$ 235,000	\$ 379,000	Increase in budget due to Awarding of Heavy Vehicle Safety Funding (listed as an increase in revenue to GL number 5050-1033 in last budget review - October 2016 Council meeting)	\$ 144,000					144,000	
0152-0200-0000	Goovigen Connection Rd (T-Holes) Rural drainage	\$ 260,000	\$ 596,000	Increase in budget due to Awarding of Heavy Vehicle Safety Funding (listed as an increase in revenue to GL number 5050-1033 in last budget review - October 2016 Council meeting)	\$ 336,000					336,000	
0142-0939-0000	Kelman St Pavement Widening & Upgrade (stage 2)	\$ 160,000	\$ 110,000	Project Complete - Excess funds to be reallocated to 0141-0939-0000	-\$ 50,000					-50,000	
0414-0939-0000	Kelman St Pavement Widening & Upgrade (stage 1)	\$ 100,000	\$ 150,000	Project overspend of 2015/16 budgeted project - reallocation from 0142-0939-0000	\$ 50,000					50,000	
0181-0962-0000	Taroom Reseal Program - Wolsey St	\$ 3,820	\$ 2,948	Project Complete - Excess funds to be reallocated to 3500-4750-0000 (\$4,480.34) & 0131-0197-0000 (\$872.03) - See above	-\$ 872					-872	
0161-0495-0000	Browns Gully completion works	\$ 384,221	\$ 381,434	Project Complete - Reallocation of excess funds (Royalties For Regions [R4R] funding) to 0162-0495-0000	-\$ 2,787					-2,787	
0162-0495-0000	Open Drain Valentine Plains Rd	\$ 15,779	\$ 87,228	Project overspend of 2015/16 budgeted project - reallocation from 0161-0495-0000 (\$2,787.35 of R4R funding) & 0141-0660-0000 (\$68,661.64)	\$ 71,449					71,449	
0181-0939-0000	Taroom Reseal Program - Kelman St	\$ 12,200	\$ 6,532	Project Completed - Excess funds to be reallocated to 131-0197-0000	-\$ 5,668					-5,668	
0191-0488-0000	Tognolini Baldwin Rd Concrete Pathway (Stage 1)	\$ 90,000	\$ 72,524	Project Completed - Excess funds to be reallocated to 0131-0197-0000 (\$4,582.33) & 0191-0884-0000 (\$12,894.10)	-\$ 17,476					-17,476	
0131-0197-0000	Glenmoral Roundstone Gravel Resheeting	\$ 124,663	\$ 135,785	Project overspend - reallocation of funds from 0181-0939-0000 (\$5,668.05), 0181-0962-0000 (\$872.03) & 0191-0488-0000 (\$4,582.33)	\$ 11,122					11,122	
0191-0884-0000	Minogue St Pathway	\$ 36,000	\$ 48,894	Project overspend - Reallocation of funds from 0191-0884-0000	\$ 12,894					12,894	
0172-0251-0000	Injune Rd Rural Reseal	\$ 50,000	\$ 13,702	Project Completed - Excess funds to be reallocated to 0151-0412-0000	-\$ 36,298					-36,298	
0309-4991-0000	Moura Skate Park Upgrade	\$ 22,000	\$ 77,040	Increase in budget due to Awarding of Get Playing Places and Spaces Funding	\$ 55,040					55,040	
5300-1050-0000 GL	Parks - Grants & Subsidies	\$ -	\$ 55,040	New funding awarded from Get Playing Places and Spaces Funding	-\$ 55,040	-55,040					
5380-4031-0000	Lighting Upgrade for Valley Soccer Club	\$ 20,000	\$ -	Project cancelled due to unsuccessful funding application by club - funds to be reallocated for maintenance of Biloela Skate Park due to safety concerns (5300-0003-0000)	-\$ 20,000					-20,000	
GL-5300-2380-0003	Park - Bilo Operating Expense	\$ -	\$ 20,000	Reallocation of funds from 5380-4031-0000 for the maintenance of the Biloela Skate park due to safety concerns	\$ 20,000					20,000	

2016/17 BUDGET AMENDMENTS to 31/12/2016

ACCOUNT/JOB NUMBER	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	NOTES	CHANGE	INCOME	DISCOUNT	OP COST	EMP COST	CAPITAL	RESERVES
0157-0126-0000	Defence Rd Castle Creek Bridge Replacement	\$ 40,000	\$ 416,480	Project Overspend due to carry over of project from 2015/16 budget - reallocation of funds (Gas Money) from 0111-0489-0000 (\$256,548.25), 0131-0442-0000 (\$107,000) & 0131-0025-0000 (\$12,932)	\$ 376,480					376,480	
0161-0668-0000	Callistemon St Keb & Channel Replacement Project	\$ -	\$ 282	Project overspend of 2015/16 budgeted project - reallocation of funds (gas money) from 0131-0025-0000	\$ 282					282	
0161-0692-0000	Exhibition Avenue Stormwater Drainage project	\$ -	\$ 29,255	Project overspend of 2015/16 budgeted project - reallocation of funds (gas money) from 0131-0025-0000	\$ 29,255					29,255	
0111-0489-0000	Tollemaches Rd Rural Construction	\$ 546,000	\$ 253,919	Project Complete - reallocation of \$256,548.25 (Gas Money) to 0157-0126-0000 and \$35,533 (R2R funds) to 0111-0130-0000	-\$ 292,081					-292,081	
0131-0442-0000	Sands Rd Gravel Resheeting	\$ 250,000	\$ 124,540	Project Complete - reduction of \$18,460 due to reduced R2R revenue and reallocation of \$107,000 (Gas Money) to 0157-0126-0000	-\$ 125,460					-125,460	
0131-0025-0000	Banana Mungi Rd Gravel Resheeting	\$ 125,000	\$ 82,531	Project Complete - Excess funds (Gas Money) to be reallocated to 0157-0126-0000 (\$12,932), 0161-0692-0000 (\$29,254.95) & 0161-0668-0000 (\$281.79)	-\$ 42,469					-42,469	
					\$ -						
					\$ 480,001	\$ 714,879	\$ -	\$ -	\$ -	\$ 234,878	\$ -
Water Supply											
Group Allocation	Taroom (U) - Treatment/Headworks/Reservoirs/Pumps	\$ 255,000	\$ 205,000		-\$ 50,000					-50,000	
Group Allocation	Moura (U) - Treatment/Headworks/Reservoirs/Pumps	\$ -	\$ 50,000	Moura Raw Water Pipeline	\$ 50,000					50,000	
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sewerage											
					\$ -						
					\$ -						
					\$ -						
					\$ -						
					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total											
					\$ 368,183	\$ 459,482	\$ -	\$ 7,000	-\$ 20,000	-\$ 107,298	\$ 29,000

8.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – CORPORATE & COMMUNITY SERVICES

Date: 10 January 2017
Author: Todd Sleeman - Director Corporate & Community Services
File No:
Letter No: N/A
Attachment: Resolutions Action Report
Minute No: OM003650

Resolution:

That the Resolutions Action Report for Corporate & Community Services as presented be noted and received.

Moved: Cr Leo

Seconded: Cr Semple

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

8.1.3 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – CORPORATE & COMMUNITY SERVICES

Date: 18 January 2017
Author: Todd Sleeman - Director Corporate & Community Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM003651

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 12 January 2017 for Corporate & Community Services.

Moved: Cr Brennan

Seconded: Cr Snell

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 12 January 2017 for Corporate & Community Services.

Refer attachment.

8.1.4 2016/17 CORPORATE & COMMUNITY SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2016

Date: 13 January 2017
Author: Todd Sleeman – Director Corporate & Community Services
File No:
Letter No:
Attachment: Operational Plan
Minute No: OM003652

Resolution:

That Council receive Corporate & Community Services' second quarter assessment of the 2016/17 Operational Plan.

Moved: Cr Leo

Seconded: Cr Brennan

Carried

Report

Corporate & Community Services second quarter assessment of 2016/17 Operational Plan is attached.

8.1.5 CONSIDERATION FOR REBATE ON WATER CONSUMPTION CHARGES – ASSESSMENT NO: 15367-30000-000

Date: 16 January 2017
Author: Manager Financial Services, Dave Steger
File No: 15367-30000-000
Letter No:
Attachment: Doc ID: 101572, 102944, OM003593
Minute No: OM003653

Resolution:

That Council does not grant a rebate for the water consumption charges on Assessment No: 15367-30000-000.

Moved: Cr Snell

Seconded: Cr Leo

Carried

Report

Council has received correspondence from the owners of Assessment No: 15367-30000-000 located at 41-57 Valentine Plains Road, Biloela, and are asking Council to review the decision made at Council's Ordinary Meeting held on 23rd November 2016 in relation to the water consumption charges on the property.

Council resolved at the meeting held on 23rd November 2016 to not grant a rebate for water consumption charges on Assessment No: 15367-30000-000 – see Meeting Reference No: OM003593.

Council officers' have read the water meter on this property on a regular basis since mid-November 2016 to ensure that the preventative measure used to stop the leak continues to be effective. These meter readings are listed below:

Date of Reading	Meter Reading (KL)
16/11/16	6398
21/11/16	6403
05/12/16	6422
12/12/16	6429
15/12/16	6435 (This reading will be official quarterly meter reading)

These readings indicate a normal usage for the periods involved.

As per the decision at the November Ordinary Meeting, it is my recommendation that Council does not grant a rebate for the water consumption charges on Assessment No: 15367-30000-000.

Considerations

1. Corporate Plan

This matter has direct reference to Corporate Plan Strategy 1.1 (a), (b), and 1.2 (a).

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

Financial implication: - \$7,244.80 of lost revenue if a rebate of the water consumption charges for the property is given for the period 1st July 2016 – 31st December 2016.

4. Risk Assessment

N/A

Director Infrastructure Services attended the meeting.

Fire alarm sounded at 9.53am and the building was evacuated. Meeting resumed at 10.02am.

9.0 Infrastructure Services

9.1.1 MONTHLY REPORT – INFRASTRUCTURE SERVICES INCLUDING MONTHLY ACTUAL EXPENDITURE

Date: 18 January 2017
Author: Stephen Mow – Works Manager
File ID:
Letter ID:
Attachment: Works Program
Minute No: OM003654

Resolution:

That Council receive the January 2017 Infrastructure Services Monthly Report as presented.

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Report

1. Introduction

This Monthly Report by Infrastructure Services details the 'actual expenditure' in the principal areas of the Works Section's operations. Namely:

- Internal Works
 - Town and General Maintenance (excl Parks) \$ 0.76M
 - Parks and Open Spaces \$ 1.77M
 - Road Maintenance \$ 5M
 - Capital Works Program \$ 11M
- NDRRA – Approved Response, Emergent & Restoration Works \$ 12M
- External Works
 - RMPC - Road Maintenance Performance Contract \$ 2.5M
 - TMR Capital \$ 8M

2. Background

To assist Council in monitoring the delivery of the various programs, this Monthly Report provides an updated delivery program and actual expenditure in key areas.

3. Report

The particular expenditure for several programs can be seen on the enclosed graphs of the key areas.

Internal Works

- Council Road Maintenance
- Council Towns and General Maintenance
- Council's Major Works Program
 - A summary of project status is shown below:

Project Type	Project Description	Status
Gravel Resheeting	Old Injune Rd – gravel resheeting	Scheduled to commence in about mid April
Bikeways and Footpaths	Minogue St, Moura – new concrete footpath	Complete
Rural Construction	Theodore-Moura Rd – bridge approaches	Scheduled to start in February. Cultural heritage walk through has been organised
Bikeways and Footpaths	Yaldwyn St, Taroom – concrete footpath	Commenced
Rural Reseals	Spray bitumen resealing of rural sealed roads	Complete
Urban Reseals	Spray bitumen resealing of urban sealed roads	Complete

NDRRA Works

- Cyclone Marcia

All submissions have been approved. Total approved costs (including QRA additions) are – Unsealed roads \$12M, Sealed Roads \$1.7M.

- Betterment Projects

- Linkes Rd tenders have closed and tender assessment is being carried out.
- Jambin-Dakenba Rd has commenced.

- February 2015 Event

The preliminary estimation has been completed and submitted to QRA. The final discussions and documentation for the compliance and Vfm is in progress.

The unit rates have been developed/increased and the new Benchmark rates for the 2016-2017 projects have been applied and in progress for the assessment and approval.

External Works

- RMPC - Road Maintenance Performance Contract Progressing.
- Main Roads
 - Burnett Highway, Lawgi to Thangool – Drainage work is progressing, first section of roadworks rehabilitation and widening will commence in mid January. The stabiliser has is currently in the workshop under repair.
 - \$500 000 for Burnett Highway rehabilitation north of Thangool has been approved.
 - \$729 000 for the Dawson Highway surface correction from the shire boundary to Bauhinia has been approved.

o Works Program

A Works Program 2016-2017 gives an indication of current work and future work over the next 2 months and is attached, however the Divisional Program will not be available this month.

Parks, Gardens and Open Spaces

Town	Location	Activity
Biloela	Bicentennial Park	A new bike rack has been installed near the toilet block, providing a safe and lockable point for bikes off the traffic.
Biloela	Dawson Highway, Foodworks	A new bin enclosure in stainless steel has been installed, providing a new rubbish point for customers sitting outside the shop
Biloela	Lions Park	5 Sprinklers have been replaced from a random act of vandalism early in December
Biloela	Thangool Road and Melton park	2 bollards have been replaced due to 2 separate small car accidents
Biloela	In front of Suncorp Bank	All of the trip hazards and uneven paving have been lifted and relayed
Jambin	Toilet block	The Jambin association group painted the toilet floor to improve the cleaning process and look of the toilet
Dululu	Toilet Block	The female side of the toilet was set on fire on the first week of January this year. The hand towel and soap dispenser were replaced, the wall repainted

Monthly Actual Expenditure

BANANA SHIRE COUNCIL
Infrastructure Services
Capital Expenditure Report For Year 2016/2017 as at 2/12/16

Work Area / Project	Job Costing Number	2016/2017 Budget	WIP (Previous Years)	YTD Expenditure	Committed	Total Expenditure	(Over)/Under Budget (\$)	Over/Under	Job Completed Y/N
INFRASTRUCTURE SERVICES									
Roads / Drainage									
See Infrastructure Development Plan (IDP) - For detailed report please see Engineering Report for Council Meeting		16,419,755.00	5,174,738.54	3,435,912.79	625,540.12	4,061,452.91	12,358,302.09	UNDER	
TOTAL ROADS/DRAINAGE		16,419,755.00	5,174,738.54	3,435,912.79	625,540.12	4,061,452.91	12,358,302.09	UNDER	
INFRASTRUCTURE SERVICES TOTAL		16,419,755.00	5,174,738.54	3,435,912.79	625,540.12	4,061,452.91	12,358,302.09	UNDER	

Considerations

1. Corporate Plan

The delivery of the RIP relates to Council's 'Corporate Objective 5 – Planning and Delivering our Infrastructure Services' as part of Council's Corporate Plan.

2. Policy and Legal Implications

The delivery of this program will be managed in such a way as all appropriate/applicable policies/legislation is complied with.

3. Financial and Resource Implications

The delivery of the various works programs are a significant undertaking by the Works Section which require an extensive commitment by the entire Works group.

All of these various programs will be delivered simultaneously utilising various combinations of Council, Sub-Contractor and Principal Contractor resources.

Critical to the delivery of these inter-connected programs is the diversity and multi-skilled competency of the expanded workforce, with a degree of internal redundancy contained within the Section.

Actual expenditure to date compared to target expenditure for 2016/17 is shown on the included graphs with upper and lower limits as an indicative monitoring measure.

4. Risk Assessment

The primary risk factors and control measures that would impede the full delivery of the Capital Works program are:

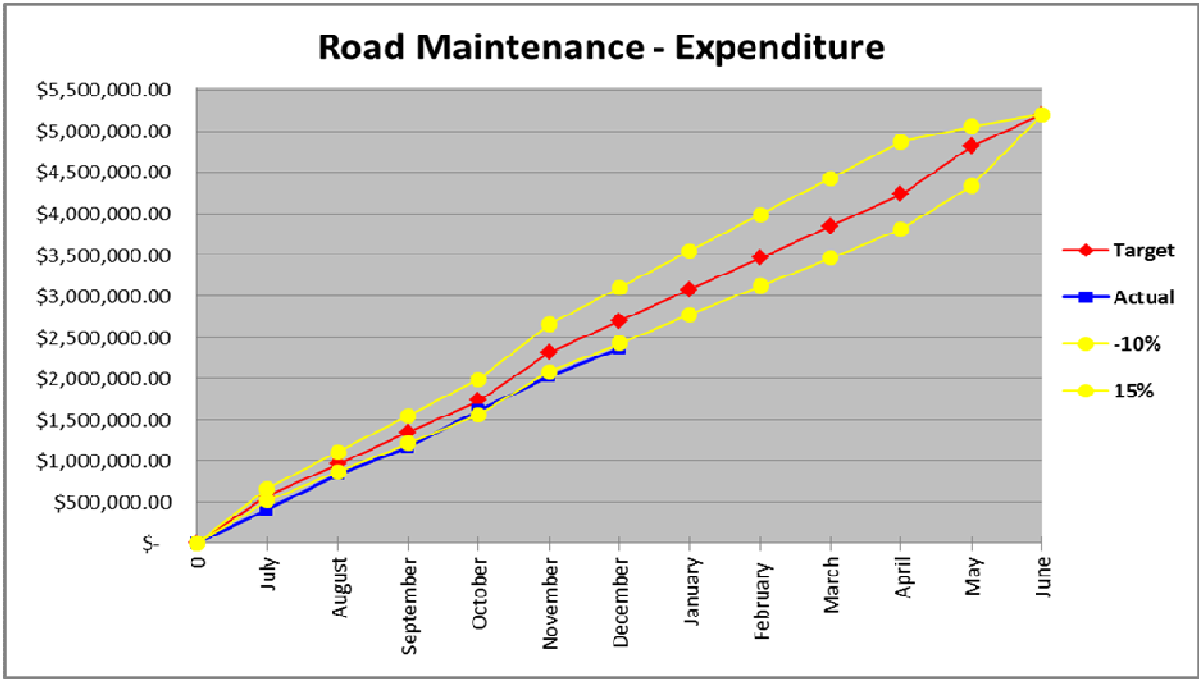
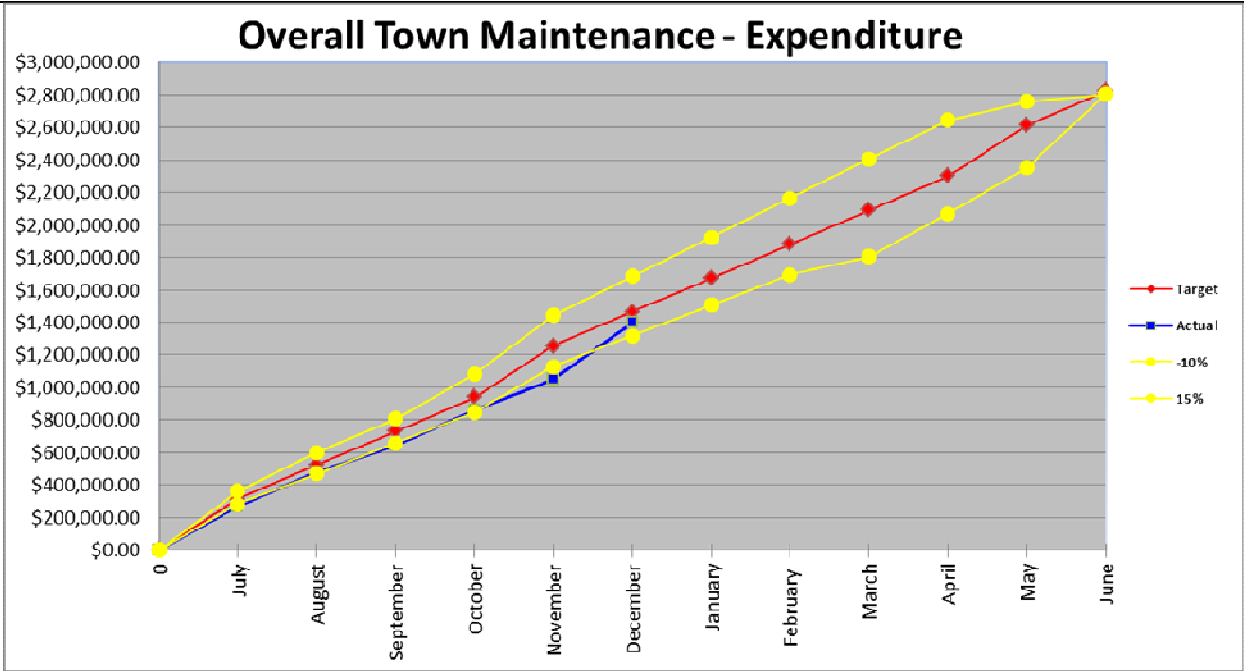
- Wet weather
- Loss of key staff
- Inability to appropriately up-skill, attract and/or retain key staff
- Breakdown of critical plant items
- Availability of key sub-contract plant and services
- Availability of key materials
- Availability of approved designs

These risks are constantly being monitored, reviewed and addressed.

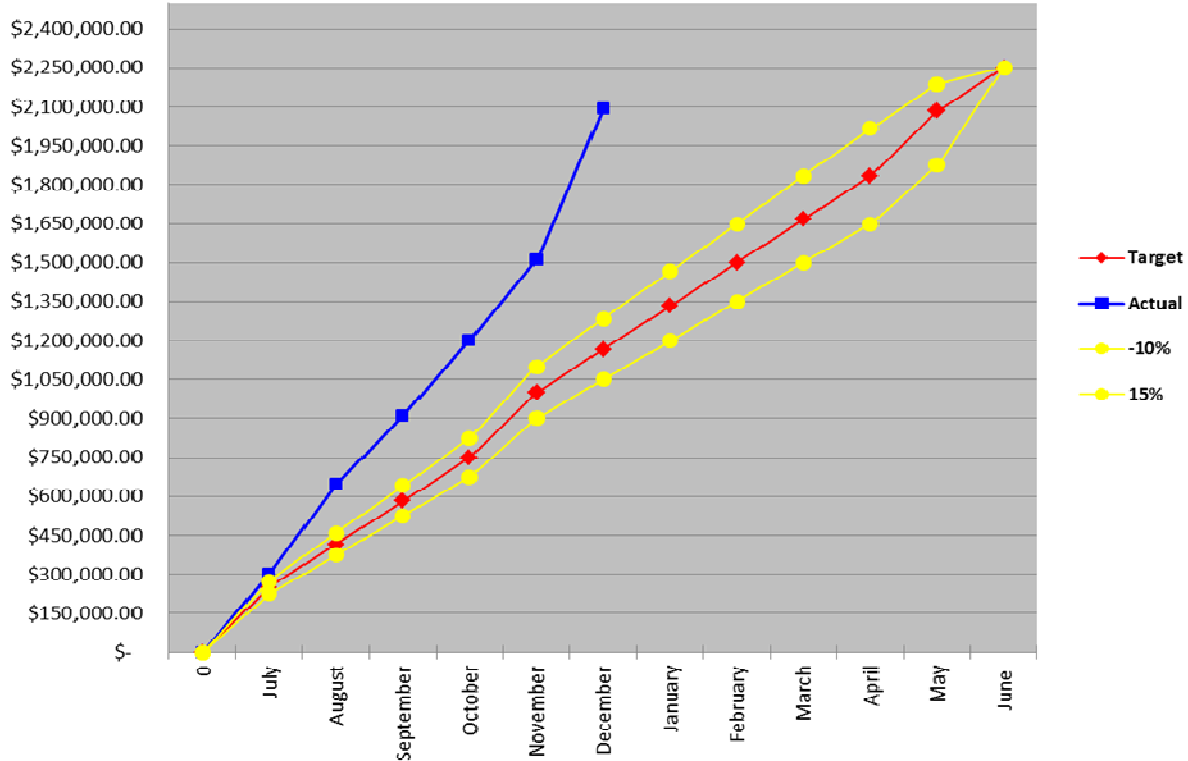
*Please see below the current expenditure profiles for various programs.

The lines shown represent:

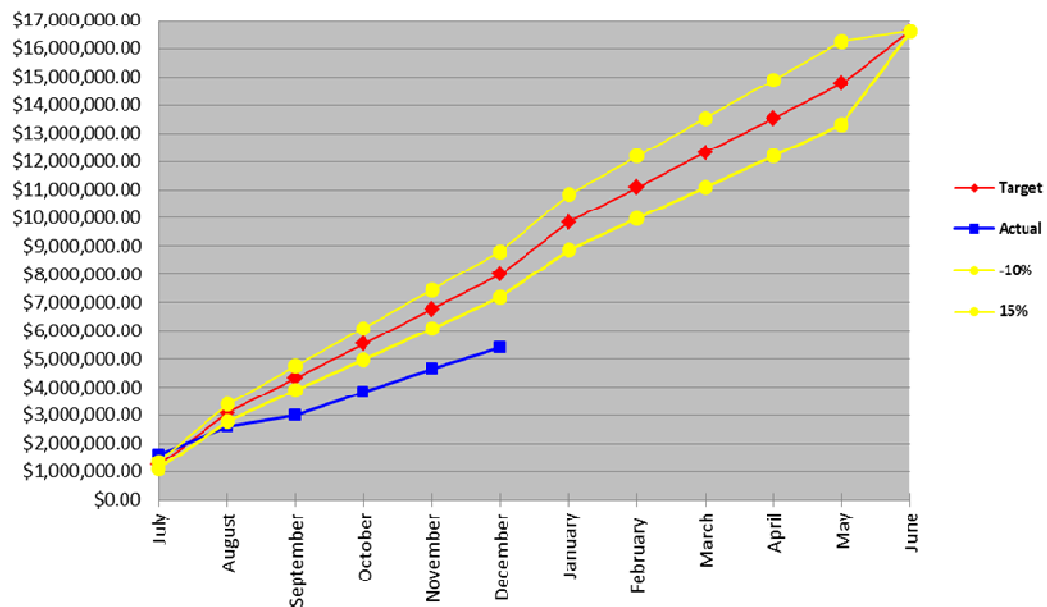
- Yellow - (15% above, 10% below target)
- Red - (on target based on a "straight line approximation")
- Blue – Actual expenditure



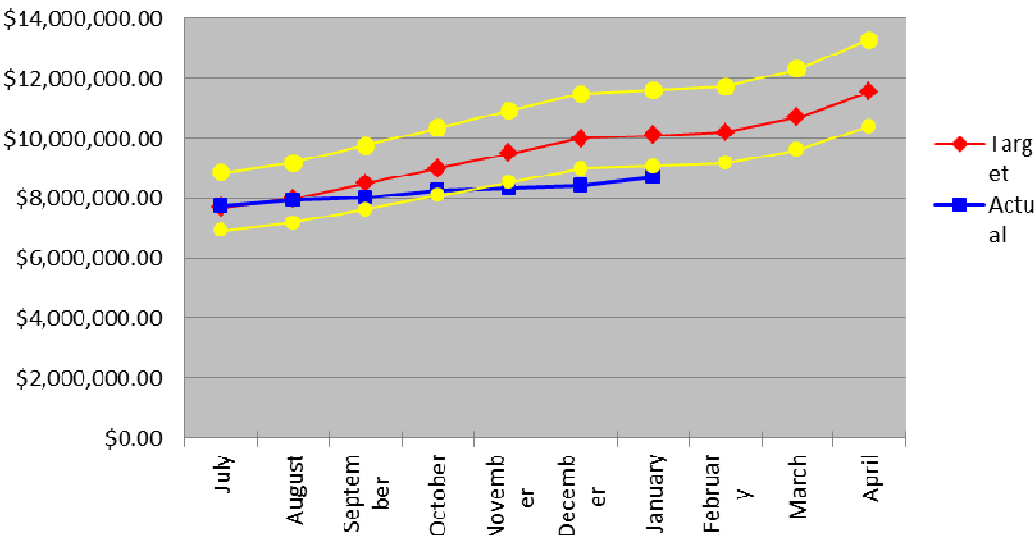
RMPC + TMR Minor Works - Expenditure



Council Capital Works - Expenditure to Date



Cyclone Marcia 2015 - Expenditure



9.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – INFRASTRUCTURE SERVICES

Date: 13 January 2017
Author: Frank Nastasi – Director Infrastructure Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM003655

Resolution:

That the Resolutions Action Report for Infrastructure Services be noted and received.

Moved: Cr Semple

Seconded: Cr Brennan

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

9.1.3 2016/17 INFRASTRUCTURE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2016

Date: 19 January 2017
Author: Frank Nastasi – Director Infrastructure Services
File No:
Letter No:
Attachment: Operational Plan
Minute No: OM003656

Resolution:

That Council receive Infrastructure Services' second quarter assessment of the 2016/17 Operational Plan.

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Report

Infrastructure Services second quarter assessment of 2016/17 Operational Plan is attached.

09.1.4 BARALABA COAL COMPANY LTD - DEED VARIATION NO 2

Date: 11 January 2017
Author: Frank Nastasi - Director Infrastructure Services
File ID:
Letter ID: 101537 - Baralaba Coal Company Ltd; Deed of Variation
Attachment: Doc.95937 - Deed of Variation #2 – Coal Haulage Road Use and Infrastructure Agreement
Minute No: OM003657

Resolution:

- 1. That Council remove the Condition requiring the payment of depreciation from the resolution made 29 September 2015 in relation to the Deed of Variation No 2 for the Coal Haulage Road Use Agreement between Council and Baralaba Coal.***
- 2. That Council endorse the Deed of Variation No 2 for the Coal Haulage Road Use Agreement between Council and Baralaba Coal subject to review from Council's Solicitors and the following conditions:***
 - a) A performance bond in the form of a bank guarantee be provided to the value of \$500,000 for Stage 1 works***
 - b) That the Time Frames for Item 3 and Item 5 for Stage 2 Infrastructure Works in Schedule 7 be amended to read:***
 - To be completed within 18 months of monthly coal haulage volumes exceeding 1Mtpa and prior to the use of Stage 2 Vehicles***

Moved: Cr Brennan**Seconded: Cr Semple****Carried**

Report

Council and the Cockatoo Coal group signed a Coal Haulage Agreement on the 27 August 2014. Part of this agreement was a Scope of Works for Stage 1 Infrastructure Works contained in schedule 7, with specified time frames for the completion of both Stage 1 and Stage 2 works.

Cockatoo Coal sought, and was granted, the first variation which brought forward the construction of Banana Creek Bridge. A second variation was subsequently submitted and at its meeting held 29th September 2015 Council resolved as follows (Minute No. OM003223) -:

"That Council endorse the Deed of Variation No 2 for the Coal Haulage Road Use Agreement between Council and the Cockatoo Group subject to legal opinion and the following conditions:-

- 1. A performance bond in the form of a bank guarantee be provided to the value of \$3,000,000 for Stage 1 works.*
- 2. Cockatoo Coal pay Council \$10,000/km/year of coal haulage activities, for the depreciation of each section of road as each section is completed.*
- 3. Future performance bonds in the form of bank guarantees be provided to the value of Stage 2A and Stage 2B works prior to those works commencing.*
- 4. A completion of December 2017 be placed for the completion of Stage 2B."*

Cockatoo Coal originally agreed to these conditions, however prior to this variation being signed they went into administration which stalled the agreement. Cockatoo Coal has now changed its name to Baralaba Coal Company Ltd and have requested that the \$3,000,000 bond be reduced to \$500,000. The methodology they have proposed, of a monthly exposure basis, in determining the bond does have some merit, however the bond amount should be similar to the retention amount of 6% of

construction costs Baralaba Coal are imposing on their contractor. Cockatoo Coal has indicated that Stage 1 works are in the vicinity of \$7,000,000, giving a 6% bond figure of \$420,000. The \$500,000 bond proposed was therefore deemed appropriate. The original \$3,000,000 bond was calculated using information available at the time, as Baralaba Coal now states it has recapitalised and has \$25 Million on hand to complete all works, and that Banana Creek Bridge will be completed in December.

The original agreement had provision for the use of AAB quads (Stage 2 Vehicles) for when haulage volumes reached the 3.5Mtpa required under contract to Wiggins Island. Once Cockatoo Coal went into administration the Contract with Wiggins Island was made null and void thus removing this obligation. As a result there is now potential for the Stage 2 Vehicles to be used prior to all the Stage 2 works being completed. At the Council meeting held in November Council subsequently resolved the following (Minute No. OM003606) -

“That Council endorse the Deed of Variation No 2 for the Coal Haulage Road Use Agreement between Council and Baralaba Coal as presented subject to review from Council’s Solicitors and the following conditions:

- a) A performance bond in the form of a bank guarantee be provide to the value \$500,000 for Stage 1 works.*
- b) That the Time Frames for Item 3 and Item 5 for Stage 2 Infrastructure Works in Schedule 7 be amended read:*
 - To be completed within 18 months of monthly coal haulage volumes exceeding 1Mtpa and prior to the use of Stage 2 Vehicles.”*

On 23 December 2016 Council received a letter (Doc. No. 101537) disputing the conditions relating to depreciation payment and reference to the use of Stage 2 vehicles.

Further advice from Council’s Financial Services and Auditors indicate that Council has the ability to not fund the depreciation during Baralaba’s use of the upgraded road, effectively resulting in a nil cost to Council and the condition in relation to depreciation becoming unlawful. Council will have to fund the depreciation of the upgraded road once the road use agreement is finalised, however Council will not have to fund the depreciation of the existing road (that it normally would of) if the road agreement was not in place. Financial Services are looking at options to effectively save this money for future use once the road agreement has ended. It is therefore recommended that the condition in relation to depreciation be removed.

In relation to reference to the Stage 2 vehicles, it is accepted that there are other approval processes through the Queensland Department of Transport and Main Roads and the National Heavy Vehicle Regulator; however these approvals effectively take the ultimate decision of when Stage 2 vehicles can be used, away from Council. There is consequently a great potential for these vehicles to be used prior to all infrastructure works being completed, which was not the intention of the original agreement. It is therefore recommended that the condition in relation to the reference to Stage 2 vehicles remain.

Considerations

- 1. Corporate Plan**
Key Strategy 5.1.h, i.e. provide and maintain effective transport infrastructure.
- 2. Policy and Legal Implications**
The Coal Haulage agreement is a legal document between Council and Baralaba Coal (Cockatoo Coal) as such enforcement of the Agreement/Deed Variation can have legal implications to Council.
- 3. Financial and Resource Implications**
N/A
- 4. Risk Assessment**

The proposed \$500,000 Bond is sufficient to cover Council's liability in relation to work in stage 1 not being completed.

Director Corporate Services left the meeting.

9.1.5 ROAD SAFETY MANAGEMENT REFERENCE GROUP MEETING MINUTES – 16 NOVEMBER 2016

Date: 12 January 2017
Author: Leesa Millar – Infrastructure Planning Advisor
File ID:
Letter ID: 97282 - Minutes of Road Safety Management Reference Group Meeting
Attachment:
Minute No: OM003658

Resolution:

That Council receive the report, and endorse the following recommendation:

- 1. That Council make an application to DTMR for the installation of an 'Electric Slow Down Sign' on Baralaba Rannes Road on the way into Baralaba.*

Moved: Cr Semple

Seconded: Cr Brennan

Carried

Report

The attached minutes refer to the meeting held at the Banana Shire Council Administration Centre on 16 November 2016.

Councillor's attention is invited to the following agenda items:

- **Road Condition – Highway between Jambin School and Jambin Pub**
Correspondence was put forward in the August 2016 meeting regarding a request to improve the condition of the highway between the Jambin School and Jambin Pub due to safety concerns. DTMR investigated the condition of the road in this area and the test carried out determined that remedial works would be required. DTMR advised that \$520,000 of the Maintenance Preservation Operation Accelerated Funding would be allocated to the repairs of this area in either the 2016/17 or 2017/18 budgets.
- **Request for the installation of a 'Electric Slow Down Sign' on Rannes Road, Baralaba**
The Mayor recently received a request to installation an 'Electric Slow Down Sign' on Baralaba Rannes Road so as to alert drivers of the need to reduce their speed when entering the Baralaba town area. This problem was discussed within the group and it was determined that it was a legitimate safety concern and that Council should move forward with this request

The Group decided that Council is to put forward a request to DTMR for the installation of the electronic sign on Baralaba Rannes Road on the way into Baralaba.

- **Biloela State Primary School – Stop Drop and Go Zone**
The group were advised that a meeting was held between the Principal of the Biloela State Primary School, Council and DTMR regarding the school's concerns for the safety of the existing 'Stop Drop and Go' area. During this meeting the school requested that the zone be extended by one more space by shortening the bus stop area as it is only being used by smaller buses as the main bus stop is on the highway. Council is to look into changing the linemarking of the parking spaces along Rainbow St and install the appropriate no parking signage while DTMR will look into supplying 'Stop Drop and Go' signage for installation on the school's fence.

Considerations

1. **Corporate Plan**
5.1(h) Provide and maintain effective transport infrastructure
 2. **Policy and Legal Implications**
N/A
 3. **Financial and Resource Implications**
N/A
 4. **Risk Assessment**
N/A
-

Moved Cr Leo, seconded Cr Middleton and carried: That the meeting adjourn for morning tea at 10.30am.

Moved Cr Semple, seconded Cr Middleton and carried: That the meeting recommence at 10.48am.

Acting Director Council Services attended the meeting.

10.0 Development & Environmental Services

10.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – DEVELOPMENT & ENVIRONMENTAL SERVICES

Date: 9 January, 2017
Author: John McDougall, Director Council Services
File No:
Letter No: N/A
Attachment: Resolutions Action Report
Minute No: OM003659

Resolution:

That the Resolutions Action Report for Development & Environmental Services as presented be noted and received.

Moved: Cr Middleton

Seconded: Cr Leo

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the Department.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

10.1.2 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – DEVELOPMENT & ENVIRONMENTAL SERVICES

Date: 18 January 2017
Author: John McDougall – Director Council Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM003660

Resolution:

That Council note and receive the Major Capital Expenditure Report for Development & Environmental Services as at 12 January 2017.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 12 January 2017 for Council Services.

Refer attachment.

10.1.3 2016/17 DEVELOPMENT & ENVIRONMENTAL SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2016

Date: 4 January 2016
Author: John McDougall – Director Council Services
File No:
Letter No:
Attachment: 2016/17 Operational Plan – 2nd Quarter Review
Minute No: OM003661

Resolution:

That Council receive Development & Environmental Services' second quarter assessment of the 2016/17 Operational Plan.

Moved: Cr Leo

Seconded: Cr Brennan

Carried

Report

Development & Environmental Services second quarter assessment of 2016/17 Operational Plan is attached.

10.1.4 AMENDMENT TO THE BANANA SHIRE PLANNING SCHEME

Date: 27 January 2017
Author: Chris Welch, Manager Environment & Planning
File No: ID1151
Letter No:
Attachment: ID102941 - Planning Scheme Amendment No. 1
Minute No: OM003662

Resolution:

That Council resolve to adopt a minor amendment to the Banana Shire Planning Scheme 2005 – Amendment 1 – to amend Tables 5.1.1(1) and 5.1.1(2) as they relate to the Catchment Overlay and to set the Commencement Date for Amendment 1 at 25 January 2017.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

At its meeting of 26 October 2016, Council resolved to prepare a minor amendment to the Banana Shire Planning Scheme 2005 to reduce the level of assessment for development identified in the Declared Sub-Artesian Area on the Catchment Overlay map CONS-1 (refer to Attachment). Council also resolved to publicly notify the proposed amendment for a period of four weeks, concluding on 9 December 2016.

Council received no enquiries or submissions from members of the public during the public notification period. As a consequence, Council wrote to the Minister for Local Government, Infrastructure and Planning to advise that Council considers the amendment to be a minor amendment as required by Step 1.5 of the Statutory Guideline 04/14 Making or Amending a Local Planning Instrument.

Council must now decide whether or not to adopt the proposed minor amendment and, if proceeding with adoption, to set a commencement date for the amendment. The amendment has the effect of reducing regulation applying to development in the area identified on the Overlay Map to a level that is considered appropriate in the circumstances. The current Planning Scheme captures some development as Impact Assessment when the circumstances do not warrant that level of regulation. It is important that the Planning Scheme encourages development in Shire by providing an appropriate level of regulation and that unnecessary or unwarranted regulation be avoided. It will be beneficial to potential development applications if the proposed change could be brought into effect at the earliest opportunity to ensure that the current levels of assessment do not unnecessarily capture any more applications.

Recommendation

It is recommended that Council decide to adopt the minor amendment to the Banana Shire Planning Scheme 2005 and to make that amendment effective immediately.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
N/A

3. Financial and Resource Implications

N/A

4. Risk Assessment

N/A

10.2.1 SYSTEMATIC INSPECTION PROGRAM 2017 - Animal Management (Cats and Dogs) Act 2008 - Local Law No. 2 (Animal Management) 2011, Subordinate Local Law No. 2 (Animal Management) 2011, Local Government Act 2009 (Swimming Pools)

Date: 09 January 2017
Author: Victoria Hammer, Senior Environmental Health Officer
File ID: 2226
Letter ID:
Attachment: ID102925 – Approved Inspection Program 2017 Local Law 2 (Animal Management)
ID102926 – Approved Inspection Program 2017 Swimming Pools
ID102927 – Approved Inspection Program 2017 Animal Identification, Registration & Regulated Dog Permit Conditions
Minute No: OM003663

Resolution:

That Council approve a systematic approved inspection program, pursuant with section 134 of the Local Government Act 2009 for a period of three (3) months and Section 113 of the Animal Management (Cats and Dogs) Act 2008 for a period of six (6) months to be undertaken by authorised persons to monitor compliance with the Acts in the Banana Shire area.

Moved: Cr Leo

Seconded: Cr Semple

Carried

Report

A local government may, by resolution, approve a systematic inspection program to allow an authorised person to enter and inspect properties within the local government area for compliance in accordance with the objective criteria specified in the resolution.

The approved inspection program provides Council officers with additional powers of entry so that officers can undertake the inspections without seeking occupier consent or a warrant.

Objective Criteria

Inspection Scope

The Inspection area is to be throughout the whole Shire and will cover the Town or Village Zone of the Banana Shire Planning Scheme 2005, all properties in a Commercial, Industrial or Urban Zone of the Taroom Shire Planning Scheme 2005, all properties in a Rural Residential Zone and all properties in a Rural Zone with an area less than 3,000m² where in a group of 3 or more similar sized allotments. This will cover the townships of Banana, Baralaba, Biloela, Cracow, Dululu, Goovigen, Jambin, Taroom, Thangool, Theodore and Wowan as well as concentrations of smaller allotments at Callide Dam and Rannes as well as rural residential properties in outlying areas.

Animal Management

Queensland legislation requires that all dogs over the age of twelve (12) weeks be microchipped and registered within the local government area of where the animal is kept. The approved systematic inspection program intends to inspect all properties within the Banana Shire Council area for compliance with requirements of the Animal Management (Cats & Dogs) Act 2008, Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011. This

includes checking compliance for microchipping, registration, provision on a proper enclosure to prevent an animal from wandering, minimum standards for an animal and prohibited animals.

Pool Fencing

Pool safety laws require pool owners to construct and maintain a compliant fence around their swimming pool regardless of when the pool was installed. The approved systematic inspection program intends to inspect all properties within the Banana Shire Council area that holds a record for a building permit for a pool for compliance with requirements of the Building Act 1975 for pool fencing, gates and latches.

Purpose of the approved inspection program

- Monitor compliance with Chapter 2 – Identification of Cats & Dogs requirements of the Animal Management (Cats and Dogs) Act 2008
- Monitor compliance with Chapter 3 – Dog registrations and renewal of registration requirements of the Animal Management (Cats and Dogs) Act 2008
- Monitor compliance with Chapter 4 – Regulated dog permit conditions of the Animal Management (Cats and Dogs) Act 2008
- Monitor compliance with Chapter 9 – Miscellaneous provisions of the Animal Management (Cats and Dogs) Act 2008
- Monitor compliance with s14 – duty to provide proper enclosure and prevent animal from wandering of the Local Law No. 2 (Animal Management) 2011
- Monitor compliance with Part 2 – keeping of animals of the Subordinate Local Law No. 2 (Animal Management) 2011
- Monitor compliance with s232 – Compliance with pool safety standard of the Building Act 1974 for fencing, gates and latches
- Meet the performance measure in Banana Shire Council's 2016/17 Operational Plan to complete the inspection program by 30 June 2017
- Obtain outstanding fees for dog registrations (approx. 18% of the budgeted 2016/17 dog registrations remain outstanding after two notifications have been sent and Council continues to impound wandering unregistered dogs on a regular basis)
- Assist in the collection of statistical data to provide an accurate record of the number of dogs in the Shire and maintain accurate information in the animal registration register
- Promote responsible pet ownership by requiring owners to register their animals and pay the appropriate fees; and providing information on local law requirements for enclosures, leads and barking nuisance
- Assist in addressing the increase in complaints within the Shire communities related to wandering dogs and dog attacks
- Enable Council to identify the owner of lost and impounded dogs in a timely manner
- Promote safe use and responsible pool ownership

Resourcing and Duration of Inspection Program

It is proposed that the inspections will be carried out for a period of up to three (3) months for the LG Act, between 01 March 2017 and end on 31 May 2017 and for a period of up to six (6) months for the AM(CD) Act, between 01 March 2017 and end on 31 August 2017, and be conducted on weekdays and weekends between the hours of 8.00am and 6.00pm. It is intended that contract staff will be engaged during the audit period to provide additional resource capacity. Training and an induction will be provided for the contract staff. The contract staff will be clearly identified as an authorised person by way of a Banana Shire Council Identification Card.

Inspections of pool fencing safety requirements and animal management requirements will be undertaken concurrently.

Considerations

1. Corporate Plan

Our Values - Quality of service to our citizens

1.1 f - Demonstrate Council's passion for the community and the services it provides through continued or enhanced service delivery

2. Policy and Legal Implications

Council resolution is required to undertake these inspections programs under the legislation listed in the resolution above

3. Financial and Resource Implications

Financial – included in operational budget for 2016/17

Resource - Additional resource required (as outlined above)

4. Risk Assessment

Risk to public safety for wandering dogs and dog attacks is likely to be reduced as a result of the inspection program being executed.

Safety risks directly related to pool fencing, gates and latches for pool owners is likely to be reduced as a result of the inspection program.

No additional risks to the job description identified for Council's authorised compliance officers undertaking the inspection program.

Principal Environmental Officer attended the meeting.

10.2.2 OBJECTION TO FORWARDING ON OF COSTS ASSOCIATED WITH ASBESTOS CONTAMINATED WASTE CLEAN UP

Date: 17 January, 2017
Author: Jan Proposch, Principal Environmental Health Officer
File ID: ID18622
Letter ID: ID94844
Attachment:
Minute No: OM003664

Recommendation

The primary responsibility for reimbursement of costs associated with the clean-up of asbestos contaminated waste on the Burnett Highway, Thangool is to remain with Gladstone House Removals.

A portion of the costs is to be charged to the Department of Transport and Main Roads.

Legal advice is to be sought as to whether some of the costs can be sought from the land owner on which the waste was dumped.

Resolution:

That with respect to asbestos contaminated waste disposed of on the Burnett Highway, Thangool, Council absorb the Trap Gully disposal costs, and the remaining costs of \$23,125.00 (plus GST) associated with the clean-up of the asbestos contaminated waste remain with Gladstone House Removals.

Moved: Cr Snell

Seconded: Cr Middleton

Carried

Carried with Cr Brennan voting against.

Report

A complaint was made to Council on Friday 15th July 2016 that building rubble including asbestos had been dumped on the side of the Burnett Highway just north of Thangool.

Further investigation determined the following:

- The waste consisted of demolition waste including concrete, wall sheeting, plastic sheeting, metal reinforcements, old books and plastic drink bottles and dirt mixed with various broken tiles, wall sheeting and the like.
- Wall sheeting within the waste could have been asbestos containing material but was unable to be confirmed without analysis. 3 x samples were sent for analysis and one (1) sample was confirmed to contain asbestos.
- The location of the waste appeared to be partially located on main roads road reserve (approx. ¼) with the majority on private property, filling in a washed out culvert.
- Details of the dumping offence were forwarded to:
 - Dept of Transport and Main Roads, as it involved a portion of their land.
 - Workplace Health & Safety Qld, as the enforcement agency for asbestos removal from a workplace, given that it appeared asbestos had not been handled appropriately at the site of demolition.

- Department of Environment and Heritage Protection for consideration of a regulated waste transport offence.
- The waste was believed to have been dumped between Wednesday 13th and Thursday 14th July 2016.
- The waste was believed to have come from a property demolished in Thangool. The contractors for this work were identified as Ben Campbell Building Group. Ben Campbell Building Group later advised that the work had been undertaken by a subcontractor Gladstone House Removals.
- Gladstone House Removals when contacted admitted to dumping the waste. He claimed that he had obtained permission from the property owner (which was later confirmed with the property owner) and did not realise that there was any offence committed. He also believed that all asbestos was removed. The original contractor for the job, Ben Campbell Building Group, had taken samples and believed that asbestos was only contained in one room. Gladstone House Removals was contracted to remove this asbestos prior to demolition, which he apparently did, with application completed for disposal at Trap Gully and disposal records. A total of 0.24 tonne of asbestos and 3.54 tonne of “commercial public” waste was disposed of at Trap Gully from this site between 6 July and 12 July 2016.
- It was unclear whether any party knew that asbestos was still present in the demolition waste. Inconsistencies were found in paperwork completed by Gladstone House Removals for submission to WH&S Qld, however. As the origin of the asbestos was considered a workplace, enforcement of this matter is the responsibility of WH&S Qld. Investigations by WH&S Qld indicated that there was insufficient evidence to take any further action, other than giving verbal warnings and a request to ensure that material had been appropriately cleaned up.

Offences included:

- Waste dumping, for the portion dumped on main roads road reserve. This is an offence under Section 104(1)(a) of the *Waste Reduction and Recycling Act 2011* and carries an infringement amount of \$1950.00. (Permission was obtained for dumping on private land, therefore this portion was not the subject of a waste dumping offence.)
- Water pollution offence – It is an offence under Section 440ZG of the *Environmental Protection Act 1994* to place prescribed water contaminants in water, stormwater drainage or where it can be washed into waters etc. Building, construction and demolition waste are prescribed water contaminants. This offence carries an infringement amount of \$1828.00.
- Asbestos handling offence – it is an offence under Section 21(1) of the *Public Health Regulation 2005* to fail to ensure asbestos waste is packaged and disposed of as required. This carries an infringement amount of \$1219.00. The enforcement agency for this offence is Workplace Health & Safety Qld, not Council.

Due to the danger presented by the presence of asbestos, clean up was arranged with a suitable contractor. Waste was cleaned up and disposed of at Trap Gully Landfill on 1 August 2016. In consultation with Department of Transport and Main Roads a job number was established for costs associated with this job. Costs included:

\$23,125.00 Clean-up costs

\$24,341.82 Disposal costs

\$ 231.25 on-costs

\$ 397.99 Wages (incurred by Infrastructure Dept staff)

Costs of staff time within the Environmental Services section were not added to this job number, but considerable time was involved in this investigation process.

Costs of asbestos analysis were also not placed against this number.

Essentially the only offender in this situation was the person who dumped the waste, Gladstone House Removals. Council had the opportunity to issue a total of \$3778.00 in infringement notices for these offences. However, given the considerable costs incurred by Council, it was felt that these costs should be incurred by the offender rather than Council or Department of Transport and Main Roads. Therefore an invoice was issued to Gladstone House Removals for \$52,213.50 (total of \$23,125.00 clean-up costs + \$24,341.82 disposal costs + \$4746.68 GST).

Alternatively, as these costs have been charged to a RMPC job number we could have left this to Department of Transport and Main Roads to pursue reimbursement of costs associated with this work - due to only a small portion of the waste being located on Department of Transport and Main Roads land and all work associated with investigation and clean up being undertaken by Council this option was not pursued.

Gladstone House Removals has now written to Council advising of his difficulty in paying these costs and requesting Council reconsider the matter.

It is recommended that:

1. the primary responsibility for reimbursement of costs associated with the clean-up of asbestos contaminated waste on the Burnett Highway, Thangool remain with Gladstone House Removals;
2. A portion of the costs associated with clean up on Department of Transport and Main Roads land be charged to Department of Transport and Main Roads for them to pursue if they choose to do so; and
3. Legal advice be sought in relation to whether a portion of costs can be sought from the land owner on which the waste was dumped.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Availability of legal advice through LGAQ's free Legal Opinion Service will be investigated.
3. **Financial and Resource Implications**
Considerable costs were incurred in the clean-up and disposal of this waste, and considerable staff time was involved in pursuing this investigation.
4. **Risk Assessment**
N/A

Acting Director Council Services and Principal Environmental Officer left the meeting.

General Business – Development & Environmental Services

Cr Brennan asked to be advised of the cost of the removal of asbestos from the Thangool QCWA building. DCS to provide.

11.0 Executive Services

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 21 December 2016
Author: Ray Geraghty – Chief Executive Officer
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM003665

Resolution:

That the Resolutions Action Report for Executive Services as presented be received.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

11.1.2 2016/17 EXECUTIVE SERVICES OPERATIONAL PLAN ASSESSMENT AS AT 31/12/2016

Date: 18 January 2017
Author: John McDougall – Acting Chief Executive Officer
File No:
Letter No:
Attachment: Operational Plan
Minute No: OM003666

Resolution:

That Council receive Executive Services' second quarter assessment of the 2016/17 Operational Plan.

Moved: Cr Leo

Seconded: Cr Middleton

Carried

Report

Executive Services second quarter assessment of 2016/17 Operational Plan is attached.

11.1.3 PASSENGER SERVICES BRISBANE – BILOELA/THANGOOL AIRPORT

Date: 19 December 2016
Author: Ray Geraghty – Chief Executive Officer
File No:
Letter No:
Attachment:
Minute No: OM003667

Resolution:

That the council meeting be closed to the public at 11.55am pursuant to section 275(h) of the Local Government Regulation 2012 as it is necessary to do so to discuss:

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved: Cr Leo Seconded: Cr Middleton Carried

That the meeting return to open Council at 12.00 noon.

Moved: Cr Leo Seconded: Cr Middleton Carried

That Council approve the following schedule of landing fees and head tax to be charged to Fly Corporate for operations into Biloela/Thangool Airport –

Head Tax

<i>1/2/17 – 31/7/17</i>	<i>\$10.00 per passenger</i>
<i>1/8/17 – 31/1/18</i>	<i>\$15.00 per passenger</i>
<i>1/2/18 – 30/6/18</i>	<i>\$18.00 per passenger</i>
<i>1/7/18 onwards</i>	<i>full price as per Council fees and charges</i>

Landing Fees

<i>1/2/17 – 31/7/17</i>	<i>\$40.00 per landing</i>
<i>1/8/17 – 31/1/18</i>	<i>\$70.00 per landing</i>
<i>1/2/18 – 30/6/18</i>	<i>\$100.00 per landing</i>
<i>1/7/18 onwards</i>	<i>full price as per Council fees and charges</i>

Moved: Cr Brennan Seconded: Cr Semple Carried

Report

As Council is well aware Qantaslink will be withdrawing its services on the Brisbane to Biloela/Thangool route effective from the 1st February 2017.

Council has secured the services of Fly Corporate to provide a replacement passenger service to Biloela/Thangool. The details of the services have been previously advised.

As part of the negotiations to secure the services of a replacement operator, discussions over the discounting of the head tax and landing fees were undertaken and a scale of fees was agreed to.

A commercial in confidence report is attached for Council's consideration and discussion.

12.0 Close of Meeting

Meeting closed at 12.15 pm

To be confirmed at 22 February 2017 Ordinary Meeting.

MAYOR

CHIEF EXECUTIVE OFFICER
