

MINUTES

BANANA SHIRE COUNCIL ORDINARY MEETING

Meeting Date: Wednesday 20 November 2019
Venue: 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 23 October 2019

4.0.2 Special Meeting held 20 November 2019

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 31/10/19

8.1.2 Resolutions Actions Report

8.1.3 Major Capital Projects – Monthly Actual Expenditure as at 29/10/19

8.1.4 Request for Leases to be Cancelled and Write-Off Outstanding Rates & Charges – Assessment Nos. 12300-00000-000 & 12377-00000-000

8.1.5 Consideration for Rebate on Water Consumption Charges – Taroom & District Historical Society

8.1.6 Water Consumption Charges – Biloela Sports Clubs and Associations

8.2 Community

8.2.1 Banana Shire Community Resources Centre Advisory Committee – Minutes of Meeting held 24 October 2019

9.0 Infrastructure Services

9.1 Infrastructure Services

9.1.1 Infrastructure Monthly Report

9.1.2 Resolutions Actions Report

9.1.3 Major Capital Projects – Monthly Actual Expenditure as at 29/10/19

9.1.4 Recision of Infrastructure Policies

9.1.5 Local Disaster Management Group and District Disaster Management Group Membership

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 29/10/19

10.1.3 Works for Queensland (W4Q) – Two-Way Network Upgrade including Radio Tower

10.2 Development & Environmental Services

10.2.1 Managing Natural Hazard Risks in the Draft

10.2.2 COM003-14/15 – Request to extend period in s86 of the *Planning Act 2016* (Service Station in Callide Street)

10.2.3 Animal Attack – Commencement of Prosecution

10.2.4 Pro-Rata Fee Implementation – Taroom Aquatic Facility

11.0 Executive Services

11.1 Executive Services

11.1.1 Resolutions Actions Report

11.1.2 W4Q Capital Projects – Monthly Actual Expenditure as at 29/10/19

11.1.3 Contact with a Lobbyist Report for P/E 30/09/19

11.1.4 Meeting Dates 2020 – January, February and March

11.1.5 Mainstream Media Policy

11.1.6 Drought Funding Projects

11.1.7 Theodore Show Holiday 2020

12.0 Close of Meeting

1.0 Opening of Meeting

The meeting commenced at 9.05 am.

2.0 Attendance including Apologies & Leave of Absence

Councillors – Mayor Nev Ferrier and Crs Snell, Middleton, Brennan, Semple, Leo and Boyce.
Officers – Acting Chief Executive Officer (A/CEO), Director Infrastructure Services

3.0 National Anthem & Prayer

Following the National Anthem, Reverend Andrew Purcell from the Presbyterian Church led Council in Prayer.

4.0 Confirmation of Minutes

Minute No: OM004527

Resolution:

A. That the minutes of the Ordinary Meeting held on 23 October 2019 be taken as read and confirmed, subject to the Table of Approved Documents in Condition 1 of Section 2 being amended to include Plan 140339-1-01 (Revision E) Subdivision Proposal Plan dated 21/12/2018 in Minute No. OM004518.

B. That the minutes of the Special Meeting held on 12 November 2019 be taken as read and confirmed.

Moved: Cr Leo

Seconded: Cr Boyce

Carried

5.0 Mayor's Report / Minute

The Mayor advised the following –

- The Cutting Edge Express Time Trails held in Banana on 2 November 2019 was well attended and very well organised by the Banana Sports Committee Inc.
 - Attended a number of High School Awards Presentation evenings
 - Six applicants will receive their Australian Citizenship at today's Ceremony
 - Swine flu will be on the national agenda possibly in the next 6 months and may become a real concern for Australia as a vaccination is still five years away
 - The Leighton family from Biloela donated 40 bales of hay to fire affected residents at Yeppoon
 - Correspondence has been received from the Premier of Queensland regarding the future of Works for Queensland funding
-

6.0 Business Outstanding

It was 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

It was noted there are no declaration of interest on matters on the agenda.

8.0 Corporate & Community Services

8.1.1 FINANCIAL REPORT– PERIOD ENDING 31 OCTOBER 2019

Date: 11 November 2019

Author: Manager Financial Services, Dave Steger

File ID: 2306

Letter ID:

Attachment: Statement of Comprehensive Income - Actual v Budget to 31 October 2019; Statement of Financial Position – Actual v Budget to 31 October 2019; Statement of Cash Flows - Actual v Budget to 31 October 2019; Statement of Changes in Equity to 31 October 2019; Account Balances, Cash Position and Rates Report to 11 November 2019.

Minute No: OM004528

This report is a legislative requirement.

Resolution:

That Council receive the Financial Report as tabled for the period ending 31 October 2019.

Moved: Cr Leo

Seconded: Cr Middleton

Carried

Report

1. Introduction

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 October 2019.

It is presented in a format which compares the year to date to the 2019/2020 budget. The year to date budget is 33.3% 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 cash flow position.

2. Report

Comprehensive Income Statement:

Council recorded an operating surplus of \$1,598,799 in October. The result is approximately \$2 million less than the 2018-19 October surplus and a result of significantly higher 2018-19 revenue in the contracts and recoverable works area.

The main points to consider from this month's report are:

- At the end of October, net rates are 2.36% (approximately \$478,000) below the budgeted cashflow position.
- The other main areas of revenue are below the year-to-date cashflow position: fees and charges – down by 2.13%; operating grants – down by 5.88%; interest revenue – down by 15.13%; contract and recoverable works – down by 19.85%; and other income – up by 112.23%.

Some of these results relate to timing differences (when the revenue will be received: e.g. Operating grants) and changes in interest rates. However, Council has currently spent more approximately \$900,000 on RMPC works than it has claimed.

- Total operating expenditure is 0.52% above the year to date budget position. The contributing factors are:
 - Employee benefits – 5.36% above year-to-date budget. This is likely a reflection of the 5% budgeted vacancy efficiency not being able to be realised in the early part of the financial year.
 - Materials and Services – 0.52% (approximately \$160,000) below the year-to-date budget position.
 - Finance Costs are 11.971% below the year-to-date cashflow position. This is a timing issue (when the quarterly loan payments are made).

Capital Expenditure:

Capital expenditure – see separate report.

3. Conclusion

Last year's audited net result was \$5.98 million and the projected budget deficit for 2019/20 is \$2.15 million. Therefore, it will be important for Directors and Managers to actively monitor both revenue claims and expenditure patterns. This type of proactive approach will assist Council to respond rapidly to changes and make adjustments to ensure that it meets its financial objectives.

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 best possible operating result for Council.

4. Risk Assessment

N/A

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

Date: 6 November 2019
Author: Thomas Upton - Director Corporate & Community Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004529

Resolution:

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

Moved: Cr Leo

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

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

Date: 13 November 2019
Author: Thomas Upton - Director Corporate & Community Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004530

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 29 October 2019 for Corporate & Community Services.

Moved: Cr Leo

Seconded: Cr Brennan

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 29 October 2019 for Corporate & Community Services.

Refer attachment.

8.1.4 REQUEST FOR LEASES TO BE CANCELLED AND WRITE OFF OUTSTANDING RATES AND CHARGES – ASSESSMENT NO: 12300-00000-000 & 12377-00000-000

Date: 25 October 2019
Author: Dave Steger, Manager Financial Services
File ID: 12300-00000-000 and 12377-00000-000
Letter ID:
Attachment:
Minute No: OM004531

Resolution:

That Council requests that the Department of Natural Resources, Mines and Energy (DNRME) cancel the leases and write off the outstanding balance for rates and charges including accrued interest for Assessment No: 12300-00000-000 (64 Third Avenue, Cracow) and 12377-00000-000 (49 Fourth Avenue, Cracow).

Moved: Cr Boyce

Seconded: Cr Semple

Carried

Report

Assessment No: 12300-00000-000 (64 Third Ave, Cracow) and 12377-00000-000 (49 Fourth Ave, Cracow) are state controlled land where a lease is in place with the Department of Natural Resources, Mines and Energy (DNRME). Council have rates and charges outstanding to the value of \$36,608.46 for Assessment No12300-00000-000 and \$41,463.79 for Assessment No12377-00000-000 (as at the date of this report) against the lessee of the properties.

Council are not receiving payments for the outstanding rates and both properties have rate arrears in excess of 3 years. Council can proceed with sale of land; however can only sell the lease not the property. Taking this into account, it would be unlikely to recover the outstanding amounts.

Given these circumstances it is recommended that Council request DNMRE cancel the leases and write off the outstanding balance of rates and charges. The ownership of the land would then revert back to the State and the property will become non valued and exempt from general rates.

Considerations

1. Corporate Plan

This matter has direct reference to Corporate Plan Strategy 1.1 (a) and 1.2 (c)

2. Policy and Legal Implications

N/A

3. Financial and Resource Implications

Financial implication: - Loss of revenue of \$78,072.25 (as at 25 October 2019)

4. Risk Assessment

N/A

8.1.5 CONSIDERATION FOR REBATE ON WATER CONSUMPTION CHARGES – ASSESSMENT NUMBER: 20151-00000-000.

Date: 4 November 2019
Author: Dave Steger, Manager Financial Services
File No: 20151-00000-000
Letter No:
Attachment: Doc ID 1508020
Minute No: OM004532

Resolution:

That Council grant a 50% rebate for the water consumption charges on Assessment No: 20151-00000-000.

Moved: Cr Boyce

Seconded: Cr Leo

Carried

Report

Council has received correspondence from the owner of Assessment No: 20151-00000-000 (Taroom & District Historical Society Inc.) asking Council to consider a concession for the water consumption charges for the period 1 January 2019 to 30 June 2019.

Under Section 120 (1) (b) of the *Local Government Regulation 2012*, Council may grant a concession of the rates and charges if the land is owned by an entity whose objects do not include making a profit. Section 120 (1) (c) of the *Local Government Regulation 2012* states that Council may grant a concession of the rates and charges if payment of the rates or charges will cause hardship to the landowner. Section 121 (a) of *Local Government Regulation 2012* states that the concession type can be a rebate for all or part of the rates and charges applicable to the assessment and Section 122 (1) (a) states that this rebate may be granted via a resolution by Council.

The Taroom & District Historical Society Inc has indicated in their correspondence that the water consumption charge has increased from \$0.95 per kl to \$1.61 per kl. This is due to the fact that the usage for this assessment for the financial year has exceeded 600kl. As per Council's budget resolution Taroom consumption over 600kl for the financial charge is charged at the Tier 2 rate of \$1.61 per kl. The first 600kl has been charged at \$0.95 per kl.

The organisation has indicated that water consumption has now been reduced due to budget constraints and consideration for a rebate for the water consumption charges has been requested as funding these extra expenses is difficult in the current economic climate.

An analysis of water consumption for this property since 1 June 2017 shows the following:

Six month Period	Water Consumption (Kl)
30/06/19	705
31/12/18	468
30/06/18	239
31/12/17	332
30/06/17	471

The Taroom & District Historical Society Inc currently receive rates concessions applied to this assessment (100% of General Rates and utility charges excluding water consumption and the State Emergency Management Levy) as per Council's Rates Concessions for Non Profit Community, Recreational and Sporting Groups set at the 2019/2020 budget.

Council has however given concessions for other Non Profit Community, Recreational and Sporting Groups during the year (e.g. Rainbow Street clubs, Magavalis, Biloela Show Society).

As there is no indication that the usage of the water has been caused by Council error, my recommendation is to not allow a rebate or concession for the water consumption charges on this assessment.

Council may wish to consider a hardship concession due to the Museum taking on responsibility for the public toilets adjacent to the Museum facility.

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: - Loss of revenue if a concession by way of a rebate of the water consumption charges owing for the period 1 January 2019 to 30 June 2019.

4. Risk Assessment

N/A

8.1.6 WATER CONSUMPTION CHARGES – BILOELA SPORTS CLUBS & ASSOCIATIONS

Date: 17 October 2019
Author: Dave Steger, Manager Financial Services
File ID:
Letter ID:
Attachment:
Minute No: OM004533

Resolution:

That pursuant to the Local Government Regulations 2012 s120(1)(b)(i), s121(a) and s122(1)(a) & (b), Council grant concessions of 50% of water consumption charges up to a maximum of \$6,000.00 per annum for consumption charges incurred in the 2019/20 financial year, to the following sports clubs and associations –

- a) Biloela Panthers Rugby League Club (Assessment 80110-00000-000)*
- b) Callide Valley Touch Football Association (Assessment 80150-00000-000)*
- c) Callide Valley Tennis Association (Assessment 80090-00000-000)*
- d) Biloela Valleys Football Club (Assessment 80120-00000-000)*
- e) Biloela Junior Rugby League (Assessment 80130-00000-000)*
- f) Magavalis Sports Club (Assessment 15591-00000-999)*
- g) Callide Valley Agricultural & Pastoral Society (Assessment 10370-00000-000)*

Moved: Cr Snell

Seconded: Cr Middleton

Carried

Report

In previous years, Council has passed resolutions granting concessions for water consumption charges for the relevant rating periods to the Rainbow Street Sports Reserve Clubs and Associations as well as Magavalis Sports Club and the Callide Valley Agricultural & Pastoral Society.

In 2018/19 a concession of 50% of water consumption charges up to a maximum of \$5,500 per annum was approved. This was an increase of \$500 on the concession granted in 2017/2018.

It is proposed that this increase be applied to the 2019/20 financial year resulting in a concession of 50% of water consumption charges up to a maximum of \$6,000 per annum.

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**
Loss of water consumption revenue to a maximum of \$6,000 for the assessments as listed.
 - 4. Risk Assessment**
N/A
-

8.2.1 COMMUNITY RESOURCE CENTRE ADVISORY COMMITTEE – MINUTES OF MEETING HELD 24 OCTOBER 2019

Date: 24 October 2019
Author: Pam Semple - Senior Program Advisor - CRC
File ID: 5318
Letter ID: 1509190
Attachment:
Minute No: OM004534

Resolution:

That Council receive and note the Unconfirmed Minutes of the Banana Shire Community Resource Centre Advisory Committee meeting held on 24 October 2019.

Moved: Cr Boyce

Seconded: Cr Middleton

Carried

Report

The unconfirmed minutes of Council Advisory Committee meetings are to be presented to Council.

Refer to Document No: 1509190 for the unconfirmed minutes of the Banana Shire Community Resource Centre Advisory Committee meeting held on 24 October 2019.

Considerations

1. **Corporate Plan**
N/A
 2. **Policy and Legal Implications**
NDIS transition and reporting
 3. **Financial and Resource Implications**
NDIS financial reporting
 4. **Risk Assessment**
N/A
-

General Business – Corporate Community Services

A/CEO advised that Venkata Peteti will commence in the role of Director Corporate and Community Services effective Monday 2 December 2019.

Cr Brennan referred to his ongoing requests for the replacement of the community notice sign at the northern entrance to Thangool. **A/CEO** advised that he will have it resolved by the end of the year.

9.1.1 MONTHLY COUNCIL REPORT – INFRASTRUCTURE SERVICES

Date: 8 November 2019
Author: Chris Whitaker – Director Infrastructure Services
File ID:
Letter ID:
Attachment:
Minute No: OM004535

Resolution:

That Council receive the November 2019 Infrastructure Services Monthly Council Report as presented.

Moved: Cr Semple

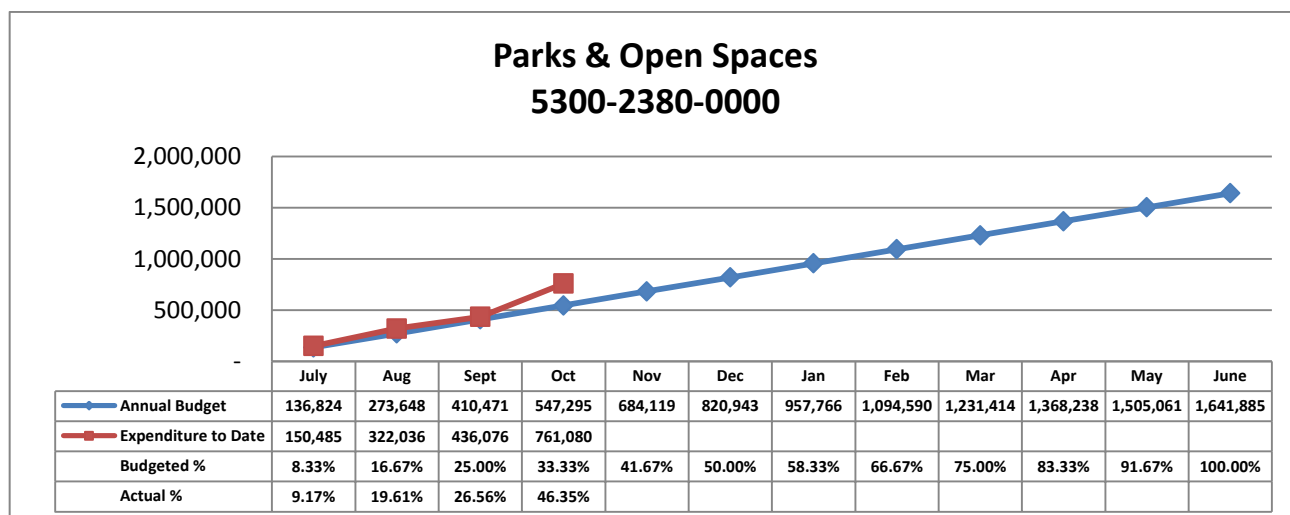
Seconded: Cr Brennan

Carried

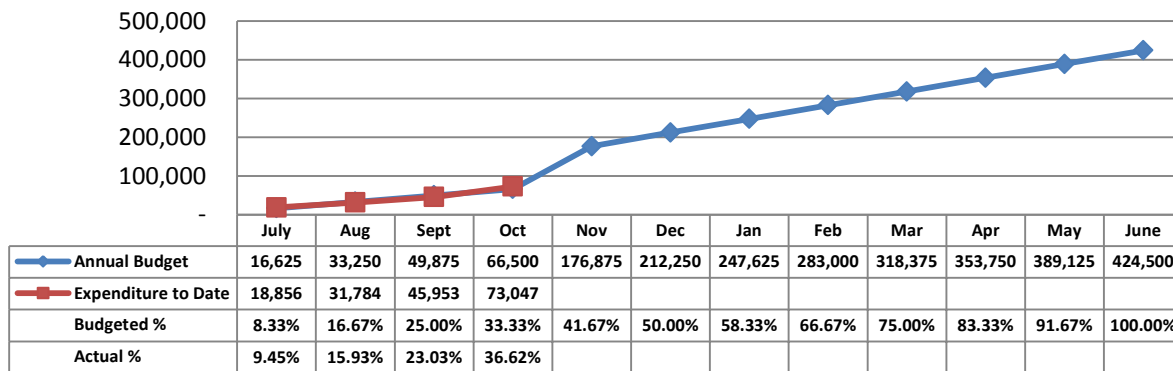
Report

This month's Council report by Infrastructure Services details the following actual expenditure:

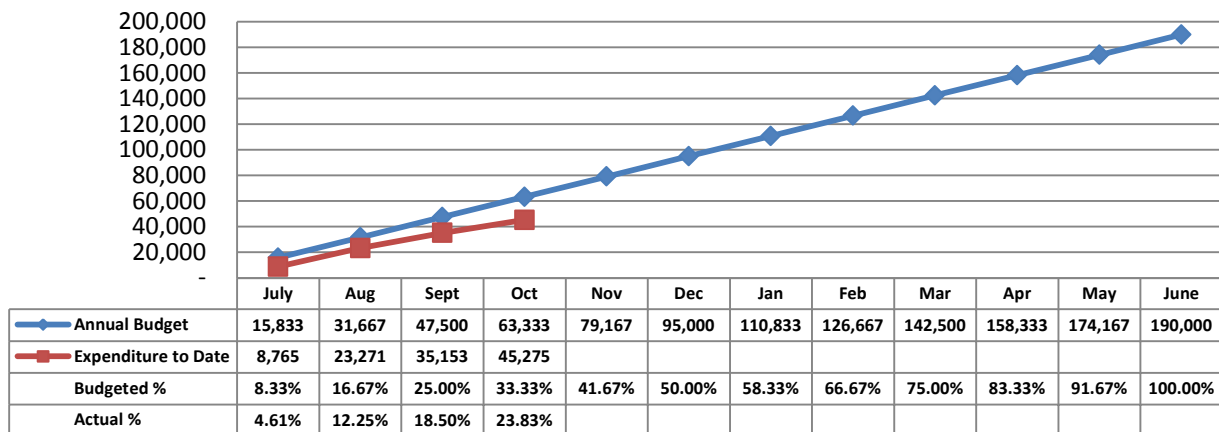
- Parks & Open Spaces
- Public Toilets
- Street Cleaning
- Street Lighting
- Bikeways and Footpaths Maintenance
- Roads Bridges and Drainage Maintenance
- RMPC



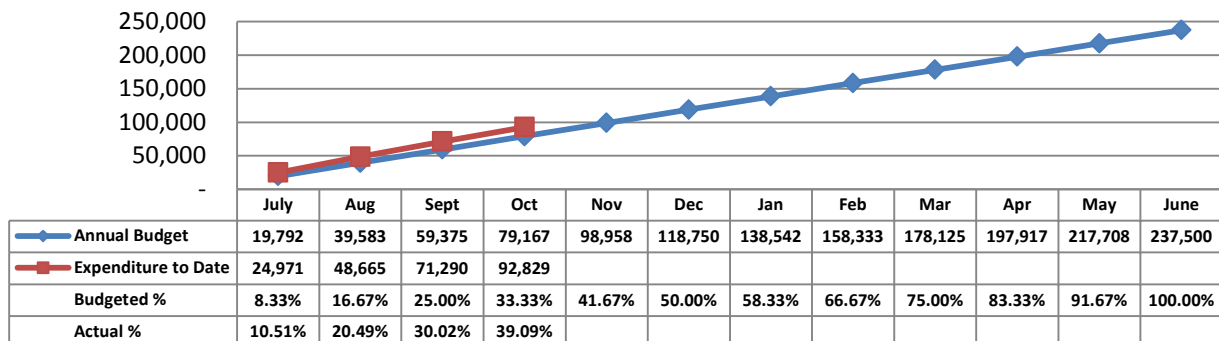
Public Toilets 5320-2380-0000



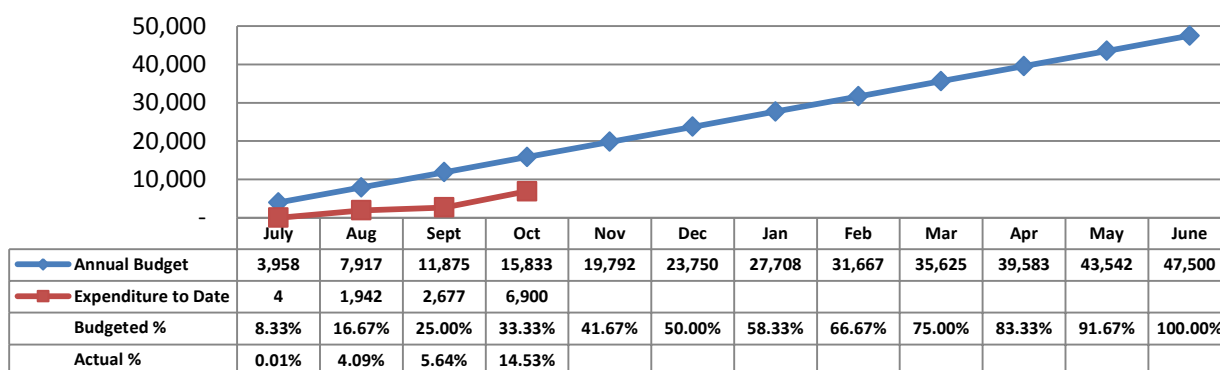
Street Cleaning 5360-2380-0000



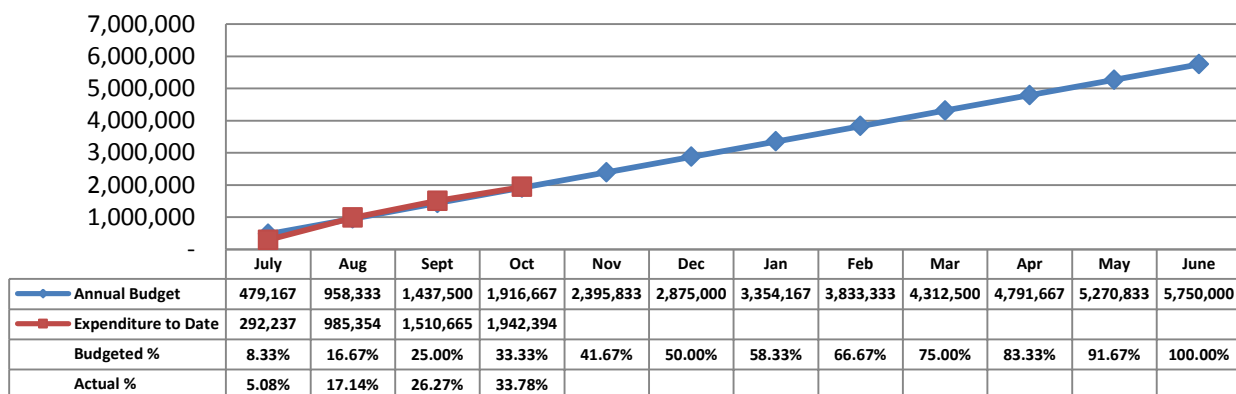
Street Lighting 5380-2380-0000



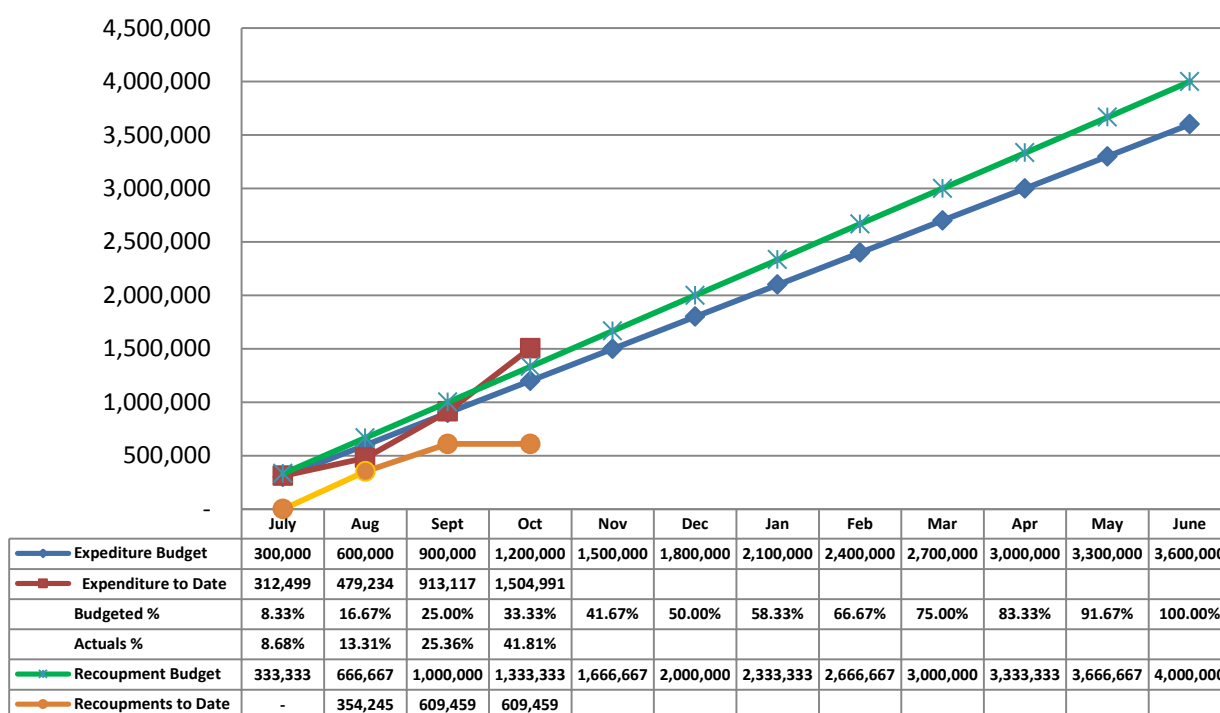
Bikeways & Footpaths 5420-2480-0000



Roads Bridges & Drainage 5200-2480-0000



RMPC Maintenance Expenditure 5100-2480-0000 RMPC Recoupment 5100-1400-0000



Considerations

1. Corporate Plan

Maintaining Council's infrastructure relates to Council's 'Corporate Objective 5 – Plan and deliver effective and efficient infrastructure services'.

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 2019/20 is shown on the included graphs.

4. Risk Assessment

The primary risk factors and control measures that would impede the full delivery of the maintenance 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

These risks are constantly being monitored, reviewed and addressed.

9.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – INFRASTRUCTURE SERVICES

Date: 14 November 2019
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004536

Resolution:

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

Moved: Cr Brennan

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

9.1.3 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – INFRASTRUCTURE SERVICES

Date: 13 October 2019
Author: Chris Whitaker - Director Infrastructure Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004537

Resolution:

That Council note and receive the Major Capital Expenditure Report for Infrastructure Services as at 29 October 2019.

Moved: Cr Brennan

Seconded: Cr Semple

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 29 October 2019 for Infrastructure Services.

Refer attachment.

9.1.4 INFRASTRUCTURE RESCISON OF POLICIES

Date: 6 November 2019

Author: Chris Whitaker, Director Infrastructure Services

File No:

Letter No:

Attachment: Standard Drawings Policy; Driveway Subsidy – Steep Layback Kerbing Policy; Angle Parking Biloela Policy

Minute No: OM004538

Resolution:

That the following policies, which are attached to and form part of these minutes, be rescinded:-

- *Standard Drawings Policy*
- *Driveway Subsidy – Steep Layback Kerbing Policy*
- *Angle Parking Biloela Policy*

Moved: Cr Semple

Seconded: Cr Brennan

Carried

Report

A review of Infrastructure Policies is being undertaken, and it is recommended that the following policies be rescinded for the reasons outlined below:-

- Standard Drawings Policy
- Driveway Subsidy – Steep Layback Kerbing Policy
- Angle Parking Biloela Policy

Standard Drawings Policy

Council does not use IMEAQ Standards Drawings. Council is a member of Capricorn Municipal Development Guidelines <http://www.cmdg.com.au/> (7 local Councils make up the group), and the website holds all the current standard drawings.

Driveway Subsidy – Steep Layback Kerbing Policy

This Policy is no longer used. Council does not contribute to the cost of constructing/maintaining driveways in line with the information provided by Council on its website (refer attachment).

Angle Parking Biloela Policy

Council does not have a policy that covers parking in any other town centre in the Shire. A policy may be created in the future that covers whole of Shire, however currently there is back in and front in angle parking in the Shire, with Moura having both.

Considerations

1. Corporate Plan

This recommendation complies with objective 1.1(g) & 5.1(a)

2. Policy and Legal Implications

Nil

3. Financial and Resource Implications

Nil

4. Risk Assessment

Nil



BANANA SHIRE COUNCIL

Policy Document

Design & Survey Standard Drawings

Council adopt IMEAQ Standard Drawings as the basis of Council's Standards.

April 1998 Meeting - Minute No. 16533

Amended 07/05/2002 Meeting - Minute 23539

Policy Review Special Meeting - 3 November 2004

Policy to be amended - Minute No. 29624



BANANA SHIRE COUNCIL

Policy Document

Roads

Driveway Subsidy - Steep Layback Kerbing

That upon application being made to Council for modifications to driveway entrances on steep layback kerbs Council undertake the works on a 50% subsidy for actual costs, and further, that this apply to the whole shire.

October 1993 Meeting
Minute No. 10604

Policy Review Special Meeting - 7 May 2002
Policy retained - Minute No. 23539

Policy Review Special Meeting - 3 November 2004
Policy to be amended - Minute No. 29624



BANANA SHIRE COUNCIL

Policy Document

Roads Angle Parking - Biloela

That Council adopt rear-in parking for angle parking in Biloela for the following reasons:-

1. Better exit visibility
2. Ability to load from the footpath
3. Children will exit vehicle backwards, not towards the road

June 1991 Meeting
Minute No. 8381

Amended - August 1991 Meeting
Minute No. 8606

Policy Review Special Meeting - 7 May 2002
Policy retained - Minute No. 23539

Policy Review Special Meeting - 3 November 2004
Policy retained - Minute No. 29624

Director Council Services and Manager Environment and Planning attended the meeting.

9.1.5 LOCAL DISASTER MANAGEMENT GROUP AND DISTRICT DISASTER MANAGEMENT GROUP MEMBERSHIP

Date: 30 October 2019
Author: Disaster Management Coordinator
File ID:
Letter ID:
Attachment:
Minute No: OM004539

Resolution:

That Council:

- 1. Revoke the previous appointments of members to the Banana Shire Local Disaster Management Group.***
- 2. Appoint the following as members of the Banana Shire Local Disaster Management Group:***
 - Mayor*** ***Banana Shire Council***
 - Deputy Mayor*** ***Banana Shire Council***
 - Local Disaster Coordinator*** ***Banana Shire Council***
 - Deputy Local Disaster Coordinator*** ***Banana Shire Council***
 - Disaster Management Coordinator*** ***Banana Shire Council***
 - Local Controller*** ***Banana Shire SES Unit***
 - Officer in Charge Biloela Police*** ***Queensland Police Service***
 - Area Director*** ***Queensland Fire & Emergency Service***
 - Officer in Charge Biloela Ambulance*** ***Queensland Ambulance Service***
 - QFES Emergency Management Coordinator*** ***Queensland Fire & Emergency Service***

Supporting Advisors – representatives from other agencies, industries or community organisations deemed necessary by the Local Disaster Management Group to act as advisors for both planning and operational arrangements including Chairs of LECC'S.

- 3. Appoint the Mayor as Chairperson of the Banana Shire Local Disaster Management Group.***
- 4. Appoint the Deputy Mayor as Deputy Chairperson of the Banana Shire Local Disaster Management Group.***
- 5. Appoint the Director Infrastructure Services as its member to the Gladstone District Disaster Management Group.***
- 6. Council note the requirement under the Disaster Management Act 2003 for a Local Disaster Coordinator to be appointed, in writing, by the Chairperson of the Local Disaster Management Group.***

Moved: Cr Middleton

Seconded: Cr Brennan

Carried

Report

In accordance with the Disaster Management Act 2003 and Disaster Management Regulation 2014 Council is required to appoint members of its Local Disaster Management Group (LDMG) as well as Council's member of the Gladstone District Disaster Management Group (DDMG).

The Queensland Fire and Emergency Service have nominated a new representative for the Banana Shire LDMG. Under the requirements of the Disaster Management Act Council is obliged to appoint this person.

Council's appointed member to the Gladstone District Disaster Management Group is the Director Council Services who has recently submitted his resignation from Council. The Director Council Services was also appointed as a member of the Local Disaster Management Group in his capacity as Deputy Local Disaster Coordinator.

The above mentioned circumstance, provide Council an opportunity to review the membership of its LDMG in its entirety. The last Council resolution in relation to LDMG membership occurred in 2013 with Councils Disaster Management Coordinator being appointed as a member in 2017.

The Act and Regulation make the following specifications concerning membership of Local Disaster Management Groups:

1. For the purposes of the Act, the following persons are members of a local group:-
 - a) The persons appointed by the relevant local government for the local group to be the chairperson and deputy chairperson of the group
 - b) The other persons appointed as members of the group by the relevant local government for the group
2. At least one person appointed under 1b above must be a person nominated by the chief executive of the department
3. At least one person appointed under 1b above must be a councillor of a local government
4. The relevant local government for a local group may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member

Appointments under the Act can be made to a person or by position (Acts Interpretation Act 1954). It is recommended that appointments by Council be made by position as this eliminates the need for a new appointment when a change in personnel occurs.

Considerations

1. **Corporate Plan**
Key Strategy 2 – Social Wellbeing
 2. **Policy and Legal Implications**
Requirement under Disaster Management Act 2003 and Disaster Management Regulation 2014
 3. **Financial and Resource Implications**
Not applicable
 4. **Risk Assessment**
Failure to appoint would be in contravention of legislation
-
-

General Business – Infrastructure Services

Mayor Ferrier advised that Gladstone's Police Chief has offered disaster management training for new staff given the recent resignation of crucial staff involved in disaster management operations.

Cr Boyce advised that gravel recently placed on Ghinghinda Road now has Mexican Poppy growing through it. DIS advised that he will investigate.

10.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – COUNCIL SERVICES

Date: 7 November, 2019
Author: John McDougall, Director Council Services
File ID:
Letter ID: N/A
Attachment: Resolutions Action Report
Minute No: OM004540

Cr Leo referred to the rebates for portable and recycled water for stock and domestic use and advised that she has not seen a Council Press Release. DCS advised that he thought one had been released however he will check.

Cr Brennan referred to the construction of dams on Maloney's Road and expressed his disappointment that the Department of Natural Resources, Mines and Energy is not being held responsible for the regulation of the construction of dams. A/CEO advised that report will be prepared for discussion at the December Ordinary Meeting.

Resolution:

That the Resolutions Action Report for Council Services as presented be noted and received.

Moved: Cr Snell

Seconded: Cr Middleton

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 – COUNCIL SERVICES

Date: 13 November 2019
Author: John McDougall - Director Council Services
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM004541

Resolution:

That Council note and receive the Major Capital Expenditure Report for Council Services as at 29 October 2019.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 29 October 2019 for Council Services.

Refer attachment.

10.1.3 TWO-WAY NETWORK UPGRADE INCLUDING RADIO TOWER - SINGLE SOURCE PROVIDER

Date: 12 November 2019
Author: John McDougall, Director Council Services
File ID: 6085
Letter ID:
Attachment:
Minute No: OM004542

Resolution:

That Council endorse a single source provider in “KERINVALE COMAUDIO” to provide and install the two-way network to allow for secondary backup communication capability during disaster events when the primary telecommunication (mobile phones) method fails.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

Council has been fortunate enough to receive funding under the Works for Queensland funding program (Round 2 - \$100,000) for upgrading the two-way network to allow for secondary backup communication capability during disaster events when the primary telecommunication (mobile phones) method fails. Council has also budgeted \$75,000 towards this project in the 2019/2020 capital budget.

Ian Wells from Kerinvale Comaudio has previously undertaken extensive works on Council's Two-Way network and has as part of that initial work provided strategic advice for Council to consider regarding our capacity to deliver a secondary communication network.

Kerinvale Comaudio is the only business located within Banana Shire Council able to deliver this project in line with our requirements.

Considerations

- 1. Corporate Plan**
2.1 (J) Manage disaster management and preparedness by developing community resilience, understanding the flood zone and patterns, the impact on property and the cost to the community and Council.
 - 2. Policy and Legal Implications**
Banana Shire Council Procurement Policy 2019/2020
Local Government Act 2009
 - 3. Financial and Resource Implications**
\$165,000
 - 4. Risk Assessment**
N/A
-

10.2.1 MANAGING NATURAL HAZARD RISKS IN THE DRAFT PLANNING SCHEME

Date: 5 November 2019
Author: Chris Welch, Manager Environment & Planning
File No:
Letter No:
Attachment: A – Natural Hazard Evaluation Report (ID1512102)
B – Fit-for-purpose Flood Risk Assessment – Theodore (ID 1511895)
C – Feasible Alternatives Assessment Report (ID 1511854)
Minute No: OM004543

Resolution:

That Council resolve to:

- 1. endorse the Natural Hazard Evaluation Report; and*
- 2. acknowledge the risks and mitigation measures identified in the report; and*
- 3. recognise that residual risk may be present as a result of the hazard mapping and related provisions in the draft planning scheme; and*
- 4. communicate this position to the Minister for State Development, Manufacturing, Infrastructure and Planning.*

Further, that Council resolve to:

- a) accept the Feasible Alternatives Assessment Reports; and*
- b) submit the Feasible Alternatives Assessment Reports to the Minister for State Development, Manufacturing, Infrastructure and Planning when re-submitting the draft planning scheme for State Interests Review; and*
- c) correspond directly with the affected property owners advising them of the proposed change as part of the statutory public notification process*

Moved: Cr Snell

Seconded: Cr Middleton

Carried

Report

Fit-for-purpose risk assessment

Council's preparation of its draft planning scheme involves demonstrating to the State Government that it reflects the outcomes sought by the State Planning Scheme Policy (SPP) in relation to natural hazards. The SPP identifies that a fit-for-purpose risk assessment is carried out to identify and achieve an acceptable or tolerable level of risk in natural hazard areas. Council's flood study and flood management plan go part way to satisfying this assessment.

In presenting the draft planning scheme for review of State interests, Council supplied a supporting hazard risk assessment detailing how the provisions of the planning scheme address these natural hazards (refer to Attachment A). It identified the detailed provisions directly addressing hazard issues relevant to the Shire. In response, the State has insisted on the preparation of a separate fit-for-purpose risk assessment.

As discussed in the Natural Hazard Evaluation Report, flood hazard represents the biggest risk in the areas where development is most likely to occur. Bushfire hazard is of less concern as it affects significantly fewer urban or expansion areas and the level of risk reduces correspondingly as the

vegetation that creates the hazard is cleared to make way for development. Landslide hazard does not affect any area where significant levels of development will occur. Both bushfire and landslide hazard are addressed in the draft planning scheme through measures uniformly accepted as appropriate to the level of risk.

KBR who prepared the flood study and flood management plan were engaged to prepare the risk assessment for flood hazard and have completed the report for Theodore as a priority (refer to Attachment B) with similar reports expected shortly for the remaining study areas. The assessment identifies ways in which the draft planning scheme should address the level of identified risk. The current draft planning scheme includes provisions that align with each matter raised in the risk assessment.

The State has also stipulated that Council, in addition to undertaking this assessment demonstrating that we have adequately considered the risks:

- 'endorse' the evaluation of risk: and
- 'acknowledge' the risks and mitigation measures identified in the report; and
- 'accept' the residual risk arising from the hazard mapping and related provisions in the draft planning scheme.

It is concerning that Council be required to 'accept' residual risk and it is recommended that Council limit its response to recognising that some residual risk from the individual hazards may still be present as a result of the mapping of hazard areas and provision of development outcomes in the planning scheme.

Back-zoned properties

As noted in the Natural Hazard Evaluation Report, Council has identified four properties that warrant a review of current zoning, being:

- Lot 1 RP883979 (40507 Burnett Highway, Biloela) – currently Town Zone (Residential Precinct)
- Lot 2 SP220790 (Dawson Highway, Biloela) – currently Town Zone (Rural Residential Precinct)
- Lot 7 SP263698 (161 Tognolini-Baldwin Road, Biloela) – currently Rural Zone but with approval for Industry overriding the planning scheme
- Lot 297 on SP295927 (The Boulevard, Theodore) – currently Village Zone

These lots are all in the area identified as inundated in the defined flood event and it is proposed to have them all included in the Rural Zone. In the case of Lot 7, while it is already in the Rural Zone, retaining it so strengthens Council's ability to refuse any request to extend the approval in the future. Changing lots to the Rural Zone, or back-zoning, effectively decreases their development potential and reduces the risk of future development being exposed to unacceptable flood risk.

In normal circumstances, back-zoning land can be subject to a compensation claim for lost development potential. The *Planning Act 2019* anticipates such an eventuality and includes provisions that exclude Councils from compensation claims if back-zoning reduces material risk of serious harm to people or property natural events or processes, including flooding. In order to qualify for such exemption, Council must follow the process identified in the Minister's Guidelines and Rules, Chapter 4. Principal to this process is the preparation of a report assessing all feasible alternatives to back-zoning. KBR were engaged to prepare separate reports for the Biloela and Theodore sites, with the exception of Lot 7 which will retain its current Rural Zone. The Feasible Alternatives Assessment Reports (refer to Attachment C) conclude that none of the mitigation options available are deemed as feasible alternatives to back-zoning.

Recommendation

It is recommended that Council:

- endorse the Natural Hazard Evaluation Report, acknowledge the risks and mitigation measures identified in the report, recognise that residual risk results from the draft planning scheme mapping and planning outcomes and convey this position to the State Government;
- accept the Feasible Alternatives Assessment Reports, submit the reports to the State Government together with the revised draft planning scheme and communicate the nature of the proposed change to affected land holders as part of the public notification process for the draft planning scheme;

Considerations

1. Corporate Plan

Strategic Direction 1.1 -

To ensure Council demonstrates leadership and is accountable to internal and external key stakeholders, including the community through transparent and inclusive decision making processes and effective service delivery and operations.

e. Undertake engagement and communication with stakeholders and the community, and strive to improve the relationship between Council and its constituents.

k. Manage the whole of the local government area through effective and efficient planning and development management.

Strategic Direction 2,1

To deliver our shared future and cultural vision, which is encapsulated by the following:-

j. Manage disaster management and preparedness by developing community resilience, understanding the flood zone and patterns, the impact on property and the cost to the community and Council.

2. Policy and Legal Implications

This will ensure that the adoption of the draft planning scheme has followed due process and will be a more robust and resilient development control tool.

3. Financial and Resource Implications

N/A

4. Risk Assessment

This reduces potential risk of exposure to hazard for new development and Council's exposure to compensation claims.

10.2.2 COM003-14/15 - REQUEST TO EXTEND PERIOD IN S86 OF THE *PLANNING ACT 2016* FOR DEVELOPMENT APPLICATION - **COMBINED DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – SERVICE STATION AND RECONFIGURING A LOT (1 INTO 3 LOTS AND NEW ROAD) AND OPERATIONAL WORKS (ADVERTISING DEVICES) – IMPACT ASSESSABLE LOCATED AT CALLIDE STREET, BILOELA DESCRIBED AS LOT 2 ON SP301589 FORMALLY DESCRIBED AS LOT 211 ON SP119237.**

Date: 4 November 2019
Author: Rentia Robertson, Town Planner
File ID: COM003-14/15
Letter ID: ID1511321
Attachment: Attachment 1 -Location map (ID1512141)
Attachment 2 – Original Decision Notice – 16 December 2015 (ID36332)
Attachment 3 – Notice about request to change development approval (Minor change) 2 October 2019 – (ID1505005)
Attachment 4 - Applicants Representations – 30 October 2019 received 1 November 2019 – (ID1511321)
Minute No: OM004544

Resolution:

That Council approve the request to extend period under s86 Planning Act 2016 made by Urbis Pty Ltd on 1 November 2019 for Development Permit COM003-14/15 – Combined application – Material change of use (Impact assessable) – for Service station and reconfiguring Lot (1 into 3 lots and a new road) and Operational works (advertising devices) – located at Callide street, Biloela described as Lot 2 on SP301589 formally described as Lot 211 on SP119237 for a further 2 years until the 11 March 2022 and advise the applicant that further requests to extend the approval if needed will be considered subject to valid grounds for extension.

And

Issue the relevant Notice under section 389 of the Planning Act 2016.

Moved: Cr Middleton

Seconded: Cr Snell

Carried

Report

Applicant:	Biloela Square Pty Ltd C/- Urbis Pty Ltd.
Owner/s:	Biloela Square Pty Ltd
Subject Site:	Lot 2 on SP301589
Request received:	1 November 2019
Request type:	Request to extend period
Planning Scheme:	Banana Planning Scheme 2005
Zone and Overlays:	Town zone- Industrial precinct
Applicable Codes:	Town Zone Code; Commercial Code; Development Standards Code; Development Design Code; Service Station Code; Reconfiguring a Lot Code.
Referral Agencies:	State Assessment and Referral Agency (SARA)
Submissions:	261

Summary: The proposal is consistent with the overall intent and provisions of the Banana Planning Scheme 2005 and the *Planning Act 2016*

BACKGROUND

Council issued a Development Permit for Material Change of Use for a Service Station and associated signage (Advertising Devices). A proposal to reconfigure the subject site into three (3) new lots and new road forms part of the application over land situated at Callide Street, Biloela formally described as Lot 211 on SP119237, by Decision Notice (ID36332) dated 16 December 2015. The development was decided at Council's Ordinary meeting held on 9 December 2015 (Minute Number 003305).

Background and summary of Development Permit approval:

The subject site is located at the intersection of the Burnett Highway, Barrett and Callide Streets within the town of Biloela.

The Development Permit was approved on the 16 December 2015 for a Material Change of Use of the premises for use of a Service Station and associated signage (Advertising Devices). A proposal to reconfigure the subject site into three (3) new lots and new road formed part of the application.

Detail descriptions of the Material Change of Use are as follows:

The proposed Service Station will include:

- A 73m² sales and service area within a single building;
- Canopy extending from the sales and service building and over fuel bowser stations;
- Four (4) fuel bowser stations;
- Six (6) on-site car parks and internal vehicle manoeuvring areas; and,
- Five (5) illuminated signs (building fascia signs) and one (1) six (6) metre pylon sign (fuel price display) located on the corner of the Burnett Highway and Barrett Street.

The proposed operating hours for the Service Station are as follows:

- Monday 7.30am - 7.30pm.
- Tuesday 7.30am - 7.30pm.
- Wednesday 7.30am - 7.30pm.
- Thursday 7.30am - 7.30pm.
- Friday 7.30am - 6pm.
- Saturday 7.30am - 6pm.
- Sunday 8am - 4pm.

A separate application (if required) for an environmentally relevant activity (ERA 8) – Chemical Storage is proposed to be submitted at a later date.

Access to the service station is proposed via a left-in / left-out arrangement from the Burnett Highway and vehicle accesses from Callide Street. Traffic and engineering reports submitted within the application indicate that all vehicle manoeuvring can be performed on-site including the delivery of fuel. A total of six (6) off-street car parking spaces are included in the development layout including provision for service vehicles.

Pedestrian pathways are proposed as part of the development including:

- Along the Burnett Highway.
- Along the frontage of the proposed Tourist Information Centre site.
- A pedestrian crossing across Callide Street linking to a new pathway along this road to Barrett Street.
- New pedestrian crossings on Barrett Street.

As part of the proposal, Callide Street was upgraded to include new kerb and channelling along the frontage of the site. The opening of Barrett Street resulted in new road works at the Callide Street / Barrett Street intersection. Changes to the Burnett Highway formed part of the external road works required to facilitate the development (discussed elsewhere in this report).

The Service Station will be serviced with all other infrastructure including water, sewerage, stormwater and electricity. The proposed stormwater drainage system has been designed in conjunction with the Biloela Shoppingworld expansion. A conventional stormwater drainage system is proposed with end-of-line treatment for mitigation of increased runoff quantities due to proposed development, as follows:

- Runoff from outside the petrol bowser (canopy) area will convey via pipes;
- Overland surface drainage to discharge into a bio-retention basin proposed within a portion of the Rail Corridor that is to be dedicated to Council (to the south-east of the Service Station). Maintenance of the bio-retention basin is outlined in the Stormwater Management Plan; and
- Treated flows will then be discharged to Brown's Gully to the south-east of the bio-retention basin.

Landscaping works will be required as a result of the development including site landscaping works for the Service Station and proposed Tourist Information Centre. The planting of additional trees within Future Lot 5 has also been conditioned.

The reconfiguration of a lot component has since been carried out with plans sealed by Banana shire Council in late 2018. The new lots were subsequently registered in early 2019. The new lots are as follows:

- Future Lot 3 is now Lot 1 on SP301589 (5,317m²) for the expansion of the Biloela Shopping World;
- Future Lot 4 is now Lot 2 on SP301589 (2,231m²) for the new Service Station;
- Future Lot 5 is now Lot 202 on SP271507 (21,190m²) dedicated / transferred to Council; and,
- New Road (837m²) for the extension of Barrett Street through to the Burnett Highway.

All proposed lots were developed in accordance with Council standards including site preparation works for future land uses. A portion of Lot 202 has been development for the new Tourist Information Centre and caravan parking area.

A request to change the development approval under section 81 (**Minor Change**) was made by Urbis on behalf of Biloela Square under letter received by Council on 15 August 2019 (ID1493250, 1493467 & 1493469).

The request sought the following changes to the development approval.

- A. Request to increase the Gross Floor Area (GFA) of the shop component to 100m²
- B. Addition of two RV car parking bays
- C. Revision to the refuse storage area
- D. Minor layout alterations.

This request was decided at Council's Ordinary meeting held on the 25 September 2019.

Background to the proposed extension:

A request to change the development approval under section 86 (**Extension applications**) has been made by Urbis Pty Ltd on behalf of the applicant by letter received by Council on 1 November 2019.

The request seeks an extension to the approval period for a further 4 years until 18 January 2024.

As the approval is due to lapse on the 18 January 2020, the applicant is requesting an extension of four (4) years as this will provide sufficient time for the applicant to undertake compliance approval requirements, and begin construction.

The applicant provided the following matters for consideration in regards to their request:

- The original development was approved and remains current to the site until it is due to lapse on the 18 January 2020. There has been no change to policy direction or circumstances of the site which would affect the development outcomes sought for the site.
- The extension request will enable the Material Change of Use approval to commence. The approved service station will reinforce Biloela as a main business and economic centre in the shire.
- Is seeking exclusively an extension to the Material Change of Use (Service Station) component. Applicant is not requesting an extension to the Operational works (Advertising Devices) or Reconfiguring a Lot (1 into 3) components of the approval.
- On the 2 October 2019 Council approved a Minor Change to the original development approval. Applicant views this as Council being willing to carry out the approved development for a service station.
- The extension request will not interfere with the consistency of the existing approval, nor are any other Council laws and policies affected by their request. The request does not seek to change the development approval.
- If the request was refused and a new development application was made, the application would be subject to a similar process resulting in an unnecessary duplication of the application.

The applicant is now requesting a further four (4) years to be extended to the currency period to allow appropriate time to commence the development to be substantially commenced before the proposed expiry date of 18 January 2024.

The date referred to as the 18 January is believed to be incorrect as the approval only became active after the submitters appeal period concluded. Copies of the decision notice were sent to submitters on the 8 February 2016. In conclusion the approval took effect on the 11 March 2016 the date on which the submitters appeal period concluded.

PUBLIC NOTIFICATION

The original application was subject to Public Notification. A total of 261 of properly made submissions were received about the application. Consideration of submitters views about the original application forms part of the assessment of this request.

REFERRAL AGENCIES

Under the *Planning Act 2016*, extension applications are not required to be referred to referral agencies

ASSESSMENT

The request seeks no change to the approval, merely a further four (4) years in which to act on the approval. By providing a further four (4) years, Council would allow the applicant to have a full eight (8) years from the time the original development approval (16 December 2015) was granted.

In considering the request and the currency period of the development approval the following needs to be considered.

The development approval was issued under the now repealed *Sustainable Planning Act 2009* with the standard four year (4) period to act on the approval. Under the *Planning Act 2016*, the standard currency period has been extended to six (6) years. If the request is granted for a four (4) year extension it would provide the applicant with a total currency period of eight years to commence construction and to complete the approval. This will be bring the currency period for the approved

development to be two (2) years longer than applies under the *Planning Act 2016*. In granting a two year extension to the request it would provide a total of 6 years of currency period that aligns with the current planning legislation. Further to this a two (2) year extension is regarded as sufficient time to undertake compliance approval requirements and commence construction.

Given that the applicant has already had nearly 4 years to commence construction the following currency period is for Council's consideration:

In view of this, it is recommended that Council:

- Approve the request to extend the approval period for a further 2 years, until the 11 March 2022 and
- Advise the applicant that further requests to extend the approval if needed will be considered subject to valid grounds for extension.

DELEGATIONS/ AUTHORISATIONS

The Chief Executive Officer of Banana Shire Council is delegated the power to issue a Decision Notice Approval pursuant to the relevant sections of the PA.

The Chief Executive Officer of Banana Shire Council delegated power to the Director Council Services and the Manager Environment and Planning to take action as an 'Assessment Manager' under the relevant sections of the PA under which this application was processed, and under which the Decision Notice will be issued.

Under normal operating procedures, applications with submissions or involving policy sensitive matters (as determined by the Director Council Services) are considered by Council for determination.

COMMUNICATION

The Applicant will be advised of Council's decision in accordance with the requirements of the *Planning Act 2016*.

Considerations

1. Corporate Plan

This report and recommendation is consistent with the intent of the Banana Shire Council Corporate Plan 2016-2021.

2. Policy and Legal Implications

The application was processed in accordance with the relevant provisions of the *Planning Act 2016*. Appeal rights apply to the Application.

3. Financial and Resource Implications

N/A

4. Risk Assessment

A risk assessment has been undertaken; the decision may be subject to an appeal through the Planning and Environment court.

Principal Environment and Land Management Officer attended the meeting.

10.2.4 PRO-RATA FEE IMPLEMENTATION – TAROOM AQUATIC FACILITY

Date: 13 November 2019
Author: Desmond MacKellar, Principal Environment and Land Management Officer
File ID: 3153
Letter ID:
Attachment:
Minute No: OM004545

Resolution:

1. *That with respect to the Taroom Aquatic Facility Council authorise the Chief Executive Officer to commence appropriate pro-rata Full Season and Half Season fee discount for the annual entry fee due to the delayed opening of the facility; and*
2. *That the pro-rata discount fee described in recommendation 1 be commenced immediately for the 2019-2020 season.*

Moved: Cr Boyce

Seconded: Cr Brennan

Carried

Report

By way of resolution, Council set the Taroom Swimming Pool fees for the 2019/2020 season being September to April in accordance with section 262(3)(c) *Local Government Act 2009*.

Due to circumstances beyond Council's control, the facility was compromised that prevented the facility from opening to the community on the scheduled date of 1 September 2019.

The circumstances support the implementation of a pro-rata discount of 25% being applied to the 2019/2020 Full and half season fees.

Considerations

1. **Corporate Plan**
Strengthening Communities: Strong Local Governance – strong leadership and governance
 2. **Policy and Legal Implications**
N/a
 3. **Financial and Resource Implications**
There will be a reduced financial cost recovery associated with the commencement of pro-rata discounting for the season.
 4. **Risk Assessment**
N/a
-

Mayor Ferrier announced the successful appointment of Chris Welch to the role of Director Council Services effective Monday 2 December 2019 following the resignation of John McDougall.

Mayor Ferrier thanked John McDougall for his services to Council and wished him the best of luck in his new position at Central Highlands Regional Council. John McDougall in return thanked Council for their support.

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 6 November 2019
Author: Tom Upton – Acting Chief Executive Officer
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM004546

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 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – W4Q PROJECTS

Date: 13 October 2019
Author: Tom Upton, Acting Chief Executive Officer
File No:
Letter No:
Attachment: Capital Expenditure Report W4Q Projects
Minute No: OM004547

Resolution:

That Council note and receive the Major Capital Expenditure Report for the W4Q projects as at 29 October 2019.

Moved: Cr Boyce

Seconded: Cr Semple

Carried

Report

Providing a report on Major Capital Expenditure for the W4Q projects as at 29 October 2019 for Council Services.

Refer attachment.

11.1.3 REGISTER OF CONTACT WITH A LOBBYIST – AS AT 30 SEPTEMBER 2019

Date: 13 November 2019
Author: Tom Upton, Acting Chief Executive Officer
File No:
Letter No:
Attachment: Register of Contact with Lobbyists
Minute No: OM004548

Resolution:

That Council receive the Register of Contact with a Lobbyist report as at 30 September 2019.

Moved: Cr Brennan

Seconded: Cr Boyce

Carried

Report

Under the *Integrity Act 2009* Council must keep a register of contact with a lobbyist for Councillors & applicable Staff.

From time to time, the Integrity Commission requests a copy of this register for a particular month.

Also Council is required to advise of any contact by Councillors or applicable staff with an unregistered lobbyist as soon as practicable.

This report has also been presented to Council Executive Management Team for their information and/or comment.

Considerations

1. Corporate Plan

Reference 1.1.I

2. Policy and Legal Implications

Required under *Integrity Act 2009*

Consistent with the Principles under the *Local Government Act 2009*

3. Financial and Resource Implications

Minimal financial and moderate staff resources required.

4. Risk Assessment

No apparent risk with complying with legislation.

11.1.4 ORDINARY MEETING DATES 2020

Date: 13 November 2019
Author: Tom Upton – Acting Chief Executive Officer
Folder ID: 2356
Letter No:
Attachment:
Minute No: OM004549

Resolution:

That Council adopt the following Ordinary Meeting dates for 2020 –

- ***January*** ***Wednesday, 29th***
- ***February*** ***Wednesday, 12th***
- ***March*** ***Wednesday, 18th***

The meetings will commence at 9.00 am at the Council Chambers, 62 Valentine Plains Road, Biloela.

Moved: Cr Semple

Seconded: Cr Middleton

Carried

Report

Council needs to set Ordinary Meetings dates for the first three months of 2020.

The meetings will commence at 9.00 am at the Council Chambers at 62 Valentine Plains Road, Valentine Plains, Biloela.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
N/A
3. **Financial and Resource Implications**
The cost to advertise and inform the community of Council's meeting dates.
4. **Risk Assessment**
N/A

11.1.5 MAINSTREAM MEDIA POLICY

Date: 5 November 2019
Author: Cameron McCrohon – Marketing & Media Officer
File No:
Letter No:
Attachment: Mainstream Media Policy and Procedure
Minute No: OM004550

Resolution:

That the Mainstream Media Policy a copy of which is attached to and forms part of these minutes be adopted.

Moved: Cr Snell

Seconded: Cr Boyce

Carried

Report

Council's Mainstream Media Policy has been reviewed. Minor changes have been made which do not change the intent of the policy.

A procedure has been developed to support the Policy, which has been provided for your information.

It is recommended that the policy be adopted.

Considerations

- 1. Corporate Plan**
This recommendation complies with objective 1.1(e), 5.1(a) and 5.1(f)
- 2. Policy and Legal Implications**
Nil
- 3. Financial and Resource Implications**
Nil
- 4. Risk Assessment**
Nil

MAINSTREAM MEDIA POLICY

SCOPE

All Councillors and Employees of Banana Shire Council.

All corporate media liaison and media releases conducted on behalf of, and/or representing, the Banana Shire Council.

NOTE: This policy does not apply to Social and similar Media
Refer to the Banana Shire Social Media Policy

LEGISLATION

Local Government Act 2009
Local Government Regulation 2012
Banana Shire Council Code of Conduct – Employees
Public Sector Ethics Act 1994
Code of Conduct - Councillors

OBJECTIVE

To ensure Council's profile and reputation is maintained and advanced through an effective and efficient media management process and to give guidance to Councillors and employees when dealing with the mainstream media.

DEFINITIONS

CEO	The Chief Executive Officer of Banana Shire Council
Council	Banana Shire Council
Councillor/s	An elected member of the Banana Shire Council
Mayor	The Mayor of Banana Shire Council
Employee/s	The terms employee or employees in this policy and related procedure, if any, includes any employees, contractors, volunteers or advisers to Banana Shire Council

POLICY

Release of Media Statements

The Council shall release media statements on matters of approved policy, corporate decisions or to clarify corporate direction in order to protect the reputation and uphold the integrity of the Council and Banana Shire as a whole and to promote openness and transparency with the community.

These media releases are to be issued through the Media, Communications and Marketing Officer who may issue statements on behalf of the Council or act as an official spokesperson for the Council on a specific subject at the direction of the Chief Executive Officer.

Code of Conduct – Councillors

Councillors must comply with the media obligations outlined in the Code of Conduct – Councillors.

Councillors must:

1. Not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that communication.
2. When communicating with the public or the media, make it clear when they are expressing a personal opinion, and when they are speaking on behalf of Council.
3. When communicating with the public or the media to express a personal opinion disagreeing with a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council.

Spokesperson

1. The Chief Executive Officer may speak on behalf of Council when appropriate at the Chief Executive Officer's discretion.
2. Subject to being authorised by Council:
 - The Mayor is the spokesperson for Council for all shire-wide issues. The Mayor may delegate this power for a specific shire-wide issue.
 - Specific spokesperson or persons may be authorised for specific projects, such as, but not limited to, the Local Disaster Management Group and the Local Disaster Management Committee, when these arrangements are activated.
 - Divisional Councillors may be the lead spokespeople on divisional projects or matters, and may be assisted by an advisory committee chair if appropriate.
 - In the case of the authorised spokesperson not being available and depending on the nature and urgency of the matter, the following order of preference is to be used to arrange a replacement:
 - Mayor
 - Deputy Mayor
 - Divisional Councillor
 - Another Councillor

Media Release Request

Media release requests are to be raised in accordance with the Mainstream Media Procedure as approved and amended from time to time.

All requests for media releases are to be submitted to the CEO through the Media, Communications and Marketing Officer or direct to the CEO.

Draft media releases are to be presented back through this process for amendment and approval before release as an official Banana Shire Council statement.

Employees

No employee shall make any statement to the media on Council's behalf in any circumstance other than as prescribed in this Policy.

Employees are not permitted to talk to the media about any Council related matter unless authorised by the Chief Executive Officer.

Employees are to advise the Media, Communications and Marketing Officer or CEO as soon as practicable when approached by the media, even when an ongoing authorisation has been provided.

Other Media Related Issues

Any other media related issues should be raised with the Media, Communications and Marketing Officer initially, but can be escalated as required to the CEO.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

MAINSTREAM MEDIA PROCEDURE

OBJECTIVE

To maintain a consistent system for media relations.

DEFINITIONS

CEO	The Chief Executive Officer of Banana Shire Council
Council	Banana Shire Council
Councillor/s	An elected member of the Banana Shire Council
Mayor	Mayor of Banana Shire Council
Employee/s	The terms employee or employees in this procedure and related policy includes any employees, contractors, volunteers or advisers to Banana Shire Council.

PROCEDURE

Issuing a Press Release

1. On occasions, staff may wish to or need to issue a press release on a certain issue.
2. Contact the Media, Communications & Marketing Officer or CEO and outline the information relating to the issue. Further information may be required for drafting the Press Release – the Media, Communications & Marketing Officer will advise accordingly.
3. The Media, Communications & Marketing Officer will draft a Press Release. In the first instance, quotes within the press release should be attributed to the Mayor - the Media, Communications & Marketing Officer will contact the Mayor to determine if he wishes to be quoted or another relevant Councillor. If not, the Chief Executive Officer, relevant Director or relevant Manager may be quoted, as delegated.
4. The draft will be returned to the staff member who requested the media release for feedback/approval.
5. Where a photo is requested by the media or a photo is to be attached to a Press Release, approval is to be sought from the Mayor if he wishes to be included in the photo or another Councillor. If not, the CEO/Director/ Media, Communications & Marketing Officer will authorise the subject/employee to be included in the photo.
6. Once a final version is agreed upon (and approved by the CEO, your Director or Manager), the Media, Communications & Marketing Officer will distribute the Press Release to required media outlets, relevant staff and Councillors, and placed on the Council's website.

7. Press releases are to be registered in Council's Records Management system.
8. The Media, Communications & Marketing Officer will monitor media response and coverage of the Press Release, and remain in contact with the staff member who requested the media release if any further action needs to be taken.

Media Request – Council Staff/Management

1. All local media should be familiar with Council's Mainstream Media Policy and Procedure.
2. Media outlets who would like information or comment from Banana Shire Council management or staff are to contact the Media, Communications & Marketing Officer on 07 4992 9500 or email enquiries@banana.qld.gov.au (or to the direct email of the Media, Communications & Marketing Officer, currently cameron.mccrohon@banana.qld.gov.au).
3. The Media, Communications & Marketing Officer is to supply as much information as possible. If further information, comment or clarification is needed, the Media, Communications & Marketing Officer is to obtain this information, and supply it to the media. Information is generally supplied in a press release format however interviews can be arranged if necessary.
4. If the issue is of wider community or media interest, a press release is to be drawn up to distribute the information or comment to all media outlets.
5. All press releases are to be distributed to all Council staff and Councillors for their information. They are to be placed on Council's website as a news item by the Media, Communications & Marketing Officer or delegated website administrator.
6. Any other requests for quotes, photo opportunities or general media queries are to be handled by the Media, Communications & Marketing Officer.
7. Media are not to contact Council staff direct (other than the CEO and/or Directors), as staff are not authorised to make comment on Council matters to media.
8. If a media outlet receives a press release from Banana Shire Council, and has a further query, that query should be directed to the Media, Communications & Marketing Officer.

Media Request – Councillors

1. All local media should be familiar with Council's Mainstream Media Policy and Procedure.
2. Media outlets who would like information or comment from Councillors may:
 - a. Contact the Media, Communications & Marketing Officer on 07 4992 9500 or email enquiries@banana.qld.gov.au (or to the direct email of the Media, Communications & Marketing Officer, currently cameron.mccrohon@banana.qld.gov.au);
 - b. Contact the relevant Councillor directly;
 - c. Contact the relevant Councillor via the Executive Assistant on 07 4992 9500 or email enquiries@banana.qld.gov.au
3. Councillors are to specify if they are making the comment based on their own opinion of the issue, or based on the agreed resolution of the Council.

4. If the Councillor judges the issue to be of a controversial nature or of wider community interest, out of courtesy the Councillor should inform the Media, Communications & Marketing Officer or Chief Executive Officer of the issue, and the comments that he/she has made on the issue.
5. The Mayor is the only Councillor authorised to make official comment in relation to Council's operations unless the Mayor gives approval to another Councillor.

Receiving a press release from Banana Shire Council

All questions regarding press releases issued by Banana Shire Council should be directed to the Media, Communications & Marketing Officer on 07 4992 9500 or email enquiries@banana.qld.gov.au

Other Information

A press release template is available on Council's intranet, and all press releases must stay in this format.

CERTIFICATION

.....
**CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL**

.....
DATE

11.1.6 DROUGHT FUNDING PROJECTS

Date: 15 November 2019
Author: Thomas Upton – Chief Executive Officer
File No:
Letter No:
Attachment: Schedule 1 – List of approved project types
Schedule 2 – Identified Projects
Minute No: OM004551

Resolution:

That Council resolve that the recommended projects as listed in the attached table be approved as the projects for the Drought Community Program; and

That the Mayor and Chief Executive Officer be delegated authority to approve the remaining projects.

Moved: Cr Middleton

Seconded: Cr Leo

Carried

Report

The Drought Communities Program 2018 provided \$1,000,000 to Council for job creation projects. The attached Schedule 1 provides a list of approved project types. In November 2019 the Federal Government announced the Drought Communities Program Extension which included an additional \$1,000,000 for similar projects.

The key aim is for the program to boost economic activities in local communities with the expectation that work will be contracted to local businesses that are affected by drought.

The projects funded by the first round of funding must be completed by 30 June 2020 and the projects funded under the Extension must be completed by 31 December 2020.

Attached to this report (Schedule 2) provides a list of projects identified from discussions to date nominally allocated across the two funding streams for Council's consideration, amendment and approval.

Considerations

1. Corporate Plan

Key Strategy 1.1.1

2. Policy and Legal Implications

Projects meet the guidelines of the program

3. Financial and Resource Implications

Fully funded subsidy. In the case of Council assets, Council is responsible for maintenance and repairs of the asset.

4. Risk Assessment

No apparent risks

Banana Shire Council
Drought Funding Projects

Project Name	Funding Amount	Comment	Yes/No	Councillor Comment
Drought Funding Program Round One			30 June 2020 Project Completion Deadline	
Theodore Showgrounds - Ring Surface	\$ 85,000	Project will be driven primarily by the Committee and will be easy to fit in the designated timeframes.		
Taroom Showgrounds - Yards/Power	\$ 60,000	Project will be resourced locally and will be relatively easy to complete in the designated timeframes.		
Biloela Sport Ground - Irrigation	\$ 75,000			
Dululu - Water infrastructure survey easement	\$ 35,000			
Kianga Hall - Foyer and Bar Upgrade	\$ 50,000	Retile the foyer and bar refurbishment inc. LED lighting and new bar/servery façade		
Biloela Showgrounds - Bitumen Access Road	\$ 55,000			
Banana Sutherland Hall - Roof Repairs and Insulation	\$ 58,000	Banana Sutherland Hall – fix roof leaks and install new ceiling with insulation to reduce heat		
Moura Gillespie Street Colourbond Shade	\$ 130,000	Installation of 86m of colourbond carpark shade		
Biloela Civic Centre Electrical Upgrade	\$ 120,000	Upgrade of eletrical switchboards and generator connection		
Wowan Multi-purpose Centre Generator	\$ 40,000			
Biloela Rail Yards - Relocate Transformer	\$ 25,000	Removal of existing electrical switchboards from current location and installation in new location		
Mobile Disabled Access	\$ 40,000	Mobile lifter to facilitate disable access to stages across the Shire.		
Road Bores and Dams Across Shire	\$ 100,000	Installatin of water facilities for roadworks across the shire		
Goovigen Recreation Grounds and Hall - Upgrade	\$ 58,000	Goovigen Hall – fix roof leaks and install new ceiling with insulation to reduce heat		
Swimming Pool Roof solar heating installation	\$ 25,000	Install black poly pipe at pools across the Shire to reduce heating costs		
Riverbank stabilisation Baralaba	\$ 44,000	Stabilise riverbank at boat ramp at Baralaba.		
	\$ 1,000,000			
Drought Funding Program Round Two			30 December 2020 Project Completion Deadline	
Taroom Pool - New Amenties and Kiosk Block	\$ 380,000	Demolition of existing building and construction of new amenities building		
Greycliffe Homestead	\$ 100,000	Repair works to historical building - qualified historical builders will need to be engaged		
Jambin Camdraft Association	\$ 50,000	Improve facilites		
Taroom Museum - Indigenous Display	\$ 50,000	Construction of fully lined shed for the purpose of Indigenous Display		
Riverbank Stabilisation Baralaba	\$ 100,000	Stabilise riverbank at boat ramp at Baralaba.		
Lake Callide Park Area - Irrigation & Shade Sale on Play area	\$ 60,000	Installation of extra shade of over playground and to add irrigation below the playground		
Water Tanks for Aerodrome(Taroom, Theodore and Moura)	\$ 40,000	For fire suppression and public amenities		
Road Bores and Dams across the Shire	\$ 100,000	Installatin of water facilities for roadworks across the shire		
Theodore Footpath augmentation	\$ 60,000	Construct concrete footpaths in Theodore.		
Replace Tiles in CBD Moura and Biloela	\$ 60,000	Replace unlevel tiles in CBD footpaths.		
	\$ 1,000,000			

Adjournment

Minute No: OM004552

A. That the meeting adjourn at 10.34 am for a Citizenship Ceremony and morning tea.

Moved: Cr Leo

Seconded: Cr Boyce

Carried

B. That the meeting recommence at 10.28 am.

Moved: Cr Semple

Seconded: Cr Snell

Carried

11.1.7 THEODORE SHOW HOLIDAY 2020

Date: 13 November 2019
Author: Tom Upton – Chief Executive Officer
File No:
Letter No:
Attachment:
Minute No: OM004553

Resolution:

That Council nominate the 5 May 2020 as the show holiday for the gazetted Theodore Show Area, which is the date of the Taroom Show Holiday for 2020.

Moved: Cr Boyce

Seconded: Cr Semple

Carried

Report

The annual request for the nominations for Special Holidays for 2020 was received from the Office of Industrial Relations on 7 June 2019.

Council sought nominations from the Shire's five Show Society's on 11 June 2019. The Theodore Show Society verbally advised Council on 30 July 2019 of their uncertainty to hold a show in 2020 and provided a 'proposed date' of 12 May 2020.

Council submitted the nominations on 2 August 2019 which included the Theodore Show Society's 'proposed date' of 12 May 2020. The Office of Industrial Relations advised via email on 30 July 2019 that an amendment can be lodged should the Theodore Show Society decide not to proceed with their show.

Email advice was received from the Theodore Show Society on 5 November 2019 advising that they have cancelled their 2020 show and would like their show holiday scheduled for 12 May 2020 cancelled.

Cr Boyce is attending the Theodore Chamber of Commerce Meeting on Wednesday 13 November 2019 and will seek a suitable date for nomination.

Considerations

- 1. Corporate Plan**
This matter has direct reference to Corporate Plan Strategy 1.1. (e).
 - 2. Policy and Legal Implications**
N/A
 - 3. Financial and Resource Implications**
N/A
 - 4. Risk Assessment**
N/A
-
-

10.2.3 ANIMAL ATTACK – COMMENCEMENT OF PROSECUTION

Date: 13 November 2019
Author: Desmond MacKellar, Principal Environment and Land Management Officer
File ID: 8993
Letter ID:
Attachment:
Minute No: OM004554

Resolution:

A. That the Council Meeting be closed to the public pursuant to section 275(f) of the Local Government Regulation 2012 as it is necessary to do so to discuss:

(f) starting or defending legal proceedings involving the local government.

Moved: Cr Middleton Seconded: Cr Brennan Carried

Open meeting closed at 11.14 am.

B. That the meeting return to open Council.

Moved: Cr Middleton Seconded: Cr Snell Carried

Open meeting resumed at 11.30 am.

Resolution:

- 3. That Council authorise the Chief Executive Officer to commence appropriate prosecution proceedings against the responsible person for the offending dog as described in the confidential report, in relation to alleged offences under the Animal Management (Cats and Dogs) Act 2008; and***
- 4. That the prosecution proceedings described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the Local Government Act 2009.***

Moved: Cr Leo Seconded: Cr Boyce Carried

Report

Councillors have been provided with a confidential report.

Manager Planning and Environment and Principal Land and Development Officer left the meeting.

Minute No: OM004555

Resolution:

That Council change the time of the December Ordinary Meeting scheduled for 11 December 2019 from 9.00 am to 1.00 pm.

Moved: Cr Leo

Seconded: Cr Middleton

Carried

Cr Snell asked if Council has a Local Law regarding the riding of dirt bikes behind residential properties. DCS advised that he will investigate.

Council revisited Agenda Item 11.1.6 and confirmed eligible projects to receive Drought Community Program and Drought Community Program – Extension funding.

12.0 Close of Meeting

The meeting closed at 12.33 pm.

To be confirmed 11 December 2019 Ordinary Meeting.

MAYOR

ACTING CHIEF EXECUTIVE OFFICER
