

Ordinary Meeting of Council Agenda

***Held at Western Downs Regional Council's
Chinchilla Customer Service Centre***

On Wednesday, 22 January 2020

Commencing at 09:30 AM

**R. A. MUSGROVE
CHIEF EXECUTIVE OFFICER**

15 January 2020

Ordinary Meeting of Council Agenda

Pages

1. DECLARATION OF MEETING OPENING

2. OPENING PRAYER AND MINUTE SILENCE

3. APOLOGIES

4. CONGRATULATIONS

5. CONFIRMATION OF MINUTES

5.1 Adopt Minutes Ordinary Meeting of Council

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The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 4 December 2019

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7. PRESENTATION OF PETITIONS BY COUNCILLORS

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report December 2019

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The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of December 2019

9. CONFIDENTIAL ITEMS

Section 275 of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or*
 - (b) industrial matters affecting employees; or*
 - (c) the local government's budget; or*
 - (d) rating concessions; or*
 - (e) contracts proposed to be made by it; or*
 - (f) starting or defending legal proceedings involving the local government; or*
 - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or*
 - (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.*
- (2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.*
- (3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.*

9.1 EXECUTIVE SERVICES

9.2 CORPORATE SERVICES

- 9.2.1 Corporate Services Confidential Report Disposal Lot 9 Crown Plan SP251966 Drew Street, Dalby
This report is to seek Council's direction regarding the proposed sale of Lot 9 Drew Street, Dalby.

9.3 COMMUNITY AND LIVEABILITY

9.4 INFRASTRUCTURE SERVICES

- 9.4.1 Infrastructure Services Confidential Tender Evaluation Report
Tender No MM10-19-20 RTU & SCADA Upgrade (Water & Wastewater): Stage 2 (Chinchilla-Tara) in Western Downs Regional Council Area
The purpose of this Report is to provide Council with an assessment of the tenders received for tender MM10-19-20 RTU & SCADA Upgrade (Water and Wastewater): Stage 2 (Tara/Chinchilla) - 2019/20 and to consider awarding the Contract.

- 9.4.2 Infrastructure Services Confidential Tender Evaluation Report
Tender No MM08-19-20 Replacement of Water Mains on Royd
Street in Wandoan CBD
The purpose of this Report is to provide Council with an
assessment of the tenders received for tender MM-08-19-20 for
Replacement of Water Mains on Royd Street in Wandoan CBD;
and to consider awarding the Contract.

10. PLANNING

- 10.1 **(030.2019.490.001) Community and Liveability Report Development
Application for Material Change of Use for a Transport Depot at Lots 54 55
RP14934 Edward Street Chinchilla Nothdurft** 25
The purpose of this report is for Council to decide the proposed
development for Material Change of Use to establish a Transport Depot on
land described as Lots 54 and 55 on RP14934 and situated at Edward
Street, Chinchilla.

11. EXECUTIVE SERVICES

- 11.1 **Executive Services Chief Executive Officer Report December 2019** 43
The purpose of this Report is to provide Council with the significant
meetings, forums and delegations attended by the Chief Executive Officer
during the month of December 2019
- 11.2 **Executive Services Report Outstanding Actions December 2019** 45
The purpose of this Report is to provide Council with an updated on the
status of outstanding Council Meeting Action Items to 4 December 2019.

12. CORPORATE SERVICES

- 12.1 **Corporate Services Report Application for Simultaneous Road Closure and
Road Opening - off Gearys Road Hookwood Miles between Lot 19 and 20
BWR293** 48
The purpose of this Report is to seek Council's direction in relation to an
application for a road closure of Unnamed Road, Hookwood Miles.
- 12.2 **Corporate Services Report The Auburn Hawkwood People (formerly Wulli
Wulli People #2) QUD31/2019 - Consent Determination** 62
To advise Council of the consent determination of the Auburn Hawkwood
People (Wulli Wulli People #2) issued on 25 November 2019 by the Federal
Court.
- 12.3 **Corporate Services Financial Report December 2019** 127
The purpose of this Report is to provide Council with the Financial Report
for the period ending 31 December 2019.

13. INFRASTRUCTURE SERVICES

13.1 Infrastructure Services Quarterly Report October-December 2019

135

The purpose of this Report is to provide Council with a quarterly update in relation to the Infrastructure Services' Works, Utilities and Technical Services departments performance.

14. COMMUNITY AND LIVEABILITY

15. NOTICES OF MOTION

15.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

15.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

16. URGENT GENERAL BUSINESS

17. MEETING CLOSURE

Title **Adopt Ordinary Meeting of Council Minutes 4 December 2019**

Date 6 January 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 4 December 2019

Link to Corporate Plan

Nil

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 4 December 2019, copies of which have been circulated to Members, be taken as read and confirmed.

Attachments

1. Copy of Unconfirmed Minutes of the Ordinary Meeting of Council held on Wednesday, 4 December 2019.

Authored by: J. Weier, SENIOR EXECUTIVE OFFICER



Ordinary Meeting of Council Minutes

Date: Wednesday, 04 December 2019
Time: 9:30 am
Location: Dalby Corporate Office

Councillors: Cr.P.M.McVeigh (Chairperson)
Cr.D.E.Ashurst
Cr.R.C.Brown
Cr.K.A.Maguire
Cr.G.M.Olm
Cr.I.J.Rasmussen
Cr.P.T.Saxelby
Cr.A.N.Smith
Cr.C.T.Tillman

Officers: R.A.Musgrove, Chief Executive Officer
S.M.Peut, General Manager (Corporate Services)
G.K.Cook, General Manager (Infrastructure Services)
J.K.Taylor, General Manager (Community and Liveability)
J.Weier, Senior Executive Officer
L.M.Paine, Executive Services Administration Officer

1. DECLARATION OF MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM

2. OPENING PRAYER AND MINUTE SILENCE

Reverend Adam Tipple of the Dalby Uniting Church delivered the opening prayer. This was followed by the observance of a minute silence.

3. APOLOGIES

Nil

4. CONGRATULATIONS

Cr. P.T.Saxelby requested that congratulations be extended to Chloe Ellem and Seraphina Dickman on being selected to represent Queensland in the Under 15 Girls 7's team and will be competing at this year's National Youth 7s Championships to be held on the Sunshine Coast.

Cr.K.Maguire requested that congratulations be extended to the Dalby Players Little Theatre on their 65th Anniversary.

5. CONFIRMATION OF MINUTES

5.1 Adopt Ordinary Meeting of Council Minutes 20 November 2019

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 20 November 2019

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.P.T.Saxelby

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 20 November 2019, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED 8/1

Abstained from the voting: Cr.G.M.Olm

6. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

Nil

7. PRESENTATION OF PETITIONS BY COUNCILLORS

Nil

8. MAYORAL UPDATE

8.1 Executive Services Mayoral Report November 2019

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of November 2019

COUNCIL RESOLUTION

Moved By Cr.I.J.Rasmussen

Seconded By Cr.A.N.Smith

That this report be received and noted.

CARRIED

9. CONFIDENTIAL ITEMS

Section 275 of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

(a) the appointment, dismissal or discipline of employees; or

(b) industrial matters affecting employees; or

(c) the local government's budget; or

(d) rating concessions; or

(e) contracts proposed to be made by it; or

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

(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or

(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.

(2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.

(3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.R.C.Brown

Council resolve to close the Meeting in accordance with Sections 275 (1) (a, c, d, e, f, h) of the *Local Government Regulation 2012* at **9.41 am** discuss the following Confidential Reports.

1. Corporate Services Confidential Report Approval to Enter into Type 2 Investment Arrangements
2. Corporate Services Confidential Report Additional Water Concession Dalby Bowls Club Refurbishment Project
3. Corporate Services Confidential Report Miles and Chinchilla Aerodrome Supply of the Services of a Senior Aerodrome Reporting Officer and Aerodrome Reporting Officer Tender MM06-19-20
4. Corporate Services Confidential Report Quarterly Liability Update as at 30 September 2019
5. Community and Liveability Confidential Report Negotiations for Waste Services
6. Community and Liveability Confidential report 2020 Australia Day Nominations

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

Moved By Cr.R.C.Brown

Seconded By Cr.P.T.Saxelby

That Council resolve to reopen the Meeting at 9.52am.

CARRIED

9.1 EXECUTIVE SERVICES

Nil

9.2 CORPORATE SERVICES

9.2.1 Corporate Services Confidential Report Approval to Enter into Type 2 Investment Arrangements

The purpose of this report is to seek Council's approval for the Mayor to seek specific approval from the Queensland State Treasurer to enter into Type 2 financial arrangements.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.K.A.Maguire

That Council under S 257(1)(a) Resolve to delegate power to the Mayor to seek approval from the Queensland State Treasurer to enter into Type 2 financial arrangements under Part 7A of the State Bodies Financial Arrangement Act (SBFAA) i.e. "Investing amount".

CARRIED

9.2.2 Corporate Services Confidential Report Additional Water Concession Dalby Bowls Club Refurbishment Project

The Dalby Bowls Club Incorporated is seeking an additional one-off concession in relation to water consumption charges for water used to establish the front No. 1 Green.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.G.M.Olm

That this Report be received and noted and that due to the ongoing drought, and Council's desire to reduce water usage in Dalby, no further concession will be provided.

FORESHADOWED MOTION

Cr.C.T.Tillman Foreshadowed that if the Motion Failed on the floor, she would move:

That Council grant a further concession of \$1,615.49 being a further concession of 30% of gross water consumption charges in addition to \$1,615.49 concession to be granted in accordance with council rates and utilities charges concession reducing the amount payable to \$2153.99. (Once off concession only).

The **ORIGINAL MOTION** was **PUT** and **CARRIED (7 to 2)**

For (6): Cr.P.M McVeigh, Cr.D.E. Ashurst, Cr.R.C.Brown, Cr.K.A.Maguire, Cr.G.M.Olm Cr.I.J.Rasmussen, and Cr.A.N.Smith

Against (2): Cr.P.T.Saxelby, and Cr.C.T.Tillman

9.2.3 Corporate Services Confidential Report Miles and Chinchilla Aerodrome Supply of the Services of a Senior Aerodrome Reporting Officer and Aerodrome Reporting Officer Tender MM06-19-20

The purpose of this report is to provide Council with an assessment of the tenders received for the supply of the services of a Senior Aerodrome Reporting Officer (SARO) and an Aerodrome Reporting Officer (ARO) at the Miles and Chinchilla Aerodromes.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.A.N.Smith

That this Report be received and that:

1. Council resolve to accept the Tender of Aerodrome Management Services Pty Ltd for supply of the services of a Senior Aerodrome Reporting Officer (SARO) and an Aerodrome Reporting Officer (ARO) at the Miles and Chinchilla Aerodromes as per Tender MM06-19-20.

CARRIED

9.2.4 Corporate Services Confidential Report Quarterly Liability Update as at 30 September 2019

The purpose of this Report is to provide Council with a quarterly update on liability matters as at 30 September 2019.

COUNCIL RESOLUTION

Moved By Cr.D.E. Ashurst

Seconded By Cr.P.T.Saxelby

That Council note the liability matters.

CARRIED

9.3 COMMUNITY AND LIVEABILITY

9.3.1 Community and Liveability Confidential Report Negotiations for Waste Services

This report is to update Council regarding the negotiations for the Council's Garbage and Recycling Collection and Recyclables Processing Contract 4.3/2/09-10.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.K.A.Maguire

That this Report be received and noted and that:

1. Council authorise the Chief Executive Officer to finalise negotiations and execute a contract for the continuation of Waste Services by JJ Richards and Sons Pty Ltd under the Local Buy Panel Contract C002/11 until 30 September 2022, based on the Terms and Conditions of current Contract 4.3/2/09-10 and the offer received on 7 November 2019.

CARRIED

9.3.2 Community and Liveability Confidential Report 2020 Australia Day Nominations

The purpose of this Report is to provide Council with the Unconfirmed Minutes of the Western Downs Regional Council Australia Day Steering Group Meeting held on 20 November 2019, and to seek adoption of the recommendations of the Australia Day Steering Group in relation to the assessment of the 2020 Australia Day Awards nominations.

COUNCIL RESOLUTION

Moved By Cr.K.A.Maguire

Seconded By Cr.D.E. Ashurst

That this report be received and that:

1. The unconfirmed minutes of the Western Downs Regional Council Australia Day Steering Group meeting held on 20 November 2019 be noted; and
2. The recommendations of the Western Downs Regional Council Australia Day Steering Group in relation to the assessment of the 2020 Australia Day nominations be adopted as resolutions of Council; and

3. The recommendations of the Western Downs Regional Council Australia Day Steering Group be adopted as follows:

a) Apologies

That the Western Downs Regional Council Australia Day Awards Steering Group accept the apologies for non-attendance from Cr. G. M. Olm and Cr. C. T. Tillman.

b) Confirmation of minutes of previous meeting

That the Unconfirmed Minutes of the Western Downs Regional Council Australia Day Steering Group Meeting held on 21 November 2018, copies of which have been circulated to members, be taken as read and confirmed; and

c) Citizenship Ceremony

That the Citizenship Ceremony be held in Jandowae after the Australia Day Awards Ceremony; and

d) Media Embargo

That a media embargo be in place regarding the successful nominee for:

1. Local Australia Day Award recipients until 16 January 2020 with a media release to be issued on 13 January 2020; and
2. Regional Australia Day Award recipients until 26 January 2020.

CARRIED

9.4 INFRASTRUCTURE SERVICES

9.4.1 Infrastructure Services Confidential Alternative Tender Award No MM01-19-20 Relining Of Sewer Mains In Western Downs Regional Council Area (2019-2020)

The purpose of this Report is to recommend to Council the appointment of an alternative contractor for MM-01-19-20 Relining of Sewer Mains in Western Downs Regional Council Area (2019/20).

COUNCIL RESOLUTION

Moved By Cr.P.T.Saxelby

Seconded By Cr.G.M.Olm

That this Report be received and that:

1. Council resolves to withdraw from contract negotiations with Relining Solutions for contract MM01-19-20 for the Relining of Sewer Mains in the Western Downs Regional Council Area due to their inability to meet their tendered delivery schedule;
2. Council awards Contract MM01-19-20 for the Relining of Sewer Mains in the Western Downs Regional Council Area to Abergeldie Complex Infrastructure Pty. Ltd. for a tender price of \$2,149,674.79 (GST Exclusive).

CARRIED

10. PLANNING

10.1 (035.2019.427.001) Community and Liveability Report Development Application Reconfiguring a Lot (Boundary Realignment) of Lot 2 on SP137171 and Lot 4 on SP104602 at Trade Court Dalby Millmax Pty Ltd

The purpose of this Report is for Council to consider the proposed development to Reconfigure a Lot (Boundary Realignment) of land described as Lot 2 on SP137171 and Lot 4 on SP104602 and situated at Trade Court, Dalby.

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.R.C.Brown

That this report be received and that:

1. The application for Reconfiguring a Lot (Boundary Realignment) of land described as Lot 2 on SP137171 and Lot 4 on SP104602 at Trade Court, Dalby be approved, subject to the following conditions:

APPROVED PLAN

1. The development shall be carried out generally in accordance with the Approved Plan listed below, subject to and modified by the conditions of this approval:

Plan No:10615-SK3, Sheet 1 of 1

Description: Proposed Reconfiguration of Lot 2 on SP137171 and Lot 4 on SP104602, prepared by Cottrell Cameron & Steen Surveys Pty Ltd

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plan, the conditions of this development approval must prevail.

APPROVED DEVELOPMENT

3. The approved development is Reconfiguring a Lot (Boundary Realignment) as shown on the Approved Plan.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before Council's endorsement of the Plan of Survey and whilst the use continues, unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.
6. The Plan of Survey shall not be executed until a letter of compliance is received demonstrating the development's compliance with all conditions of this approval.

FEES AND CHARGES

7. All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

8. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.

LOT NUMBERING

9. The numbering of all approved lots shall remain as indicated on the Approved Plan (unless otherwise amended/approved by Council).

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

10. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

LANDSCAPING

11. All declared weeds and pests shall be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of the development works and any ensuing defects liability period.
12. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land shall be retained where possible, and action taken to minimise disturbance during construction work.

ACCESS

13. Ensure all existing vehicular property accesses are maintained in accordance with Council's Planning Scheme.

SERVICES

14. Connect each lot to Council's reticulated sewerage system. The connection must be constructed in accordance with Council's standards and be approved by Council.
15. Connect each lot to Council's reticulated water supply system. The connection must be constructed in accordance with Council's standards and be approved by Council.

ADVISORY NOTES

NOTE 1 -Currency Period

A part of a development approval lapses at the end of the currency period. The standard currency period for Reconfiguring a Lot (4 years after the approval starts to have effect) as stated in Section 85 of the *Planning Act 2016*, applies to this approval.

NOTE 2 -Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website

NOTE 3 -General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 -General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5 -Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 -Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

A P P E A L R I G H T S

"Chapter 6Dispute Resolution

Part 1Appeal Rights

229Appeals to Tribunal or P&E Court

(1)*Schedule 1 states -*

(a)*matters that may be appealed to -*

(i)*either a tribunal or the P&E Court; or*

(ii)*only a tribunal; or*

(iii)*only the P&E Court; and*

(b)*the person -*

(i)*who may appeal a matter (the **appellant**); and*

(ii)*who is a respondent in an appeal of the matter; and*

(iii)*who is a co-respondent in an appeal of the matter; and*

(iv)*who may elect to be a co-respondent in an appeal of the matter.*

(2)An appellant may start an appeal within the appeal period.

*(3)The **appeal period** is -*

(a)for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or

(b)for an appeal against a deemed refusal - at any time after the deemed refusal happens; or

(c)for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or

(d)for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or

(e)for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or

(f)for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note -See the P&E Court Act for the Court's power to extend the appeal period."

CARRIED

11. EXECUTIVE SERVICES

11.1 Executive Services Chief Executive Officer Report November 2019

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of November 2019

COUNCIL RESOLUTION

Moved By Cr.K.A.Maguire

Seconded By Cr.C.T.Tillman

That this Report be received and noted

CARRIED

11.2 Executive Services Report Outstanding Actions November 2019

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 20 November 2019.

COUNCIL RESOLUTION

Moved By Cr.D.E. Ashurst

Seconded By Cr.G.M.Olm

That this Report be received and noted.

CARRIED

12. CORPORATE SERVICES

12.1 Corporate Services Financial Report 2019-20 Mid-Year Review

The purpose of this Report is for Council to consider the proposed variations to the 2019-20 Annual Budget resulting from the Mid-Year Budget Review.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.A.N.Smith

That the proposed 2019-20 Mid-Year Budget Review is received and noted, and Council resolves to approve the proposed amendments to the 2019-20 Budget including:

1. The addition of new capital projects totalling \$1.753 million including \$0.325 million in capital income;
2. An increase to existing capital projects of \$0.968 million on capital projects which will result in capital income being increased by \$3.054 million; and
3. The cancellation of capital projects of \$2.814 million which results in capital income being reduced by \$2.483 million.

CARRIED

12.2 Corporate Services Financial Report November 2019

The purpose of this Report is to provide Council with the Financial Report for the period ending 19 November 2019

COUNCIL RESOLUTION

Moved By Cr.A.N.Smith

Seconded By Cr.I.J.Rasmussen

That Council receives and notes the Financial Report as at 19 November 2019.

CARRIED

12.3 Corporate Services Report Corporate Card Use

This report is to provide Council with the results of corporate card initiatives started in late 2016.

COUNCIL RESOLUTION

Moved By Cr.I.J.Rasmussen

Seconded By Cr.P.T.Saxelby

That this Report be received and noted.

CARRIED

12.4 Corporate Services Report Amended Governance Framework

The purpose of this Report is to seek Council approval of the amended Governance Framework.

COUNCIL RESOLUTION

Moved By Cr.R.C.Brown

Seconded By Cr.D.E. Ashurst

That Council adopt the amended Governance Framework.

CARRIED

13. INFRASTRUCTURE SERVICES

13.1 Infrastructure Services Quarterly Report July-September 2019

The purpose of this Report is to provide Council with a quarterly update in relation to the Infrastructure Services' Works, Utilities and Technical Services departments performance

COUNCIL RESOLUTION

Moved By Cr.G.M.Olm

Seconded By Cr.P.T.Saxelby

That this Report be received and noted.

CARRIED

14. COMMUNITY AND LIVEABILITY

14.1 Community and Liveability Quarterly Report July to September 2019

The purpose of this Report is to provide Council with an update in relation to the Community and Liveability Division for the first quarter of the 2019 / 2020 Financial Year.

COUNCIL RESOLUTION

Moved By Cr.D.E. Ashurst

Seconded By Cr.K.A.Maguire

That this Report be received and noted.

CARRIED

15. NOTICES OF MOTION

15.1 CONSIDERATION OF NOTICES OF MOTION/BUSINESS

Nil

15.2 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

Nil

16. URGENT GENERAL BUSINESS

17. MEETING CLOSURE

The Meeting concluded at 10.39AM

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting of Council held this Wednesday, 04 December 2019

Submitted to the Ordinary Meeting of Council held this Wednesday, 22 January 2019.

Signed:

Cr. P.M. McVeigh

MAYOR OF WESTERN DOWNS REGIONAL COUNCIL

Title **Executive Services Mayoral Report December 2019**

Date 7 January 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with significant meetings, forums and delegations attended by the Mayor during the month of December 2019

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and noted.

Background Information

Nil

Report

1. Meetings, delegations and forums attended by the Mayor during the month of December 2019:

Date	Who/Where	Details
2 December 2019	<ul style="list-style-type: none"> • Planning & Pre-Agenda Meeting • Councillor Information Session 	Dalby Dalby
3 December 2019	<ul style="list-style-type: none"> • Audit Committee Meeting • Meeting with Department Natural Resources & Mines, Executive Director Energy • Meeting with Department Transport & Main Roads • Dalby Christmas Tree Light Up Event 	Dalby Dalby Dalby Dalby
4 December 2019	<ul style="list-style-type: none"> • Ordinary Meeting of Council 	Dalby
5 December 2019	<ul style="list-style-type: none"> • Media Interview • Dalby State School Awards Ceremony • Chinchilla Christian College Primary School Awards Ceremony 	Dalby Dalby Chinchilla
6 December 2019	<ul style="list-style-type: none"> • Greet Merry Muster 	Bell
7 December 2019	<ul style="list-style-type: none"> • TSBE Event 	Toowoomba
9 December 2019	<ul style="list-style-type: none"> • Media Interview - ABC Radio • 100 Year Birthday Celebration 	Phone Jandowae

	<ul style="list-style-type: none"> • Meeting with Meandarra rate payer • Media Interview - Regional National Drive • South State School Graduation Ceremony 	Dalby Phone Dalby
10 December 2019	<ul style="list-style-type: none"> • Development Assessment Panel (DAP) Meeting • Meeting with Vena Energy • Meeting with CS Energy CEO 	Dalby Dalby Dalby
12 December 2019	<ul style="list-style-type: none"> • Media Interview - Triple M • Community Christmas Carols 	Phone Dalby
14 December 2019	<ul style="list-style-type: none"> • Chinchilla Mayoral Christmas Carols 	Chinchilla
16 December 2019	<ul style="list-style-type: none"> • Big Skies Launch 	Sunshine Coast
19 December 2019	<ul style="list-style-type: none"> • Media Opportunity 	Dalby

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

The forgoing represents activities undertaken by the Mayor during the month of December 2019.

Attachments

Nil

Authored by: Emma Hooke, Executive Assistant

Title (030.2019.490.001) Community and Liveability Report Development Application for Material Change of Use for a Transport Depot at Lots 54 55 RP14934 Edward Street Chinchilla Nothdurft

Date 17 December 2019

Responsible Manager T. Summerville, PLANNING AND ENVIRONMENT MANAGER

Summary

The purpose of this report is for Council to decide the proposed development for Material Change of Use to establish a Transport Depot on land described as Lots 54 and 55 on RP14934 and situated at Edward Street, Chinchilla.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and that:

1. The application for a Material Change of Use to establish a Transport Depot on land described as Lots 54 and 55 on RP14934 and situated at Edward Street, Chinchilla, be approved, subject to the following conditions:

APPROVED PLANS

1. The development shall be carried out generally in accordance with the Approved Plans listed below, subject to and modified by the conditions of this approval:

Plan No: 9044-43221, Job No. S61145

Description: Plan of Development, Lots 54 & 55 on RP14934, prepared by Murray & Associates, dated 16/08/2019

Plan No: 9044-43221, Job No. S61145

Description: Plan of Development (aerial image view), Lots 54 & 55 on RP14934, prepared by Murray & Associates, dated 16/08/2019

2. Where there is any conflict between the conditions of this development approval and the details shown on the Approved Plans, the conditions of this development approval must prevail.

APPROVED DEVELOPMENT

3. The approved development is a Material Change of Use for a Transport Depot as shown on the Approved Plans.

COMPLIANCE, TIMING AND COSTS

4. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
5. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

FEES AND CHARGES

6. All fees, rates, interest and other charges levied on the property, shall be paid in full, in accordance with the rate at the time of payment.

MAINTENANCE

7. The development (including landscaping, parking, driveways and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.
8. The site shall be maintained in a clean and orderly state at all times, to Council's satisfaction.

NOISE EMISSIONS

9. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.

AIR EMISSIONS

10. Air emissions (odour and dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.

WASTE MANAGEMENT

11. All waste generated from construction of the proposed development shall be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Waste Reduction and Recycling Act 2011*.
12. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

VISUAL AND GENERAL AMENITY

13. Any graffiti on the buildings must be removed within 3 business days.
14. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development work and any ensuing defects liability period.

OUTDOOR LIGHTING IMPACT MITIGATION

15. Outdoor lighting associated with the use must be designed, sited, installed and tested to comply with Tables 2.1 and 2.2 of Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting Using a Control Level of 1.

LANDSCAPING

16. The developer must submit to Council's Planning and Environment Manager or authorised delegate for endorsement, a Landscaping Plan for all landscaping associated with the development. The Plan must be prepared by a suitably qualified and experienced person in landscape design and construction.
17. The Landscaping Plan must detail:
 - 17.1 all landscaping areas shown on the Approved Plans, including a 2 metre wide landscaping strip to be provided along the Edward Street frontage;
 - 17.2 the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on-site;
 - 17.3 the number and size of plants; and
 - 17.4 the typical planting detail including preparation, backfill, staking and mulching.
18. The developer must prepare and landscape the site in accordance with the Approved Landscape Plan, or as otherwise approved in writing by Council's authorised delegate. Any amendments approved by Council's authorised delegate are taken to be a part of the Approved Landscape Plan.

ENGINEERING WORKS

19. Submit to Council, an Operational Work application for all civil works including earthworks (if required), and roadworks.
20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, Development Manual and Standard Drawings, and relevant Australian Standards.
21. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

22. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
23. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.

STORMWATER MANAGEMENT

24. Provide overland flow paths that do not alter the characteristics of existing overland flows or create an increase in stormwater impacts on other properties.
25. Ensure that adjoining properties and roadways are protected from ponding as a result of any site works undertaken.
26. Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter or floatable oils being carried into the existing stormwater system.

WATER SUPPLY

27. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

28. The existing on-site effluent disposal system/s servicing the development must be upgraded or replaced where it cannot be demonstrated that it operates in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.
29. Apply for a Development Permit for Plumbing Work from Council, for any upgrade or replacement of the on-site sewerage treatment system servicing the development. Any upgrades for the on-site effluent system must be designed by a suitably qualified person.

TRADE WASTE DISPOSAL (WASH DOWN BAY)

30. Do not release contaminants or contaminated water directly or indirectly from the premises or to the ground or groundwater at the premises, except for:
 - uncontaminated overland stormwater flow; and
 - uncontaminated stormwater to the stormwater system.
31. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible grease, scum, litter or floating oil.
32. The business must ensure that:
 - 32.1 maintenance and cleaning of equipment (including vehicles and plant) are carried out in Wash Down Bays, or an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;
 - 32.2 any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course;
 - 32.3 incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains); and
 - 32.4 spillage of all chemicals and other liquid contaminants must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

HAZARDOUS CHEMICAL AND FUEL STORAGE

33. Ensure that all hazardous chemicals are stored and handled in accordance with the *Work Health and Safety Act 2011*.
34. Diesel is to be stored and handled in accordance with Australian Standard 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

FLOODING - GENERAL

35. The development site is impacted by extreme risk of flooding during a Q100 event. The applicant is to prepare a Risk Management Plan (RMP) and submit to Council's Planning Manager or authorised delegate for endorsement. The areas to be addressed will include, but not be limited to:
 - flood warning triggers;
 - evacuation and safety procedures;
 - emergency services' contact numbers;
 - electrical services protection; and
 - property protection.

36. The Flood Risk Management Plan is to be kept on-site and available to customers, staff and Council at all times.
37. The Risk Management Plan is to be implemented, kept on-site, monitored, reviewed and updated at a minimum of two (2) year intervals, maintained for the period of the use of the development on the site, and is to be available for review at the request of Council's Planning Manager within 48 hours of such request.
38. Habitable areas and areas associated with the storage of hazardous chemicals and all control panels of critical services shall be built at a minimum 300mm above the defined flood level.

PARKING AND ACCESS - GENERAL

39. A minimum of five (5) truck/car parking spaces are to be provided.
40. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
41. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas, ensuring to not have an adverse impact on adjoining properties.

PARKING AND ACCESS - SERVICING

42. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

EXTERNAL ROADWORKS

43. Design and construct Edward Street from the end of the existing bitumen seal on Edward Street to the northern corner of Lot 55, to the following standard:
 - widening of the existing pavement to 10 metres, including a two-coat bitumen seal;
 - grassed table drains, and formation of a grassed verge;
 - tapers to the existing road pavement;
 - provision for stormwater drainage and easements (if required), line marking, street lighting associated with the required road works and road reserve transitions between existing and proposed roads; and
 - design all work in consultation with Council prior to submission of detailed Engineering drawings.

STREET LIGHTING

44. Design and install street lighting to the full frontage of the development in accordance with AS/NZS1158 and the road classifications contained within this approval (Road Lighting Category - P4). Submit street light design plans showing the proposed public lighting system to Council for endorsement.
45. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by Condition 44. Submit to Council, written confirmation from the electricity provider that an agreement has been made for the supply of public lighting system.
46. Ensure that any new street light poles required on external streets are of a consistent standard (ie steel poles) to street light poles within the immediate vicinity of the development.

EROSION AND SEDIMENT CONTROL - GENERAL

47. Undertake erosion and sediment control during construction work in accordance with Council's Standard Drawing No's D-005 (Rev A), D-006 (Rev A) and D-007 (Rev A) as applicable.
48. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
49. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ENVIRONMENTAL HEALTH

50. Undertake operations and construction work associated with this development to the requirements of Council, including the following:
 - 50.1 do not cause nuisance to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours;
 - 50.2 remove immediately, any material spilled or carried onto existing roads to avoid dust nuisance and ensure traffic safety; and
 - 50.3 do not carry out work on Sundays or Public Holidays (unless approved otherwise by Council).

ADVISORY NOTES

NOTE 1 - Relevant Period

*"A part of a development approval lapses at the end of the following period (the **currency period**)—*

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect."

NOTE 2 - Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships' website www.datsip.qld.gov.au.

NOTE 3 - General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4 - General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5 - Property Note (Audit of Conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken three (3) months after the approval takes effect. If the works are completed prior to this time, please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 6 - Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Western Downs Regional Council.

A P P E A L R I G H T S

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) Schedule 1 states -
 - (a) matters that may be appealed to -
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person -
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is -
 - (a) for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or
 - (b) for an appeal against a deemed refusal - at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or
 - (d) for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or

- (f) for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Background Information

The relevant background information to this application is as follows:

Application No: 030.2019.490.001	Assessment No: 10877	Keywords Index: AD6.6.2 & LG7.6.1
PART 1: APPLICATION		
Applicant:	Allen and Narelle Nothdurft C/- Murray & Associates (QLD) Pty Ltd	
Owner:	Mr AJ & Mrs NA Nothdurft	
Site Address:	Edward Street, Chinchilla	
Site Area:	Lot 54: 5,420m ² Lot 55: 5,838m ²	
Real Property Description:	Lots 54 and 55 on RP14934	
Proposed Development:	Transport Depot	
Level of Assessment:	Impact	
Type of Application:	Material Change of Use	
Relevant Planning Scheme:	Western Downs Planning Scheme 2017 incorporating Amendment 1	
Zone:	Medium Impact Industry	
Precinct:	N/A	
Overlays:	<ul style="list-style-type: none">▪ Flood Hazard - Extreme▪ Extractive Industry - Petroleum Lease PL185▪ Natural Resources - Authority to Prospect ATP676▪ Stormwater Overland Flow - Agricultural Land Class A▪ Minor Flow Path	
Pre-lodgement Meeting:	Yes	Date: 03/10/2019
Application Lodgement Date:	30/10/2019	
Properly Made Application:	Yes	Date: 01/11/2019
Confirmation Notice Issued:	Yes	Date: 14/11/2019
PART 4: PUBLIC NOTIFICATION		
Start Date:	Yes	Date: 22/11/2019
Notice of Compliance Received:	Yes	Date: 16/12/2019
Submissions:	Nil	
PART 5: DECISION PERIOD		
Date Commenced:	17/12/2019	
Decision Due Date:	12/02/2020	

Report

1. Site

The subject site comprises 2 adjoining allotments, has a total area of 11,258m² and is within the Medium Impact Industry Zone. The Flood Hazard, Natural Resources and Stormwater Overland Flow Path Overlays impact the land. The subject site is developed and contains an existing Sawmill. The Sawmill has been established on the site for many years, with existing use rights allowing the use to continue to operate on-site.

The subject site is accessed via Edward Street, which fronts the north-eastern boundary of the site and is an unsealed gravel road. An internal designed access road extends into the property from the site's Edward Street road frontage. The internal access road is signed as a one-way road.

The site is located within an established Industrial Estate and as such, is appropriately serviced by reticulated water supply, electricity supply and telecommunications. The site is serviced by an existing on-site wastewater disposal system.

The prevailing pattern of land use on surrounding properties is summarised as follows:

- Rural land to the north on the opposite side of Edward Street;
- Medium Impact Industry Zone and Recreation and Open Space Zone to the north/north-east on the opposite side of Edward Street; and
- Medium Impact Industry Zone to the south/west.

2. Proposal

The proposal seeks development approval for a Material Change of Use to establish a Transport Depot on the subject site for the purpose of accommodating the operations of Western Downs Spreading and Contracting which currently operates from the site. Western Downs Spreading and Contracting is an organic fertiliser contractor. The company specialises in developing relationships with Feedlots, sourcing manure, stockpiling and composting or delivering direct to clients and when requested, spreading the fertiliser.

The applicant has advised that, while the core business for the trucking business is the carting of organic fertiliser, there will be no stockpiling of the organic material on the property, with the development application for a Truck Depot only.

On 29 May 2019 and 28 August 2019, the land owner was issued with a letter advising that they were carrying out assessable development without a Permit, as there had been no Material Change of Use approval issued for the establishment of a Transport Depot use on the site. In response to these letters, the applicant lodged the current application seeking to lawfully continue to operate the Transport Depot use from the site.

The Sawmill which currently operates from the site and has pre-existing use rights, will continue to operate on-site. Accordingly, following approval of the current application relevant to the Transport Depot, dual land use Permits will exist over the property, being for a Sawmill and Transport Depot.

The following is proposed on-site in addition to retention of the existing on-site buildings and structures:

- Wash Down facility;
- four truck bays (existing on-site, but not formally approved and not formally designated);
- equipment lay-down area, which is an open area and not an enclosed shed; and
- igloo and service bay (existing on-site but not formally approved). Characterised by 2 x 12m containers with igloo over top and cement floor with service pit.

A 2m wide landscaping strip is proposed to the site's Edward Street frontage. The landscaping will soften the built form of the development and contribute to the amenity of the local area.

3. Assessment

The following are the Assessment Benchmarks applying to this development:

ASSESSMENT MATTERS	
Assessment Benchmarks	<p>The development was assessed against the following Assessment Benchmarks:</p> <ul style="list-style-type: none"> ▪ Western Downs Planning Scheme 2017 incorporating Amendment 1 <ul style="list-style-type: none"> • Medium Impact Industry Zone Code • Flood Hazard Overlay Code • Natural Resources Overlay Code

	<ul style="list-style-type: none"> • Stormwater Overland Flow Path Overlay Code • Transport, Access and Parking Code • Infrastructure Services Code 	
Reasons for Decision	The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
	Flood Hazard Overlay Code	
	<p>Where for Material Change of Use</p> <p>AO3.1 Uses within the following Activity Groups are not located within an Extreme Flood Hazard Area identified on Flood Hazard Overlay Maps (OM-004):</p> <ul style="list-style-type: none"> (a) Accommodation activities; (b) Business activities; (c) Centre activities, Community activities or Entertainment activities, except where for a Club with a maximum gross floor area of 100m²; (d) Industry activities; (e) Rural activities, except where for animal husbandry, cropping, and permanent plantation. <p>Where for Material Change of Use and Building Work</p> <p>AO4.1 Buildings including extension to existing buildings are:</p> <ul style="list-style-type: none"> (a) not located within an Extreme Flood Hazard Area on Flood Hazard Overlay Maps (OM-004); or (b) elevated above the defined flood level; and (c) elevated above the defined flood level plus 300mm freeboard where for habitable rooms within a dwelling. 	<p>The proposed development is considered appropriate for the locality, as it is an industrial use and therefore does not introduce any additional residents to a flood-prone site. The development does not incorporate habitable rooms and will not result in an increase to the number of residents at risk during a flood event.</p> <p>The relocation and replacement of the existing Office to an alternative location on the property, includes raising of the Office to above the defined flood level plus 300mm freeboard.</p> <p>The design of the Wash Down Bay will include a bunded area and removal of any materials from the bunded area to an appropriate storage container for disposal at approved locations.</p> <p>All buildings are constructed from flood resistant waterproof materials in the case of shipping containers. The development incorporates portable buildings which could be relocated to higher ground in the event of a flood.</p> <p>The applicant has advised that flood risk management practices will be implemented on-site for staff.</p> <p>A condition has been recommended requiring the applicant to prepare a Flood Risk Management Plan and submit to Council's Planning Manager or authorised delegate for endorsement.</p>

	<p>Where for Material Change of Use</p> <p>AO4.3 New buildings are provided with flood free pedestrian and vehicle evacuation access between the building and a flood safe accessible road.</p> <p>Note - A flood safe accessible road includes a road where identified as no flood hazard, Low Flood Hazard, Potential Flood Hazard or Medium Flood Hazard on Flood Hazard Overlay Maps (OM-004).</p>	
	Stormwater Overland Flow Path Overlay Code	
	<p>Where for Material Change of Use or Building Work</p> <p>AO2.1 No buildings are located within a Major Flow Path or Minor Flow Path identified on Stormwater overland flow path overlay maps (OM-012).</p> <p>AO2.2 Design levels for buildings must comply with the flood immunity standards specified in Table 8.2.10.2 and Table 8.2.10.3 where within a Major Flow Path or Minor Flow Path or associated buffer areas identified on Stormwater overland flow path overlay maps (OM-12).</p>	<p>Due to the nature of the proposed development, which incorporates large open storage areas and manoeuvrability areas, the flow path will not be impeded greatly by the development. Conditions have been recommended to ensure that stormwater is effectively managed.</p>

3.1 Medium Impact Industry Zone Code

A Medium Impact Industry use is identified as a Consistent Use in the Medium Impact Industry Zone. The proposed development complies with all of the applicable Acceptable Outcomes of the Medium Impact Industry Zone Code.

3.2 Transport Access and Parking Code

Table 9.4.5.2 of the Transport Access and Parking Code does not specify a parking rate for a Transport Depot. It is up to the applicant to demonstrate that the number of parking spaces provided is suitable to service the expected demand generated by the use.

The site currently contains an on-site car parking area which provides 5 vehicle parking spaces. The parking spaces are signed, but not formally line marked. The existing on-site car parking spaces are considered suitable to service the development. Due to the nature of the existing Sawmill use and the proposed Transport Depot use, the need for on-site car parking spaces for visitors to the site is expected to be minimal. In addition to the 5 vehicle parking spaces, the development proposes 4 truck parking bays.

3.3 Overlays

3.3.1 Flood Hazard Overlay Code

- The entire subject site is mapped as Extreme Flood Hazard.
- The proposed development is considered appropriate for the locality, as it is an industrial use and therefore does not introduce any additional residents to a flood-prone site. The development does not incorporate habitable rooms and will not result in an increase in the number of residents at risk during a flood event.
- The development incorporates portable buildings and therefore most of the infrastructure on-site could be relocated to higher ground prior to a flood event.
- On this basis, it is considered that the development complies with the relevant Performance Outcomes of the Flood Hazard Overlay Code.

3.3.2 Natural Resources Overlay Code

- The subject site is identified as Good Quality Agricultural Land - Class A.
- The Acceptable Outcomes applicable to sites on Agricultural Land are only applicable to Material Change of Use development on sites included in the Rural Zone. As the site is located within the Medium Impact Industry Zone, assessment against the Code is not applicable in this instance.

3.3.3 Stormwater Overland Flow Path Overlay Code

- The subject site is identified as being within a Minor Stormwater Overland Flow Path.
- Due to the nature of the proposed development, which incorporates large open storage areas and manoeuvrability areas, the flow path will not be impeded greatly by the development. Conditions have been recommended to ensure that stormwater is effectively managed.
- On this basis, it is considered that the development complies with the relevant Performance Outcomes of the Stormwater Overland Flow Path Overlay Code.

4. Public Notification

The application for a Material Change of Use to establish a Transport Depot on a site mapped as Extreme Flood Hazard Category is Impact Assessable in the Western Downs Planning Scheme 2017 incorporating Amendment 1.

As a result, the applicant undertook Public Notification in accordance with the *Planning Regulation 2017* and the Development Assessment Rules.

The applicant:

- published a notice in the Chinchilla News on 21 November 2019;
- placed a notice on the frontage of the land from 20 November 2019 until 13 December 2019; and
- posted letters to adjoining land owners on 21 November 2019.

During the Comment Period of the public notification, no submissions were received in relation to the proposed development.

5. Infrastructure Charges

- In accordance with Council's Infrastructure Charges Resolution (No. 7.1) 2017, a Transport Depot falls within the Industry Use Class. The unit of measure for the applicable charge for water, sewerage, transport and parks networks is based on the gross floor area (GFA). The proposed development will be co-located on-site with an existing Sawmill use and involves re-use of existing buildings. The proposal does not result in an increase in the GFA. Therefore, no charge for water, sewerage, transport or parks networks is applicable.
- Payment for the stormwater network is not applicable, as this charge is based on additional impervious area on the site. The site has a history of industrial uses and the proposed development does not involve an increase in impervious area on the site. As such, no charge for the stormwater network is applicable.

Consultation (Internal/External)

Internal

Council's Consultant Development Engineer has assessed the development application and provided advice and recommended conditions of approval where applicable.

Council's Planning and Environment Manager and A/Principal Planner have reviewed the Report and provided comments where necessary.

Legal/Policy Implications (Justification if applicable)

An applicant may elect to appeal against Council's decision in accordance with the relevant Section of the *Planning Act 2016*, which states:

"Chapter 6 Dispute Resolution

Part 1 Appeal Rights

229 Appeals to Tribunal or P&E Court

- (1) *Schedule 1 states -*
 - (a) *matters that may be appealed to -*
 - (i) *either a tribunal or the P&E Court; or*
 - (ii) *only a tribunal; or*
 - (iii) *only the P&E Court; and*
 - (b) *the person -*
 - (i) *who may appeal a matter (the **appellant**); and*
 - (ii) *who is a respondent in an appeal of the matter; and*
 - (iii) *who is a co-respondent in an appeal of the matter; and*
 - (iv) *who may elect to be a co-respondent in an appeal of the matter.*
- (2) *An appellant may start an appeal within the appeal period.*
- (3) *The **appeal period** is -*
 - (a) *for an appeal by a building advisory agency - 10 business days after a Decision Notice for the decision is given to the Agency; or*

- (b) *for an appeal against a deemed refusal - at any time after the deemed refusal happens; or*
- (c) *for an appeal against a decision of the Minister, under Chapter 7, Part 4, to register premises or to renew the registration of premises - 20 business days after a Notice is published under Section 269(3)(a) or (4); or*
- (d) *for an appeal against an Infrastructure Charges Notice - 20 business days after the Infrastructure Charges Notice is given to the person; or*
- (e) *for an appeal about a deemed approval of a development application for which a Decision Notice has not been given - 30 business days after the applicant gives the Deemed Approval Notice to the Assessment Manager; or*
- (f) *for any other appeal - 20 business days after a Notice of the decision for the matter, including an Enforcement Notice, is given to the person.*

Note - See the P&E Court Act for the Court's power to extend the appeal period."

Budget/Financial Implications

Nil

Conclusion

The proposed development has been assessed against the requirements of the Western Downs Planning Scheme 2017 incorporating Amendment 1. It is considered that the proposed development is suited to the land characteristics of the locality and is a consistent use within the Medium Impact Industry Zone. It is recommended that the application be approved subject to the recommended conditions.

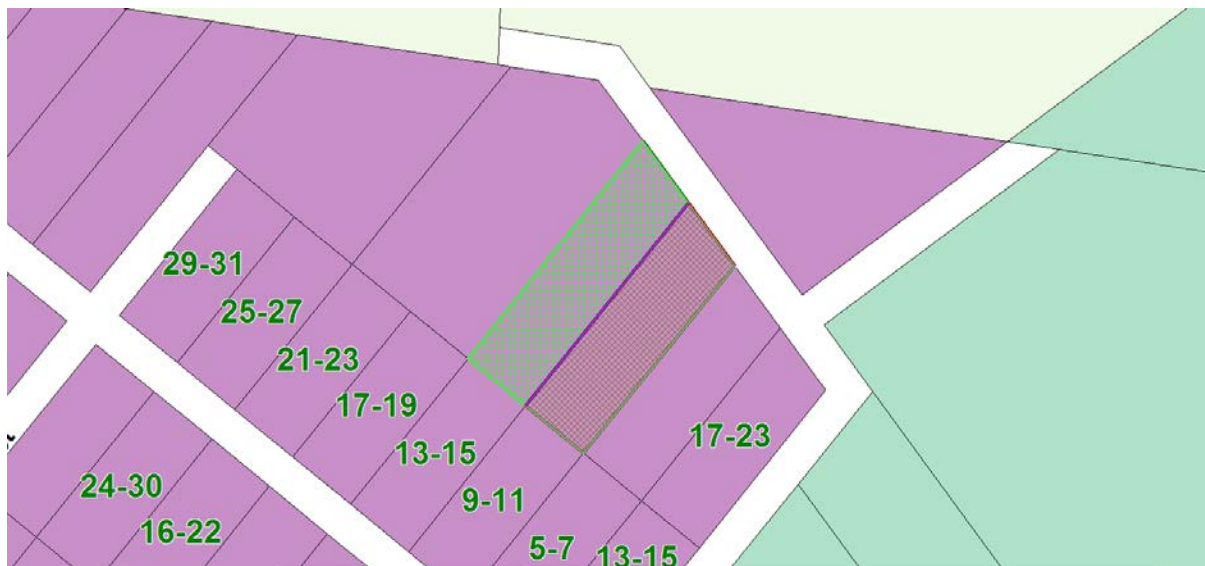
Attachments

1. Attachment 1 - Locality Plans
2. Attachment 2 - Proposal Plans

Authored by: Kym Bannerman, PLANNING OFFICER DEVELOPMENT ASSESSMENT

Attachment 1 - Locality Plans

Zoning Map of Site in Western Downs Planning Scheme 2017 incorporating Amendment 1



LEGEND

- Rural Zone
- Community Facilities Zone
- Recreation and Open Space Zone
- Rural Residential Zone / Rural Residential 4000 Precinct
- Low Density Residential Zone
- Township Zone
- Low Impact Industry Zone
- Medium Impact Industry Zone
- Local Centre Zone
- District Centre Zone
- Medium Density Residential Zone
- Low Density Residential Zone
- Major Centre Zone
- Township Zone / Mowbullun - Bunya Mountains Tourist Precinct
- Rural Zone / Rural 10 Precinct

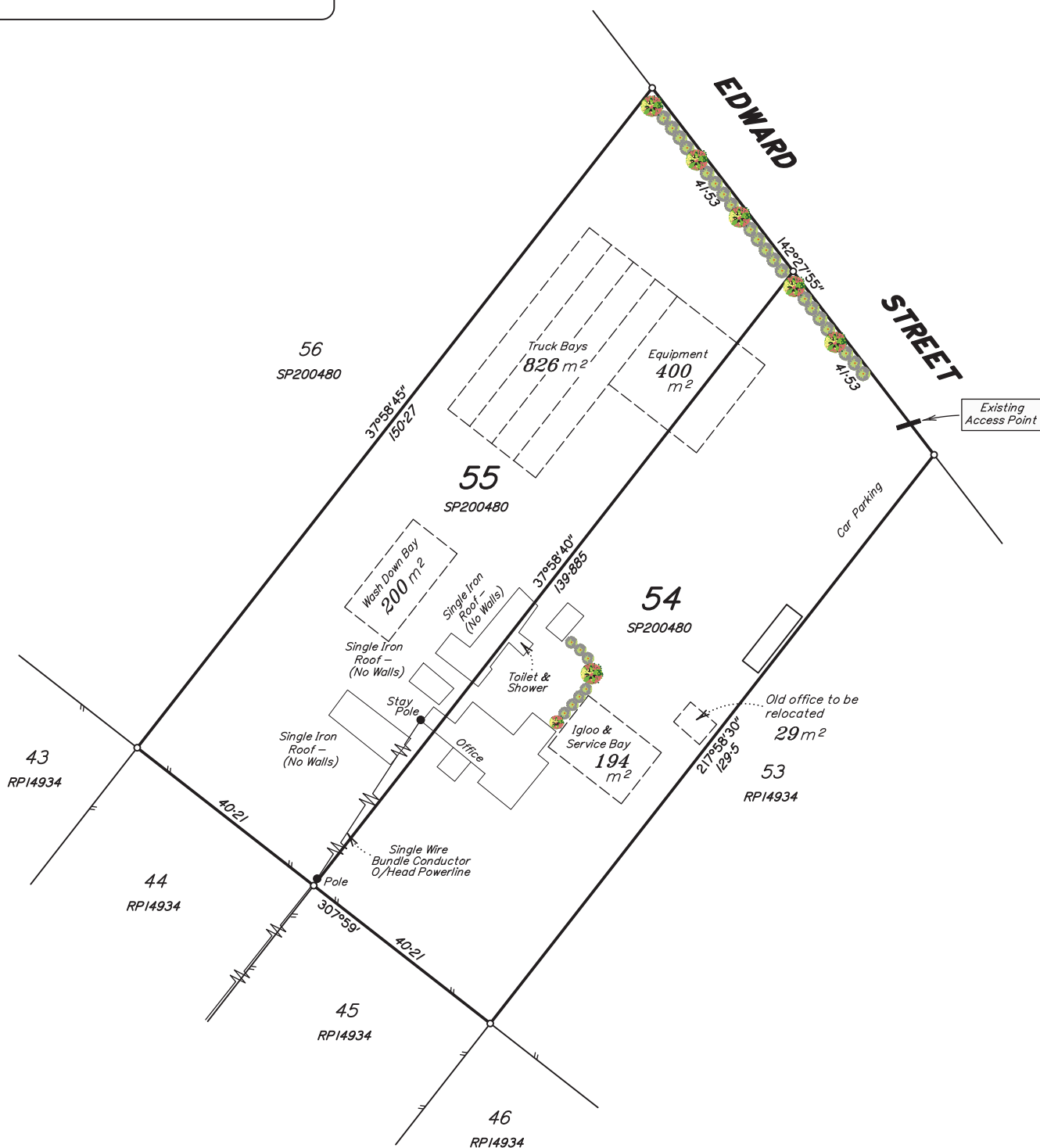
Zoning Map of Locality in Western Downs Planning Scheme 2017



Aerial Photograph of Site



Areas and dimensions are approximate only
and subject to final Survey and Council
approval.



MURRAY & ASSOCIATES
SURVEYORS & TOWN PLANNERS



ACN 075 543 154
Murray Building, 15-17 Currie St. Nambour Ph. (07)5441 2188 P.O. Box 246
Branch Offices at Caboolture Chinchilla Roma Gympie & Emerald

CADASTRAL SURVEYOR

PLAN OF DEVELOPMENT

Lots 54 & 55 on RP14934

LOCAL AUTHORITY: **WESTERN DOWNS REGIONAL COUNCIL**

CLIENT **Nothdurft**

LOCALITY **Chinchilla** MAP REF. **9044-43221**

DATE **16/08/2019** LEVEL **N/A**

FILE **S61145_(Site Plan)_Nothdurft.dwg**

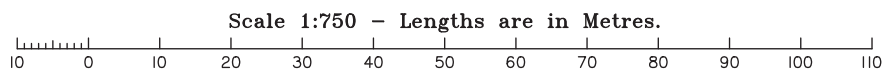
DRAWN **LF** CHECKED **DEC** ORIGINAL **POR 14/3**

SCALE **1:750** JOB No **S61145**

Areas and dimensions are approximate only
and subject to final Survey and Council
approval.



AERIAL IMAGE SUPPLIED BY nearmap.com



MURRAY & ASSOCIATES
SURVEYORS & TOWN PLANNERS
ACN 075 543 154

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Branch Offices at Caboolture Chinchilla Roma Gympie & Emerald

CADASTRAL SURVEYOR

PLAN OF DEVELOPMENT

Lots 54 & 55 on RP14934

LOCAL AUTHORITY: **WESTERN DOWNS REGIONAL COUNCIL**

CLIENT **Nothdurft**

LOCALITY **Chinchilla** MAP REF. **9044-43221**

DATE **16/08/2019** LEVEL **N/A**

FILE **S61145_(Site Plan)_Nothdurft.dwg**

DRAWN **LF** CHECKED **DEC** ORIGINAL **POR 14/3**

SCALE **1:750** JOB No **S61145**

Title **Executive Services Chief Executive Officer Report December 2019**

Date 6 January 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with the significant meetings, forums and delegations attended by the Chief Executive Officer during the month of December 2019

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted

Background Information

Nil

Report

Meetings, delegations and forums attended by the Chief Executive Officer during the month of December 2019:

Date	Who/Where	Details
02 December 2019	<ul style="list-style-type: none"> • Planning & Pre - Agenda Meeting • Councillor Information Sessions 	Dalby Dalby
03 December 2019	<ul style="list-style-type: none"> • Audit Committee Meeting • Meeting with Transport and Main Roads • Meeting with McCullough Robertson 	Dalby Dalby By Phone
04 December 2019	<ul style="list-style-type: none"> • Ordinary Meeting of Council • Meeting with Solar Farm Development Company 	Dalby Dalby
06 December 2019	<ul style="list-style-type: none"> • Meeting with Russell Pastoral Company 	Dalby
07 December 2019	<ul style="list-style-type: none"> • TSBE Event 	Toowoomba
10 December 2019	<ul style="list-style-type: none"> • Development Assessment Panel Meeting • Meeting with CS Energy 	Dalby Dalby
11 December 2019	<ul style="list-style-type: none"> • Meeting with Local Business • Meeting with Proposed Business 	Dalby Dalby
12 December 2019	<ul style="list-style-type: none"> • Meeting with Sun Water • TSBE Event 	Brisbane Brisbane

19 December 2019	• DASB Water Operator Forum - Welcome Address	Dalby
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Consultation (Internal/External)

Chief Executive Officer

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

The foregoing represents activities undertaken by the Chief Executive Officer during the month of December 2019.

Attachments

Nil

Authored by: J. Weier, Senior Executive Officer

Title **Executive Services Report Outstanding Actions December 2019**

Date 8 January 2020

Responsible Manager R. Musgrove, CHIEF EXECUTIVE OFFICER

Summary

The purpose of this Report is to provide Council with an updated on the status of outstanding Council Meeting Action Items to 4 December 2019.

Link to Corporate Plan

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and noted.

Background Information

Nil

Report

The purpose of this Report is to provide Council with an update on the status of Outstanding Council Meeting Action Items to the Meeting held on 4 December 2019.

1. Outstanding Council Meeting Action List (As at 4 December 2019)

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
21/06/17	Corporate Services Confidential Report Authorise Chief Executive Officer Negotiate Purchase Properties	AD6.6.2	<p>MOVED by Cr. I.J. Rasmussen and seconded by Cr. R.C. Brown</p> <p>That this Report be received and that:</p> <p>1. Council authorise the Chief Executive Officer to negotiate the acquisition of properties as proposed up to the amount in the table on page 81 of the report.</p> <p>CARRIED (7,1)</p> <p>FOR VOTE: Cr. P.M. McVeigh, Cr R.C. Brown, Cr. C.T. Tillman, Cr. K.A. Maguire, Cr. G.M. Olm, Cr. I.J. Rasmussen, Cr. A.N. Smith</p>	Corporate Services

Meeting date	Item description	File No.	Council Resolution/Task	Responsible Division
			AGAINST VOTE: Cr. P.T. Saxelby ABSENT. DID NOT VOTE: Cr. D.E. Ashurst	
20/03/19	Councillor Information Session High Quality Agricultural Land Western Downs Planning Scheme	AD6.6.2	MOVED by Cr. R.C. Brown and seconded by Cr. C.T. Tillman That an information session be held for the purpose of exploring options to address issues of concern in relation to the alienation of high quality agricultural land for the WDRC Planning Scheme. CARRIED	Community and Liveability
21/08/2019	Corporate Services Report Review of the Role of the Western Downs Regional Council Saleyards Advisory Committee	AD6.6.2	Moved By Ian Rasmussen Seconded by Carolyn Tillman That this Report be received and that:- 1. Council dissolve the Western Downs Regional Council Advisory Committee effective immediately; and 2. establish a Saleyards Reference Group. CARRIED	Corporate Services
20/11/2019	Community and Liveability Report Amendment to Animal Management Local Law	AD6.6.2	Moved By: Peter Saxelby Seconded by: Kaye Maguire That this Report be received and that: 1. Council resolve to propose to make the Animal Management (Amendment) Subordinate Local Law (No. 1) 2019 ("the proposed subordinate local law") to allow for the inclusion of an Off-Leash Dog Park in Chinchilla located at Old Bees Park on the corner of Chinchilla Tara Road and Glasson Street Chinchilla more particularly described as Lot 174 on Plan LY1077, and 2. That Council comply with the Local Law Making Process approved by Council pursuant to Section 29 of the Local Government Act 2009 ('the Act'). CARRIED	Community and Liveability
04/12/2019	Corporate Services Confidential Report Approval to Enter into Type 2 Investment Arrangements	9.2.1	Moved By Cr.A.N.Smith Seconded By Cr.K.A.Maguire That Council under S 257(1)(a) Resolve to delegate power to the Mayor to seek approval from the Queensland State Treasurer to enter into Type 2 financial arrangements under Part 7A of the State Bodies Financial Arrangement Act (SBFAA) i.e. "Investing amount". CARRIED	Corporate Services

Consultation (Internal/External)

Chief Executive Officer;

General Manager (Community & Liveability);
General Manager (Corporate Services);
General Manager (Infrastructure Services); and
Relevant Managers, Coordinators and Officers.

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

Nil

Conclusion

This report is provided to inform Council of the progress of resolutions of Council.

Attachments

Nil

Authored by: J. Weier, SENIOR EXECUTIVE OFFICER

Title	Corporate Services Report Application for Simultaneous Road Closure and Road Opening - off Gearys Road Hookwood Miles between Lot 19 and 20 BWR293
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Date	18 December 2019
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Responsible Manager	S. Thompson, GENERAL COUNSEL
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Summary

The purpose of this Report is to seek Council's direction in relation to an application for a road closure of Unnamed Road, Hookwood Miles.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- A safe and well maintained road network connects our region.

Strategic Priority: Strong Economic Growth

- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received, and that Council advises the Applicant:

1. That it withdraws its previous objection to the permanent closure of the road adjacent to Lots 19 and 20 on Crown Plan BWR293;
2. That it offers no objections to the permanent closure of the road between Lots 19 and 20 on Crown Plan BWR293, on the condition the closure occurs subsequent to the opening of a similar sized new road reserve on the eastern side of Lot 20 BWR293;
3. It is the Applicant's responsibility to acquire the consent of all adjacent land owners for the proposed road closure and new road opening;
4. The Applicant is to pay for costs associated with the simultaneous road closure and new road opening, including application fees and surveys for the road reserve.

Background Information

The Applicant (acting on behalf of the landowners) submitted an application to close two portions of road and use the adjoining four (4) properties for a solar farm, which would be built across the existing road reserve (see Attachment 2).

A Report was submitted to Council for determination on 20 March 2019 and Council resolved to advise the Applicant:

1. That it offers no objection to the permanent closure of the road adjacent to Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294;

2. That it objects to the permanent closure of the road adjacent to Lot 19 and 20 on Crown Plan BWR293 but is agreeable to a temporary road closure if the Applicant applies for a temporary road closure, and
3. It is the Applicant's responsibility to acquire the consent of all adjacent land owners for the proposed closure (see Report at Attachment 3 and minutes at Attachment 4).

Report

We refer to the Background Information above and advise Item 1 and Item 3 are not issues for this Report.

In reference to Item 2 above, Council previously agreed to a temporary road closure to retain access to Lot 75 BWR294 to the north, via the road reserve between Lot 19 and 20 BWR293. Lot 75 has an existing Unnamed Road to the north of it which could provide access to Lot 75 if required. However, it is a heavily timbered and an undeveloped lengthy road reserve, which if required as a road, would result in considerable expense to Council to develop (see Attachment 5).

The Applicant has requested "Council reconsider their objection" to the permanent road closure between Lot 19 and 20 on Crown Plan BWR293, as the "Solar Farm development cannot be undertaken on a temporary road closure area", and that "The road reserve between Lot 19 and 20 runs right through the proposed area of the Warhook Solar Farm". A temporary road closure was not suitable for the proposed solar farm, as they needed to be able to build structures across the area of the road reserve.

Department of Natural Resources, Mines and Energy (DNRME) has also advised Council that the department does not consider the additional costs to Council for road development as a relevant factor when determining to either permanently close or temporary close a road.

A possible solution for Council to consider would be for the Applicant to create a new road reserve of similar size along the eastern boundary of Lot 20 BWR293 which would provide access to Lot 75 BWR294 from Geary's Road (from the South) with little to no clearing resulting in a much reduced cost to Council, as there is already a partly formed track. It is also a much shorter distance from a formed road.

Consultation (Internal/External)

Advice was sought from Council's Senior Works Manager, who confirmed there would be no objection with a permanent road closure of the reserve adjoining Lots 19 BWR293 and 20 BWR293 if a replacement road reserve on the eastern boundary of Lot 20 BWR293 was opened.

Advice was sought from Council's Senior Planner, who confirmed Planning had no issues with the proposed road closure and replacement road reserve opening.

Discussions with the Applicant have been met with a positive response to the alternate conditions of a replacement road opening on the eastern boundary of Lot 20 with the closure of the portion of road between Lots 19 and 20 BWR293, as this would comply with their development of the Solar Farm.

The Applicant has confirmed that they, and the property owner, are agreeable to proceed with opening a road reserve on the eastern boundary of Lot 20 BWR293.

Legal/Policy Implications (Justification if applicable)

There are no Native Title implications.

Budget/Financial Implications

Designating a new road reserve on the eastern boundary of Lot 20 BWR293 will prevent the future high cost of constructing a road to the north of Lot 75 BWR294 for access to that Lot.

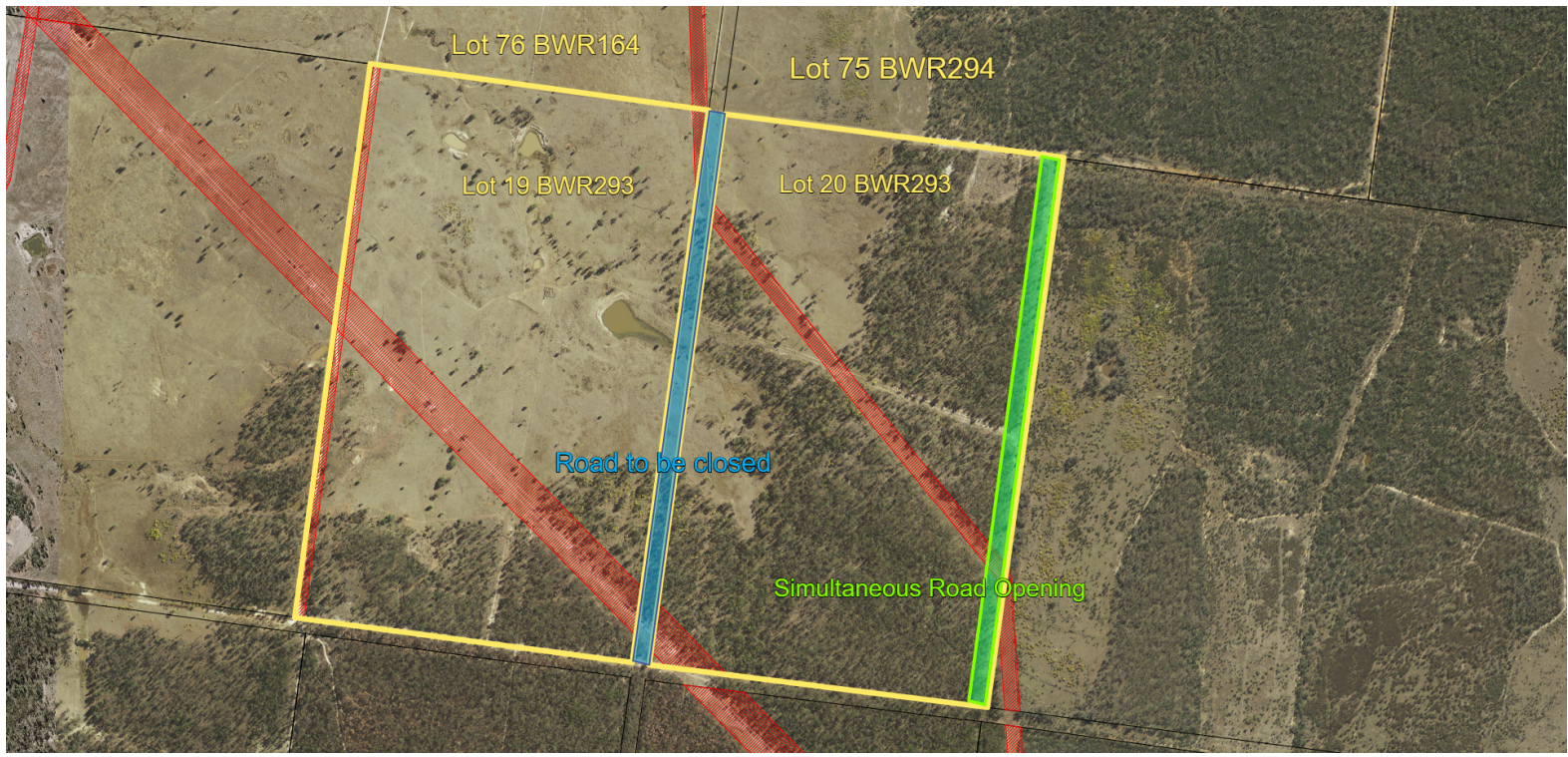
Conclusion

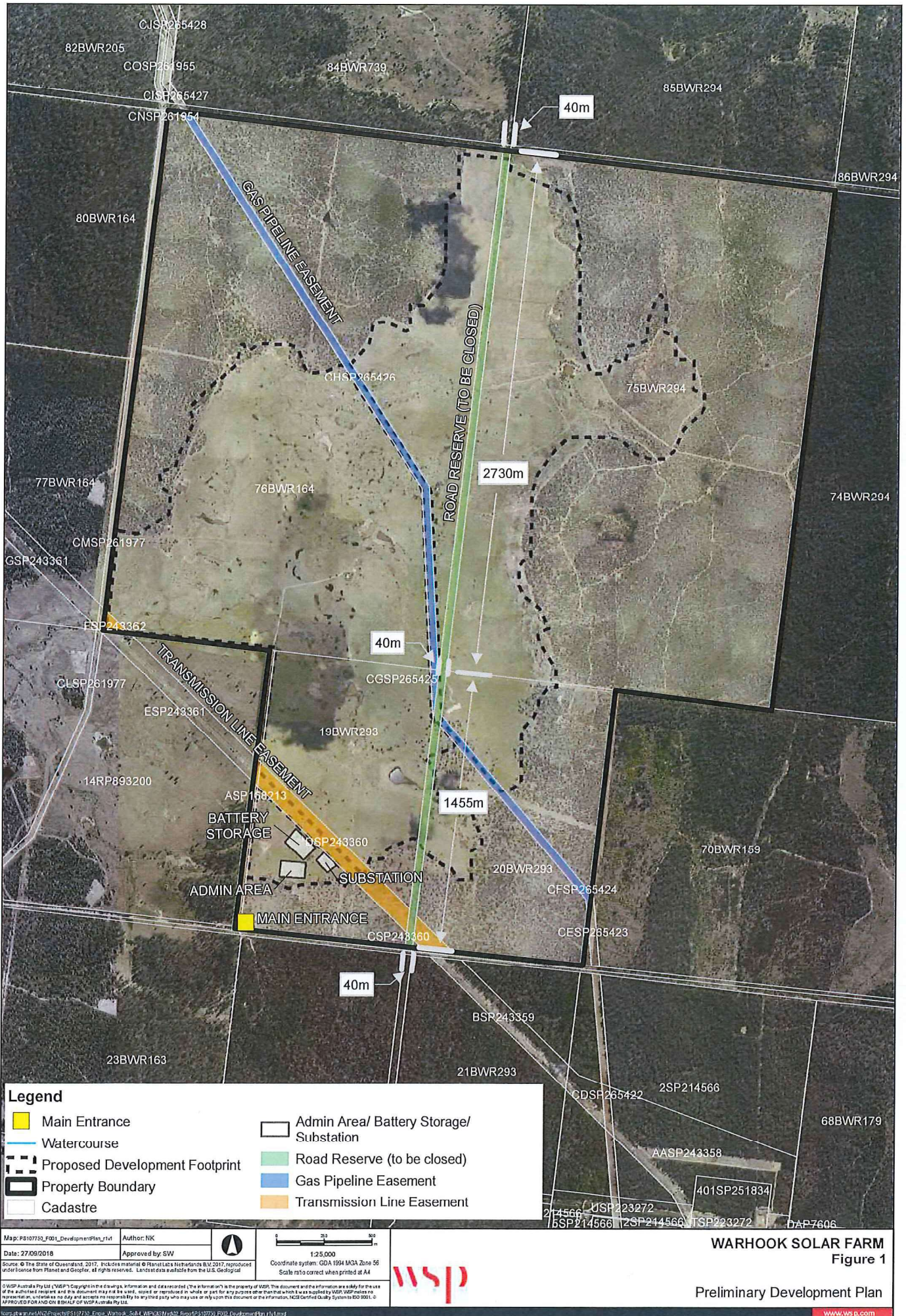
That Council has no objection to a permanent road closure of the reserve adjoining Lots 19 BWR293 and 20 BWR293 if a replacement road reserve, of a similar size, along the eastern boundary of Lot 20 BWR293 was opened. The position of the suggested replacement road reserve would result in a much-reduced cost to Council as a partly formed track already exists and it a much shorter distance from a formed road.

Attachments

1. Map of subject lots including road reserve
2. Warhook Solar Farm Figure 1 Preliminary Development Plan
3. Council Report dated 18 February 2019;
4. Ordinary Meeting of Council Minutes dated 20 March 2019;
5. Aerial view of road reserves including heavily timbered area to the north of Lot 75 Crown Plan BWR294.

Authored by: S. Thompson, GENERAL COUNSEL





Title	Corporate Services Report Application for Road Closure - Road adjacent to Lot 20 on Crown Plan BWR293 and Lot 75 on Crown Plan BWR294 off Geary's Road Hookswood Miles
To	R. Musgrove, CHIEF EXECUTIVE OFFICER
File No	AD 6.6.2, LG 28.9.1
Date	18 February 2019
Authored by	S. Thompson, GENERAL COUNSEL
Responsible General Manager	S. Peut, GENERAL MANAGER (CORPORATE SERVICES)

Summary/Purpose

The purpose of this Report is to seek Council's direction in relation to two applications to permanently close Unnamed Road, Hookswood Miles, one being for the part of the road which is adjacent to Lot 20 on Crown Plan BWR293 and the second being for the part of road which is adjacent to Lot 75 on Crown Plan BWR294, off Geary's Road, Hookswood Miles.

As there are two applications for road closure for two sections of the one road, it is best that they are considered together by Council.

Employee Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council advises the Applicants:

1. That it offers no objection to the permanent closure of the road adjacent to Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294;
2. That it objects to the permanent closure of the road adjacent to Lots 19 and 20 on Crown Plan BWR293 but is agreeable to a temporary road closure if the Applicant applies for a temporary road closure, and
3. It is the Applicant's responsibility to acquire the consent of all adjacent land owners for the proposed closure.

Justification

Nil

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Background Information

The Applicant is seeking approval to close an unnamed road adjacent to Lot 20 on Crown Plan BWR293 and Lot 75 on Crown Plan BWR294. The road is identified in green highlighting in the photograph at Attachment 1.

Council issued a development approval for a material change of use to establish a solar farm to Engie Renewables Australia Pty Ltd on 17 August 2018 at Geary's Road and Kerwick Road, Hookswood. The road proposed to be closed is within the development area for this solar farm, and the closure will enable this development to proceed.

This is confirmed by the applicant in their applications, which state that:

"The closure of the road is required for the construction and operation of the approved solar farm. The development will require connecting cables and conduits to cross sections of the road reserve. The large solar panel arrays will also need to be placed over the land. The road reserve currently remains unused."

Report

The road proposed to be closed is an Unnamed Road, Miles and is between Lots 19 and 20 on Crown Plan BWR293 and Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294. Lots 19 and 20 on BWR293 are owned by one owner.

The Applicant is not the registered owner of any of the parcels of land but is acting as agent for the property owners of Lots 20 BWR293 and 75BWR294 and has provided completed and signed copies of the Application of Road Closure Part B form.

With respect to the other impacted adjacent land owners:

1. Lot 19 BWR193 is owned by the owner of Lot 20 BWR293 and thus agreeable to the impact that the road closure will have on this particular parcel; and
2. the Applicant has not provided any evidence of agreement with the owner of Lot 76 BWR164. Such agreement will need to be provided to DNRME by the Applicant as part of the Road Closure process.

Examination of aerial photographs of the area shows that access to the residence on Lot 76 BWR164 utilises an easement along the western boundary of Lot 19 BWR293 which will not be impacted by any future change of land ownership. There are no other residences visible in the photographs and access throughout the properties is via unformed roads

The road proposed to be closed is an unformed road and does not form part of the wider road network. There is no foreseeable future use of this road. Any future road access to lots 76 and 75 is maintained through the temporary road closure of the road adjacent to lots 19 and 20.

Budget & Financial Aspects

Nil

Asset Management

Nil

Workplace Health and Safety Implications

Nil

Organisational Considerations

Consultation (Internal/External)

Advice was sought from Council's Senior Works Manager, who advised that due to the access easement protecting the access for Lot 76 on BWR164, there are no objections from a Works perspective for permanent road closure of the section of road reserve of Unnamed Road adjacent to lots 76 and 75 as any future road access would be maintained via the road reserve adjacent to lots 19 and 20 to the south. This would also be a more cost effective proposal for road access as compared to access from the unformed road traversing the north boundaries of lots 76 and 75.

Advice was sought from Council's Acting Principal Planner, who advised that Planning has no issues with the proposed road closure adjacent to 76 and 75, and the temporary road closure adjacent to lots 19 and 20. The existing dwelling on Lot 76 BWR164 gains lawful access to Geary's Road via an Access Easement. In the event the solar farm does not proceed, or at the end of the life of the solar farm, Lot 76 will maintain lawful road access to Geary's Road via the existing easement. Lot 75 maintains access via the temporary road closure adjacent to lots 19 and 20.

Legal Implications

If Council offers no objection to the road closure, then the road identified adjacent to lots 76 and 75, and lots 19 and 20 on the photograph in Attachment 1 will be temporarily closed to the public, subject to final approval of the closure by the DNRME.

Policy Implications

Nil

Conclusion

The applicants have requested a permanent road closure for the length of the Unnamed Road adjacent to Lots 19 and 20 on Crown Plan BWR293 and Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294. However, Council's preference would be for a temporary road closure of the road adjacent to lots 19 and 20 as it maintains an access road to the two northern lots of 76 and 75 without having to develop the existing unformed northern road at considerable cost to Council.

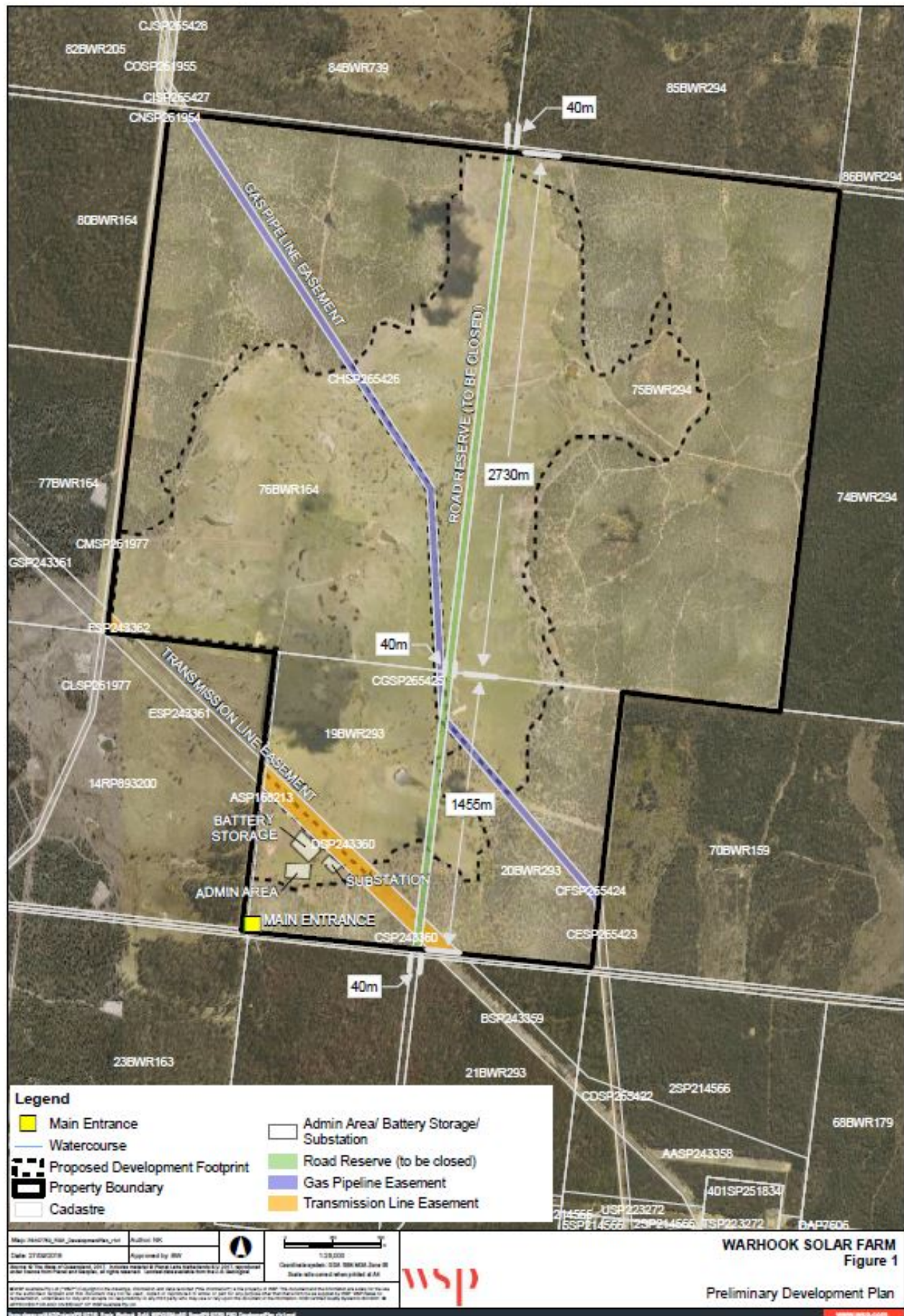
It is recommended that

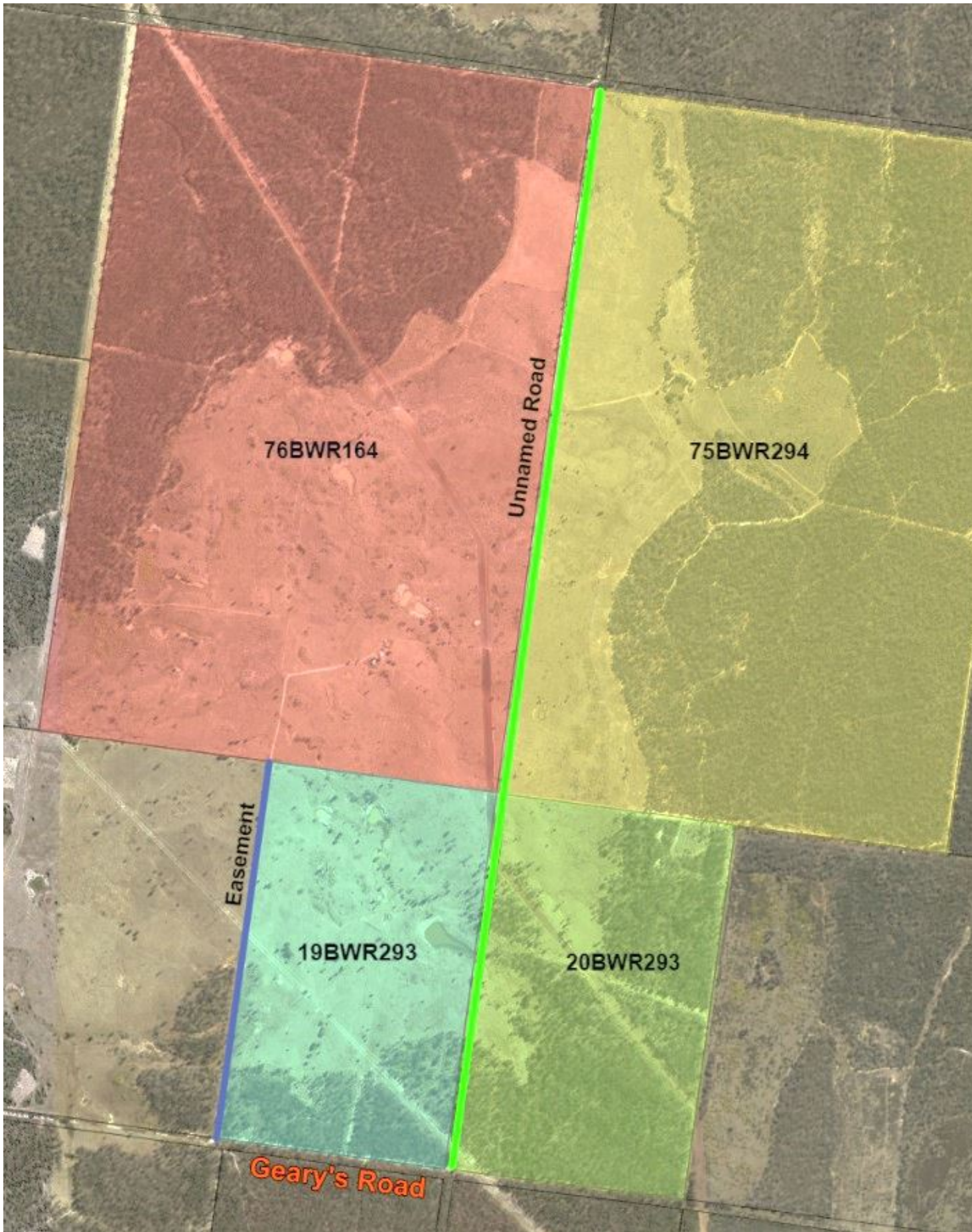
1. Council objects to a permanent road closure but has no objection to the temporary closure of the road adjacent to lots 19 and 20 on the photograph in Attachment 1, and
2. Council has no objection to the Permanent closure of the road adjacent to lots 76 and 75 on the photograph in Attachment 1 on the provision that the Applicant is responsible for acquiring consent for the closure from all adjacent land owners.

Attachments

1. Road Closure Location

Attachment 1. Road Closure Location







MINUTE ITEMS FOR DISCUSSION

ORD.CS/10.2

CORPORATE SERVICES REPORTS

ORD.CS/10.2.2

Corporate Services Report Application for Road Closure - Road adjacent off Gearys Road Hookwood Miles

To

R. Musgrove, CHIEF EXECUTIVE OFFICER

File No

AD 6.6.2, LG 28.9.1

Date

18 February 2019

Authored by

S. Thompson, GENERAL COUNSEL

Responsible General Manager

S. Peut, GENERAL MANAGER (CORPORATE SERVICES)

Summary/Purpose

The purpose of this Report is to seek Council's direction in relation to two applications to permanently close Unnamed Road, Hookwood Miles, one being for the part of the road which is adjacent to Lot 20 on Crown Plan BWR293 and the second being for the part of road which is adjacent to Lot 75 on Crown Plan BWR294, off Geary's Road, Hookwood Miles.

As there are two applications for road closure for two sections of the one road, it is best that they are considered together by Council.

Employee Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council advises the Applicants:

1. That it offers no objection to the permanent closure of the road adjacent to Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294;
2. That it objects to the permanent closure of the road adjacent to Lots 19 and 20 on Crown Plan BWR293 but is agreeable to a temporary road closure if the Applicant applies for a temporary road closure, and
3. It is the Applicant's responsibility to acquire the consent of all adjacent land owners for the proposed closure.

Justification

Nil

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

MINUTE ITEMS FOR DISCUSSION

ORD.CS/10.2

CORPORATE SERVICES REPORTS

ORD.CS/10.2.2

Corporate Services Report Application for Road Closure - Road adjacent off Gearys Road Hookwood Miles ...(Cont'd)

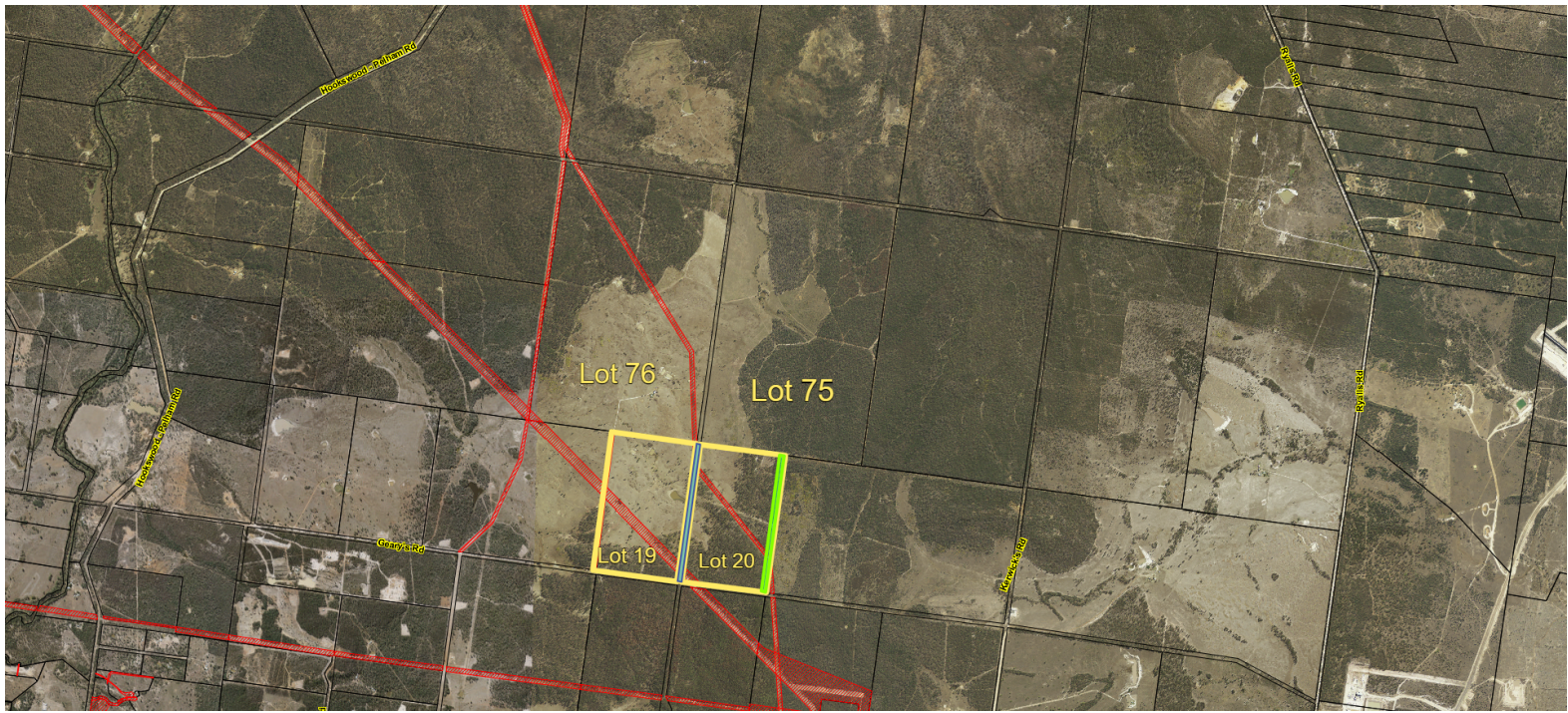
COUNCIL RESOLUTION

MOVED by Cr. G.M. Olm and seconded by Cr. P.T. Saxelby

That this Report be received and that Council advises the Applicants:

1. That it offers no objection to the permanent closure of the road adjacent to Lot 76 on Crown Plan BWR164 and Lot 75 on Crown Plan BWR294;
2. That it objects to the permanent closure of the road adjacent to Lots 19 and 20 on Crown Plan BWR293 but is agreeable to a temporary road closure if the Applicant applies for a temporary road closure, and
3. It is the Applicant's responsibility to acquire the consent of all adjacent land owners for the proposed closure.

CARRIED



Title	Corporate Services Report The Auburn Hawkwood People (formerly Wulli Wulli People #2) QUD31/2019 - Consent Determination
--------------	---

Date	4 December 2019
-------------	-----------------

Responsible Manager	S. Thompson, GENERAL COUNSEL
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Summary

To advise Council of the consent determination of the Auburn Hawkwood People (Wulli Wulli People #2) issued on 25 November 2019 by the Federal Court.

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our community members are the loudest advocates for what's great about our region.
- Our social, cultural and sporting events are supported locally and achieve regional participation.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.
- A recognised culture of volunteerism is active throughout our communities.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That Council resolve to receive the consent determination of the Auburn Hawkwood People (Wulli Wulli People #2) Claim issued on 25 November 2019 by the Federal Court, being QUD31/2019.

Background Information

A report outlining the claim and attaching the determination map and draft consent determination was lodged with Council for consideration at the Council Meeting dated 18 September 2019.

Report

Council resolved at the meeting on 18 September 2019 to:

- (a) Consent to a determination of the Wulli Wulli People #2 native title claim QUD31/2019 in the terms of draft order attached; and
- (b) Delegate to the CEO the power to agree to any changes that may be required by the Court to make the final determination order.

The Court did not require any changes to the draft determination and by consent of the parties the final determination was issued on 25 November 2019. Please refer to the attached Consent Determination.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

As per the consent determination (see Attachment 1).

Budget/Financial Implications

Nil

Conclusion

The consent determination of the Auburn Hawkwood People (Wulli Wulli People #2) Claim issued on 25 November 2019 by the Federal Court represents over 7 years of work for this claim to be formally recognised.

Attachments

1. Consent Determination

Authored by: S. Thompson GENERAL COUNSEL

FEDERAL COURT OF AUSTRALIA

Clancy on behalf of the Auburn Hawkwood People and State of Queensland

[2019] FCA 1908

File number: QUD 31 of 2019

Judge: **ROBERTSON J**

Date of judgment: 25 November 2019

Catchwords: **NATIVE TITLE** – consent determination – where the Court is satisfied that an order consistent with the terms of the agreement reached for the purposes of s 87 of the *Native Title Act 1993* (Cth) is within the power of the Court – where the Court is satisfied that it is appropriate to make the order sought – **Held:** native title determination made over the whole of the determination area without a hearing

Legislation: *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) s 29-5
Native Title Act 1993 (Cth) ss 55, 56, 61, 66, 87, 94A, 223(1), 225

Native Title (Prescribed Body Corporate) Regulations 1999 (Cth) r 4

Date of hearing: 25 November 2019

Registry: Queensland

Division: General Division

National Practice Area: Native Title

Category: Catchwords

Number of paragraphs: 37

Solicitor for the Applicant: Mr E Besley of Just Us Lawyers

Solicitor for the First Respondent: Ms E Hanley of Crown Law

Solicitor for the Second, Third and Fourth Respondents: Mr A Buck of Holding Redlich

Solicitor for the Fifth and
Sixth Respondents:

Mr J Marshall of MacDonnells Law

Solicitor for the Seventh
Respondent:

King & Wood Mallets

Solicitor for the Eighth to
Forty-Fifth Respondents:

Mr M Borge of Thynne & Macartney

ORDERS

QUD 31 of 2019

BETWEEN: **ROBERT CLANCY, ELIZABETH LAW, ERICA GYEMORE,
BRIAN CLANCY, ELIZABETH BLUCHER, ASHLEY
SALTNER, CHRISTINE BOSWORTH, JENNIFER WRAGGE
AND JULIEANNE EISEMANN, ON BEHALF OF THE
AUBURN HAWKWOOD PEOPLE**
Applicant

AND: **STATE OF QUEENSLAND**
First Respondent

BANANA SHIRE COUNCIL
Second Respondent

WESTERN DOWNS REGIONAL COUNCIL (and others named
in the Schedule)
Third Respondent

JUDGE: **ROBERTSON J**

DATE OF ORDER: **25 NOVEMBER 2019**

BEING SATISFIED that an order in the terms set out below is within the power of the Court,
and it appearing appropriate to the Court to do so, pursuant to s 87 of the *Native Title Act 1993*
(Cth)

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (the determination).
2. Each party to the proceedings is to bear its own costs.

BY CONSENT THE COURT DETERMINES THAT:

3. The determination area is the land and waters described in Schedule 4 and depicted in
the map attached to Schedule 6 to the extent those areas are within the External
Boundary and not otherwise excluded by the terms of Schedule 5 (the **Determination
Area**). To the extent of any inconsistency between the written description and the map,
the written description prevails.
4. Native title exists in the Determination Area.

5. The native title is held by the Auburn Hawkwood People described in Schedule 1 (the Native Title Holders).
6. Subject to orders 8, 9 and 10 below, the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 4 are:
 - (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
 - (b) in relation to Water, the non-exclusive rights to:
 - (i) hunt, fish and gather from the Water of the area;
 - (ii) take and use the Natural Resources of the Water in the area; and
 - (iii) take and use the Water of the area.

for personal, domestic and non-commercial communal purposes.

7. Subject to orders 8, 9 and 10 below, the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 4 are the non-exclusive rights to:
 - (a) access, be present on, move about on and travel over the area;
 - (b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;
 - (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;
 - (d) take and use Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;
 - (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;
 - (f) conduct ceremonies on the area;
 - (g) be buried and bury Native Title Holders within the area;
 - (h) maintain places of importance and areas of significance to the Native Title Holders under their traditional laws and customs and protect those places and areas from physical harm;
 - (i) teach on the area the physical and spiritual attributes of the area;
 - (j) hold meetings on the area; and

- (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.
- 8. The native title rights and interests are subject to and exercisable in accordance with:
 - (a) the Laws of the State and the Commonwealth; and
 - (b) the respective traditional laws acknowledged and traditional customs observed by the Native Title Holders.
 - 9. The native title rights and interests referred to in orders 6(b) and 7 do not confer possession, occupation, use or enjoyment to the exclusion of all others.
 - 10. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).
 - 11. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 2.
 - 12. The relationship between the native title rights and interests described in orders 6 and 7 and the other interests described in Schedule 2 (the Other Interests) is that:
 - (a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;
 - (b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and
 - (c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests.

DEFINITIONS AND INTERPRETATION

- 13. In this determination, unless the contrary intention appears:
 - “External Boundary” means the area described in Schedule 3;

“land” and “waters”, respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

“Laws of the State and the Commonwealth” means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

“Local Government Act” has the meaning given in the *Local Government Act 2009* (Qld);

“Local Government Area” has the meaning given in the *Local Government Act 2009* (Qld);

“Natural Resources” means:

- (a) any animal, plant, fish and bird life found on or in the lands and waters of the Determination Area; and
- (b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area,

that have traditionally been taken and used by the Native Title Holders, but does not include:

- (a) animals that are the private personal property of another;
- (b) crops that are the private personal property of another;
- (c) minerals as defined in the *Mineral Resources Act 1989* (Qld); or
- (d) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

“Reserve” means a reserve dedicated or taken to be a reserve under the *Land Act 1994* (Qld);

“Water” means:

- (a) water which flows, whether permanently or intermittently, within a river, creek or stream;
- (b) any natural collection of water, whether permanent or intermittent; and
- (c) water from an underground water source;

“Works” has the same meaning as in the *Electricity Act 1994* (Qld).

Other words and expressions used in this determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

THE COURT DETERMINES THAT:

14. The native title is held in trust.
15. The Auburn Hawkwood People Aboriginal Corporation (ICN: 9127), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:
 - (a) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and
 - (b) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

LIST OF SCHEDULES

- Schedule 1 – Native Title Holders
- Schedule 2 – Other Interests in the Determination Area
- Schedule 3 – External Boundary
- Schedule 4 – Description of Determination Area
- Schedule 5 – Areas Not Forming Part of the Determination Area
- Schedule 6 – Map of Determination Area

Schedule 1 – Native Title Holders

1. The Native Title Holders are the Auburn Hawkwood People who have a connection to the Determination Area in accordance with their respective traditional laws acknowledged and traditional customs observed and are the biological descendants of one or more of the following people:
 - (a) Bojimba & Narrygn;
 - (b) Ginalene, the mother of Ernest Pope;
 - (c) Tilly, the mother of Harry Blucher;
 - (d) Grace, the mother of Fanny Joyce;
 - (e) Jack Hornet Snr, the father of Jack Hornet;
 - (f) Thomas Clancy;
 - (g) Maria, the mother of Isabella Hooper;
 - (h) Amy, wife of John Bond;
 - (i) Billy and Selena, parents of Jacob;
 - (j) Bessie Rawbelle;
 - (k) Billy McKenzie;
 - (l) Maggie West;
 - (m) Jackanapes;
 - (n) Jinnie, the mother of Ranji Logan;
 - (o) Rosie, the mother of John Barra;
 - (p) Mergwin - Blay;
 - (q) Kitty of Boondooma;
 - (r) King Billy and Maria of Boondooma;
 - (s) Jessie Fuller;
 - (t) Mi Mi; or
 - (u) Maggie Hart.

Schedule 2 – Other Interests in the Determination Area

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests of the parties under the following agreements registered on the Register of Indigenous Land Use Agreements:
 - (a) Wakka Wakka 2 and Tarong ILUA (QI2008/027) registered 8 September 2009;
 - (b) Djaku-nde and Jangerie Jangerie and Wakka Wakka Peoples and QGC PTY Limited ILUA (QI2010/005) registered 17 September 2010; and
 - (c) Djaku-nde and Jangerie Jangerie and Wakka Wakka People and QGC Pty Limited (Balance Area) ILUA registered 1 November 2010.
2. The rights and interests of Telstra Corporation Limited ACN 051 775 556:
 - (a) as the owner or operator of telecommunications facilities within the Determination Area;
 - (b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:
 - (i) to inspect land;
 - (ii) to install, occupy and operate telecommunication facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
 - (c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and
 - (d) under any lease, licence, access agreement, permit or easement relating to its telecommunications facilities in the Determination Area.
3. The rights and interests of Ergon Energy Corporation Limited ACN 087 646 062:
 - (a) as the owners and operator of any Works within the Determination Area;
 - (b) as an electricity entity under the *Electricity Act 1994* (Qld), including but not limited to:
 - (i) as the holders of a distribution authority;

- (ii) to inspect, maintain and manage any Works in the Determination Area; and
 - (iii) in relation to any agreement or consent relating to the Determination Area existing or entered into before the date these orders are made; and
 - (c) to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this clause.
4. The rights and interests of the Banana Shire Council, Western Downs Regional Council, North Burnett Regional Council and South Burnett Regional Council as the local government for that part of the Determination Area within their respective Local Government Area, including:
- (a) their powers, functions, responsibilities and jurisdiction under a Local Government Act;
 - (b) their rights and interests under any interest in land or waters within the Determination Area including under any lease, license, access agreement, easement or Reserve in the Determination Area;
 - (c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owners and operators of infrastructure, structures, earthworks, access works, facilities and other improvements within the Determination Area;
 - (d) the rights under any agreements between the local government and third parties which relate to land or water in the Determination Area; and
 - (e) the rights of their employees, agents and contractors to enter upon the Determination Area for the purpose of performing their powers and responsibilities under paragraphs (a) to (d).
5. The rights and interests of members of the public arising under the common law, including but not limited to the following:
- (a) any subsisting public right to fish; and
 - (b) the public right to navigate.
6. Any other rights and interests:
- (a) held by the State of Queensland or Commonwealth of Australia; or
 - (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

Schedule 3 – External Boundary

The area of land and waters commencing:

At a point on the eastern boundary of Lot 64 on Plan FTY1828 (Camboon State Forest) at Latitude 25.111339° South, being a point on the eastern boundary of Native Title Determination QUD6006/00 Wulli Wulli People (QC00/07), and extending east to an eastern boundary of Lot 226 on Plan FTY656; then generally southerly along eastern boundaries of that lot, north eastern boundaries of Lot 19 on Plan PH524 and north eastern boundaries of Lot 227 on Plan FTY1244 to the intersection of the southern boundary of Glencoe Road and the western boundary of Calrossie Road; then generally easterly and generally southerly along northern and eastern boundaries of the southern severance of Lot 1 on Plan RW854, again eastern and northern boundaries of Lot 227 on Plan FTY1244 to the northernmost north western corner of Lot 1 on Plan WK144; then generally easterly and generally south westerly along boundaries of that lot, eastern boundaries of Lot 13 on Plan WK87 and an eastern boundary of Lot 14 on Plan WK87 to the northernmost corner of Lot 10 on Plan WK227; then generally south easterly along boundaries of that lot, generally easterly and generally southerly along northern boundaries of Lot 42 on Plan FTY1497, northern and eastern boundaries of Lot 4 on Plan WK228 to the easternmost north eastern corner of that lot at Latitude 25.466556° South; then easterly to the headwaters of Target Creek at Longitude 150.836420° East, Latitude 25.468380° South; then generally south easterly along the centreline of that creek to Longitude 150.864500° East; then southerly to the westernmost corner of Lot 7 on Plan WK149; then generally southerly, generally easterly and again generally southerly along eastern boundaries of Lot 2 on Plan WK179, northern and eastern boundaries of Lot 4 on Plan WK45 and an eastern boundary of Lot 44 on Plan FTY892 to a corner of that lot at Latitude 25.644832° South; then easterly to a corner on the western boundary of Lot 5 on Plan WK231 at Latitude 25.649256° South; then generally south easterly along western boundaries of that lot to the northern boundary of Hawkwood Road; then generally easterly along northern boundaries of that road to Longitude 151.052311° East; then north easterly to a south western corner of the southern severance of Lot 5 on Plan WK231 at Longitude 151.056444° East; then easterly along the southern boundary of the southern severance of that lot to its south eastern corner at Latitude 25.642540° South; then easterly to the north western corner of Lot 71 on Plan WK8; then generally easterly along the northern boundaries of that lot to its north eastern corner; then northerly to a corner on the northern boundary of Lot 43 on Plan FTY1717 at Longitude 151.101418° East; then generally north easterly along boundaries of that lot to a corner at

Longitude 151.121819° East; then north easterly to a corner on the southern boundary of Pearlinga Road at Longitude 151.136273° East; then generally easterly along southern boundaries of that road to the western bank of St John Creek; then generally easterly and generally southerly along the western bank of that creek to the western bank of the Burnett River; then generally westerly, generally south easterly and generally southerly along the western bank of that river, and the western bank of Boyne River to the northern boundary of Lot 20 on Plan SP142310 (Boondooma Lake); then easterly to the centreline of that lot and generally southerly along the centreline of Boondooma Lake (being the centreline of Lot 20 on Plan SP142310) to Latitude 26.136451° South; then generally south westerly along the centreline of that lake and onwards generally southerly, generally south easterly and again generally southerly along the centreline of the Boyne River to its source at Longitude 151.531067° East, Latitude 26.757582° South; then south westerly to the south western corner of Lot 12 on Plan RP50030; then generally south westerly and generally westerly along southern boundaries of Lot 18 on Plan BO27 and Lot 94 on Plan BO27 to the western boundary of South Burnett Regional Council; then generally westerly, generally northerly and generally north westerly along boundaries of that regional council to the north western corner of Lot 60 on Plan BO252; then generally northerly along western boundaries of Lot 42 on Plan BO160 to Jacksons Road; then north easterly to the south western corner of Lot 2 on Plan RP200370; then north westerly to the north eastern corner of Lot 8 on Plan AU51 (being a south eastern corner of former Lot 302 on Plan FTY1349); then northerly and easterly along boundaries of Lot 9 on Plan AU51 to western bank of the Burnett River Watershed at Longitude 151.116671° East; then generally northerly and generally north westerly along western boundaries of that watershed to its intersection with a northern boundary of again the South Burnett Regional Council boundary; then generally westerly and northerly along boundaries of that regional council boundary and generally westerly along northern boundaries of Lot 302 on Plan FTY1964 (former Lot 302 on Plan FTY1349) to its intersection with an unnamed road and Auburn Road at Longitude 150.703053° East; then generally northerly along the western boundary of Auburn Road to the southern boundary of the Burnett River Watershed at Longitude 150.703267° East; then generally westerly along southern boundaries of that watershed to its intersection with the southern boundary of Lot 25 on Plan FT111, then north easterly and generally northerly along boundaries of that lot, eastern and northern boundaries of Lot 23 on Plan FT111, northern boundaries of Lot 21 on Plan FT111 to a point on the southern boundary of Native Title Determination QUD6162/98 Iman People 2 (QC97/55) at

Longitude 150.282442° East; then generally northerly along the eastern boundary of that native title determination application passing through the following coordinate points:

Longitude East	Latitude South
150.308255	26.048253
150.308732	26.047165
150.309274	26.045925
150.309713	26.044922
150.309903	26.044489
150.309818	26.042685
150.308019	26.038174
150.309820	26.033767
150.307752	26.029398
150.307871	26.003085
150.308111	26.003116
150.313730	25.990028
150.321854	25.986373
150.323213	25.985215
150.324499	25.984321
150.325795	25.982969
150.326841	25.981384
150.328155	25.979115
150.328949	25.977525
150.329497	25.975473
150.330051	25.973191
150.329839	25.971126
150.329876	25.969294
150.329908	25.967691
150.330448	25.966096
150.331752	25.964286
150.332794	25.962929
150.334351	25.961123
150.335646	25.959771
150.337199	25.958194
150.338494	25.956842
150.339794	25.955260
150.341107	25.952992
150.342411	25.951182
150.343720	25.949142
150.345278	25.947336
150.346840	25.945301
150.347895	25.943257
150.349203	25.941217
150.349996	25.939627
150.350122	25.939409
150.350406	25.938918
150.351046	25.937812
150.351843	25.935993
150.352124	25.934623
150.352392	25.933738
150.345598	25.932809
150.350000	25.919783

150.349474	25.911914
150.351116	25.911440
150.350921	25.910887
150.353451	25.909665
150.355608	25.910117
150.369092	25.905219
150.371424	25.904371
150.372944	25.905061
150.378016	25.903920
150.384614	25.897279
150.387152	25.894760
150.395049	25.895584

Then easterly to a corner on the north western boundary of Lot 22 on Plan SP263821 (former Lot 5 on Plan NT364) at Longitude 150.396023° East; then generally easterly and generally northerly along the western boundaries of that lot and the western boundary of Lot 21 on Plan SP263821 and Lot 5 on Plan NT196 to the intersection with the northern boundary of Western Downs Regional Council; then generally northerly along the western boundary for that regional council boundary to the intersection with the southern boundary of Native Title Determination QUD6006/00 Wulli Wulli People (QC00/07), being the intersection of the southern bank of an unnamed creek and the eastern boundary of Lot 3 on Plan FT840 at Latitude 25.645318° South; then generally northerly along boundaries of that lot and eastern boundaries of Lot 4064 on Plan SP149056 (former Lot 4064 on Plan PH1477) to Longitude 150.415251° East; then generally westerly and generally northerly to a south western corner of Lot 47 on Plan FTY1480 at Longitude 150.405708° East passing through the following coordinate points:

Longitude East	Latitude South
150.411283	25.600931
150.408991	25.599232
150.407739	25.597269
150.406873	25.594622
150.406131	25.592205
150.405390	25.589789
150.405160	25.586692
150.404800	25.584166
150.404818	25.581873
150.404837	25.579352
150.404864	25.575913
150.404887	25.572933
150.404916	25.569266
150.404940	25.566171
150.404962	25.563421
150.405362	25.580675
150.405884	25.558732
150.405916	25.556627

Then generally northerly and generally north westerly along western boundaries of Lot 47 on Plan FTY1480 to the eastern boundary of Lot 1 on Plan DW63; then northerly along the boundary of that lot to a corner at Latitude 25.461511° South; then generally north easterly to again a corner on the eastern boundary of Lot 1 on Plan DW63 at Latitude 25.419196° South passing through the following coordinate points:

Longitude East	Latitude South
150.375990	25.459526
150.376548	25.457667
150.377825	25.454797
150.378973	25.452617
150.380747	25.451249
150.382263	25.450915
150.384661	25.450933
150.386807	25.450836
150.388327	25.449811
150.389980	25.447520
150.392511	25.446157
150.394416	25.443984
150.395566	25.441227
150.395579	25.438808
150.395597	25.435583
150.395108	25.432699
150.394491	25.429930
150.394001	25.427161
150.392631	25.424155

Then generally north easterly again along eastern boundaries of Lot 1 on Plan DW63, Eastern boundaries of Lot 23 on Plan DW516, eastern boundaries of Lot 2 on Plan DW556 and southern and eastern boundaries of Lot 64 on Plan FTY1828 to Latitude 25.321315° South then generally northerly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.316809° South passing through the following coordinate points:

Longitude East	Latitude South
150.441617	25.320874
150.442655	25.320753
150.440860	25.317226

Then generally north easterly again along eastern boundaries of Lot 64 on Plan FTY1828 to Longitude 150.449965° East, then generally north easterly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.268993° South passing through the following coordinate points:

Longitude East	Latitude South
150.450360	25.280248
150.451381	25.277721

150.452278	25.274502
150.453425	25.271860

Then generally north easterly and generally easterly again along boundaries of Lot 64 on Plan FTY1828 to Longitude 150.478922° East, then generally north easterly and generally easterly to again a point on the eastern boundary of that lot at Latitude 25.185232° South, passing through the following coordinate points:

Longitude East	Latitude South
150.494997	25.185576
150.496550	25.185492
150.497782	25.185185
150.498714	25.185109

Then generally north easterly again along boundaries of Lot 64 on Plan FTY1828 to Longitude 150.544586° East, then generally north easterly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.156017° South, passing through the following coordinate points:

Longitude East	Latitude South
150.548244	25.162498
150.550391	25.161014
150.552664	25.159301
150.556323	25.157136

Then generally northerly and generally north easterly again along boundaries of Lot 64 on Plan FTY1828 to Latitude 25.123924° South, then generally north easterly to a point on the eastern boundary of Lot 64 on Plan FTY1828 at Longitude 150.575141° East passing through the following coordinate points:

Longitude East	Latitude South
150.571505	25.118849
150.572499	25.117856
150.574733	25.114131

Then generally north easterly and north westerly again along the boundaries of Lot 64 on Plan FTY1828, also being boundaries of Native Title Determination QUD6006/00 Wulli Wulli People (QC00/07), back to the commencement point.

Exclusions

The Determination Area does not include the land and waters subject to the following:

- QUD6006/00 - Wulli Wulli People (QC00/07) as determined by the Federal Court on 18 July 2017; and

- QUD6162/1998 - Iman People 2 (QC97/55) as determined by the Federal Court on 23 June 2016.

Data Reference and Source

- Cadastral data sourced from the Department of Natural Resources and Mines, Qld (February 2014).
- Where available watercourse boundaries were derived from Cadastral data sourced from Department of Natural Resources and Mines, Qld (May 2008) or 1:250K Topographic Vector Data © Commonwealth of Australia (Geoscience Australia) 2008.
- Catchment boundaries derived from The South East Queensland Environmental Values Sub-catchments v2.0 dataset sourced from Department of Natural Resources and Mines, Qld (August 2010).
- Local Government Authorities data sourced from Department of Natural Resources and Mine, Qld (February 2014).

Reference Datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of the data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (3 July 2014).

Schedule 4 – Description of Determination Area

The Determination Area comprises all of the land and waters described by lots on plan, or relevant parts thereof, and any rivers, streams, creeks or lakes described in the first column of the tables in the Parts immediately below, and depicted in the maps in Schedule 6, to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5.

Part 1 – Exclusive Areas

All of the land and waters described in the following table and depicted in dark blue on the determination map contained in Schedule 6:

Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 203 on Plan A9141	Sheet 15 of 25
Lot 204 on Plan A9141	Sheet 15 of 25
Lot 205 on Plan A9141	Sheet 15 of 25
Lot 206 on Plan A9141	Sheet 15 of 25
Lot 207 on Plan A9141	Sheet 15 of 25
Lot 208 on Plan A9141	Sheet 15 of 25
Lot 23 on Plan A2291	Sheet 6 of 25
Lot 23 on Plan NT202	Sheet 15 of 25
Lot 24 on Plan A2291	Sheet 6 of 25
Lot 25 on Plan A2291	Sheet 6 of 25
Lot 26 on Plan A2291	Sheet 6 of 25
Lot 26 on Plan BO179	Sheet 18 of 25
Lot 27 on Plan A2291	Sheet 6 of 25
Lot 28 on Plan A2291	Sheet 6 of 25
Lot 28 on Plan BO112	Sheet 23 of 25
Lot 29 on Plan A2291	Sheet 6 of 25
Lot 30 on Plan A2291	Sheet 6 of 25
Lot 301 on Plan A9141	Sheet 15 of 25
Lot 31 on Plan A2291	Sheet 6 of 25
Lot 32 on Plan A2291	Sheet 6 of 25
Lot 32 on Plan NT79	Sheet 8 of 25
Lot 33 on Plan A2291	Sheet 6 of 25
Lot 34 on Plan A2291	Sheet 6 of 25
Lot 34 on Plan NT147	Sheet 13 of 25
Lot 35 on Plan A2291	Sheet 6 of 25
Lot 36 on Plan A2291	Sheet 6 of 25
Lot 36 on Plan SP273759	Sheet 2 of 25
Lot 37 on Plan A2291	Sheet 6 of 25
Lot 38 on Plan A2291	Sheet 6 of 25
Lot 38 on Plan NT36	Sheet 16 of 25
Lot 39 on Plan A2291	Sheet 6 of 25
Lot 39 on Plan NT46	Sheet 16 of 25
Lot 4 on Plan BO630	Sheet 23 of 25
Lot 40 on Plan A2291	Sheet 6 of 25
Lot 401 on Plan A9141	Sheet 15 of 25
Lot 402 on Plan A9141	Sheet 15 of 25

Lot 405 on Plan A9141	Sheet 15 of 25
Lot 406 on Plan A9141	Sheet 15 of 25
Lot 407 on Plan A9141	Sheet 15 of 25
Lot 408 on Plan A9141	Sheet 15 of 25
Lot 43 on Plan NT130	Sheet 8 of 25
Lot 43 on Plan USL46108	Sheet 4 of 25
Lot 70 on Plan BO159	Sheet 19 of 25
Lot 9 on Plan C7242	Sheet 20 of 25
Lot 94 on Plan BO27	Sheet 19 and 25 of 25
Lot 98 on Plan BO29	Sheet 19 and 24 of 25
That part of Lot 93 on Plan BO190 that falls within the External Boundary	Sheet 19 of 25

Part 2 – Non-Exclusive Areas

All of the land and waters described in the following table and depicted in light blue on the determination map contained in Schedule 6:

Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 1 on Plan C7242	Sheet 20 of 25
Lot 10 on Plan NT244	Sheet 5 of 25
Lot 10 on Plan NT76	Sheet 9 of 25
Lot 10 on Plan WK190	Sheet 1 of 25
Lot 11 on Plan CP903600	Sheet 12 of 25
Lot 11 on Plan NT217	Sheet 5 of 25
Lot 11 on Plan WK119	Sheet 1 of 25
Lot 11 on Plan WK804660	Sheet 3 of 25
Lot 12 on Plan NT336	Sheet 11 of 25
Lot 12 on Plan WK115	Sheet 3 of 25
Lot 12 on Plan WK34	Sheet 1 of 25
Lot 13 on Plan NT337	Sheet 11 of 25
Lot 13 on Plan WK156	Sheet 3 of 25
Lot 132 on Plan FTY1348	Sheet 16 of 25
Lot 15 on Plan C7241	Sheet 20 of 25
Lot 15 on Plan NT370	Sheet 5 of 25
Lot 16 on Plan WK191	Sheet 1 of 25
Lot 16 on Plan WK80	Sheet 1 of 25
Lot 17 on Plan WK199	Sheet 1 of 25
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Lot 71 on Plan WK8	Sheet 3 of 25
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Lot 8 on Plan NT218	Sheet 5 of 25
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Lot 9 on Plan NT177	Sheet 6 of 25
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Lot 96 on Plan FTY573	Sheet 5 of 25
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That part of Lot 132 on Plan NPW670 excluding the area formerly described as Portion 5 on WK202	Sheet 3 of 25
That part of Lot 197 on Plan FTY823 that falls within the External Boundary excluding the area formerly described as Portion 39 on BO159	Sheet 19 of 25
That part of Lot 226 on Plan FTY656 that falls within the External Boundary	Sheet 1 of 25
That part of Lot 228 on Plan FTY1854 excluding the areas formerly described as Lot 3 on WK146 and Lot 8 on WK171	Sheet 1 of 25
That part of Lot 302 on Plan FTY1964 that falls within the External Boundary excluding the area formerly described as Portion 8 on NT81	Sheet 5, 8, 9 of 25
That part of Lot 31 on Plan BO603 excluding the area formerly described as Portion 11 on BO81	Sheet 23 of 25
That part of Lot 39 on Plan BO352 excluding the area shown as Three Chain Road on BO335	Sheet 23 of 25

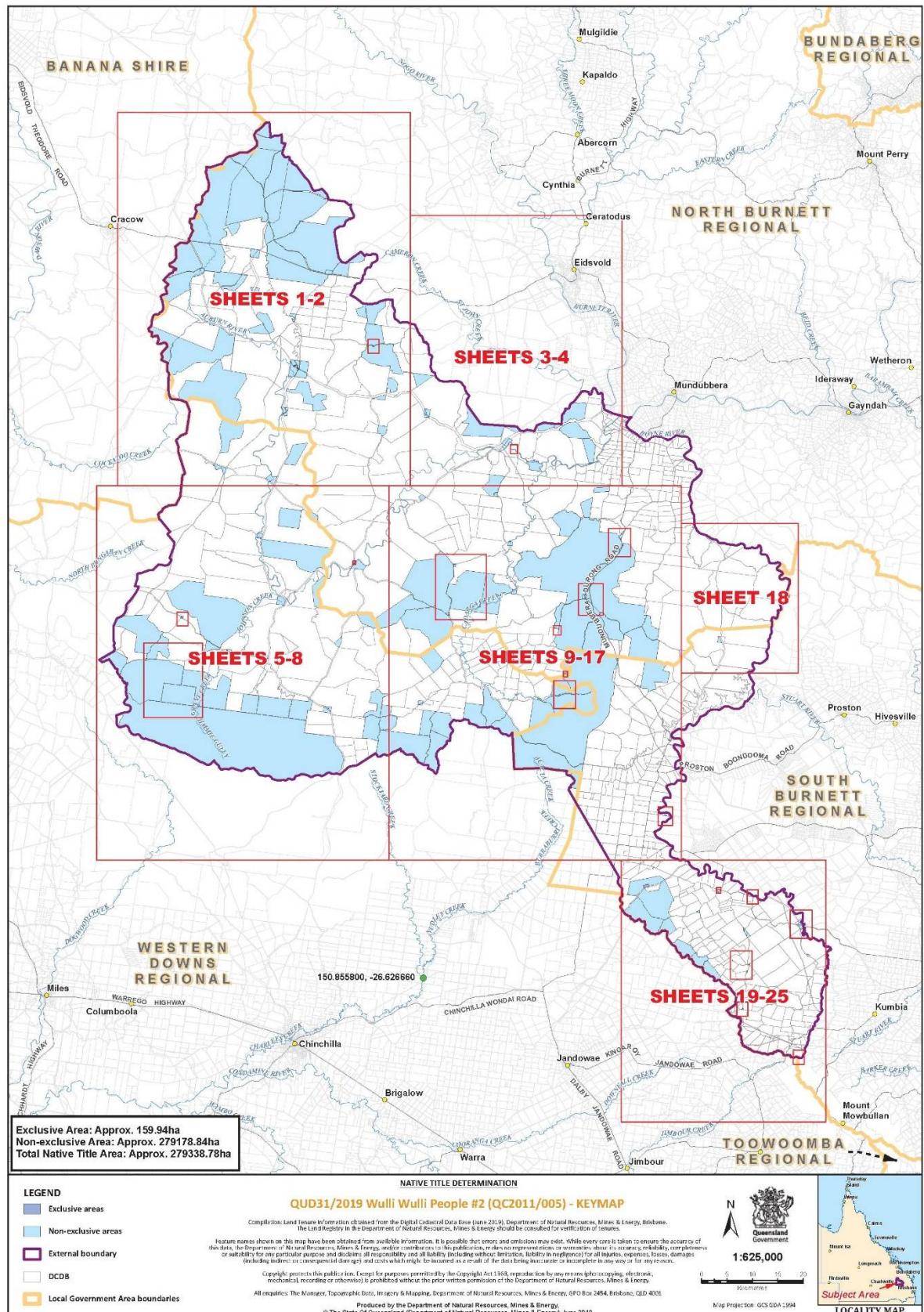
That part of Lot 4064 on Plan SP149056 that falls within the External Boundary	Sheet 1 of 25
That part of Lot 43 on Plan FTY1717 that falls within the External Boundary	Sheet 3 of 25
That part of Lot 44 on Plan FTY892 that falls within the External Boundary	Sheet 3 of 25
That part of Lot 63 on Plan BO98 that falls within the External Boundary excluding Kingaroy-Burrandowan Road	Sheet 22 of 25
That part of Lot 64 on Plan FTY1828 that falls within the external boundary	Sheet 1 of 25
That part of Lot 69 on Plan BO150 that falls within the External Boundary excluding Kingaroy-Burrandowan Road	Sheet 21 of 25
That part of Lot 92 on Plan FTY518 excluding the area formerly described as Portion 16 on NT90	Sheet 3, 9 of 25
Allies Creek Auburn River Boondooma Creek Boyne River Brovinia Creek Cadarga Creek Chess Creek Coondarra Creek Fishy Creek Grant Creek Johnson Creek Little Peter Creek Moonboonbury Creek Pigott Creek Ramlaw Creek Redbank Creek Thistle Creek Toondoonnangy Creek Wee Wee Creek	

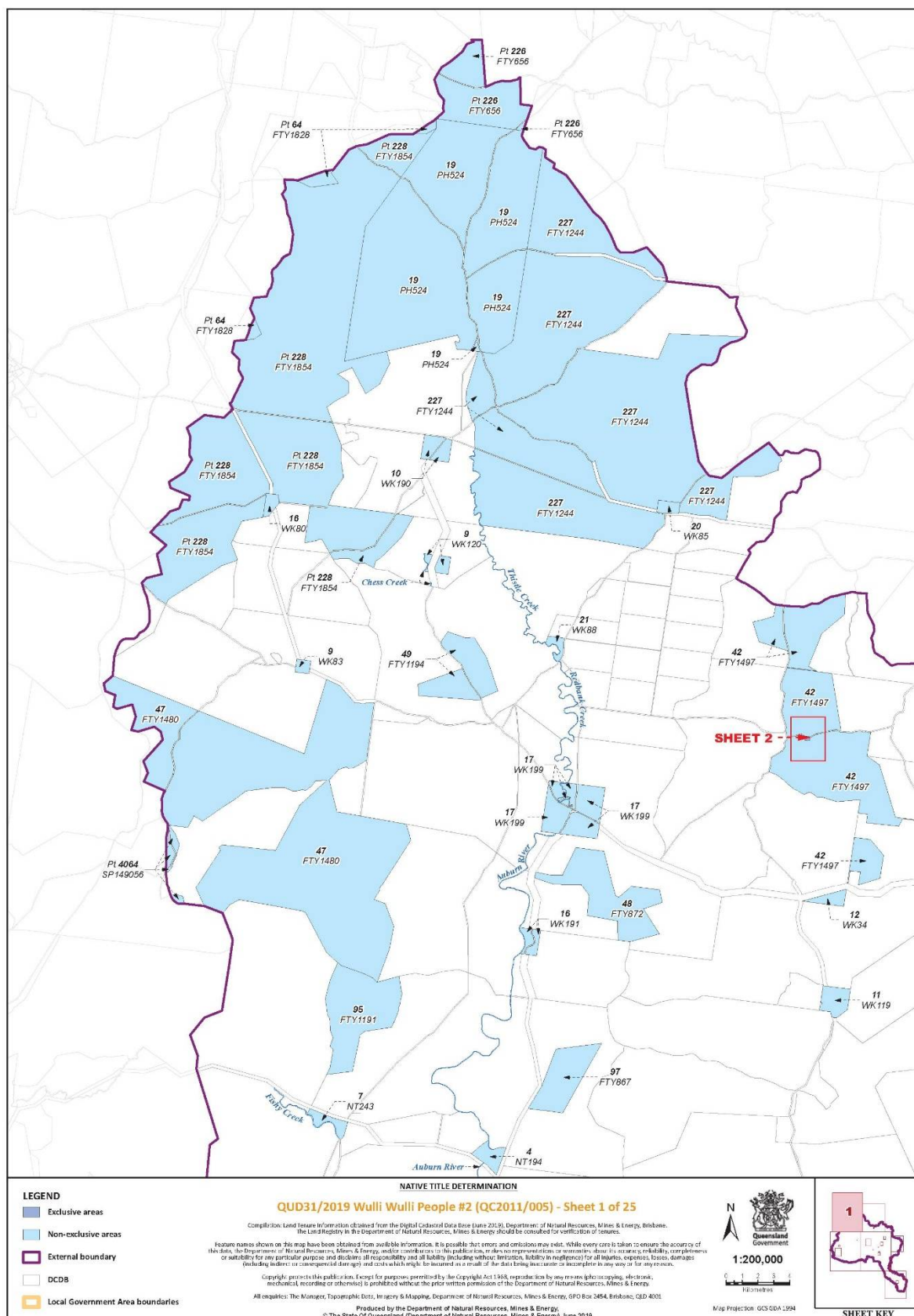
Schedule 5 – Areas Not Forming Part of the Determination Area

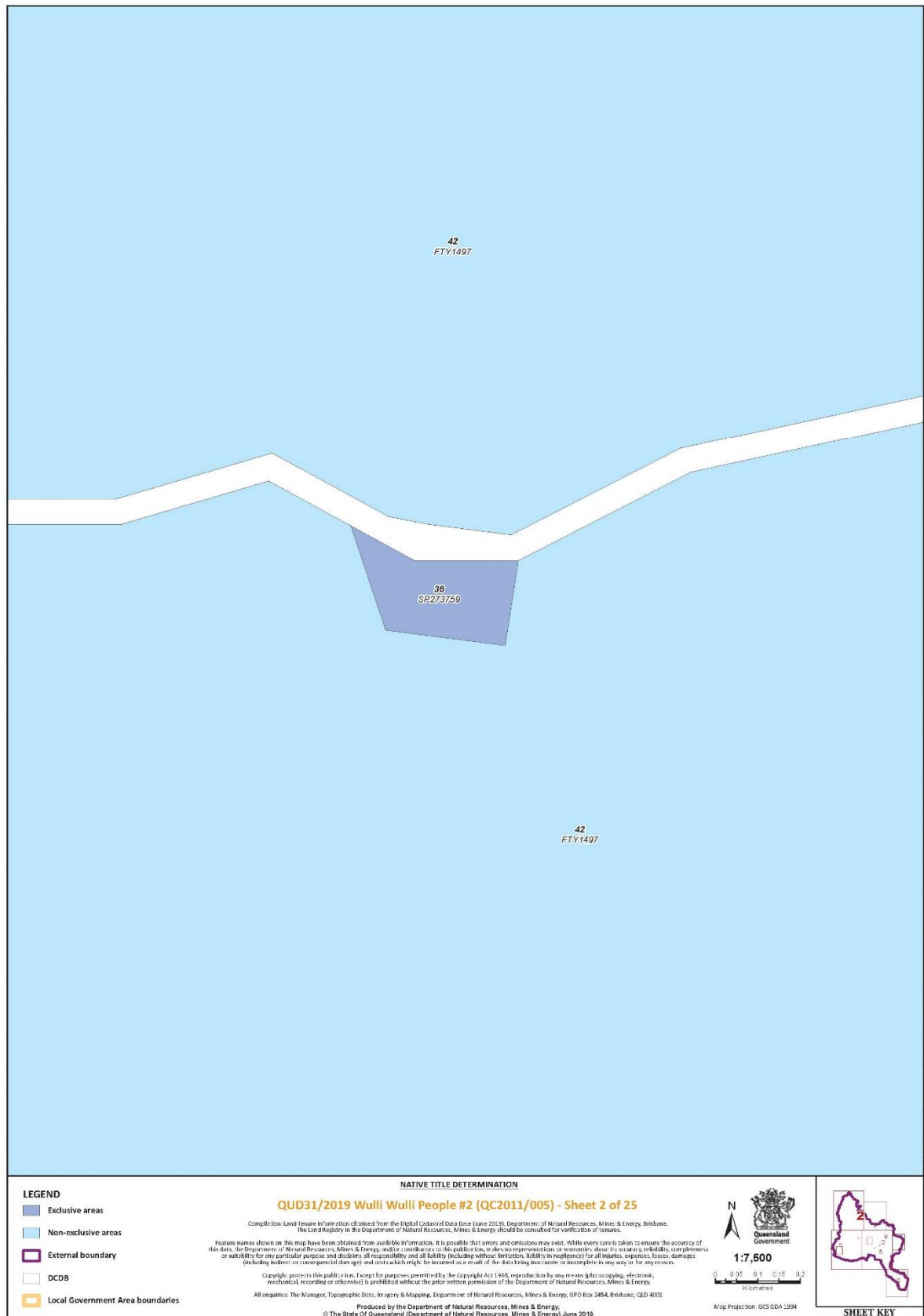
The following areas of land and waters are excluded from the Determination Area as described in Part 1 of Schedule 4 and Part 2 of Schedule 4:

1. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).
2. Specifically, and to avoid any doubt, the land and waters described in (1) above include:
 - (a) the Previous Exclusive Possession Acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and
 - (b) the land and waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and to which s 21 of the *Native Title (Queensland) Act 1993* (Qld), applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth).
3. Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the *Native Title Act 1993* (Cth) applies, and which wholly extinguished native title.
4. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Pre-existing Rights Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title.

Schedule 6 – Map of Determination Area

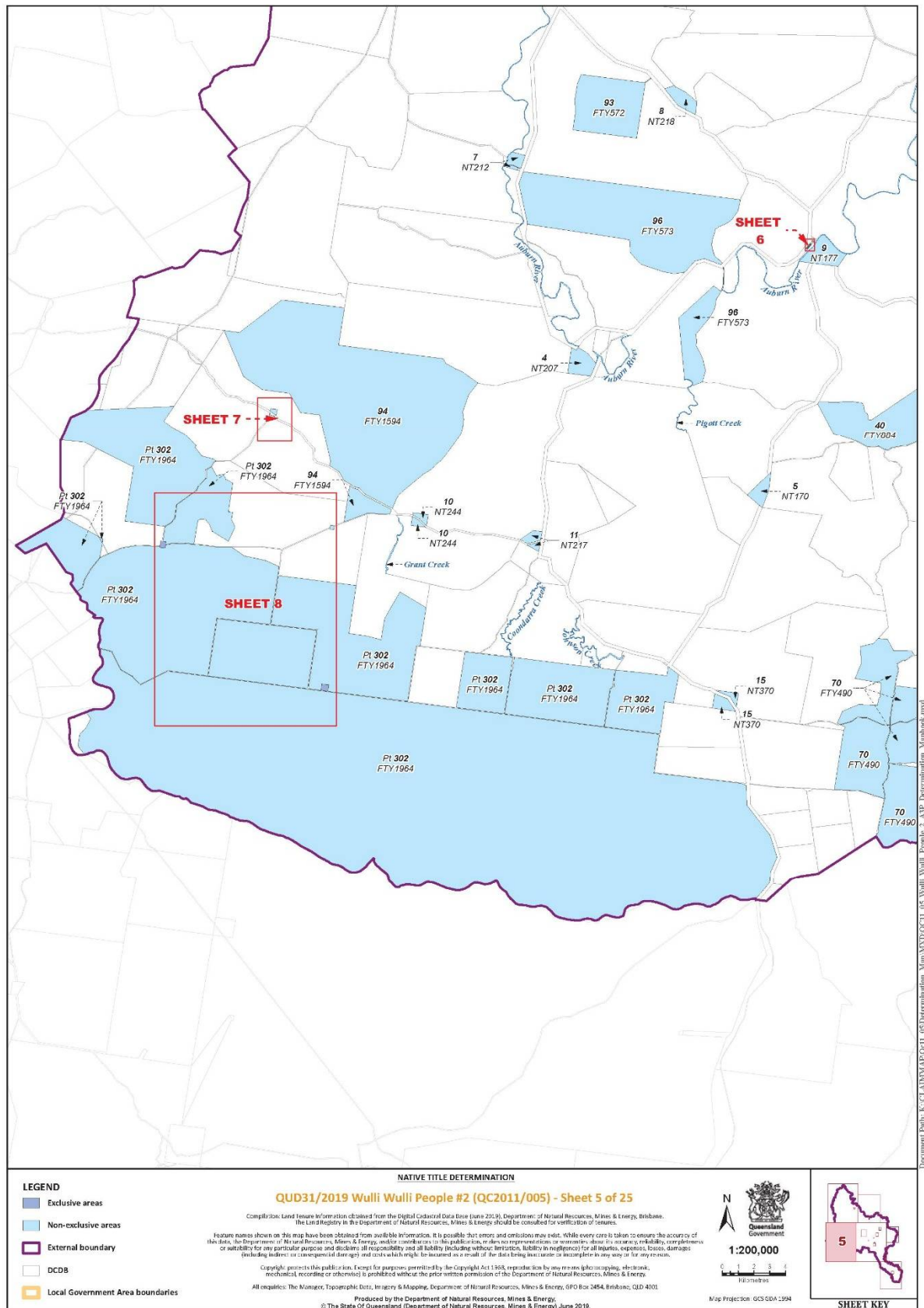




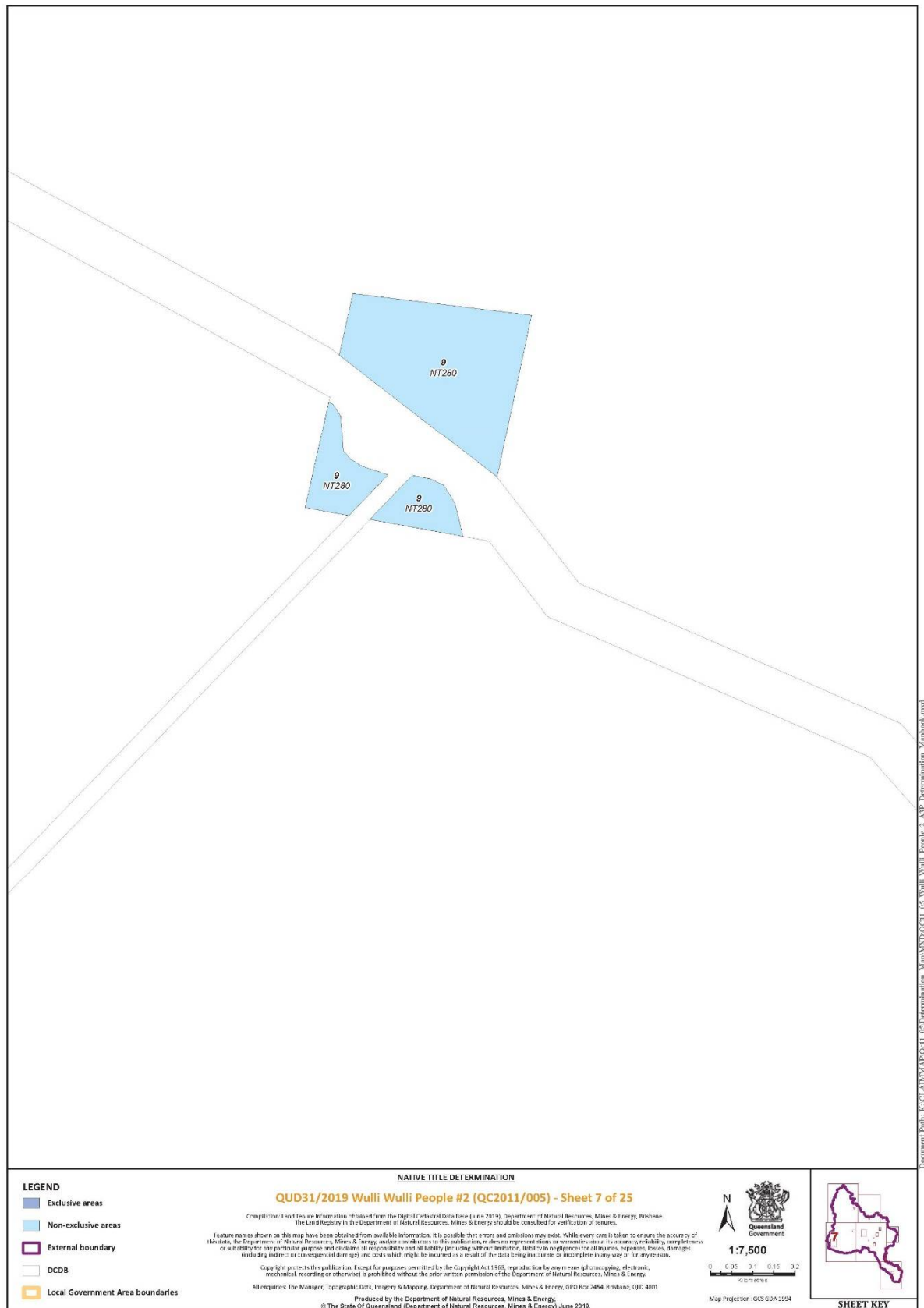


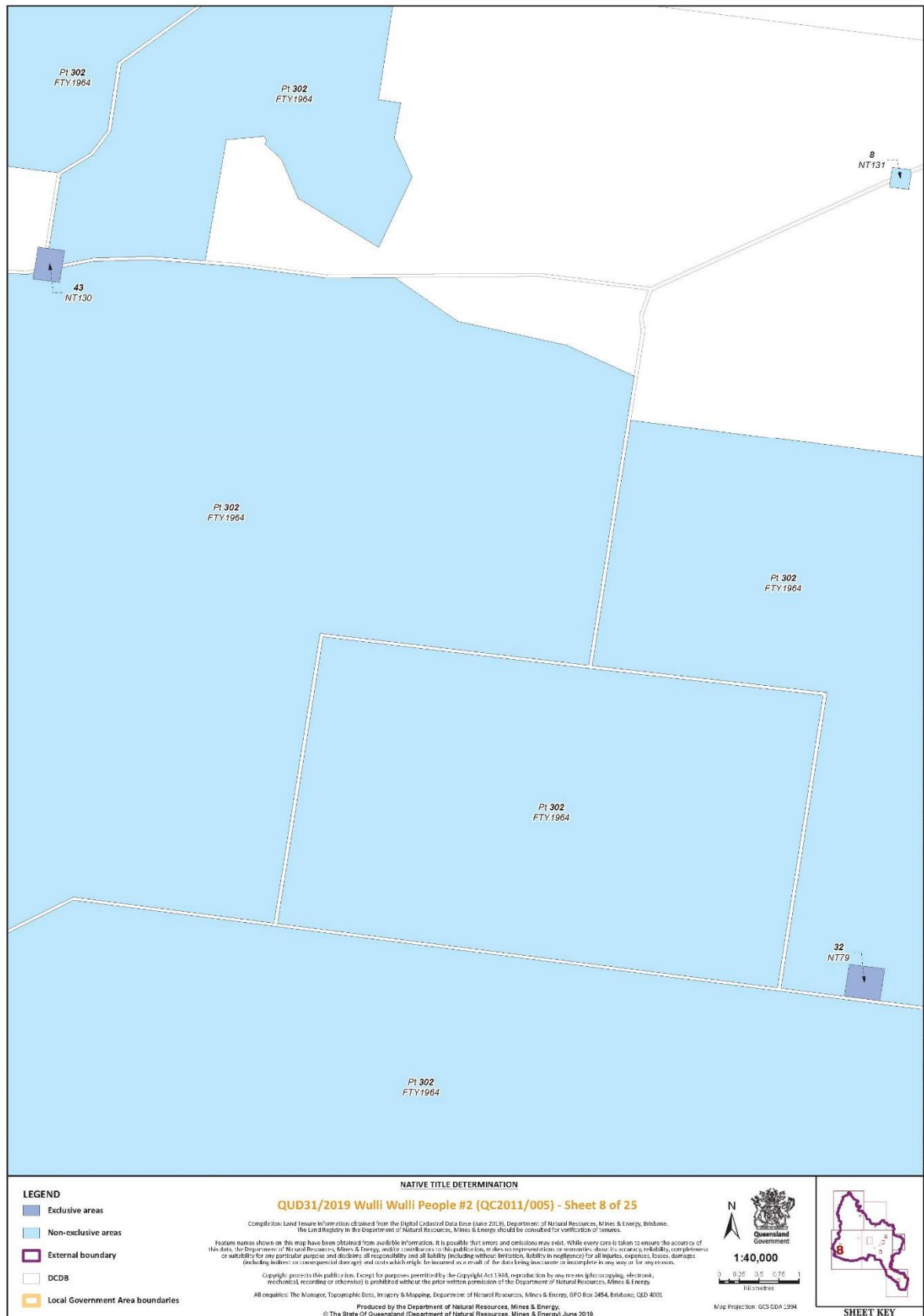


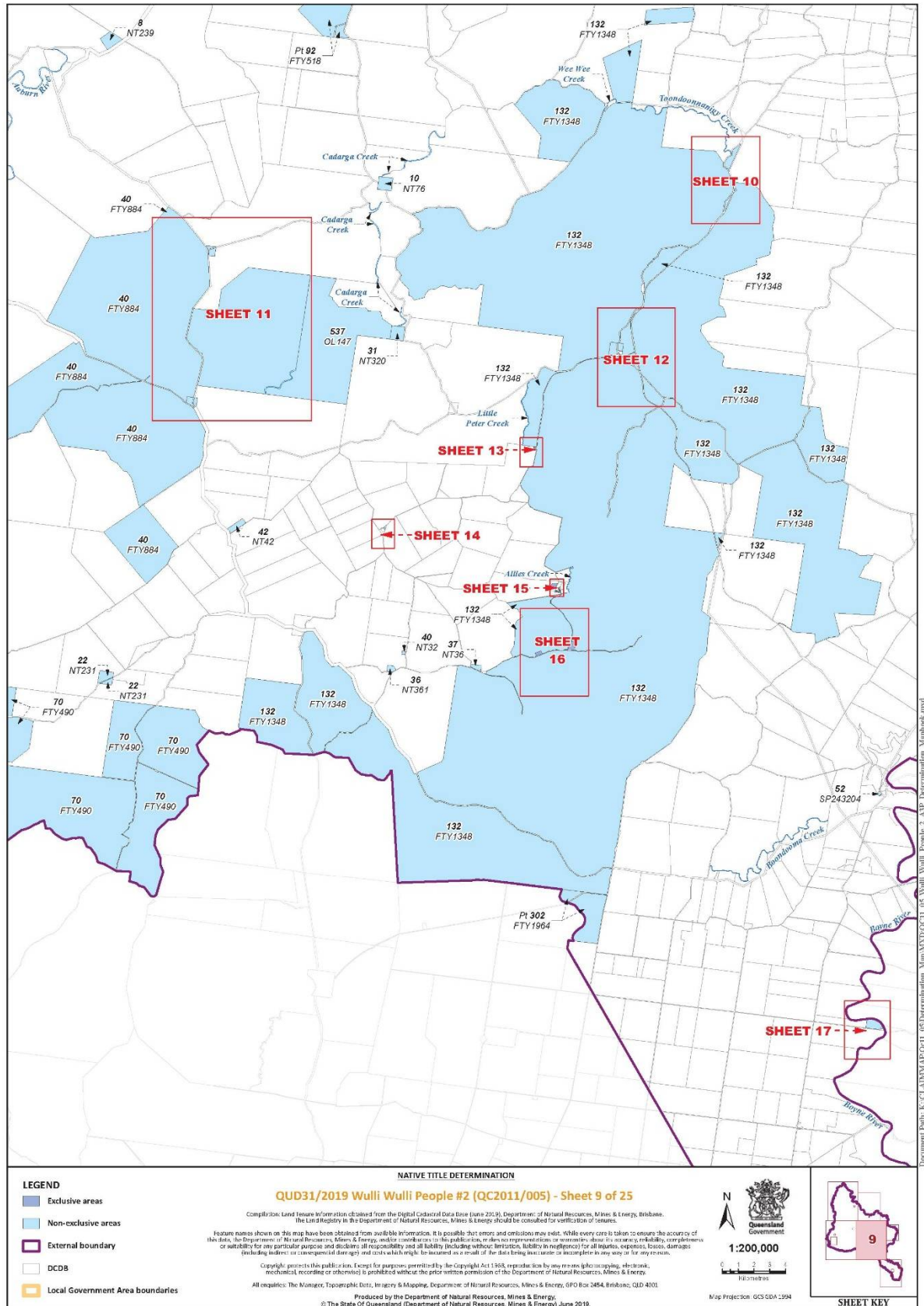


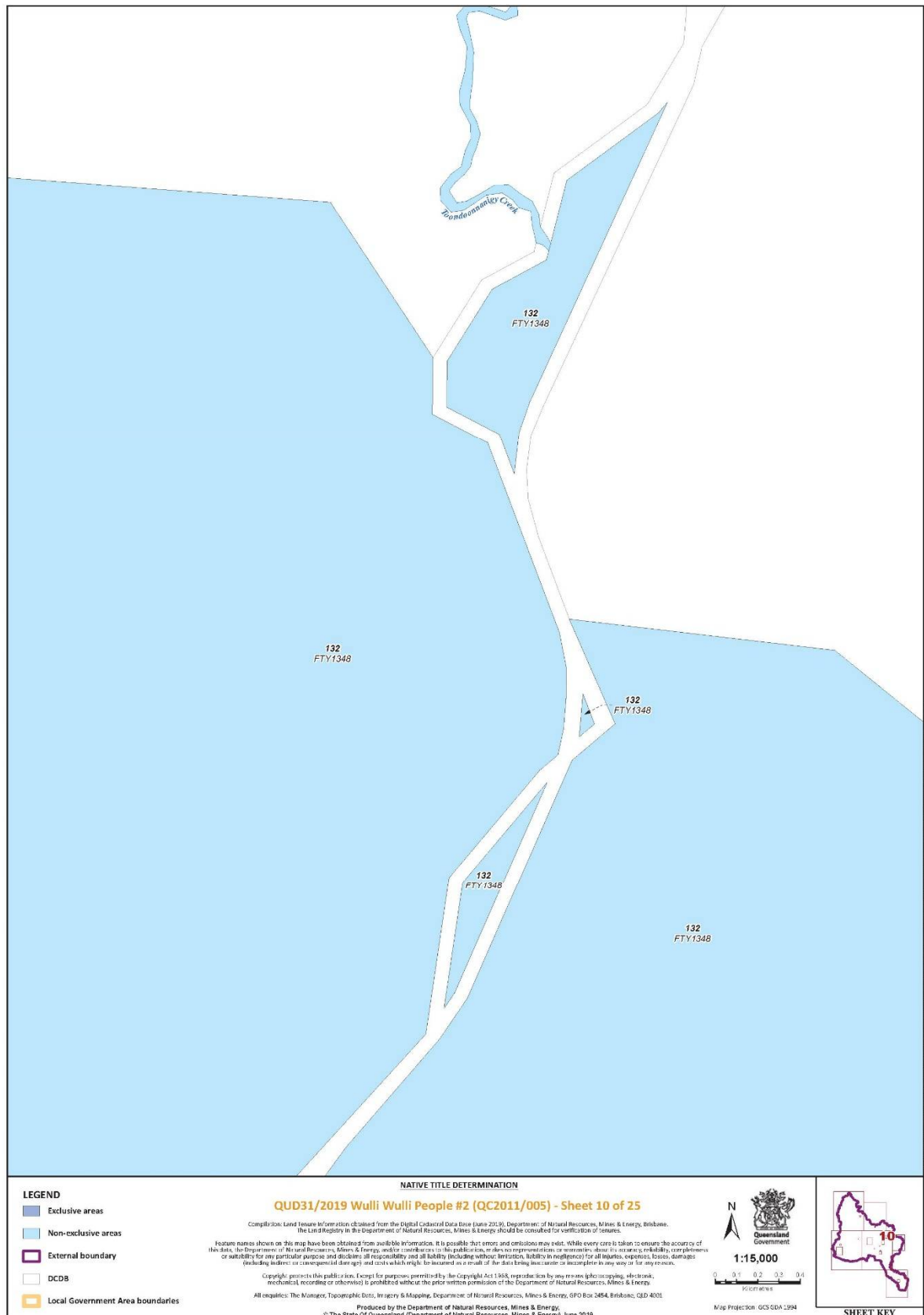


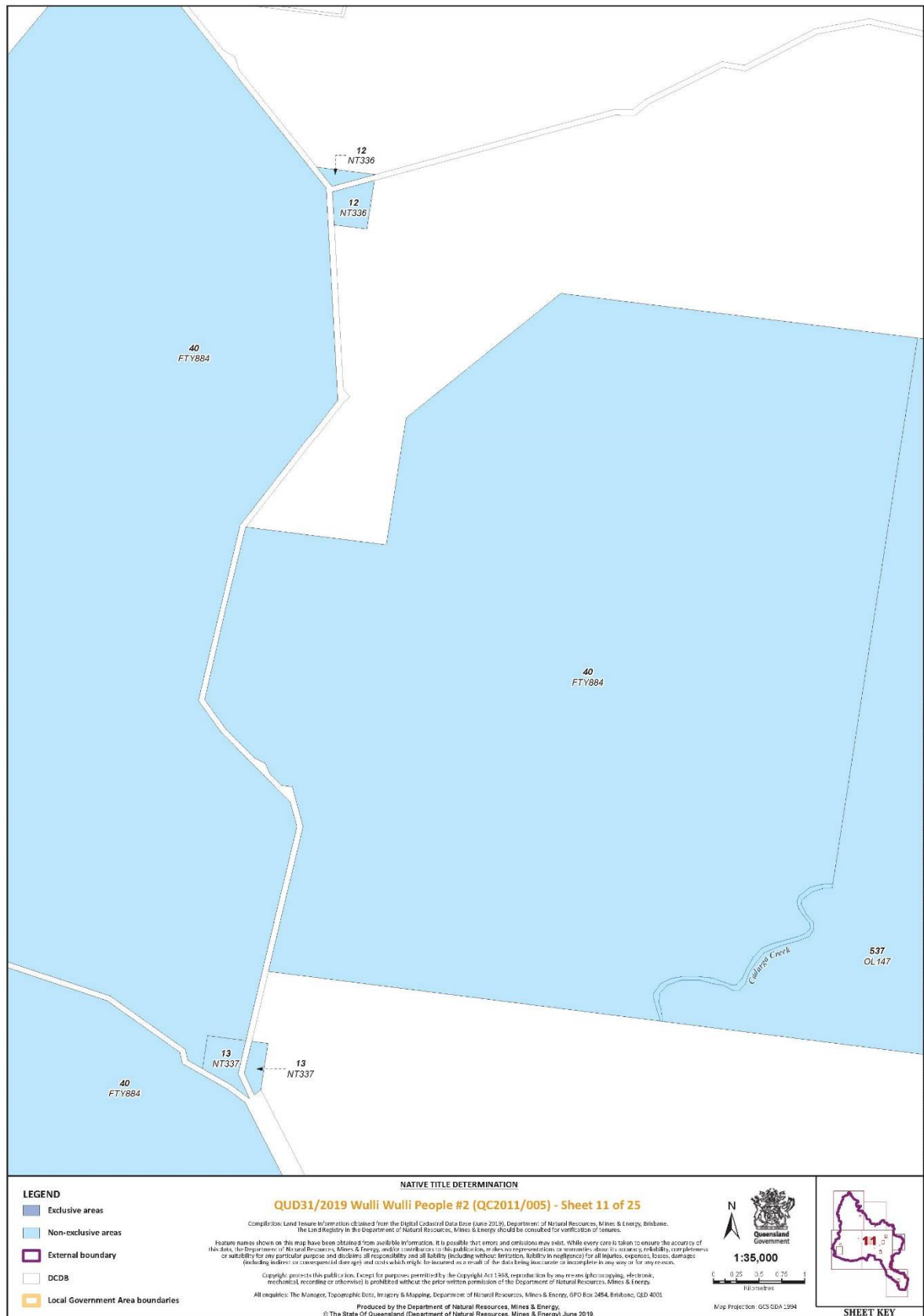




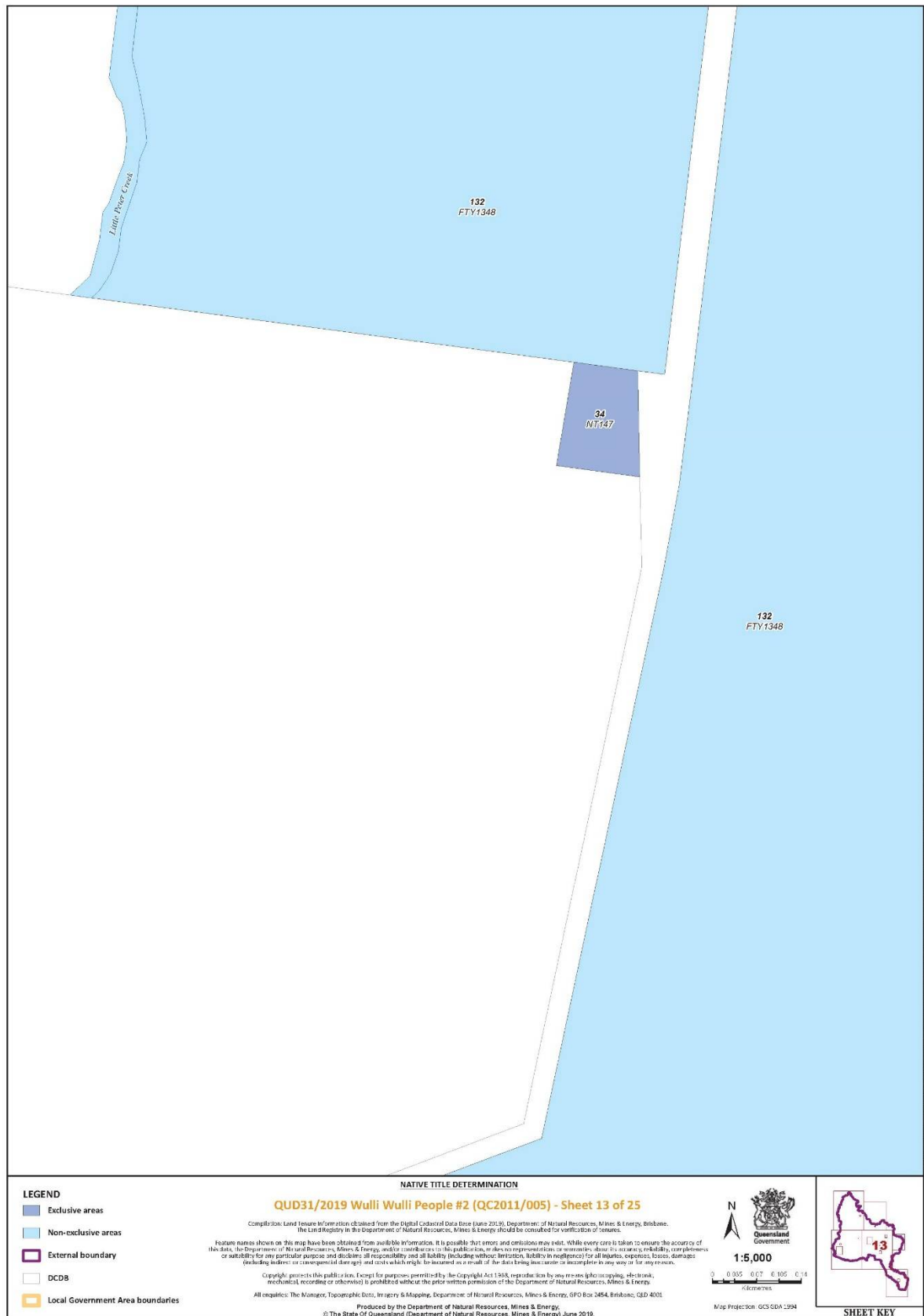


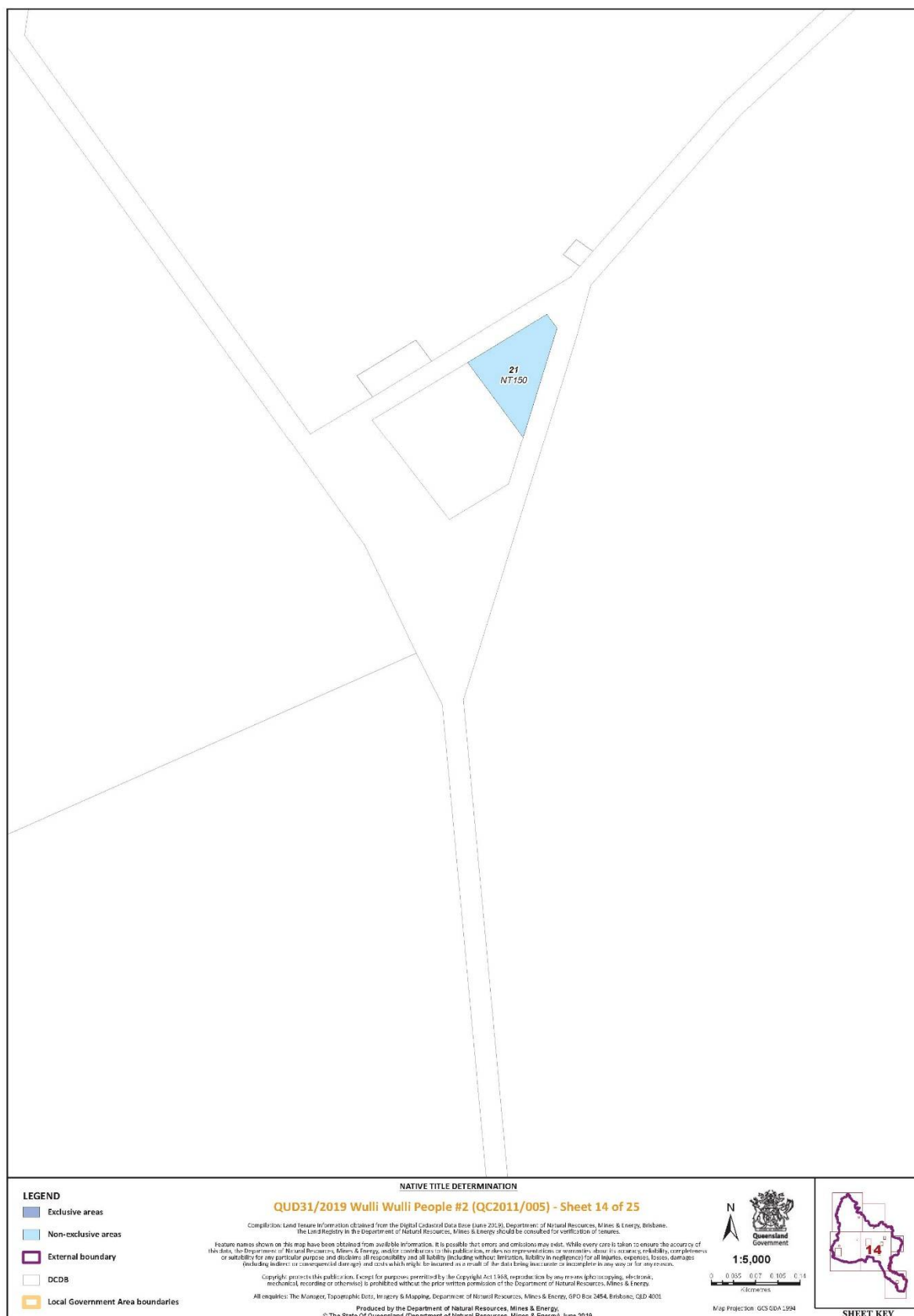






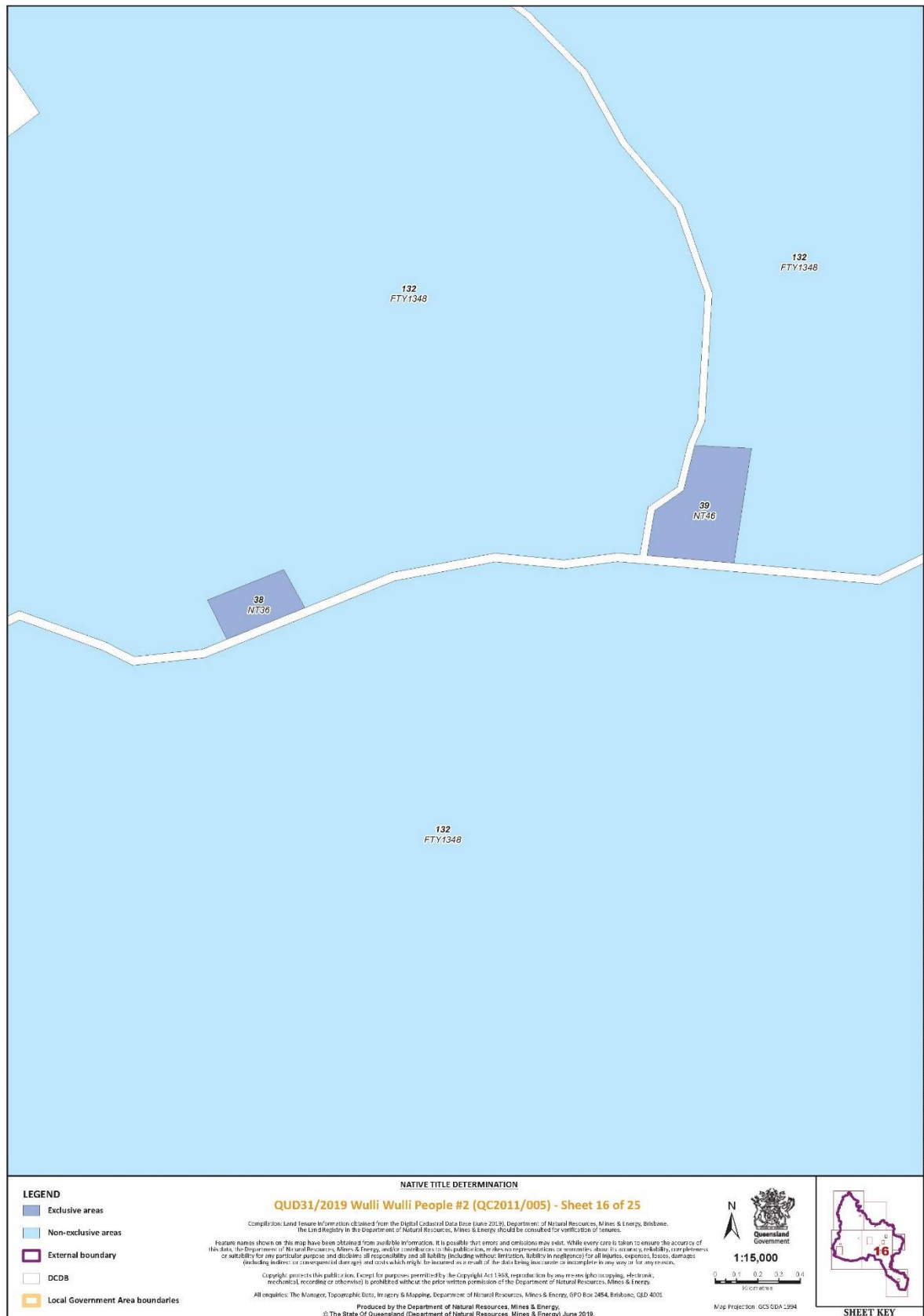




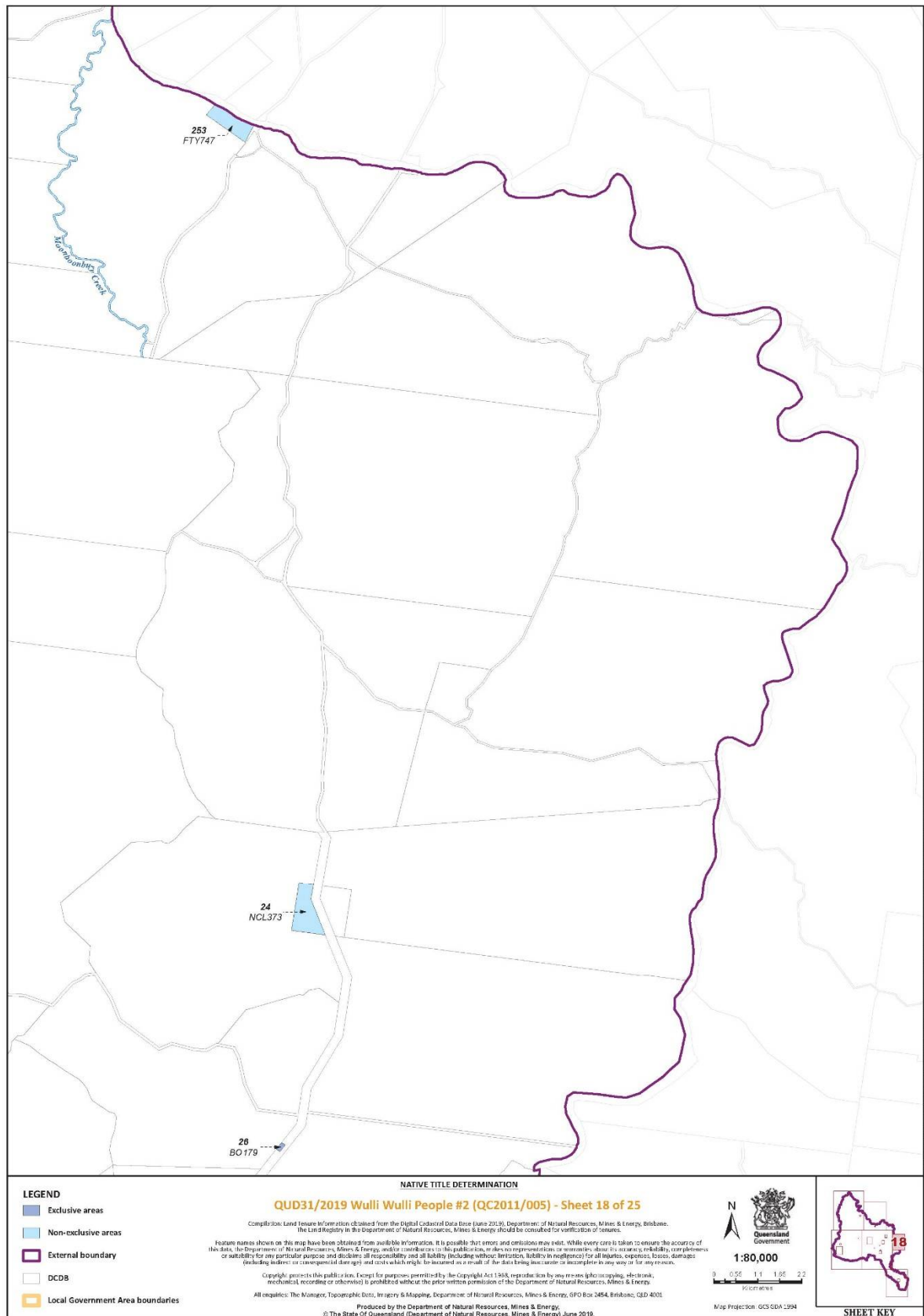


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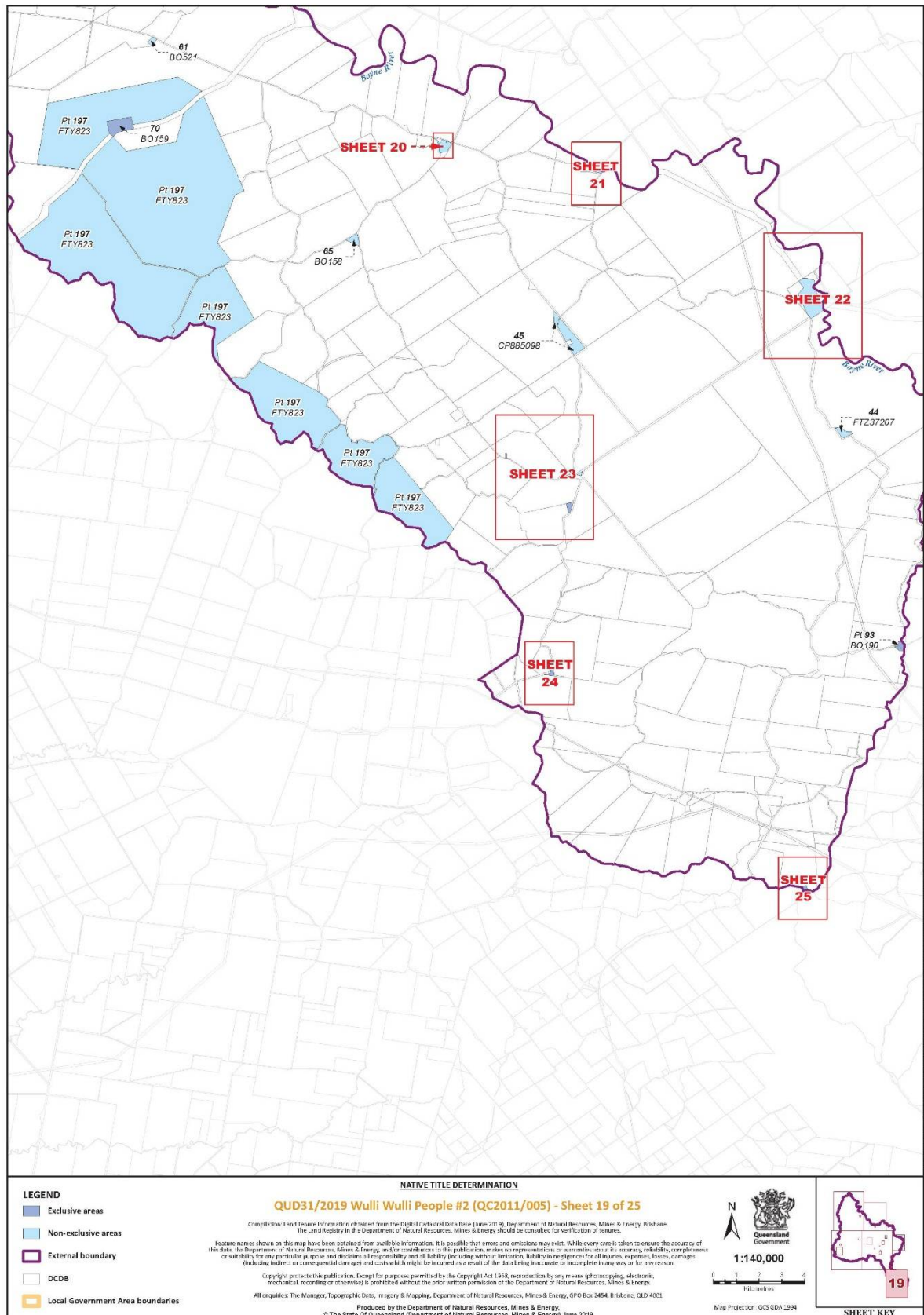


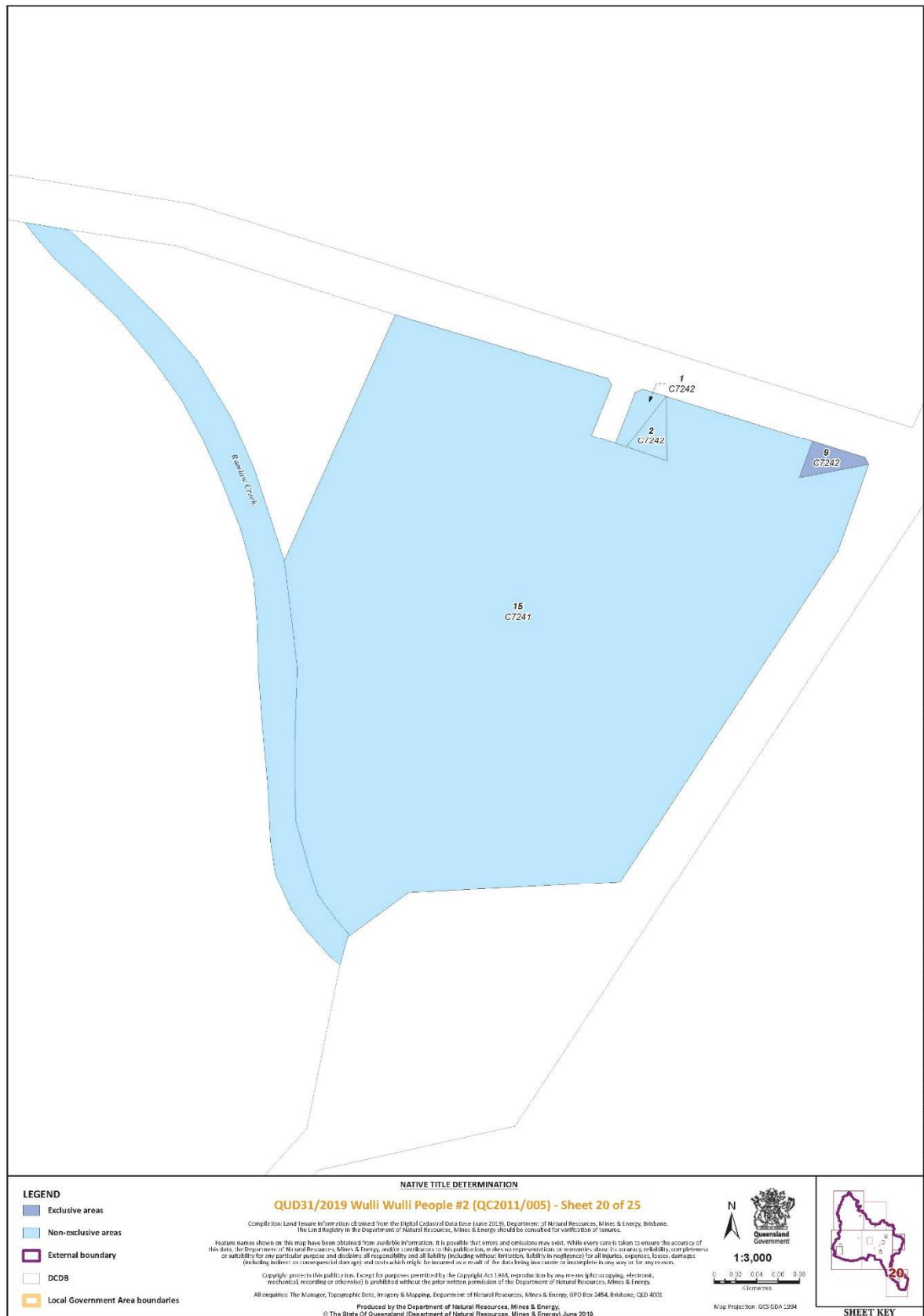




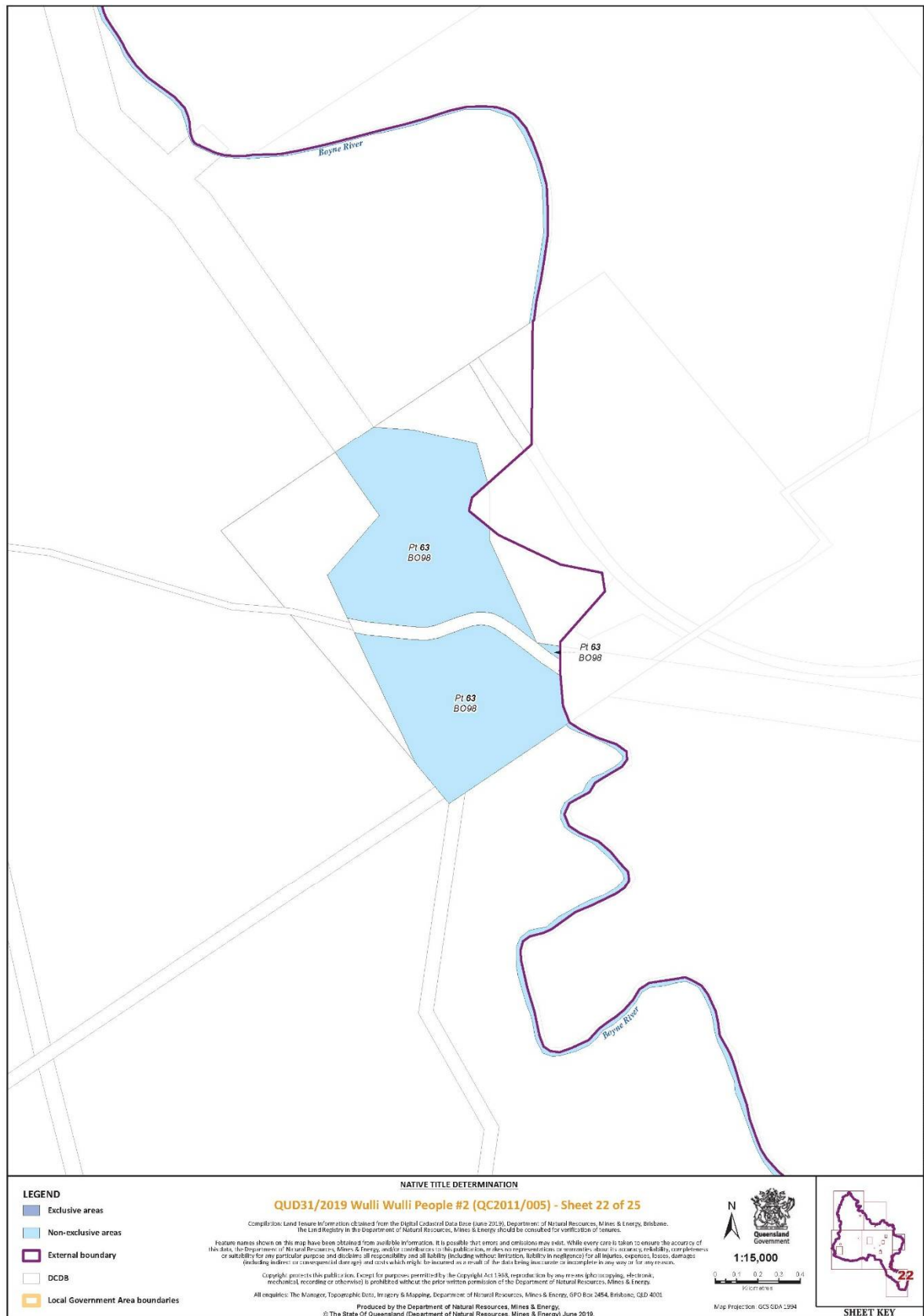


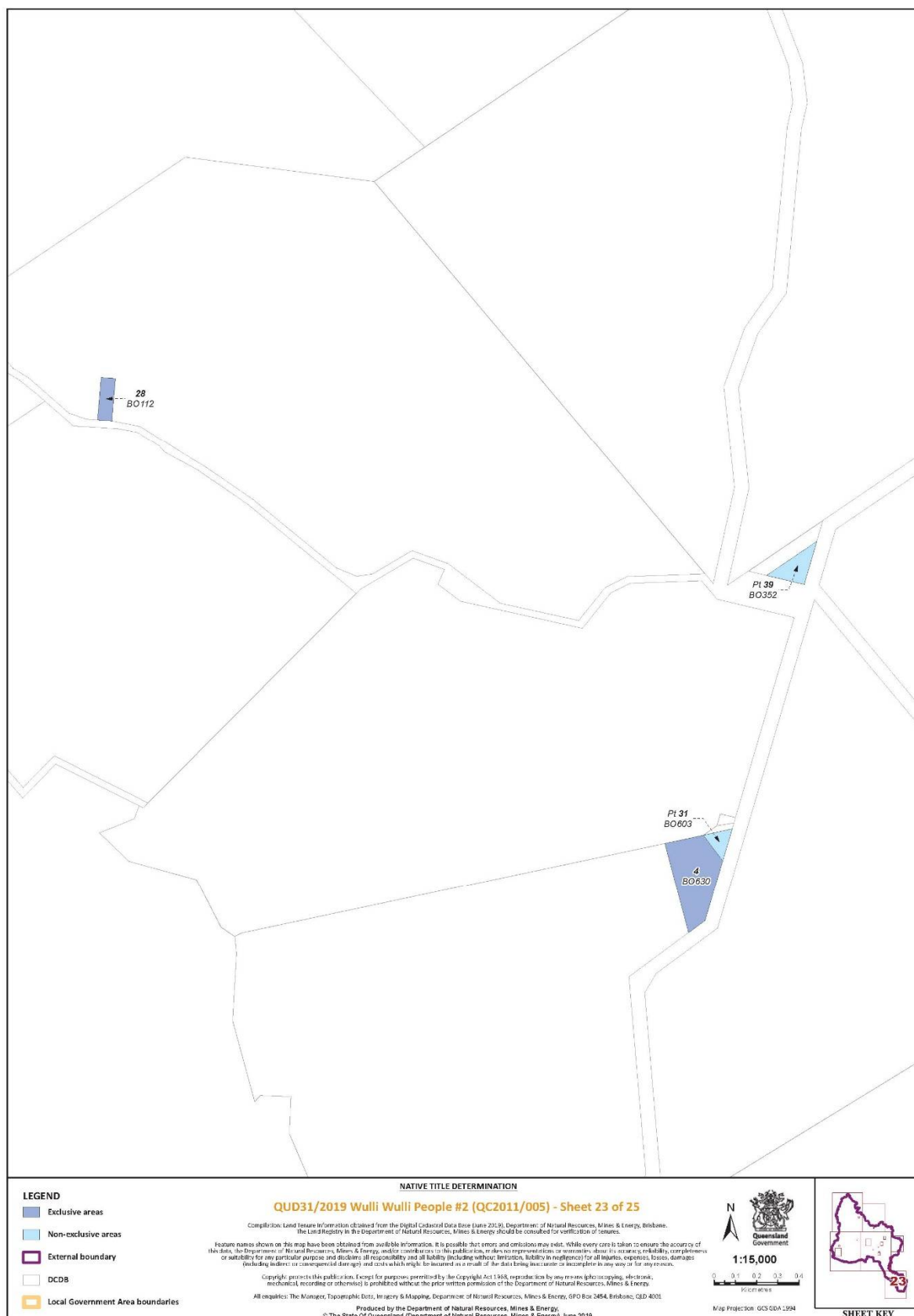
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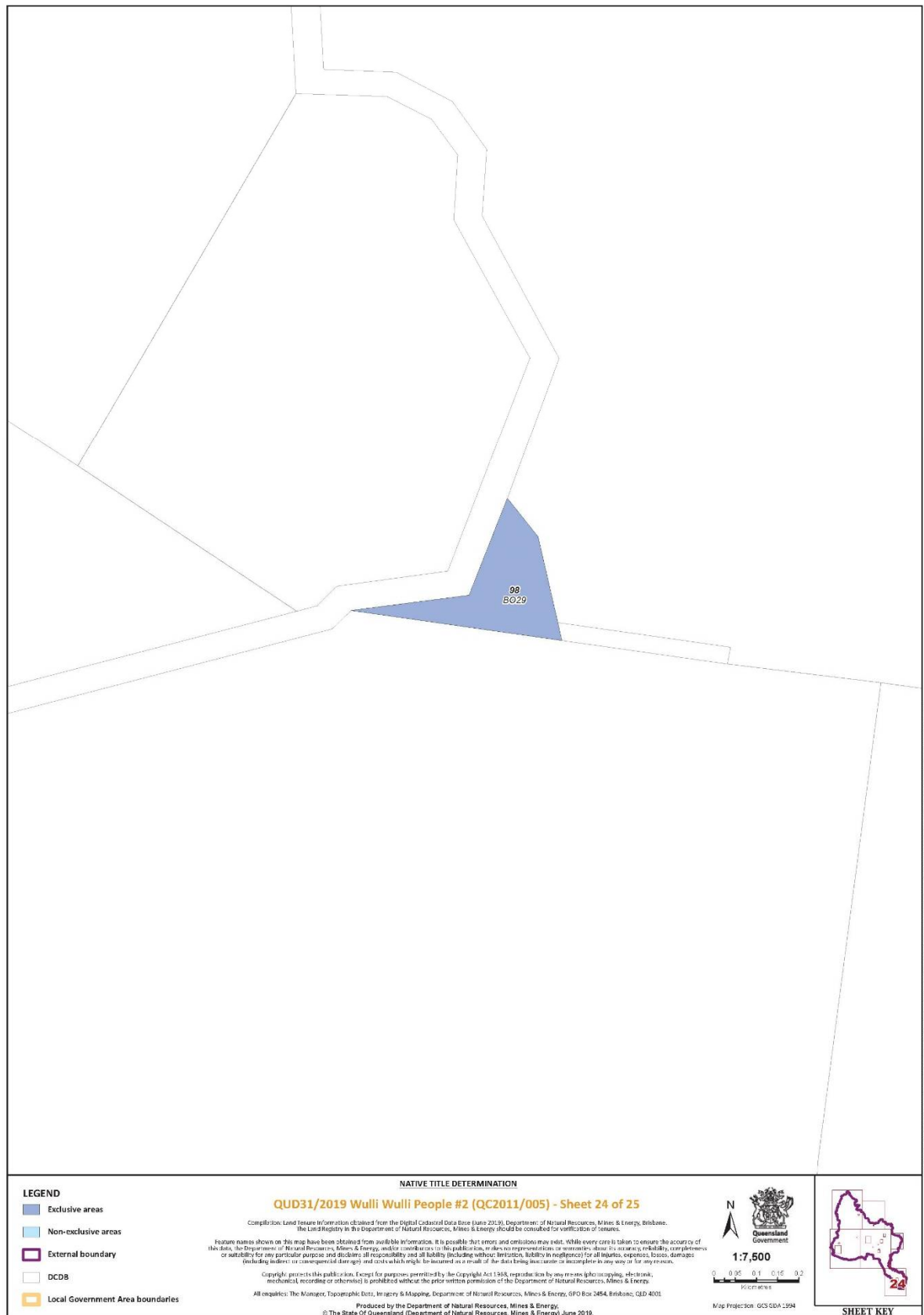




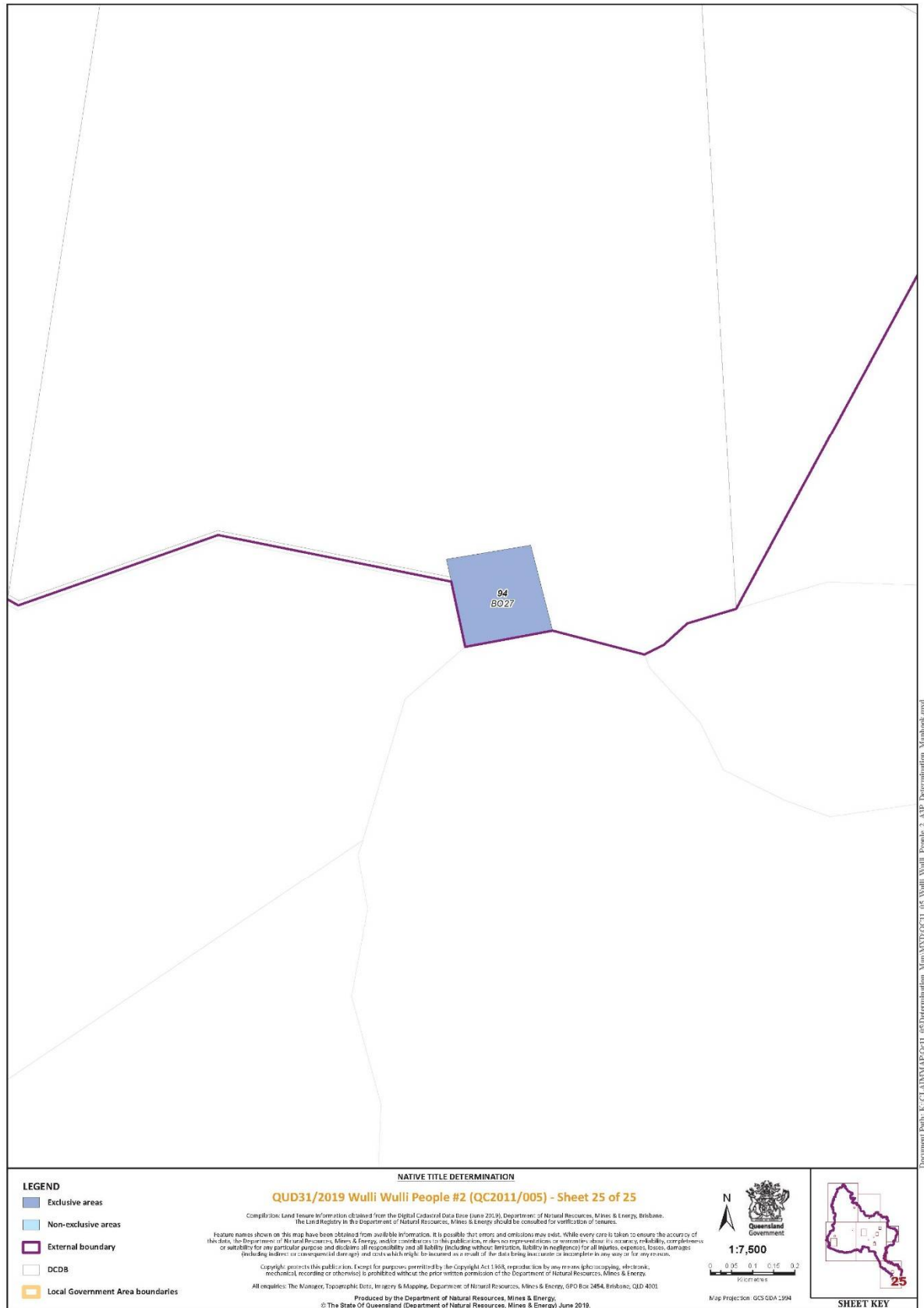








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REASONS FOR JUDGMENT

ROBERTSON J:

Introduction

- 1 This claim, the Auburn Hawkwood **Claim**, covers an area of approximately 9,786 square kilometres (the **Claim Area**) in central Queensland.
- 2 The Claim was filed in the Federal Court on 23 September 2011 and entered on the Register of Claims maintained by the Native Title Registrar on 16 December 2011. On 13 June 2012 it was notified by the Native Title Registrar in accordance with s 66 of the *Native Title Act 1993* (Cth) with a notification date of 12 September 2012. Leave to amend the Claim was granted on 4 August 2014, 16 June 2017, 13 July 2017 and 30 September 2019.
- 3 The Claim Area predominately consists of pastoral properties, national parks and state forests. Key geographical features include the Auburn River and Mount Narayen to which the Auburn Hawkwood People claim a deep spiritual connection.
- 4 The applicant seeks a determination of native title under s 61 of the *Native Title Act* in the terms set out in the Determination on behalf of the Auburn Hawkwood People over various lands in the local government areas of the Banana Shire Council, Western Downs Regional Council, North Burnett Regional Council and South Burnett Regional Council.
- 5 The claim is made on behalf of the Auburn Hawkwood People who have a connection to the determination area in accordance with their respective traditional laws acknowledged and traditional customs observed and are the biological descendants of: Bojimba & Narrygn; Ginalene, the mother of Ernest Pope; Tilly, the mother of Harry Blucher; Grace, the mother of Fanny Joyce; Jack Hornet Snr, the father of Jack Hornet; Thomas Clancy; Maria, the mother of Isabella Hooper; Amy, wife of John Bond; Billy and Selina, parents of Jacob; Bessie Rawbelle; Billy McKenzie; Maggie West; Jackanapes; Jinnie, the mother of Ranji Logan; Rosie, the mother of John Barra; Mergwin Blay; Kitty of Boondooma; King Billy and Maria of Boondooma; Jessie Fuller; Mi Mi; or Maggie Hart.
- 6 The respondents are the **State** of Queensland, Banana Shire Council, Western Downs Regional Council, North Burnett Regional Council, South Burnett Regional Council, Telstra Corporation Limited, Ergon Energy Corporation Limited and a number of pastoralists.

7 The parties have agreed to the terms of a determination of native title recorded in an agreement
pursuant to s 87 of the *Native Title Act*, this agreement having been executed by the parties on
8 November 2019.

8 The Court has a discretion therefore to make an order in those terms without holding a hearing.

9 As summarised in the written submission on behalf of the applicant dated 4 November 2019,
when a native title claim is resolved by consent, the applicant does not have to prove their case
at a hearing. If an agreement between the parties to a determination is reached, the Court may,
if satisfied that an order consistent with the terms of the agreement would be within the power
of the Court and it appears appropriate, make a native title determination over the whole or part
of a claim area without a hearing. The focus is on whether there is an agreement between
parties that was “freely entered into on an informed basis”. In relation to the State, the Court
should be assured that such a party has “taken steps to satisfy itself that there is a credible basis
for an application”, or is “satisfied as to the cogency of the evidence upon which applicants
rely”.

The evidence

10 I find that the Auburn Hawkwood People remain connected to their ancestors’ country in
accordance with a normative system of traditional laws and customs under which they hold
native title rights and interests in the Claim Area.

11 In addition to material accompanying the applicant’s Further Amended Form 1: Native Title
Determination Application, the following evidence from the Auburn Hawkwood People was
provided to the State demonstrating their connection to the Claim Area through activities
carried out in the course of their lives in accordance with the teaching of their Elders and in
ongoing observation of traditional laws and customs:

- (a) Affidavit of Alice West affirmed 2 February 2012;
- (b) Affidavit of Dennis Cobbo dated 2 February 2012;
- (c) Affidavit of Audrey Jane Clancy affirmed 2 March 2012;
- (d) Affidavit of Pamela Blucher affirmed 30 March 2012;
- (e) Affidavit of Robert Arnold Bond affirmed 22 February 2012;
- (f) Affidavit of Rodney James Dodd affirmed 2 September 2012;
- (g) Affidavit of Douglas Graham Hoehne affirmed 2 March 2012;

- (h) Affidavit of Rodney Wayne Fuller affirmed 2 September 2012;
- (i) Affidavit of Rose Margaret Dodd affirmed 31 March 2012;
- (j) Affidavit of Margaret Francis Hure affirmed 23 August 2012;
- (k) Affidavit of Leonard John Clancy affirmed 2 March 2012;
- (l) Affidavit of Alick James Saltner affirmed 20 November 2012;
- (m) Affidavit of Brian Allen Clancy affirmed 27 November 2012;
- (n) Affidavit of Elizabeth Patricia Law affirmed 9 August 2012;
- (o) Affidavit of Harold John Chapman affirmed 8 August 2012;
- (p) Affidavit of Harry Thomas Blucher affirmed 9 August 2012;
- (q) Affidavit of Albert Keith Thomson affirmed 26 October 2012
- (r) Affidavit of Kevin Leonard Clancy affirmed 26 November 2012;
- (s) Affidavit of Agnes Hoehne affirmed 2 March 2012;
- (t) Affidavit of Stephen Joseph Collins affirmed on 23 May 2013;
- (u) Affidavit of Drew Keith Anthony Millar affirmed on 28 November 2012;
- (v) Affidavit of Thomas Anthony Blucher 10 May 2013;
- (w) Affidavit of Jeffrey Hooper Williams affirmed 6 June 2013;
- (x) Affidavit of Edward Fuller affirmed 23 May 2013;
- (y) Affidavit of Adrienne Blucher affirmed 7 April 2015;
- (z) Affidavit of Rory James Boney affirmed 25 July 2017;
- (aa) Affidavit of Harry Rodney Hill dated 12 May 2015;
- (bb) Affidavit of Loretta May Chapman affirmed 1 July 2016;
- (cc) Affidavit of Yvonne Frances Chapman affirmed 2 July 2016;
- (dd) Witness statement of Margaret Kay MiMi dated 3 July 2016;
- (ee) Witness statement of Rodney Samuel Hill dated 2 July 2016;
- (ff) Affidavit of Edwina Chapman dated 1 December 2017; and
- (gg) Affidavit of Kevin Cowburn dated 1 December 2017.

12 As submitted on behalf of the applicant, the claimants gave specific evidence of their spiritual attachment to, knowledge of, and continuing use of the Claim Area and its natural resources. Their statements illustrate an enduring attachment to the Claim Area and demonstrate how they

access areas for traditional purposes including hunting, gathering and spiritual purposes. This material is rich in detail, and I accept it.

13 The applicant relies on the following expert evidence:

- (a) “Anthropological Report for the Native Title Claims of the Wulli Wulli People (QUD6006/2000 and QUD311/11)” prepared by Dr Fiona Powell dated 30 November 2012;
- (b) “Archaeological Cultural Heritage Review within Wulli Wulli People Native Title Claim (QUD6006/2000) (QC00/7) and Wulli Wulli People #2 native title claim (QUD311/2011) (QC11/5) Central Queensland” prepared by Susan Davies (archaeologist and anthropologist) dated 2012;
- (c) “The Wulli Wulli People Final Historical Report” prepared by Dr Rosalind Kidd dated November 2012;
- (d) “Linguistic Report for Wulli Wulli People Native Title Determination Application (QUD6006/2000) and Wulli Wulli People #2 Native Title Determination (QUD311/2011)” prepared by Michael Walsh (linguist) dated 30 November 2012;
- (e) “Wulli Wulli and Wakka Wakka Peoples QUD311/2011 & Wulli Wulli People QUD6006/2000 Supplementary Report” prepared by Dr Powell dated July 2015;
- (f) “Wulli Wulli and Wakka Wakka Peoples QUD311/2011 Anthropologist’s Further Supplementary Report” prepared by Dr Powell dated 12 December 2016;
- (g) “Anthropological Review of the Wulli #2 Native Title Claim with particular regard to evidence connecting the descendants of Maggie Hart & Mi Mi to the Claim Area” prepared by Dr Kevin Mayo dated November 2017;
- (h) “Response to Questions by the State in relation to Anthropological Review of the Wulli Wulli #2 Native Title Claim with particular regard to the evidence connecting the descendants of Maggie Hart & Mi Mi to the Claim Area” prepared by Dr Kevin Mayo dated March 2018; and
- (i) Report of Conference of Experts (Dr Mayo, Dr Powell and Dr Kenny) held on 24 and 25 May 2018 in Brisbane.

14 The applicant submitted, and I find, that Dr Powell and Dr Mayo in their reports reviewed historical records regarding initial contact between the Auburn Hawkwood People and the first explorers and settlers in the Claim Area. They described references to Aboriginal people, their

camp, activities, and customs observed by pastoralists and early settlers who first occupied the Claim Area. Many of the claim group's ancestors obtained exemptions from the statutory regime that governed Aboriginal peoples' lives in Queensland. Dr Powell explained how this allowed many families to remain on their country by working on properties within the Claim Area such as Hawkwood, Auburn, Coondarra, Knockbreak, Redbank, Yerilla and Rockybar stations.

- 15 Dr Powell and Dr Mayo also described the movement of Auburn Hawkwood People from these early pastoral stations into the towns of Eidsvold and Mundubbera as well as their removal and resettlement on reserves such as Cherbourg, Woorabinda and Taroom. Dr Powell and Dr Mayo's reports set out what the historical record revealed about the exercise of rights and interests claimed by the Auburn Hawkwood People in the Auburn/South Burnett region.
- 16 Dr Powell described the content of the traditional laws and customs acknowledged and observed by Auburn Hawkwood People, particularly those governing the use and occupation of land and waters within the Claim Area. In Dr Powell's opinion those laws and customs had been observed by the claimants and their ancestors at the time of first European settlement, and by inference, from sovereignty. Her opinion was that the laws and customs observed by Auburn Hawkwood People had continued to be acknowledged and observed by each generation of Auburn Hawkwood People since sovereignty.
- 17 Dr Powell observed the strong desire of Auburn Hawkwood People to maintain their social and cultural responsibilities to their traditional country through employment in the pastoral industry. Cultural heritage monitoring work and interactions with developers were other contemporary means of continuing traditional responsibilities the Auburn Hawkwood People have to protect their country.
- 18 Dr Powell considered that while no evidence was found of a change in the fundamental tenets underlying the traditional laws of the pre-sovereignty land-holding group that relate to the holding of rights and interests in the land, waters and resources of the Claimed Areas, evidence was found of adaptation in some traditional practices.
- 19 Dr Kidd addressed: (a) when and how each claim area, or part thereof, was first occupied and used by early European settlers for pastoral or other purposes; (b) what was written about the Aboriginal people who occupied those areas at that time; (c) the nature and extent of the interaction between the early settlers and the Aboriginal people who occupied those areas at

that time; (d) the nature and extent of the interaction between early settlers and Aboriginal people since then, and the extent to which that interaction allowed members of the Wulli Wulli native title claim group (past and present) to physically occupy or access the claim areas; and (e) the impact that legislation and other events has had on the ability of members of that claim group (past and present) to physically occupy or access the claim areas.

20 Dr Kidd's findings, in summary, were as follows:

- A. Earliest records confirm a large Aboriginal presence across the claim area. Henry Stuart Russell's party in 1842 encountered 'considerable numbers' of up to 'four hundred men at a time'. Frank Bannah said 'the blacks were numerous' in the EIDSVOLD district in the late 1840s. In the 1850s 'hundreds of natives' trekked past the KNOCKBREAK homestead on their way to CAMBOON. In mid-1857 two camps comprising as many as one thousand fighting men met for an event on PALM TREE CREEK.
- B. Surviving records reveal a common perception of the tribes occupying the claim area as a discernible group. Raids by DAWSON RIVER Aborigines on those of the BURNETT area were said to be common. First settlers were on constant alert against the 'wild blacks of the district', aware that 'the DAWSON blacks were notoriously savage' and a 'war like tribe' that 'resented the intrusion of white men within their territory.' From ROCKY SPRINGS Philip Lamb wrote of the 'blacks in his district' harbouring men of the DAWSON tribe.
- C. Even so, by the early 1850s there was a level of coexistence on many stations, due in part to the shortage of white labour; references locate camps of 'quiet blacks' on YERILLA, CAMBOON, HAWKWOOD, COCKATOO, HORNET BANK and BUNGABAN. The bora ground below CAMBOON station was known to be 'a great meeting ground of the blacks', accessed by Aboriginal pathways traversing both DYKEHEAD and AUBURN.
- D. Early settlers recognised that the rapid influx of Europeans and massive sheep flocks fanned retaliatory attacks on shepherds, flocks and stations; the mass murder at HORNET BANK proving the crisis point. There is no doubt post-HORNET BANK reprisals were catastrophic for Aboriginal people across and beyond the DAWSON and BURNETT river areas. Yet even at the height of the killings groups are recorded remaining on stations at YERILLA, BOONDOOMA, AUBURN, CAMBOON and HAWKWOOD. Within days of the HORNET BANK massacre a big gathering of Aborigines 'mustered very strong' on AUBURN station from 'perhaps about three or four hundred miles'. Subsequently, the 'DAWSON RIVER tribe' again trekked to the Bunyas, an alleged HORNET BANK leader in the midst.
- E. There seems little doubt that many fugitives returned to station camps within a few years of the eighteen-month dispersal action. Research identified camps on KNOCKBREAK, BOONDOOMA, and CAMBOON in the 1870s; at HAWKWOOD, AUBURN, BUNGABAN, CRACOW, DYKEHEAD and GLANDORE in the 1880s. During this time 'frequently five or six hundred natives' from 'both near and far' gathered for ceremonies at the bora ground on CAMBOON, passing their corroborees 'from tribe to tribe and far and wide'. Continuing treks to the BUNYA MOUNTAINS still included 'the DAWSON blacks'; in 1902 a 'mob of blacks' passed through DYKEHEAD on their way to HAWKWOOD. At this time BOONDOOMA station 'stretched to the Bunyas'.

- F. Records from the 1890s and early 1900s show that as stockmen on the unfenced stations, Aboriginal workers travelled vast distances on long musters across land including CAMBOON, CRACOW, ISLA, WATERTON, COONAMBULA, HAWKWOOD, NOGO JUNCTION, RAWBELLE, CULCRAGIE, BOOLGAL, DEBINGAL, HEATHWOOD, EUROKA, KNOCKBREAK and ISLA (sic).
- G. The vast stations were increasingly fragmented under legislation from the 1860s onwards, and severe droughts at the turn of the century and around 1916 led owners on stations like AUBURN and HAWKWOOD to call on provisions of the *Aboriginal Act* of 1897 to have some Aboriginal families removed to government settlements. While official records during the twentieth century show ‘removals’ did occur from stations in the claim area, files show that Aboriginal presence continued: a large number of workers in regular local employment were never brought ‘under the Act’; some families taken to settlements were subsequently ‘exempted’ and allowed to return; some individuals absconded from settlements to return to family and work and were later exempted.
- H. In addition, non-exempt Aboriginal labour was at a premium, being tightly regulated and heavily discounted. In 1914 there was ‘a surprising number of blacks’ employed in the BURNETT and DAWSON districts, particularly (in the claim area) on HAWKWOOD, CRACOW, ROCKYBAR; in 1919 the prevalence of Aboriginal workers in the districts was again reported. In the 1920s Aboriginal camps were mentioned at EIDSVOLD, GAYNDAH and HAWKWOOD, which is likely not the only station to host corroborees at this time.
- I. ‘Large numbers’ of Aboriginal people, including drovers and workers from outlying stations, were regular visitors to the fortnightly cattle sales at EIDSVOLD in the 1940s, where they would camp on the outskirts and hold corroborees; white residents were also familiar with local Aboriginal people of that time. References sighted for the 1960s described a collection of Aboriginal families camping on the riverbanks at THEODORE, and also a large number of Aboriginal children at the EIDSVOLD school.
- J. There seems little doubt that Aboriginal employment, both longstanding local exempt workers and contracted non-exempt labour, was the vehicle which allowed families to remain or return to country despite the post-HORNET BANK dispersals.
- K. In the time available, evidence located indicates members of the following families have maintained a persisting presence in and around the claim area: BLIGH, BLUCHER, BOND, CHAPMAN, CLANCY, DODD, FULLER, HEATHWOOD, HORNET, LOGAN, McLENNAN, MI MI, POPE, SALTNER, WALSH, WEST.

21 Ms Davies’ report addressed the evidence that the area she identified as the Project Area (the combined Wulli Wulli People (QC00/7) and Wulli Wulli People #2 (QC11/5) Native Title Claim Areas) was occupied and used by Aboriginal people prior to and after contact (approximately 1845) and whether that evidence indicates that the Project Area was used for specific purposes or activities.

22 Ms Davies reviewed the archaeological cultural heritage and found ample evidence of Aboriginal occupation of the Project Area prior to and after non-indigenous settlement of the region. She found that relative dating indicated occupation may have been for at least 5,000

years. The report referred to a total of 3,273 recorded and known sites, and collected items, which was considered to indicate an “extraordinary wealth and diversity of Aboriginal cultural heritage” within the Project Area. The evidence was found to clearly demonstrate extensive, and in some areas, intensive occupation, as represented by the variety of site and artefact types. These included: stone artefact scatters; middens; engraving; art (painting and/or stencils); ceremonial grounds and massacre sites. Ms Davies considered that the sites, as well as the spiritual and social ties, extended from the traditional past to the present, with the recorded and known sites dating from pre-contact to contact with non-indigenous people and post-contact periods and demonstrated continuity of occupation and knowledge in relation to country.

- 23 The report found that many sites were connected and were not spatially confined or site restrictive, with connections between stations such as a pathway between Camboon and Hawkwood. Letters written in the 1930s were found to reflect continuous occupation with information about Aboriginal people “bred and born in the district”, and to highlight that connections between Camboon and Hawkwood continued into the post-contact period. Documentation of “glass artefacts within archaeological sites; the use of metal axes; station and other camps from 1855 to the 1950s and fringe camps from the 1930s to the 1970s” provided evidence that occupation continued into the contact and post-contact periods.
- 24 In some areas a lack of recorded or known cultural heritage sites was considered by Ms Davies to reflect an area not subject to cultural heritage surveys and assessment, rather than indicating an absence of use. She considered in summarising the evidence of prior Aboriginal occupation that the cultural landscape in which the Project Area is located is a “living interwoven mosaic of spiritual and social ties”.
- 25 The connection material was assessed by the State for the purpose of determining whether a credible basis for the Auburn Hawkwood Claim existed, and whether the requirements of s 223(1) were met. Queries raised by the State following its assessment of the connection material were addressed by the provision of additional evidence. Following the provision of that material the parties entered into negotiations over the terms by which the Auburn Hawkwood Claim could be resolved by consent.

Consideration

- 26 I find the connection material demonstrates that the agreement of the parties to the making of the Proposed Determination is “rooted in reality” and has a credible basis.

27 The affidavit of Ms Christine Anne Royan affirmed 27 August 2019, which I accept, provides details about how:

- (a) the Auburn Hawkwood People's intention to enter into the Proposed Determination was notified;
- (b) information meetings were held during July 2019, and an authorisation meeting held on 3 August 2019 at Mundubbera to give the Auburn Hawkwood People the opportunity to consider the Proposed Determination; and
- (c) the Auburn Hawkwood People decided at the authorisation meeting to enter into the Proposed Determination.

28 The applicant submits, and I find, that the Court can be satisfied that the agreement of the parties recorded in the s 87 Agreement has been freely entered into on an informed basis. As the applicant submits, all of the parties to the proceeding are legally represented and have been at all material times during the course of the negotiations.

29 I find that the period specified in the notice under s 66 has ended and that an agreement has been reached between all the parties in relation to the terms of an order. The terms of that agreement, in writing signed by or on behalf of the parties, have been filed with the Court, and I am satisfied that an order in, or consistent with, those terms would be within the power of the Court: the native title rights and interests that are proposed to be determined are recognised by the common law of Australia and the requirements of s 94A are satisfied because, as I go on to consider, each of the requirements in s 225 are met.

30 Section 55 provides that at the same time as, or as soon as practicable after, making a determination, the Court must make the determination provided for in ss 56 and 57. Section 56 requires a determination of whether the native title is to be held in trust and, if so, by whom. Section 57 specifies the authorised functions of a prescribed body corporate in particular circumstances.

31 I accept what is set out at [10]-[11] of the affidavit of Ms Elizabeth Patricia Law affirmed 6 September 2019, Ms Law having attended the meeting of the claim group at Mundubbera on 3 August 2019:

- (a) the Auburn Hawkwood People Aboriginal Corporation ICN 9127 has been incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (**CATSI Act**).

- (b) the membership of the Auburn Hawkwood People Aboriginal Corporation is limited to Aboriginal and Torres Strait Islander People;
- (c) the Auburn Hawkwood People Aboriginal Corporation's rules provide membership may comprise all adult native title holders as described in the proposed determination, that is, all Auburn Hawkwood People as persons who have native title rights and interests in relation to the land or waters to which the proposed determination relates;
- (d) all of the Auburn Hawkwood People Aboriginal Corporation's members were, as at the time of that affidavit, included in the proposed determination as native title holders; and
- (e) the Auburn Hawkwood People Aboriginal Corporation's objectives are, inter alia:
 - (i) to be the subject of a determination under ss 55, 56(2) and 56(3) in respect of the Auburn Hawkwood Claim;
 - (ii) to perform the role and functions of a trustee prescribed body corporate in accordance with the *Native Title Act* and the *Native Title (Prescribed Body Corporate) Regulations 1999* (Cth) (**PBC Regulations**) for and on behalf of the Auburn Hawkwood People;
 - (iii) to become a registered native title body corporate within the meaning of the *Native Title Act*, and carry out its functions for and on behalf of the Auburn Hawkwood People; and
 - (iv) to protect, promote and manage the native title rights and interests of the common law holders as authorised by the common law holders.

32 The Auburn Hawkwood People Aboriginal Corporation was registered by the Office of the Registrar of Aboriginal Corporations on 5 September 2019. Documents relevant to the registration and nomination of the Auburn Hawkwood People Aboriginal Corporation as Prescribed Body Corporate and its acceptance of the nomination were filed as annexures to the affidavit of Ms Law affirmed 6 September 2019.

33 The written consent of the Auburn Hawkwood People Aboriginal Corporation for the purposes of s 56(2) is contained in a letter dated 5 September 2019 from Ms Christine Bosworth as the secretary of the Auburn Hawkwood People Aboriginal Corporation.

34 The applicant submits, and I find, that ss 56 and 57 of the *Native Title Act* are satisfied. In addition to the matters outlined in the preceding paragraphs, the following matters are also relevant:

- (a) the Auburn Hawkwood People decided at a meeting held at Mundubbera on 3 August 2019 (“the Mundubbera Meeting”) to establish a Prescribed Body Corporate to hold the determined native title rights on trust for the common law holders;
- (b) the Auburn Hawkwood People in attendance at the Mundubbera Meeting directed the applicant to establish a Prescribed Body Corporate;
- (c) the Court subsequently directed the applicant to file material in support of the determination of the Prescribed Body Corporate;
- (d) the applicant established the Auburn Hawkwood People Aboriginal Corporation;
- (e) the applicant directed one of its members, Ms Law, to nominate the Auburn Hawkwood People Aboriginal Corporation to be trustee of the native title;
- (f) Ms Law nominated the Auburn Hawkwood People Aboriginal Corporation to be the Prescribed Body Corporate; and
- (g) the Auburn Hawkwood People Aboriginal Corporation has consented to being nominated.

35 Pursuant to regulation 4 of the PBC Regulations, the Auburn Hawkwood People Aboriginal Corporation is eligible for nomination pursuant to s 56(2) because, at the time of the determination:

- (a) it is an Aboriginal and Torres Strait Islander corporation (being a corporation registered under the CATSI Act);
- (b) the purposes of becoming a registered native title body corporate are set out in the objects of the Auburn Hawkwood People Aboriginal Corporation;
- (c) all of its members are included, or proposed to be included, in the proposed determination as native title holders;
- (d) at all times after the s 56 determination is made, all members of the corporation will be persons who have native title rights and interests in relation to the land or waters to which the proposed determinations relate; and
- (e) the corporation meets the indigeneity requirements of s 29-5 of the CATSI Act.

36 The applicant submits, and I find, that the proposed determination satisfies the requirements of ss 94A and 225 of the *Native Title Act* because:

- (a) the persons holding the common or group rights comprising the native title are properly identified in Schedule 1;
- (b) the nature and extent of the native title rights and interests in relation to the Determination Area are properly described in paragraphs 6 and 7;
- (c) the nature and extent of any other interests in relation to the Determination Area are described in Schedule 2;
- (d) the relationship between the rights and interests in paragraphs (b) and (c) is appropriately dealt with in paragraph 12; and
- (e) Part 1 of Schedule 4 describes areas where the native title rights and interests confer possession, occupation, use and enjoyment of that land or waters on the native title holders to the exclusion of all others.

Conclusion and orders

37 In these circumstances the Court makes the order sought in accordance with the agreement of the parties. The Court congratulates the parties and their advisers.

I certify that the preceding thirty-seven (37) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justice Robertson.

Associate:

Dated: 25 November 2019

SCHEDULE OF PARTIES

QUD 31 of 2019

Respondents

Fourth Respondent:	ERGON ENERGY CORPORATION LIMITED
Fifth Respondent:	NORTH BURNETT REGIONAL COUNCIL
Sixth Respondent:	SOUTH BURNETT REGIONAL COUNCIL
Seventh Respondent:	TELSTRA CORPORATION LIMITED ACN 33 051 775 556
Eighth Respondent:	MICHAEL VINCENT BAKER
Ninth Respondent:	THOMAS JAMES BANCROFT
Tenth Respondent:	DUNCAN WILLIAM BROWN
Eleventh Respondent:	GLENYS PAULINE BROWN
Twelfth Respondent:	MARK RICHMOND BROWN
Thirteenth Respondent:	PHILLIP RICHMOND BROWN
Fourteenth Respondent:	HUGH NORMAN MACKLEY CAMPBELL
Fifteenth Respondent:	LINDSAY GORDON GRONO
Sixteenth Respondent:	GEOFFREY THOMAS HARTWIG
Seventeenth Respondent:	MARGARET OLIVE HARZER
Eighteenth Respondent:	BRUCE RAYMOND HUTCHINSON
Nineteenth Respondent:	VIVIEN CLARE HUTCHINSON
Twentieth Respondent:	DARCY FREDERICK KNUDSEN
Twenty-First Respondent:	JOHN DAVID LINDENMAYER
Twenty-Second Respondent:	LORRAINE FAHEY LINDENMAYER
Twenty-Third Respondent:	ALEXANDRA WINTER O'NEILL
Twenty-Fourth Respondent:	JAMES ANTHONY O'NEILL
Twenty-Fifth Respondent:	RICK ERNEST PAYNE

Twenty-Sixth Respondent:	JUDITH ELIZABETH ANN PLANT
Twenty-Seventh Respondent:	ROBERT JOHN PLANT
Twenty-Eighth Respondent:	ROBERT LESLIE RICHARD PLANT
Twenty-Ninth Respondent:	RAYMOND SPENCER POULSEN
Thirtieth Respondent:	LYLE GEORGE PURNELL
Thirty-First Respondent:	COLIN ANDREW SEILER
Thirty-Second Respondent:	JOAN MAY SEILER
Thirty-Third Respondent:	LYNNELLE EVELYN SEILER
Thirty-Fourth Respondent:	PETER ALFRED SEILER
Thirty-Fifth Respondent:	PETER NOEL THOMPSON
Thirty-Sixth Respondent:	SHARON MAREE THOMPSON
Thirty-Seventh Respondent:	GLENVILLE ROLAND TUCKER
Thirty-Eighth Respondent:	JAMES BARRY TUCKER
Thirty-Ninth Respondent:	LEONARD EDWIN TUCKER
Fortieth Respondent:	PETER LEONARD TUCKER
Forty-First Respondent:	NOELEEN KAY VANDERHAVE
Forty-Second Respondent:	ROSS JOHN VANDERHAVE
Forty-Third Respondent:	LINDSAY KEITH WALTERS
Forty-Fourth Respondent:	JEANETTE ANNE YOUNG
Forty-Fifth Respondent:	WILLIAM HENRY YOUNG

Title	Corporate Services Financial Report December 2019
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Date	8 January 2020
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Responsible Manager	N. Clouston, ACTING CHIEF FINANCIAL OFFICER
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Summary

The purpose of this Report is to provide Council with the Financial Report for the period ending 31 December 2019.

Link to Corporate Plan

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.

Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That Council receives and notes the December 2019 Financial Report.

Background Information

The Chief Executive Officer is required by Section 204 (2) of the Local Government Regulation 2012 to present the financial report at each meeting of the local government if each meeting is held less frequently than monthly, or monthly. The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held (section 204 (3)).

Report

1. Operating Result

The operating surplus as at 31 December 2019 is \$1.681 million compared to a budgeted surplus of \$2.101 million. This indicates the Council as a whole, is currently tracking in line with budget.

An analysis of the major variances for each operating revenue and expense item is provided in the following table:

Council Consolidated	Revised Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
Revenue					
Rates and Utility Charges	(88,811,615)	(44,405,807)	(44,065,976)	339,831	Rates and Utility Charges is currently \$0.340 million under budget due to: > \$0.932 million in prepaid general rates being recognised as revenue in 2018-19 and being reversed out in July (i.e. It therefore reduces rates revenue). > offset by \$0.252 million for a Rates revenue adjustment due to the amalgamation of properties which was provided for in 2018-19 and reversed in July. > There have also been some favourable QVAS adjustments.
Volumetric	(7,227,791)	(262,232)	(334,647)	(72,415)	
Less: Discounts & Pensioner Remissions	4,924,373	2,328,758	2,225,907	(102,851)	
Net Rates and Utility Charges	(91,115,033)	(42,339,281)	(42,174,717)	164,564	
Fees and Charges	(6,787,310)	(3,563,121)	(3,999,148)	(436,027)	Fees & Charges are \$0.436 million greater than budget due to: > Washdown Bay fees being \$0.115 million better than budget. > Fines & Penalties being \$0.112 million greater than budget due to Council dedicating more resources towards enforcement. > Water sales from the standpipes being \$0.114 million more than budget due to the prevailing dry conditions. > Stock Route fees coming in \$0.056 million more than budget due to the drought.
Rental and Levies	(1,672,589)	(836,292)	(882,964)	(46,672)	
Sales of Major Services	(18,980,642)	(10,232,974)	(9,814,526)	418,448	Sales of major services are currently \$0.418 million less than budget due to: > Commercial Works, which is currently \$0.713 million behind budget as Council has yet to invoice for \$2.050 million of claims for work completed. Council is anticipating to receive more income than budgeted for the year as it has been able to increase the amount of work in the programme for the year, this will be partly offset by increased materials and services expenses. > Saleyards revenue being \$0.741 million greater than budget as a result of higher than expected sales due to the prolonged drought. > Quarry and Gravel Pit sales being \$0.421 million behind budget as a result of some delays in the delivery of the capital works program. Council expects sales to be in line with budget for the year.
Operating Grants, Subsidies and Contributions	(25,177,684)	(14,179,838)	(10,207,759)	3,972,079	Operating Grants and Subsidies have come in under budget by \$3.972 million due to: > Council receiving \$4.134 million in FAGS for 2019-20 compared to a YTD budget of \$8.329 million. This is due to Council receiving \$8.330 million of its 2019-20 FAGS allocation in 2018-19.
Interest Revenue	(3,645,978)	(1,822,986)	(1,321,657)	501,329	Interest Income was budgeted for at 2.50% (the return in 2018-19) for the year but due to the RBA rate decreases Council has received an average of 1.76% from QTC. It is likely revenue will be under budget by about \$1.0 million for the year.
Other Income	(1,602,500)	(586,252)	(612,536)	(26,284)	
TOTAL OPERATING REVENUES	(148,981,736)	(73,560,744)	(69,013,306)	4,547,438	

Council Consolidated	Revised Budget \$	YTD Budget \$	YTD Actuals \$	Variance \$	Comments
Expenses					
Employee Benefits	56,922,638	28,162,174	27,185,830	(976,344)	Employee Benefits are under budget due in part to delays in reaching agreement on the EBA. In addition, employee numbers remain less budget.
Less Capitalised Employee Benefits	(5,317,506)	(2,673,923)	(2,284,753)	389,170	Council has currently delivered less than originally anticipated of its capital program which effects capitalised employee costs. Current expectations are that the budget will be met for the full year.
Net Employee Benefits	51,605,132	25,488,251	24,901,077	(587,174)	
Materials and Services	53,079,460	24,983,726	21,439,744	(3,543,982)	Materials and services costs are mainly under budget due to outstanding invoices not being accrued at the end of the current month. Some areas to note are Waste Management (phasing of the waste levy expense was monthly but only Jandowae is paid monthly with the other sites to be paid at the end of the year) and the Quarry which is behind due to the rephasing of Council's capital works program.
Depreciation and Amortisation	41,863,459	20,931,744	20,931,744	-	
Finance Costs	580,110	55,554	59,625	4,071	
Corporate Overhead	-	-	-	-	
TOTAL OPERATING EXPENSES	147,128,161	71,459,275	67,332,190	(4,127,085)	
Operating (surplus)/deficit	(1,853,575)	(2,101,469)	(1,681,116)	420,353	

2. Business Unit Commentary

- Commercial Works:** Commercial Works currently has an operating deficit of \$0.993 million compared to a budgeted surplus of \$1.236 million (i.e. a \$2.29 million unfavourable outcome). Income is \$0.993 million behind budget due to works in progress and outstanding invoices for approximately \$2.050 million, this \$2 million includes roughly \$1.2 million in work that has been added throughout the year that was not in the Original budget. Expenses are \$1.236 million greater than budget as a result of Council completing the additional work.
- Gas:** The half-year Gas operating surplus is \$0.331 million compared to a budgeted deficit of \$0.79 due mainly to materials being \$0.407 million less than budget. This is because Council accrued \$0.133 million of the unused take or pay component for 2018-19 which was reversed in 2019-20. To date, this has not been offset by an invoice. In addition, the November and December bills totalling approximately \$0.140 million have not yet been received.
- Water:** The Water business unit has an operating deficit of \$2.870 million compared to a budgeted deficit of \$3.241 million. Income from the standpipes is currently \$0.114 million more than budget due to the prevailing dry conditions. Other revenue items are \$0.117 million more than budget. Expenses are also \$0.140 million less than budget which may reflect some slight savings or timing delays in expenditure but, overall, the unit is performing well.
- Sewerage:** Sewerage has a current operating surplus of \$1.087 million compared to a budgeted surplus of \$0.891 million. Income is \$0.100 million better than budget whilst expenditure is \$0.096 million under budget. The business unit is currently performing in line with budget.

- **Quarry:** The Quarry and Gravel Pits are \$0.131 million better budget overall resulting in an operating surplus of \$1.193 million compared to the budget of \$1.062 million. Revenue is under budget by \$0.421 million due to less sales than anticipated as the capital works program has experienced some delays in delivery. This is offset by expenditure being \$0.552 million less than budget as Council has not needed to produce as much. Council still expects the Quarry business to perform in line with budget for the year.
- **Waste:** Waste is currently running an operating surplus of \$0.811 million compared to the budgeted deficit of \$0.549 million (i.e. a favourable difference of \$1.360 million). Fees & Charges income is \$0.285 million less than budget as usage of the facilities has been lower than anticipated.

Materials and services expenses are under budget by \$1.589 million due to:

- outstanding invoices for December totalling \$0.460 million not being received or processed to date;
 - estimated payments to be made to the State on account of the Waste Management Levy of approximately \$0.160 million for November and December;
 - the waste levy expense of \$1.915 million being phased evenly over 12 months where only the Jandowae site is paid monthly with the other sites to be paid annually in June as surveys are required to calculate the levy for those sites. This difference is equal to \$0.465 million for the first 6 months; and
 - savings and other outstanding bills of approximately \$0.540 million.
- **Saleyards:** Saleyards have an operating surplus of \$0.892 million compared to a budgeted surplus of \$0.225 million (a difference of \$0.667 million). This outcome is due to revenue being \$0.744 million greater than budget as the drought continues to drive higher than usual throughput. A minor offset is that costs are \$0.077 million higher due to this increased output.
 - **Washdown Bays:** Washdown Bays are currently operating at a surplus of \$0.097 million compared to a budgeted deficit of \$0.008 million. This is a result of increased income from throughput (\$0.115 million) which is slightly offset by expenses being \$0.010 million more than budget.

3. Capital Revenue and Expenditure

Capital Revenue for the year is \$1.107 million greater than budget which is comprised of:

- Capital Grants & Subsidies \$0.493 million ahead of budget.
- Capital Contributions are currently \$0.189 million behind budget due to outstanding claims on the Geldard Road, Perretts Road and Stockton Road projects.
- Developer Contributions are \$0.603 million greater than budget due to \$0.593 million being received for the upgrade of Sherwood Road. Council did not budget for any developer contributions.
- Contributed Assets \$0.096 million greater than budget.

Disposal of non-current assets is currently \$0.102 million ahead of budget.

Capital Expenditure is \$0.413 million behind budget due in part to outstanding invoices for December. As part of the mid-year review Council allowed managers the opportunity to rephase their 2019-20 capital program to reflect current expectations which has resulted in adjustments to the year to date budget of \$9.2 million being pushed out to the remainder of the financial year.

4. Cash and Investments

Council's Cash and Investments at 31 December 2019 totalled \$157.455 million which represents 12.84 months of Operating Expenses including depreciation. The balance as at 30 June 2019 was \$142.251 million. The reason for this increase is due to the first half year's rates being received. Council expects its cash to slowly decrease until the next half year's rates are issued and received.

Consultation (Internal/External)

Nil

Legal/Policy Implications (Justification if applicable)

Nil

Budget/Financial Implications

The attached One-Page report details the progress made against Year-To-Date (YTD) Budget for the period ending 31 December 2019. There are currently no significant budget concerns for the year. However, it is likely that interest income will be under budget by up to \$1.0 million due to reductions in the official cash rate having a flow on impact on investing rates for term deposits. It is expected to be offset by better trading results by the Saleyard business year to date.

Conclusion

There are currently no significant budget concerns other than interest revenue, which is likely to come in under budget due to the reduction in the official cash rate having a flow on impact for investing rates on term deposits.

Attachments

1. One Page Report December 2019

Authored by: N Clouston, ACTING CHIEF FINANCIAL OFFICER




Western Downs Regional Council
One Page Result
Period Ending: 31 December 2019

	Council Consolidated					Council Net					Commercial Works				
	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue															
Rates and Utility Charges	(88,811,615)	(88,811,615)	(44,405,807)	(44,065,976)	339,831	(68,981,313)	(68,981,313)	(34,490,656)	(34,029,210)	461,446	-	-	-	-	-
Volumetric	(7,227,791)	(7,227,791)	(262,232)	(334,647)	(72,415)	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	4,924,373	4,924,373	2,328,758	2,225,907	(102,851)	3,645,841	3,645,841	1,822,921	1,801,852	(21,069)	-	-	-	-	-
Net Rates and Utility Charges	(91,115,033)	(91,115,033)	(42,339,281)	(42,174,717)	164,564	(65,335,472)	(65,335,472)	(32,667,735)	(32,227,358)	440,377	-	-	-	-	-
Fees and Charges	(6,787,310)	(6,787,310)	(3,563,121)	(3,999,148)	(436,027)	(3,245,310)	(3,245,310)	(1,799,623)	(2,259,238)	(459,615)	-	-	-	-	-
Rental and Levies	(1,672,589)	(1,672,589)	(836,292)	(882,964)	(46,672)	(1,582,589)	(1,582,589)	(791,292)	(829,697)	(38,405)	-	-	-	-	-
Sales of Major Services	(18,980,642)	(18,980,642)	(10,232,974)	(9,814,526)	418,448	-	-	-	-	-	(5,435,000)	(5,435,000)	(3,649,998)	(2,962,120)	687,878
Operating Grants & Subsidies	(25,177,684)	(25,177,684)	(14,179,838)	(10,207,759)	3,972,079	(22,073,013)	(22,073,013)	(11,075,167)	(7,387,923)	3,687,244	(3,104,671)	(3,104,671)	(3,104,671)	(2,800,000)	304,671
Interest	(3,645,978)	(3,645,978)	(1,822,986)	(1,321,657)	501,329	(3,645,978)	(3,645,978)	(1,822,986)	(1,260,844)	562,142	-	-	-	-	-
Other Income	(1,602,500)	(1,602,500)	(586,252)	(612,536)	(26,284)	(1,552,500)	(1,552,500)	(561,250)	(609,120)	(47,870)	-	-	-	-	-
TOTAL OPERATING REVENUES	(148,981,736)	(148,981,736)	(73,560,744)	(69,013,306)	4,547,438	(97,434,862)	(97,434,862)	(48,718,053)	(44,574,180)	4,143,873	(8,539,671)	(8,539,671)	(6,754,669)	(5,762,120)	992,549
Operating Expenses															
Employee Benefits	56,922,638	56,922,638	28,162,174	27,185,830	(976,344)	45,880,292	45,880,292	22,649,051	21,659,610	(989,441)	2,554,938	2,554,938	1,266,693	1,546,098	279,405
Less Capitalised Employee Benefits	(5,317,506)	(5,317,506)	(2,673,923)	(2,284,753)	389,170	(4,586,925)	(4,586,925)	(2,274,104)	(2,019,570)	254,534	-	-	-	-	-
Net Employee Benefits	51,605,132	51,605,132	25,488,251	24,901,077	(587,174)	41,293,367	41,293,367	20,374,947	19,640,040	(734,907)	2,554,938	2,554,938	1,266,693	1,546,098	279,405
Materials and Services	53,079,460	53,079,460	24,983,726	21,439,744	(3,543,982)	26,733,036	26,733,036	10,904,924	8,920,359	(1,984,565)	5,312,776	5,312,776	4,011,912	4,968,977	957,065
Depreciation and Amortisation	41,863,459	41,863,459	20,931,744	20,931,744	-	34,053,592	34,053,592	17,026,806	17,026,806	-	-	-	-	-	-
Finance Costs	580,110	580,110	55,554	59,625	4,071	549,110	549,110	55,554	61,793	6,239	-	-	-	-	-
Corporate Overhead	-	-	-	-	-	(4,417,445)	(4,417,445)	(2,208,726)	(2,208,726)	-	479,299	479,299	239,652	239,652	-
TOTAL OPERATING EXPENSES	147,128,161	147,128,161	71,459,275	67,332,190	(4,127,085)	98,211,660	98,211,660	46,153,505	43,440,272	(2,713,233)	8,347,013	8,347,013	5,518,257	6,754,726	1,236,469
Operating (surplus)/deficit	(1,853,575)	(1,853,575)	(2,101,469)	(1,681,116)	420,353	776,798	776,798	(2,564,548)	(1,133,908)	1,430,640	(192,658)	(192,658)	(1,236,412)	992,606	2,229,018
Capital Revenue															
Capital Grants & Subsidies	(6,434,700)	(9,265,833)	(2,672,952)	(3,166,206)	(493,254)	(6,424,700)	(9,265,833)	(2,672,952)	(3,155,916)	(482,964)	-	-	-	-	-
Contributions	(4,295,658)	(2,467,949)	(189,000)	(280)	188,720	(4,295,658)	(2,467,949)	(189,000)	(280)	188,720	-	-	-	-	-
Contributions - Contributed Assets	(1,980,000)	(1,980,000)	(990,000)	(1,086,080)	(96,080)	(1,980,000)	(1,980,000)	(990,000)	(853,872)	136,128	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	(603,697)	(603,697)	-	-	-	(622,051)	(622,051)	-	-	-	-	-
Disposal of Non-Current Assets	(804,500)	(804,500)	(402,250)	(504,577)	(102,327)	(804,500)	(804,500)	(402,250)	(504,577)	(102,327)	-	-	-	-	-
TOTAL CAPITAL REVENUE	(13,514,858)	(14,518,282)	(4,254,202)	(5,360,840)	(1,106,638)	(13,504,858)	(14,518,282)	(4,254,202)	(5,136,696)	(882,494)	-	-	-	-	-
Capital Expenses															
Loss of Revaluation of Inventory	-	-	-	3,830	3,829.65	-	-	-	3,830	3,830	-	-	-	-	-
Restoration of Land Provision	-	-	-	5,336	5,336	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	8,500,000	8,500,000	4,250,000	8,866,402	4,616,402	7,500,000	7,500,000	3,750,000	4,523,864	773,864	-	-	-	-	-
TOTAL CAPITAL EXPENDITURE	8,500,000	8,500,000	4,250,000	8,875,567	4,625,567	7,500,000	7,500,000	3,750,000	4,527,694	777,694	-	-	-	-	-
Net Result (surplus)/deficit	(6,868,433)	(7,871,857)	(2,105,671)	1,833,611	3,939,282	(5,228,060)	(6,241,484)	(3,068,750)	(1,742,911)	1,325,839	(192,658)	(192,658)	(1,236,412)	992,606	2,229,018
Capital Funding Applications															
Capital Expenditure - New Assets	6,828,177	6,970,762	2,118,774	2,526,052	407,278	6,728,177	6,846,227	2,094,238	2,501,516	407,278	-	-	-	-	-
Capital Expenditure - Upgrade Assets	6,293,719	6,618,394	1,427,131	1,402,937	(24,194)	5,262,286	5,359,460	1,274,993	1,328,701	53,707	-	-	-	-	-
Capital Expenditure - Replacement Assets	34,183,320	33,622,506	11,214,898	10,418,426	(796,472)	26,279,583	25,921,270	10,178,232	9,317,219	(861,013)	-	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	47,305,216	47,211,662	14,760,803	14,347,415	(413,388)	38,270,046	38,126,957	13,547,463	13,147,436	(400,027)	-	-	-	-	-



Western Downs Regional Council
One Page Result
Period Ending: 31 December 2019

	Gas					Water					Sewerage				
	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue															
Rates and Utility Charges	-	-	-	-	-	(5,772,380)	(5,772,380)	(2,886,190)	(2,880,749)	5,441	(8,866,302)	(8,866,302)	(4,433,151)	(4,462,392)	(29,241)
Volumetric	-	-	-	-	-	(7,227,791)	(7,227,791)	(262,232)	(334,647)	(72,415)	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	25,000	12,561	(12,439)	614,999	614,999	149,070	118,297	(30,773)	418,489	418,489	209,245	184,807	(24,438)
Net Rates and Utility Charges	-	-	25,000	12,561	(12,439)	(12,385,172)	(12,385,172)	(2,999,352)	(3,097,099)	(97,747)	(8,447,813)	(8,447,813)	(4,223,906)	(4,277,585)	(53,679)
Fees and Charges	(27,000)	(27,000)	(13,500)	(19,208)	(5,708)	(1,010,000)	(1,010,000)	(500,000)	(632,921)	(132,921)	(5,000)	(5,000)	-	(7,301)	(7,301)
Rental and Levies	-	-	-	-	-	(90,000)	(90,000)	(45,000)	(53,266)	(8,266)	-	-	-	-	-
Sales of Major Services	(3,042,497)	(3,042,497)	(1,092,106)	(1,065,987)	26,119	(104,888)	(104,888)	(52,444)	(15,905)	36,539	(17,094)	(17,094)	(8,547)	(20,860)	(12,313)
Operating Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	(25,608)	(25,608)	-	-	-	(26,220)	(26,220)
Other Income	-	-	-	-	-	-	-	-	(2,615)	(2,615)	-	-	-	-	-
TOTAL OPERATING REVENUES	(3,069,497)	(3,069,497)	(1,080,606)	(1,072,635)	7,971	(13,590,060)	(13,590,060)	(3,596,796)	(3,827,415)	(230,619)	(8,469,907)	(8,469,907)	(4,232,453)	(4,331,967)	(99,514)
Operating Expenses															
Employee Benefits	357,956	357,956	177,473	168,064	(9,409)	4,522,532	4,522,532	2,242,706	2,067,142	(175,564)	1,513,261	1,513,261	750,429	641,982	(108,447)
Less Capitalised Employee Benefits	-	-	-	-	-	(194,299)	(194,299)	(96,331)	(44,092)	52,240	(17,500)	(17,500)	(8,677)	(1,849)	6,828
Net Employee Benefits	357,956	357,956	177,473	168,064	(9,409)	4,328,233	4,328,233	2,146,375	2,023,050	(123,325)	1,495,761	1,495,761	741,752	640,133	(101,619)
Materials and Services	1,193,739	1,193,739	690,645	283,962	(406,683)	4,169,810	4,169,810	1,980,069	1,963,381	(16,688)	1,501,890	1,501,890	733,848	739,449	5,601
Depreciation and Amortisation	270,778	270,778	135,390	135,390	-	3,880,384	3,880,384	1,940,190	1,940,190	-	2,847,925	2,847,925	1,423,962	1,423,962	-
Finance Costs	31,000	31,000	-	(2,080)	(2,080)	-	-	-	-	-	-	-	-	-	-
Corporate Overhead	313,052	313,052	156,528	156,528	-	1,542,032	1,542,032	771,006	771,006	-	883,472	883,472	441,738	441,738	-
TOTAL OPERATING EXPENSES	2,166,525	2,166,525	1,160,036	741,864	(418,172)	13,920,459	13,920,459	6,837,640	6,697,628	(140,012)	6,729,048	6,729,048	3,341,300	3,245,282	(96,018)
Operating (surplus)/deficit	(902,972)	(902,972)	79,430	(330,771)	(410,201)	330,399	330,399	3,240,844	2,870,213	(370,631)	(1,740,859)	(1,740,859)	(891,153)	(1,086,685)	(195,532)
Capital Revenue															
Capital Grants & Subsidies	-	-	-	-	-	(10,000)	-	-	(10,290)	(10,290)	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	(114,496)	(114,496)	-	-	-	(117,712)	(117,712)
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	6,657	6,657	-	-	-	11,697	11,697
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUE	-	-	-	-	-	(10,000)	-	-	(118,129)	(118,129)	-	-	-	(106,015)	(106,015)
Capital Expenses															
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	600,000	600,000	300,000	4,269,668	3,969,668	200,000	200,000	100,000	72,870	(27,130)
TOTAL CAPITAL EXPENDITURE	-	-	-	-	-	600,000	600,000	300,000	4,269,668	3,969,668	200,000	200,000	100,000	72,870	(27,130)
Net Result (surplus)/deficit	(902,972)	(902,972)	79,430	(330,771)	(410,201)	920,399	930,399	3,540,844	7,021,751	3,480,907	(1,540,859)	(1,540,859)	(791,153)	(1,119,830)	(328,677)
Capital Funding Applications															
Capital Expenditure - New Assets	-	-	-	-	-	-	24,535	24,535	24,535	-	-	-	-	-	-
Capital Expenditure - Upgrade Assets	-	-	-	-	-	700,000	818,337	44,648	43,801	(847)	210,000	319,164	107,490	7,335	(100,154)
Capital Expenditure - Replacement Assets	-	-	-	-	-	3,612,335	3,518,998	254,493	434,718	180,226	3,734,381	3,625,217	469,595	559,249	89,654
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	4,312,335	4,361,870	323,676	503,054	179,378	3,944,381	3,944,381	577,084	566,584	(10,501)

<div>  <div> <div>Western Downs Regional Council</div> <div>Western Downs Regional Council</div> <div>One Page Result</div> <div>Period Ending: 31 December 2019</div> </div> </div>																			
Quarry					Waste					Saleyards					Washdown Bays				
Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance	Original Budget	Revised Budget	YTD Budget	YTD Actuals	YTD Variance
Operating Revenue																			
Rates and Utility Charges	-	-	-	-	(5,191,620)	(5,191,620)	(2,595,810)	(2,693,626)	(97,816)	-	-	-	-	-	-	-	-	-	-
Volumetric	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Discounts & Pensioner Remissions	-	-	-	-	245,044	245,044	122,522	108,390	(14,132)	-	-	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	-	-	-	-	(4,946,576)	(4,946,576)	(2,473,288)	(2,585,235)	(111,947)	-	-	-	-	-	-	-	-	-	-
Fees and Charges	-	-	-	(468)	(468)	(2,040,000)	(2,040,000)	(1,020,000)	(734,556)	285,444	-	-	-	-	(460,000)	(460,000)	(229,998)	(345,455)	(115,457)
Rental and Levies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales of Major Services	(7,612,463)	(7,612,463)	(4,045,529)	(3,624,399)	421,130	-	-	-	-	(2,768,700)	(2,768,700)	(1,384,350)	(2,125,254)	(740,904)	-	-	-	-	-
Operating Grants & Subsidies	-	-	-	-	-	-	-	(16,536)	(16,536)	-	-	-	(3,301)	(3,301)	-	-	-	-	-
Interest	-	-	-	-	-	-	-	(8,985)	(8,985)	-	-	-	-	-	-	-	-	-	-
Other Income	-	-	-	-	-	(50,000)	(50,000)	(25,002)	(800)	24,202	-	-	-	-	-	-	-	-	-
TOTAL OPERATING REVENUES	(7,612,463)	(7,612,463)	(4,045,529)	(3,624,867)	420,662	(7,036,576)	(7,036,576)	(3,518,290)	(3,346,112)	172,178	(2,768,700)	(2,768,700)	(1,384,350)	(2,128,554)	(744,204)	(460,000)	(460,000)	(229,998)	(345,455)
Operating Expenses																			
Employee Benefits	1,102,720	1,102,720	584,471	513,088	(71,383)	401,786	401,786	199,196	255,773	56,577	479,490	479,490	237,785	264,884	27,099	109,663	109,663	54,370	69,188
Less Capitalised Employee Benefits	(503,782)	(503,782)	(287,375)	(219,242)	68,133	-	-	-	-	-	(15,000)	(15,000)	(7,436)	-	7,436	-	-	-	-
Net Employee Benefits	598,938	598,938	297,096	293,846	(3,250)	401,786	401,786	199,196	255,773	56,577	464,490	464,490	230,349	264,884	34,535	109,663	109,663	54,370	69,188
Materials and Services	4,597,152	4,597,152	2,491,806	1,943,515	(548,291)	7,922,904	7,922,904	3,421,806	1,832,990	(1,588,816)	1,243,924	1,243,924	609,462	652,568	43,106	404,229	404,229	139,254	134,543
Depreciation and Amortisation	19,714	19,714	9,858	9,858	-	339,428	339,428	169,716	169,716	-	418,428	418,428	209,214	209,214	-	33,210	33,210	16,608	16,608
Finance Costs	-	-	-	-	-	-	-	-	(37)	(37)	-	-	-	-	-	-	-	(51)	(51)
Corporate Overhead	370,001	370,001	185,004	185,004	-	553,378	553,378	276,690	276,690	-	219,695	219,695	109,848	109,848	-	56,516	56,516	28,260	28,260
TOTAL OPERATING EXPENSES	5,585,805	5,585,805	2,983,764	2,432,223	(551,541)	9,217,496	9,217,496	4,067,408	2,535,132	(1,532,276)	2,346,537	2,346,537	1,158,873	1,236,514	77,641	603,618	603,618	238,492	248,548
Operating (surplus)/deficit	(2,026,658)	(2,026,658)	(1,061,765)	(1,192,644)	(130,879)	2,180,920	2,180,920	549,118	(810,981)	(1,360,099)	(422,163)	(422,163)	(225,477)	(892,040)	(666,563)	143,618	143,618	8,494	(96,907)
Capital Revenue																			
Capital Grants & Subsidies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions - Contributed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Contributions from Developers - Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Disposal of Non-Current Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CAPITAL REVENUE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenses																			
Loss of Revaluation of Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restoration of Land Provision	-	-	-	948	948	-	-	-	4,388	4,388	-	-	-	-	-	-	-	-	-
Capital Expense Write-Off	-	-	-	-	-	-	-	-	-	-	200,000	200,000	100,000	-	(100,000)	-	-	-	-
TOTAL CAPITAL EXPENDITURE	-	-	-	948	948	-	-	-	4,388	4,388	200,000	200,000	100,000	-	(100,000)	-	-	-	-
Net Result (surplus)/deficit	(2,026,658)	(2,026,658)	(1,061,765)	(1,191,696)	(129,931)	2,180,920	2,180,920	549,118	(806,593)	(1,355,711)	(222,163)	(222,163)	(125,477)	(892,040)	(766,563)	143,618	143,618	8,494	(96,907)
Capital Funding Applications																			
Capital Expenditure - New Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100,000	100,000	-	-
Capital Expenditure - Upgrade Assets	60,000	60,000	-	20,600	20,600	61,433	61,433	-	2,500	2,500	-	-	-	-	-	-	-	-	-
Capital Expenditure - Replacement Assets	-	-	-	-	-	315,000	315,000	303,000	97,662	(205,338)	242,021	242,021	9,579	9,579	-	-	-	-	-
Loan Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land Rehab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	60,000	60,000	-	20,600	20,600	376,433	376,433	303,000	100,162	(202,838)	242,021	242,021	9,579	9,579	-	100,000	100,000	-	-

Title	Infrastructure Services Quarterly Report October-December 2019
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Date	10 January 2020
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Responsible Manager	G. Cook, GENERAL MANAGER (INFRASTRUCTURE SERVICES)
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Summary

The purpose of this Report is to provide Council with a quarterly update in relation to the Infrastructure Services' Works, Utilities and Technical Services departments performance.

Link to Corporate Plan

Strategic Priority: Active Vibrant Communities

- We are a region without boundaries, united in community pride.
- Our community members are the loudest advocates for what's great about our region.
- Our social, cultural and sporting events are supported locally and achieve regional participation.
- Our parks, open spaces, and community facilities are well utilised and connect people regionally.
- A recognised culture of volunteerism is active throughout our communities.

Strategic Priority: Financial Sustainability

- We are recognised as a financially intelligent and responsible Council.
- Our long term financial planning guides informed and accountable decision making.
- Our value for money culture enables us to deliver our core functions sustainably.
- Our agile and responsive business model enables us to align our capacity with service delivery.
- Effective asset management ensures that we only own and maintain assets that are utilised.

Strategic Priority: Great Liveability

- Our residents enjoy convenience of modern infrastructure and quality essential services.
- Valued recreational spaces, sporting and community facilities are provided regionally.
- A safe and well maintained road network connects our region.
- Our region remains an affordable place for families to live, work, prosper and play.
- We're recognised as one of the safest regions in Queensland.

Strategic Priority: Strong Economic Growth

- There is a confidence in our strong and diverse economy.
- We're open for business and offer investment opportunities that are right for our region.
- We optimise our tourism opportunities, unique experiences and major events.
- Business and industry in our region live local and buy local.
- Our region is a recognised leader in energy, including clean, green renewable energies.

Material Personal Interest/Conflict of Interest

NIL

Officer's Recommendation

That this Report be received and noted.

Background Information

The Infrastructure Services Department provides a general status and performance update on a quarterly basis, providing Council with information on significant activities completed, in progress and planned.

Report

This Report lists the significant activities for the first quarter from October to December 2019 for the Infrastructure Services' Works, Utilities and Technical Services teams.

Consultation (Internal/External)

NIL

Legal/Policy Implications (Justification if applicable)

NIL

Budget/Financial Implications

NIL

Conclusion

This Report is prepared for Council to receive and note.

Attachments

1. Title Report Q2
2. Works Report Q2
3. Utilities Report Q2
4. Technical Services Report Q2

Authored by: Katelyn Harvey, INFRASTRUCTURE SERVICES ADMINISTRATION OFFICER



Infrastructure Services

QUARTERLY REPORT

October—December 2019

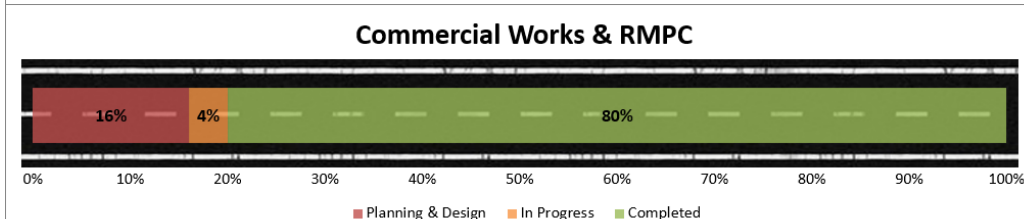
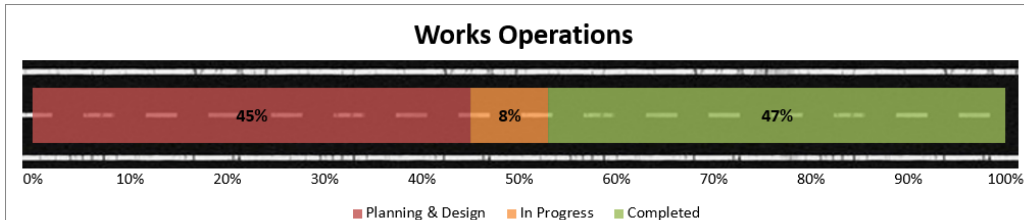
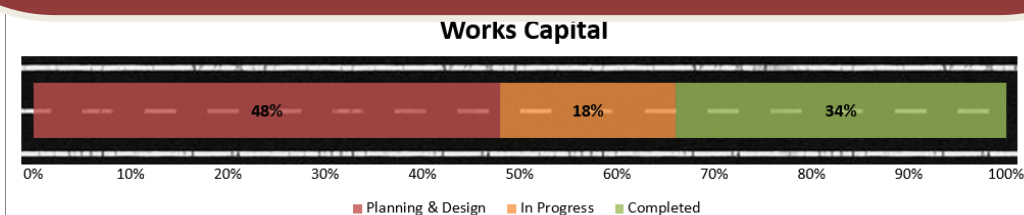


Completed Projects:

- ◆ Downfall Creek Rd Bridge #2 Repairs have been completed
- ◆ Starlings Lane—Pavement and Drainage Rehabilitation
- ◆ MYCNC Carpark Upgrade reconstruction and sealing
- ◆ Myall Park / Leichhardt Highway - Intersection Upgrade
- ◆ Works Footpath Program—Various footpaths replaced or constructed throughout the region.
- ◆ Surat Developmental Road Reseal Prior Works \$600K
- ◆ Asphalt pavement repair package on the Warrego Highway completed as part of the ongoing RMPC

Facts:

- ◆ 996 Lineal Metres of Concrete Footpath Constructed (nearly a km)
- ◆ 1542m² of Concrete Footpath laid
- ◆ 8 Dust suppressions completed
- ◆ Charlies Creek bridge refurbishment completed
- ◆ 2132 Lineal Metres Kerb and channel poured
- ◆ 101,807 m² Bitumen seal completed
- ◆ 163.50 tonne (1152m²) of DG10 asphalt - Starlings Lane
- ◆ Annual bitumen reseal program begun with over 1.92M litres planned to be sprayed using 249,000kgs of recycled rubber - equivalent to 31,125 car tyres, all performed by a local contractor
- ◆ Reseal program will also use over 820 truck loads of cover aggregate supplied from Council's Jimbour Quarry
- ◆ 100% of inspection targets were achieved on footpath and sealed roads
- ◆ 71 bridges across the region inspected and maintained
- ◆ 2892 defects repaired across the region's road network
- ◆ 1602km of unsealed road graded



Works

Quarterly Report (October—December 2019)

What's next for us?

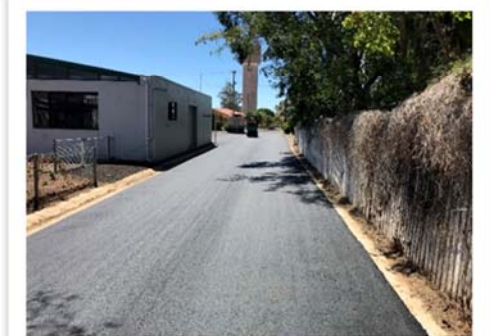
- ◆ Jandowae Town Streets—Reconstruction of Warra, Albert and Queens Street
- ◆ Repairs to timber bridges on Downfall Creek Rd and Yeovil Rd, Wandoan
- ◆ Trial of a new bitumen crumbed rubber seal on Scoullers Road will start mid-January with our Contractor RPQ

Achievements:

- ◆ Condamine Street pedestrian crossing complete
- ◆ Successful concrete repairs to major culverts on Nathan Road, Wandoan
- ◆ WDRC received supplementary Roads to Recovery (R2R) funding as part of the Drought Communities Programme Extension.
- ◆ Spotlight on the Myall Creek Parklands—Works and Facilities teams working in partnership to deliver the Project, expected to be completed by the end of January 2020
- ◆ Dalby Town Streets—Works team met with overwhelmingly positive feedback from local residents

In Progress:

- ◆ Upgrade of Moreton Street, Dalby, to kerb and channel Standard
- ◆ Upgrade of Curtis Street to kerb and channel standard
- ◆ Widening of 36km of Auburn Road
- ◆ Upgrade of 2.2km unsealed section of Upper Humbug Road to bitumen sealed (fully funded by QGC)
- ◆ Upgrade 5.2km unsealed section of Scouller's Road to bitumen sealed (fully funded by Origin Energy)
- ◆ Upgrade of 6.5km of Kent's Road to bitumen
- ◆ Upgrade of 1.2km unsealed section of Bundi Road (fully funded by QGC)
- ◆ 2019/20 Reseal Program underway with urban seals expected to be completed by end of Jan 2020, and rural seals Feb 2020
- ◆ 2019/20 RMPC Element 15 Contract
- ◆ 2019/20 Main Roads Reseal Prior Works—Asphalt portion of works programmed for Jan-20. Remaining works to be completed Feb-20



Department Update

The last quarter has seen substantially lower than average rainfall however WDRC communities are in a position to maintain town water through the effective management of WDRC's Water Restriction Policy. The drought is predicted to continue for an extended period, which will place further demand on both Council and community to limit consumption.

What's next for us:

- ◆ Dalby GAB Bore continued pilot testing
- ◆ Regional Water Main replacements
- ◆ Regional Sewer Relining
- ◆ Chinchilla High lift Pumps Upgrade
- ◆ 2020/21 Budget Preparation



Achievements:

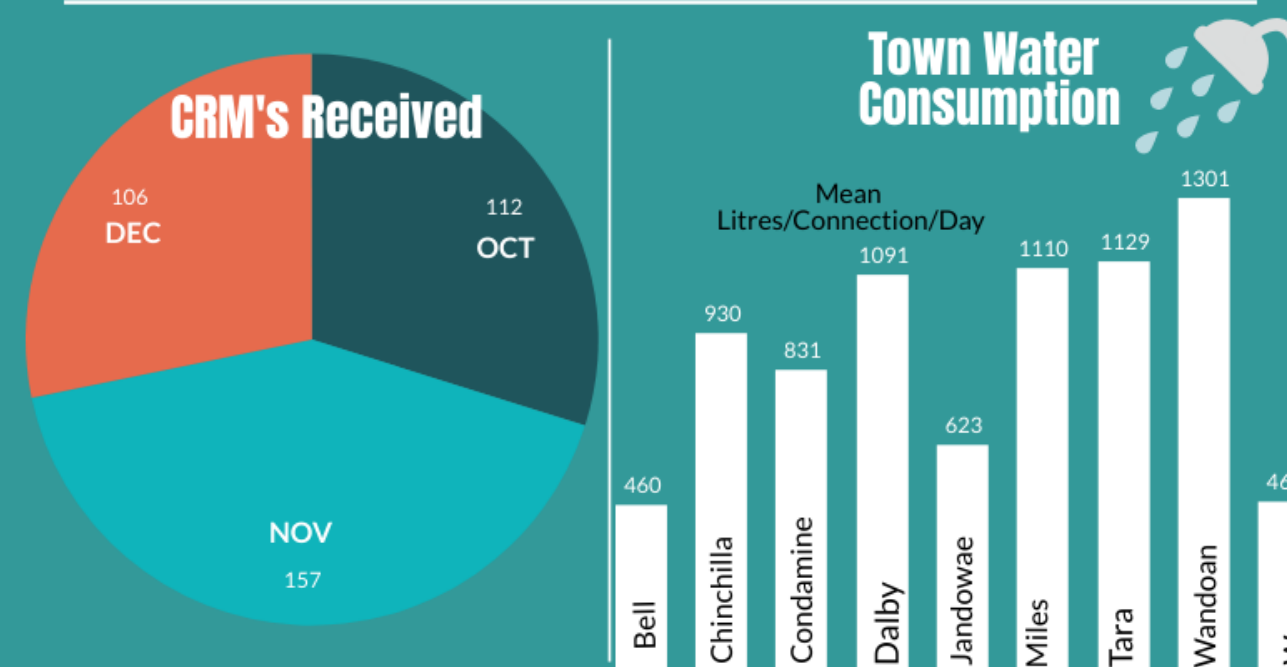
WDRC hosted a Dalby and Surat Basin (DASB) Water Operators Forum in December 2019, which received positive feedback for a myriad of informative papers and interactive sessions. Attendees were able to participate in skills tests such as completely reassembling a dose pump and transferring water.



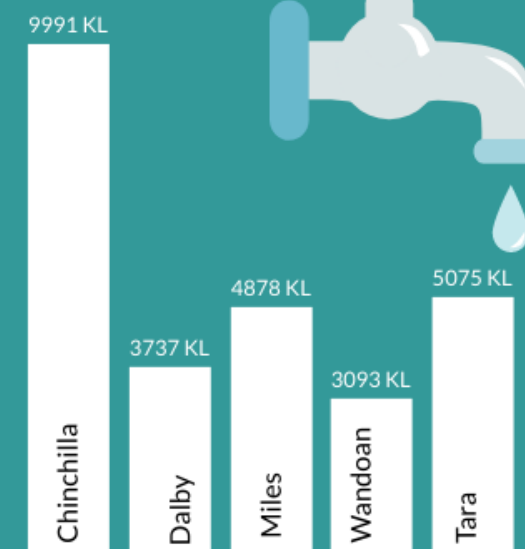
Works in Progress:

- ◆ Utilities RTU & SCADA Upgrade Stage 2—renewal of remote telemetry control and alarming systems critical to water and wastewater operations
- ◆ Water Main Replacements—Bell St, Chinchilla; Tara Binnie Street Stage 2
- ◆ Chinchilla High lift Pumps Upgrade

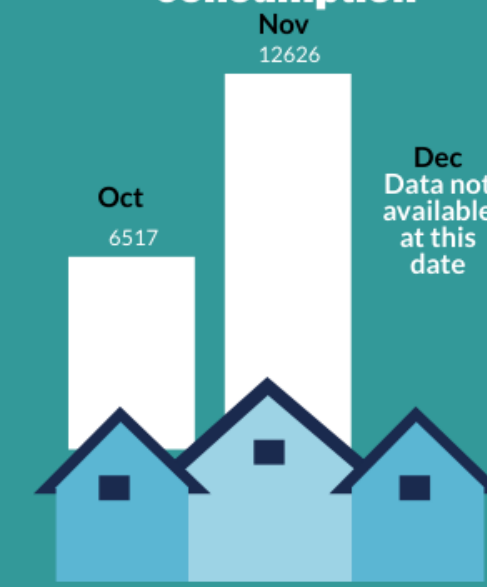
Utilities Report (October to December 2019)



Standpipe Consumption



Dalby Natural Gas Consumption



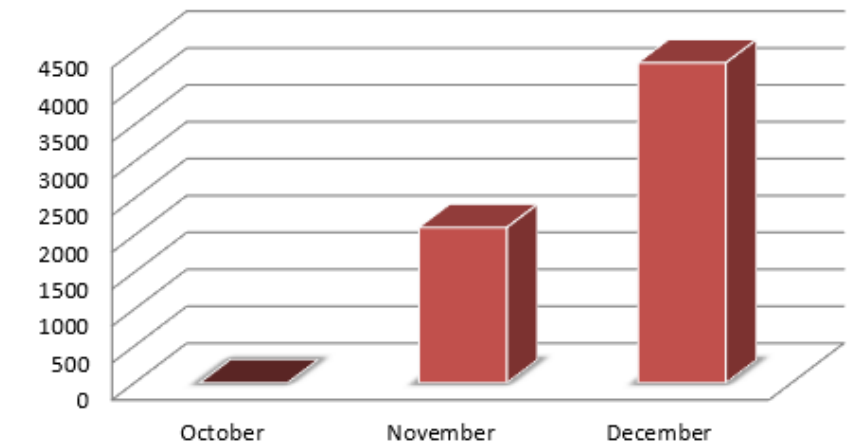
Technical Services

Quarterly Report (October—December 2019)

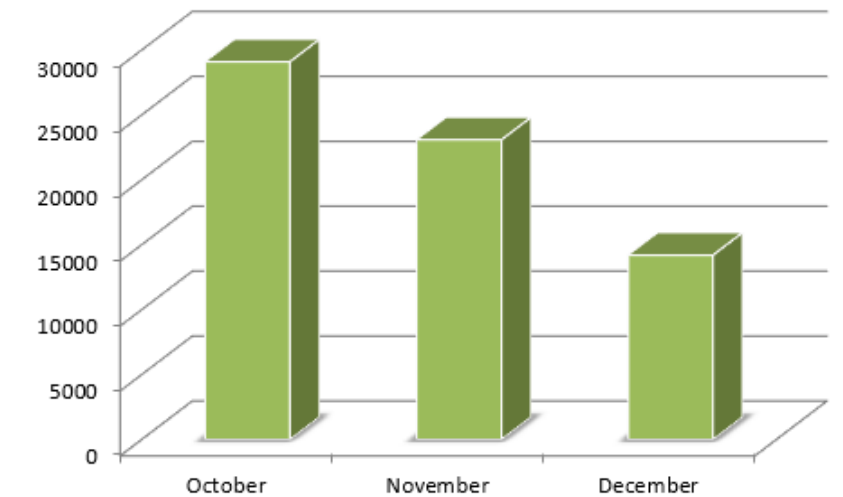
Department Update

- | | |
|----------------------|---|
| Design Section | <ul style="list-style-type: none"> 2019-20 Design program is nearing completion pending approvals Design/Plan work complete for Inverai Road, Chinchilla from Wambo Street to Warrego Highway. Drury, Jessop, and Twine Streets, Dalby - Road Reconstruction with Kerb and Channel design commenced for 2020/21 Burnt Bridge Road, Chinchilla, bitumen reconstruction design commenced for 2020/21 |
| Corridor Management | <ul style="list-style-type: none"> 1055 Permits issued in the quarter. Road Corridor 228, Resource 221 NHVR 606 permits Team working closely with energy sector to ensure the road network is not compromised including coordination of new works Trench subsidence associated with Energy Sector road crossings has prompted a heightened monitoring of construction practises and associated quality control |
| GIS/Asset Management | <ul style="list-style-type: none"> Comprehensive Valuation of Gas and Stormwater water assets is progressing Asset Management Information System project - Future state mapping has been developed Upgrading asset registers and capitalising completed projects Asset Management Plans rewrite continuing |
| Quarry/Mobile Pits | <ul style="list-style-type: none"> Gravel production quantities are progressing with 66,359t of gravel produced at mobile pits Quarry has produced 6,444t of aggregates and reviewing opportunities for slow moving stock |

Jimbour Quarry Production



Mobile Quarry Material Issued



In the works:

- Warrego Highway, Chinchilla—Signals upgrade and rail open level crossing upgrade
- Coopers Gap Wind Farm—Road Impact Assessment
- Miles CBD Streetscape—Community consultation and development of concept and detailed streetscape design
- Design program—Preparation of design drawings for construction
- GIS/Asset Management—Information System Project
- GIS/Asset Management—Asset Management Plans Rewrite
- Quarry—Quarry and Mobile Pit Production
- Quarry—Certificate 111 Training continuing



Achievements:

- Work was completed by Origin to upgrade 5.2km of Scoullers Road.
- Mobile pit crews successfully produced 92,418t of gravel from Blackswamp Pit located close to Auburn Road, Chinchilla. The gravel was produced specifically for the Auburn Road project, which entailed the widening of 36km of road.
- The Design section completed all designs identified on the 2019-20 program with two projects to be approved by the Department of Transport and Main Roads (DTMR). The completion of this program now enables the Design team to focus on the 2020-21 program that is being progressively provided by the Strategic team.

What's next for us:

- Continuing concept design and consultation associated with Miles CBD Streetscape project
- Continue work on 2020-21 Design Program
- Continuing valuations of all Council's infrastructure

